

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 7 April 2010

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APPLICATION REF. NO:	09/00904/FUL
STATUTORY DECISION DATE:	11 March 2010
WARD/PARISH:	SADBERGE AND WHESOE
LOCATION:	Coatham Grange, Coatham Mundeville
DESCRIPTION:	Change of use of building to residential dwelling, including erection of two storey extension to front elevation with associated stables, garage building and construction of access road via the field adjacent to Patches Lane (Revised scheme following previous refusal of planning application 09/00465/FUL dated 25 September 2009) (amended plans received 22 February 2010 and further amended by plans received 09 March 2010 which show a 2 metre wide gap between the existing hedgerow and the edge of the proposed access road)
APPLICANT:	Mr N Turnbull

APPLICATION AND SITE DESCRIPTION

Coatham Grange is a derelict 17th century farmhouse, which has been abandoned for approximately thirty years. This is a detailed planning application to return the use of the derelict buildings to a residential dwelling with stables. Planning permission (See Planning History) was previously refused by Members of the Planning Committee in September 2009 for the following reasons:

The proposed development would result in an increase in vehicular traffic along a designated public bridleway with consequent loss of amenity and risk of additional hazard and inconvenience to all users of the designated right of way. The proposed development would be contrary to Policy T12 (New Development – Road Capacity) of the Borough of Darlington Local Plan

Patches Lane and the proposed tracks by reason of their restricted width, poor alignment and lack of provision for vehicles to pass are considered unsuitable to serve as a means of access to the proposed development. The proposed development would be contrary to Policy T13 (New Development – Standards) of the Borough of Darlington Local Plan.

The previous proposal included the creation of a new access road via Patches Lane, which is a Public Bridleway, and Public Footpath No 5.

This is a revised application, which relocates the access road from Patches Lane to a privately owned field adjacent to Patches Lane. The new access road will still join with Public Footpath No 5 and continue towards Coatham Grange as per the previous submission.

The application site is within a rural area to the north of the Borough, close to a Local Wildlife Site (Coatham Grange Marsh). The main east coast railway line is to the west of the site, and the A1 (M) is to the north.

PLANNING HISTORY

09/00465/FUL In September 2009 planning permission was REFUSED for the change of use of building to residential dwelling including erection of two storey extension to front elevation and construction of access road

PLANNING POLICY BACKGROUND

National Planning Policy

PPS1 – Delivering Sustainable Development
PPS 3- Housing
PPS7 – Sustainable Development in Rural Areas

North East Regional Spatial Strategy

Policy 2 – Sustainable Development
Policy 8 – Protecting and Enhancing the Environment
Policy 24 – Delivering Sustainable Communities

Borough of Darlington Local Plan

Policy E2 – Development Limits
Policy E5 – Change of use of Buildings in the Countryside
Policy E20 – Sites of Nature Conservation Importance
Policy E23 – Nature and Development
Policy H7 – Areas of Development Restraint

RESULTS OF CONSULTATION AND PUBLICITY

Thirty-three letters of objection have been received and the concerns can be summarised as follows:

- *The original access from Whessoeville should be used;*
- *As a horse rider the new access will still create danger, as it is adjacent to Patches Lane. Young horses will be frightened and stressed and they are not used to vehicles in this part of the countryside*
- *The wildlife will disappear due to the building works*
- *The development will cause a danger to the users of the footpaths*

