

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 23 September 2009

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APPLICATION REF. NO:	09/00465/FUL
STATUTORY DECISION DATE:	3 September 2009
WARD/PARISH:	SADBERGE AND WHESOE
LOCATION:	Coatham Grange, Burtree Lane
DESCRIPTION:	Change of use of building to form residential dwelling including erection of two storey extension to the front elevation and construction of access road
APPLICANT:	Mr Neville 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. The proposal also includes the creation of a new access via Patches Lane, a Public Bridleway, and Public Footpath No 5. The original access to the dwelling via Whessoeville, off Burtree Lane, has become overgrown and inaccessible.

The application site is within a rural area to the north of the Borough, close to a Site of Nature Conservation Importance (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

Two previous applications (reference numbers 08/00355/CU and 08/01006/CU) for this proposal have been previously withdrawn.

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

A total of 83 letters of objection have been received. The objections can be summarised as follows:

- *The development will create an increase in the level of traffic on Coatham Lane.*
- *Access off Coatham Lane onto the A167 appears to be an accident blackspot as accidents occur on a regular basis. The risk of accidents will increase*
- *The development will create a through route linking Burtree Lane to Coatham Lane. This will increase traffic levels, the risk of crime and further accidents*
- *Opening up the access will increase an existing fly tipping problem*
- *There is an existing access off Burtree Lane, which should be reused*
- *The character of the bridleway will change if permission is granted*
- *The proposed access would involve crossing Dean Head Beck, which during wet periods would be impossible*
- *Patches Lane is a bridleway and has never been used as a vehicle track., apart from tractors*
- *The proposed access is inadequate for use by emergency vehicles*
- *Patches Lane can be used by horse riders, walkers and dog walkers without any fear of vehicles*
- *Local wildlife will be affected*
- *The construction of the development, especially of the access will be very disruptive to the surrounding area*
- *How will walkers and horse riders be given priority during the construction period?*
- *After construction other vehicles such as the Post Service vans, delivery vehicles would have to use the access*
- *I was surprised that the building has been considered structurally sound and that a septic tank and reed bed would be used*
- *The access road is unsuitable for vehicles, pedestrians, walkers and horse riders to all use safely*
- *The works to the access would create flooding problems*
- *The surface of the route would have to drastically changed, impacting upon the character of the rural area*

- *Two cars could not safely pass each other*
- *As horse owners the Lane is a safe and quiet and the proposed development would change this.*
- *The vehicles would scare and startle the horses using the Lane and potentially cause serious accidents*
- *The Lane is used by cyclists and the vehicles would cause safety problems*
- *This is the only bridleway in the area, which accesses Whessoe from Coatham Mundeville without the need to go on Rights of Way that pass through fields of animals.*
- *The vehicles would damage the Lane making it difficult for older walkers to use*
- *Patches Lane is quiet, easy hacking with no gates or cattle to contend with and away from traffic. This is important for young horse riders and for horses which are nervous in traffic.*
- *The development would push horse riders onto the busy surrounding streets*
- *We have concerns that the property may be used for business purposes*
- *There are ninety degree bends in the proposed access which is not safe*
- *Other access arrangements should be considered*
- *How will use of the lane and footpath be managed and policed?*
- *The development would result in the loss of character and environmental quality of the area*
- *The development would result in an increase in anti social behaviour*
- *I live at Low Skerningham where the bridleway does allow vehicular access and it is a nightmare and very unsafe*
- *The development would take away the safety for horse riders*
- *How would ambulances use the access road as it is not wide enough*

A petition, containing 110 signatories, has been submitted to the application on the following grounds:

- *Regular traffic using the lane would cause damage;*
- *The lane is too narrow to cope with traffic and walkers/riders using it all the time*
- *It would spoil the wildlife habitat*
- *Emergency vehicles may find it difficult to manoeuvre*
- *As a safety issue it could stop riders from using it which could involve then having to use the busy surrounding main roads more;*
- *It already has an access from Whessoe Road which should be reinstated*

Two letters of support have been received. The comments can be summarised as follows

- *We have horses on livery at Sockburn Farm and therefore use Patches Lane for riding. As horse owners we would welcome the plans. This work will create all year round safe access for horses and walkers alike. It has been established at this point that the other than the period during construction, the only traffic increase on the lane would be that of the applicant and his family (managed by secure access). We know the applicant will be a considerate driver when he sees horses rather than being a danger to them. We are certain that there will be other residents and community members who do not object to the planning application, however, they don't realise their letters of support are required. It is a shame that the objectors could not have joined forces with the applicant to find a suitable alternative access which everyone would be happy with, especially those protesters who are in a position to offer such an alternative and haven't*