- *Natural habitat will be destroyed*
- *The exit of the road is blind and the development should not go ahead*
- *Trees and hedgerows will be effected and destroyed by the development*
- *The verges on the road will disappear and the access road will be on top of Patches Lane*
- *Coatham Lane is a single-track lane, which cannot cope with the traffic currently using it. The proposal for stables and a Nature Reserve would double the amount of traffic currently using Coatham Land and with the Lane in constant deterioration, conditions will only get worse*
- *There is wildlife in the area such as foxes, deer, rabbits, lambs and a variety of birds. The proposed road will impact on the wildlife*
- *I am concerned that the access road will lead to motorbikes problems again*
- *I am concerned that the wetland area is not been giving to the Council and it will be lost or disturbed, again having a negative impact on wildlife*
- *The construction traffic will cause highway safety problems and disruption to horses and users of the footpaths*
- *The proposal does not specify if the intention is to follow the previous timetable of construction (winter) to minimise disturbance to rare and protected species*
- *A footpath should not be given over to be used as a access road*
- *The new road will not be capable of being used by big vehicles and emergency vehicles*
- *Vehicles using a public footpath could be deemed a public nuisance and therefore classed as an offence as users would be endangered*
- *The passing points are not wide enough*
- *The road and bridge will not be suitable for heavy traffic*
- *The increase in traffic would be detrimental as the road from Whiley Hill leading up to the new access road is already extremely busy and is narrow in parts.*
- *The access road is too narrow to the hedge and heavy good vehicles may well frighten any horse riders using Patches Lane as they go by*
- *The safety of young riders should be paramount*
- *Has the applicant got permission to use the footpaths?*
- *The applicant should have made sure before he bought the property that he had access to it rather than now potentially causing a public nuisance both with excess noise and traffic not to mention the possible safety issues*
- *The existing access is perfectly good*
- *Has a full wildlife survey been carried out?*
- *Why should cars and wagons have the right to go over public walkways? If the Council allow this access road they may well indeed set a precedent for engine driven vehicles to be given access over other public paths and rights of way*
- *The proposed access route is not fit for purpose and inadequate*
- *We will have to share our footpaths with motor and construction vehicles, extra cars and even horse boxes*
- *The development would still have an impact on the safety of walkers and riders. The noise and pollution factors could be nothing but detrimental*
- *The access road would lead to anti social behaviour, fly tipping and inappropriate use*
- *The access road needs to be built to the National Highway Regulations*
- *A survey along the site needs to be done with penetrometer tests to assess the load bearing of the ground and deeper tests at the bridge area to a minimum of 400mm below beck bed level so that the bridge abutments can be designed to carry 44 ton axle loads as*

required by the EU. A qualified Soils Mechanic company and the bridge by a civil engineering consultant should carry out the survey

- *Who would be responsible for the maintenance costs of the project? It should be carried out under the supervision of Darlington Borough Council or a consultant appointed by them*
- *It is an unsuitable route for vehicles with poor views of incoming riders and walkers, where the two routes are side by side*

One letter of support has been received which can be summarised as follows:

- *Access through Whessoeville Farm would not, in my opinion, be a solution as this is also a footpath and I am sure looking at the map, a longer route so giving the walkers the same concerns. Many farm and dwelling roads incorporate footpaths and bridleways with no adverse effects. Surely access would be maintained to a better standard than at present making it easier for walking. If the access was feeding a housing estate with many vehicles I could understand the objections. I salute the applicant in wanting to restore the house and land to its former glory and feel the Ramblers are being obstructive*

Consultee Responses

Coatham Mundeville Parish Council has objected to the application on the grounds that the proposed dwelling will result in increased traffic

Northern Gas Networks has no objections to the scheme, however, there may be apparatus in the area that may be at risk during construction works and should the application be approved, and therefore they have advised the applicant contacts them directly to discuss their requirements.

Darlington Ramblers Group has objected to the application. They state that the use of mechanically propelled vehicles on the Public Rights of Way could constitute an offence of public nuisance as users could be endangered. The applicant has not made any application to have these public rights of way changed. It is an offence to take mechanically propelled vehicles on a Public Right of Way where the right does not exist. They believe that anyone acquiring a property and has not acquired access has been remiss and that resolving the access problem and allowing a person to take a mechanically propelled vehicle onto a Right of Way is not within the remit of the local authority. Offences on Rights of Way are dealt with by the Ramblers bringing them to the attention of the Highway Authority and if necessary by legal challenge. They consider that the existing access should be used and the railway bridge is of sufficient size, design and strength to allow vehicles to pass under it. The application is not of an agricultural nature and they consider the proposal to create an access over farmland and wetlands would set a precedent in Darlington

The Footpath and Countryside Officer of the Ramblers Association has objected to the application. He has concerns over the hedge having to be cut back to the centre line as this would impact upon wildlife and users of the bridleway. He considers that the field containing the new access road should be the subject of surveys works. He has stated that as the wetland area is to be managed by the applicant and not by the Council, a Management Plan needs to be put in place to maintain the condition of the site and to ensure only minimal disturbance. He considers that the conflicts between the users of the footpaths still remain.

Northumbrian Water has no objections to the proposed development

CE Electric UK have highlighted two Health and Safety documents relating to underground services and overhead cables

Natural England has no objections to the application provided that the development is carried out in accordance with the Bat and Great Crested Newt Surveys supporting the application. The scope of these documents has been recently extended to include the filed containing the new access road at the request of Natural England.

The **Environment Agency** has raised no objections to the proposed development.

Based on the plans originally submitted with the application, the **Council's Senior Arboricultural Officer** raised some concerns over the distance between the access road and the hedge. He also stated that protection measures will be required to be put in place but as the field is farmed, there may be no tree roots in the upper soil.

The **Council's Rights Of Way Officer** has raised no objections to the principle of the development but requested the access road be located two metres from the centre of the hedge line to allow for the hedge to be a wildlife corridor and a buffer with Patches Lane

The **Council's Highways Engineer** has no objections to the proposed development subject to the imposition of planning conditions relating to the construction of the access road and the proposed bridge.

The **Council's Bridge Engineer** has confirmed that the Council would not take the responsibility of building and maintaining the bridge but it must be constructed and designed to accommodate the proposed use

The **Council's Environmental Health Officer** has raised no objections to the proposed development subject to the imposition of a planning condition relating to submitting a Contaminated Land Study

The **Council's Greenspace Manager** has confirmed that Coatham Grange Marsh is a Site of Nature Conservation Importance and this is within the ownership of the applicant. He has stated that the Council's Countryside Team will not be involved in the future management of the site.

PLANNING ISSUES

The main issues to be considered here are whether or not the proposed change of use of the buildings and the new access road are acceptable in the following terms:

- **Planning Policy**
- **Visual Appearance and Character of the Area**
- **Highway Safety**
- **Wildlife Matters**
- **Residential Amenity**

Planning Policy

The application site falls outside of the development limits defined by Policy E2 (Development Limits) of the Borough of Darlington Local Plan. Policy E5 (Changes of Use of Buildings in the Countryside) states that changes of use of buildings in the countryside will be permitted provided that the building is of visual, architectural and historic interest and the proposal does not harm its interest nor cause any traffic, amenity or disturbance problems. Policy H7 (Areas of Development Restraint) specifically relates to the change of use of buildings in the countryside to residential uses. The policy states that buildings must be structurally sound and capable of being converted without adversely affecting its character and that of its setting. The supporting text for the policy repeats that the building must be of visual, architectural and historic interest.

The property dated from the late 18th century, and was formerly used as a farmhouse, however, the building has been abandoned for many years. A Structural Survey dated 2007 concludes that the building is severely dilapidated but in the main it is capable of structural restoration using established repair techniques except in specific areas where rebuilding will be required. These areas are limited to the chimneys of the main farmhouse, a section of the right flank wall of the farmhouse, the rear wall and north east corner of the east barn and the east and west walls of one of the outbuildings. The buildings are inspected again in 2009 and no significant deterioration of the buildings had occurred.

The proposed conversion works would result in the creation of a single three bedroomed dwelling with four stables and a detached garage. The distance of the application site to the nearest service centres does not fully accord with the principles sustainable development, however given its previous use as a dwelling and the small scale nature of the development outweighs the problems relating to accessibility to services.

It is considered that the proposed conversion works and the garage building would comply with local planning policy subject to the attachment of suitable planning conditions relating to materials and removal of permitted development rights for further extending the building and erecting new buildings within its curtilage

Visual Appearance

The conversion of the building back to a residential use is considered acceptable taking account of its former use and it would not have an adverse impact on the visual appearance and character of the area. The proposed garage block is of an acceptable scale and design and the conversion works will improve the visual appearance of the building. An appropriate condition would be imposed to secure acceptable materials.

Highway Matters.

One of the main areas of concern for the proposed development is the access road. Following the previous refusal of planning permission, the access road has been relocated within the farmer's field, which runs alongside Patches Lane, a Public Right of Way. The access road would run alongside Patches Lane for approximately 400metres, which involves crossing Dene Head Beck, after which it would continue along Coatham Mundeville Footpath No 5 and then to Coatham Grange.