The British Horse Society

The British Horse Society have objected to the application on the grounds that the proposed work to the existing bridleway (Patches Lane) and the subsequent use of the route would change the nature of this section of Patches Lane to an unacceptable degree

The Ramblers Association

The Countryside Officer for the Ramblers Association has submitted a detailed objection to the application. He has stated that there are inaccuracies within the Design and Access Statement in terms of the work that is proposed to create the proposed access. He also states that the creation of the access will have an adverse impact on the flora, fauna and wildlife in and around the access and that it would be contrary to the Governments and the Council local policies relating to encouraging healthy lifestyles, getting of the road and into the countryside as there would be conflicts between users of Patches Lane and the Public Footpath.

The Rights of Way Sub Committee of the Ramblers Association has commented that Patches Lane is described as a traffic free route in a Local Motion Cycling Map produced and promoted by the Borough Council. The applicant has not applied to have changes to the Public Footpath leading off Patches Lane to Coatham Grange and any proposed legal diversion Orders would strenuously opposed by the Ramblers Association. The Grange has only ever been accessed from Burtree Lane via Whessoeville and through the railway under bridge.

CE Electric UK

CE Electric UK has raised no objections to the application

Durham Wildlife Trust

The Durham Wildlife Trust have commented that the timing of the various phases of the proposal is absolutely key due to the different behaviours exhibited by great crested newts at different times of the year. As identified in the ecological report, in order to avoid an offence from potentially being committed there is only a relatively small window of opportunity for access and site clearance works to be completed. The Trust would like to see conditions placed on any permission that is granted which strictly confine the different aspects of the development to specified times of the year. If there are any delays then the development should cease until the same period of the following year

Coatham Mundeville Parish Council

The Coatham Mundeville Parish Council *strongly object to the access via Patches Lane due to environmental issues on behalf of all residents of Coatham Mundeville. Also on the grounds of security and traffic issues.*

Environment Agency

The Environment Agency have withdrawn their initial objection to the scheme and commented as follows: *“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, if required, may result in enforcement action being taken by the Agency.”*

Campaign to Protect Rural England

The Campaign to Protect Rural England have stated that they are content with the building works but they have the following concerns over the proposed new access road:

- As an existing and well used bridleway we would emphasise the care that must be taken to ensure the rural aspect and feel of the track is retained;
- It is understood that if permitted the vehicles allowed to use the track will be restricted. We consider this is a necessary condition to prevent general use by motorised vehicles

Natural England

Natural England have stated that the proposed development is unlikely to have an adverse effect on bats, Great Crested Newts or breeding birds. Natural England have requested the imposition of planning conditions to ensure that the development is carried out in accordance with the Protected Species reports submitted with the application and to ensure that any site vegetation removal should be carried on outside bird breeding season

PLANNING ISSUES

The main issues to be considered here is whether or not the proposed development is acceptable in the following terms:

- Planning Policy
- Highway Safety
- Visual Appearance and Character of the Area
- Ecology and Protected Species
- Residential Amenity

Planning Policy

Policy E2 (Development Limits) of the Local Plan states that development will normally be permitted within the designated development limits of the villages within the Borough. The application site falls outside those development limits and therefore policies E5 (Change of use of Buildings in the Countryside) and Policy H7 (Areas of Development Restraint) are relevant.

Policy E5 is a general policy relating to the change of use of buildings in the countryside and Policy H7 specifically deals with the adaption of buildings to residential uses. The supporting text of the policy H7 states that the changes of use of structurally sound existing buildings of visual, architectural or historic interest may be permitted where the character of the building and the surroundings is not detrimentally affected. It is considered, in the first instance, that the existing buildings are of visual interest and also of historical interest as it dates back to the late Georgian period.

A Structural Survey carried out in 2007, concludes that the buildings are dilapidated but are in the main capable of structural restoration using established repair techniques except in several specific areas where localised rebuilding will be required.

A further letter has been submitted by the applicant's structural surveyor stating that the buildings have been re-examined and the structural stability of the building has not significantly deteriorated since the original inspection.

The proposed development would involve converting the byres on the south west elevation to 4 stables, a tack room and a feed room., with the existing yard area used as a stable yard. One of

the barns would be removed and replaced with a walled garden. The remainder of the building works would create a three-bedroom dwelling. Essentially, the proposed works involve re-roofing certain part of the building, including the main farmhouse, the rebuilding of a former barn, the erection of a two storey front extension and general repair works. It is considered the extent of the proposed work to adapt the building back to its original residential use accords with Policy H7 and the overall design and scale of the development, and the choice of materials would be in keeping with its original character.