The proposed access road has been designed to be in keeping with its rural setting. The road will consist of two 1.1metre wheelings with a 1metre grassed verge running through the middle. There will be a need for inserting a number of passing places throughout the road, where the width of the road would be increased to 4.5metres to allow two vehicles to pass each other. A bridge would also have to be constructed over the stream.

The Council's Highways Engineer recognises that the visual appearance of the access road must reflect the character of its rural setting and he accepts the use of wheelings. However given the temporary nature of the surface, he considers that a planning condition should be attached to any grant of planning permission, to secure a maintenance and management plan for the road. The forward visibility of the road is considered as being good but there will be a need for number passing places, and the final number should be agreed with the Local Planning Authority.

The construction details of the road have been criticised by some of the objectors. In normal circumstances, the details would be considered acceptable but the ground conditions where the road would be laid are poor. It is recommended that tests be carried out to establish the load bearing capacity of the ground and the depth of construction adjusted to achieve an acceptable bearing ratio. It is likely that a capping layer will be required at locations where ratio values are low. In relation to the road being used by the Emergency Vehicles, provided the road is constructed to acceptable levels, it would be suitable to be used by such vehicles. The Council's Highway Section would not, however, adopt the road once constructed. A planning condition can be imposed to request the submission of the final details of the road.

The road has been resited so that the edge of it is 2 metres away from the centre of the hedge. This will ensure that the hedge between the road and Patches Lane is retained as a wildlife corridor and buffer with the Lane.

The construction details of the bridge have been criticised by some of the objectors. Whilst the Council would not be responsible for the proposed bridge, it would have to be constructed in a manner to ensure that it is fit for purpose. A planning condition can be imposed to request the submission of the final details of the bridge and the Environment Agency have requested that the Local Planning Authority consult them when the information has been received

The Council is not the owner of Patches Lane, which is a Right of Way or Coatham Mundeville Footpath No 5. If the development were approved, the applicant would need to enter into an agreement with the landowner, to receive the owner's private rights of way to allow for the development to take place and to allow the applicant to use mechanically propelled vehicles on the Public Footpath. Essentially, as the landowner can currently access the land and use the Public Footpath by any means, the applicant would seek to receive these private rights through a legal agreement. This would be a matter for the applicant to resolve and the Local Planning Authority can determine this application accordingly.

It is considered that the interaction of vehicles and users of the footpath network is acceptable. It is not envisaged that the access road would result in a high volume of vehicles.

It is considered that the principle of the new access road and bridge is accepted, however, planning conditions would need to be imposed to agree their final construction details.

Wildlife Matters

Coatham Grange Marsh, which is a Local Wildlife Site, lies to the north of the farm buildings and the access road would run around the edge of the field, which contains this wetland area. The field and the wetland are within the ownership of the applicant. A Great Crested Newt Survey has been carried out and it contains a number of mitigation measures to ensure that the development will have a minimal impact upon the Great Crested Newt population in the area.

Similarly, a Bat Survey has been carried out which also contains mitigation measures. Following a response from Natural England the scope of the Surveys was increased to the field where the new access road would be constructed alongside Patches Lane.

Natural England considers that the proposed development is unlikely to have an adverse effect on bats, breeding birds and Great Crested Newts. They have recommended the imposition of conditions ensuring the development is carried out in accordance with the submitted Surveys.

The Council are tasked by Central Government to engage with local landowners of Local Wildlife Sites to inform them of their valuable biodiversity in order to help protect them and to seek opportunities to enhance them through positive management for the benefits of biodiversity.

Residential Amenity

There are no neighbouring properties within close proximity of the proposed dwelling and it is considered that the new road will not result in adverse amenity issues. The proposed conversion would result in the creation of one single dwelling with ancillary private stables, however, it is considered appropriate to impose a planning condition restricting the use of the converted buildings to residential uses in order to restrict the traffic movements to the site and in the interests of the residential amenities of the dwellings in the locality.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

This is a revised planning application following the refusal of planning permission for a previous submission on highway grounds. This proposal involves alternative access arrangements and subject to the imposition of appropriate planning conditions, the new arrangements are considered acceptable. The development does not raise any highway, amenity or wildlife issues and it is considered acceptable in planning policy terms. The following national, regional and local planning policies were taken into consideration:

National Planning Policy

PPS1 – Delivering Sustainable Development
PPS 3- Housing
PPS7 – Sustainable Development in Rural Areas

North East Regional Spatial Strategy

Policy 2 – Sustainable Development
Policy 8 – Protecting and Enhancing the Environment
Policy 24 – Delivering Sustainable Communities

Borough of Darlington Local Plan

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Policy H7 – Areas of Development Restraint

RECOMMENDATION**PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. A3 – Implementation Limit (Three Years)
2. J2 – Contamination
3. B4 – Details of Materials (Samples)
4. Notwithstanding the provisions of condition 3), precise details of all windows, doors and rainwater goods shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development and the development shall not be carried out otherwise than in complete accordance with the approved details
REASON: In the interest of the visual appearance of the development
5. Prior to the commencement of the development, precise details of the access road shall be submitted to and approved by the Local Planning Authority. The details shall include load bearing capacity measures of the road; the precise position of the road; tree protection measures; details of works to the adjacent trees and hedgerows; construction and design details of the road (including surface materials); the number of passing places and a management and maintenance plan. The development shall not be completed otherwise than in complete accordance with the approved details
REASON: In the interest of highway safety
6. Prior to the commencement of the development, precise details of the passing bridge shall be submitted to and approved by the Local Planning Authority in consultation with the Environment Agency. The details load bearing capacity measures; tree protection measures, details of works to trees and hedgerows; construction and design details of the bridge (including materials) and a management and maintenance plan. The development shall not be completed otherwise than in complete accordance with the approved details
REASON: In the interest of highway safety
7. E2 –Landscaping (Submission)
8. C5 – Restriction of Permitted Development Rights (Residential)
9. The dwelling and associated buildings hereby approved shall not be used for any purposes other than domestic purposes without prior approval being first obtained from the Local Planning Authority
REASON: In order to allow the Local Planning Authority to retain control over the development in the interest of highway safety and residential amenity

10. The development shall not be carried out otherwise than in complete accordance with the mitigation detailed in the protected wildlife species report “Coatham Grange Bat Report” dated August 2008 by Durham Wildlife Services including, but not restricted to adherence to timing and spatial restrictions, provision of mitigation in advance, adherence to precautionary working methods
REASON: To conserve protected species and their habitat
11. The development site may offer opportunities for breeding birds to nest including the hedgerows and trees affected by the new access road. Any on site vegetation clearance should avoid the bird breeding season (March to end of August) unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms no breeding birds are present
REASON: To conserve protected species and their habitat
12. The development shall not be carried out otherwise than in complete accordance with the mitigation detailed within the protected species report “Great Crested Newts Survey” dated March 2010 by Barrett Environmental Limited including, but not restricted to adherence to timing and spatial restrictions, provision of mitigation in advance, adherence to precautionary working methods
REASON: To conserve protected species and their habitat
13. B5 – Detailed Drawings (Accordance with Plan)

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

This is a revised planning application following the refusal of planning permission for a previous submission on highway grounds. This proposal involves alternative access arrangements and subject to the imposition of appropriate planning conditions, the new arrangements are considered acceptable. The development does not raise any highway, amenity or wildlife issues and it is considered acceptable in planning policy terms. The following national, regional and local planning policies were taken into consideration:

National Planning Policy

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PPS7 – Sustainable Development in Rural Areas

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INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

The applicant must seek advice as to whether a Natural England license needs to be obtained prior to the commencement of the approved development.

The applicant is advised that contact must be made with the Assistance Director – Highways and Engineering (contact Ms P Goodwill 01325 388760) to discuss naming and numbering of the development

The applicant is advised that there may be apparatus owned by Northern Gas Networks in the area that may be at risk during construction works, and contacts must be made with them to discuss their requirements.

The applicant must consider the Health and Safety Executive's publications HS(G)47 – Avoiding Danger From Underground Services and G26 – Avoidance of Danger From Overhead Electric Lines”

The site must be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water

Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is normally required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of surface water to such controlled waters. Such consent may be withheld. (Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters). Failure to obtain consent may result in enforcement action being taken by the Environment Agency