To conclude, the planning policy issues, the proposed development complies with policies E5 and H7 of the Local Plan . The distance of the application site to the nearest service centres etc does not fully accord with the principles of sustainable development, however, given its previous use as a residential dwelling, and the small scale nature of the development outweigh the problems of poor accessibility to services.

Highway Safety

The first section of the proposed new access would be 400m south along Patches Lane, off Coatham Lane. Patches Lane is a Public Bridleway (No 4 Coatham Mundeville). The Lane does not have a registered owner on this northern section, although the Council is responsible for the surface. Other landowners have a right of access along this lane to their fields and property and it is evident from the letters of objection that walkers and horse riders use it. The existing carriageway width is approximately 2.5m. There are hedges and trees either side of the Lane and the width hedge to hedge is approximately 4m although there are sections where this is narrower. In the submitted Design and Access Statement, it is stated that the existing surface of the Lane would be scraped to remove earth and grass in order to reveal the original surface of road plainings and any holes would need to be repaired. The hedges on the right hand side of the Lane would have to be cut back and maintained in the future. Dene Head Beck cuts across Patches Lane (east to west) at a point approximately 377m down from the Coatham Lane entrance. There is an existing ford crossing which would need to be upgraded. The applicant has been advised by the Environment Agency that provided the upgrading works do not take place in the channel of the Beck, "Works in Rivers" consent would not be required. Shortly after crossing the Beck, there would be a right turn and the access would continue along Footpath No 5 – Coatham Mundeville. The existing width of the Footpath is 3m and the Design and Access Statement continues that a road would be created to the following specification;

- Capping Layer-300mm layer of 6 inch plus aggregate;
- Binding Layer – 100mm finish of 3 inch dust aggregate; and
- All aggregate to be used would be Class 1 reclaimed crushed concrete and brick.

Once the access road reaches the boundary of Coatham Grange a new track would be created, also to the above specification, which would lead to the proposed dwelling itself.

The Council's Right of Way Officer does not have any objections, in principle to vehicles using Patches Lane, provided that the surface materials are acceptable and that the applicant enters into a maintenance agreement to ensure the future condition of the Lane. He also considers the use of Footpath No 5 as an access road is not unacceptable as there are several Rights of Way in the Borough that are utilised as farm access tracks. However, the officer does have concerns that major alterations to the Lane and the Footpath to comply with highway requirements may have a detrimental impact on the character of its rural setting.

The Highways Engineer has considered the proposed works and commented as follows, “. To

provide emergency access to a dwelling the Fire Service recommend that a carriageway width of 3.7m is required though this can be reduced to 2.75m over short distances.” This is confirmed in the Manual For Streets and it is a requirement of Building Regulation B5 (2005) “Access and Facilities of the Fire Service”.

The Highways Engineer has commented further “Though it is possible to achieve this minimum width there is no opportunity to provide passing places along this section of bridleway, that will allow pedestrians, cyclists, horses, private cars, emergency service vehicles and construction vehicles to pass safely. Also, the existing vertical alignment of Patches Lane makes it very difficult to prevent flooding on certain sections and the ground itself is very soft. It is very likely that a greater depth of construction and significant changes to the vertical alignment would be required to achieve a 'road' that is sound enough and has a running surface suitable for use by the types of vehicle that would need to gain access to the development. Even though it may be possible to provide an engineering solution to provide a minimum width road I would consider that the inability to provide opportunities for the various users of the bridleway to pass safely would make this section of the proposed access unacceptable.”

In terms of Footpath No 5 being used as an access, the Council’s Highway Engineer has commented, *“There would be a similar concern about a track of this width and length where no passing places are proposed. Though there is no right of way over part of the road the potential conflict of vehicles would always exist and this is a particular problem on a track where forward visibility will be limited over much of its length. “*

He considers that the application should be refused of 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.
- 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.

Visual Appearance and Character of the Area

As previously mentioned bringing Coatham Grange back into residential use and the proposed works required in order to achieve this objective would not have a material adverse impact on the visual appearance and character of the area. It could be argued that this part of the proposed development would improve the visual appearance of the site and the surrounding area.

However, it is evident that further work would need to be carried out to Patches Lane and Footpath No 5 in order to make this access route acceptable in highway safety terms and these works, such as increasing the width of the access and creating passing places could have a detrimental impact on the character of the area and have an adverse impact on the rural setting.

Ecology and Protected Species

A Protected Species Survey in 2005 found no evidence of the presence of great crested newts, however, in 2008, eggs of the species were found by Durham Wildlife Services during a daylight survey. A further Survey has been undertaken which has identified a medium population of the protected species breeding in Coatham Marsh, and a number of female great crested newts were recorded on migration from Coatham Grange to the wetland to breed. The 2009 survey concludes that the development will not impact upon the wetland habitat areas at the site but a

number of daytime refugees and potential hibernaculae will be lost and a Natural England License will be required. Mitigation including exclusion and trapping of all amphibians from the development site, realignment of a new access site away from the wetland and its construction during the winter, and the construction of two artificial hibernaculae will be undertaken.

A bat and barn owl survey was also carried out in 2008. A daylight survey found no evidence of roosting bats in the derelict buildings although most of the roofs and the internal floors have been lost. The 2008 survey concludes that a Natural England license in respect of bats would be required and mitigation measures should include timing the disturbing works to avoid bat hibernation period, the dismantling by hand of all high risk areas for bats.

Natural England have stated that the proposed development is unlikely to have an adverse effect on bats, Great Crested Newts or breeding birds. They have requested the imposition of planning conditions to ensure that the development is carried out in accordance with the Protected Species reports submitted with the application and to ensure that any site vegetation removal should be carried on outside bird breeding season

The Durham Wildlife Trust have commented that the timing of the various phases of the proposal is absolutely key due to the different behaviours exhibited by great crested newts at different times of the year. As identified in the ecological report, in order to avoid an offence from potentially being committed there is only a relatively small window of opportunity for access and site clearance works to be completed. The Trust would like to see conditions placed on any permission that is granted which strictly confine the different aspects of the development to specified times of the year. If there are any delays then the development should cease until the same period of the following year.

Situated to the north of the derelict building, is a wetland known as Coatham Grange Marsh. This wetland is a designated Site of Nature Conservation Importance, within the ownership of the applicant, who has indicated that he would be willing to enter into a Management Agreement with the Council to oversee the management and maintenance of the Marsh. Whilst no further details have been discussed with the applicant, the Council would aim to ensure that the Marsh is accessible to the public but the pedestrian and vehicular access arrangements to reach the wetland would have to be well managed and monitored. Whilst the proposed development could have ecological benefits for the environment and further the Council's management of Sites of Nature Conservation Importance in the Borough as highlighted by Policy E20 (Sites of Nature Conservation) of the Local Plan, it is considered that they do not outweigh the concerns raised by the Highways Engineer.

Residential Amenity

It is not envisaged that the proposed development would have a detrimental impact on the amenities of any neighbouring dwellings. In terms of the impact of noise on the potential occupiers of Coatham Grange, the Environmental Health Section have recommended the imposition of a planning condition requiring an assessment of noise emissions at the site from the nearby railway line and to secure any appropriate noise attenuation measures.

The Environmental Health Officer has also requested the imposition of a planning condition relating the need to submit a Desk Top Study for Contaminated Land.

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

The proposed development complies with general criteria contained within policies E5 (Change of use of Buildings in the Countryside) and H7 (Areas of Development Restraint) of the Borough of Darlington Local Plan and some of the objectives of national planning policy. The distance of the derelict buildings to the nearest service centres etc does not fully accord with the principles of sustainable development, however, their previous use as a residential dwelling, and the small scale nature of the development are considered on balance to outweigh the issues around sustainability. The proposed conversion of the buildings would also have no adverse impact on protected species and it does not raise any residential amenity issues.

However, creating an access road along Patches Lane and Footpath No 5 is considered unacceptable and 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. Also, 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. Any works, which would be required in order to overcome these highways related concerns would have a detrimental impact upon the landscape and character of the rural setting.

RECOMMENDATION

PLANNING PERMISSION BE REFUSED 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.

SUGGESTED SUMMARY OF REASONS FOR REFUSING PLANNING PERMISSION

The proposed development complies with general criteria contained within policies E5 (Change of use of Buildings in the Countryside) and H7 (Areas of Development Restraint) of the Borough of Darlington Local Plan and some of the objectives of and national planning policy. The distance of the derelict buildings to the nearest service centres etc does not fully accord with the principles of sustainable development, however, their previous use as a residential dwelling, and the small scale nature of the development outweigh the problems of poor accessibility to services. The proposed conversion of the buildings would also have no adverse impact on protected species and it does not raise any residential amenity issues.

However, the new access road along Patches Lane and Footpath No 5 is considered unacceptable and 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. Also, 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. Any works, which would be required in order to overcome these highways related concerns, would have a detrimental impact upon the landscape and character of the rural setting.