

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 30 July 2014

Page

APPLICATION REF. NO:	13/00968/FUL
STATUTORY DECISION DATE:	19 May 2014
WARD/PARISH:	HURWORTH
LOCATION:	Green Lane Farm Neasham Road Hurworth Moor DARLINGTON DL2 1QE
DESCRIPTION:	Change of use of land for siting of 6 No. log cabins to provide supported accommodation for vulnerable young people and families and extension of manager's accommodation/training room with associated landscaping, access and car parking
APPLICANT:	Mrs D Griffiths

APPLICATION AND SITE DESCRIPTION

Green Lane Farm is located to the east of Neasham Road in Hurworth Moor. The existing farm house and associated outbuildings are located immediately to the east of Neasham Road. There is an existing access to the north of these building that would be used for the proposal. The site is reasonably well screened by existing trees along Neasham Road. The aspect is relatively open to the north and east.

Planning permission is sought for the change of use of land for siting of six log cabins to provide supported accommodation for vulnerable young people and families; for the extension of an existing domestic outbuilding to be used as manager's accommodation/training room; and for the associated landscaping, access and car parking.

The proposed log cabins would be sited towards the southern part of the application site relatively close to the existing buildings associated with Green Lane Farm. Each cabin would be 11m by 5.9m with an overall height of 2.8m. Landscaping in the form of tree and shrub planning is proposed. The cabins which can be moved in two sections fall within the definition of caravans (any structure designed or adapted for human habitation which is capable of being moved). Therefore the application is for the change of use of the land to allow the cabins to be located on it but not for the operational development of the cabins themselves (in the same manner as caravans on a campsite).

The proposal includes the conversion of an existing stables building which is some 4.5m by 12m. The extension would be 4m by 12m. The accommodation would provide managers accommodation which would include two bedrooms, an office and a training room.

The proposal would provide supported accommodation primarily for vulnerable pregnant women, unsupported mothers and young families between the ages of 16-25. The proposed facility would enable the vulnerable individuals and families to leave their home environment and move to one of the proposed units for an appropriate period. The families are then provided with necessary support from trained professionals to help stabilise the family and enable the parents to provide suitable long-term care for their children when they move on to a sustainable tenancy within the local community. The facility would enable users to develop a support plan with support workers and would also help users to develop the necessary skills to move onto independent living, including education, employment, budgeting, nutrition and kitchen skills, as well as pregnancy, childcare and emotional support to deal with relationships and parenthood and this is a model that is currently being operated successfully elsewhere in the country.

PLANNING HISTORY

06/00794/FUL, on 20 November 2006 planning permission was refused for the change of use of two existing log cabins to parent/child assessment centre in association with eleven log cabins to form an attachment therapy centre. The reason for refusal included that the proposal would result in the establishment of an unsustainable form development outside the defined development limits. The other reasons for refusal included the impact on the countryside, loss of agricultural land and highway safety concerns.

PLANNING POLICY BACKGROUND

The following policies of the development plan are relevant:

Borough of Darlington Local Plan 1997:

- E2 Development Limits
- E5 Change of Use of Buildings in the Countryside
- E12 Trees and Development
- E14 Landscaping of Development
- E21 Wildlife Corridors
- H19 Special Care Accommodation

Darlington Core Strategy Development Plan Document 2011:

- CS1 Darlington's Sub-Regional Role and Locational Strategy
- CS2 Achieving High Quality, Sustainable Design
- CS14 Promoting Local Character and Distinctiveness
- CS15 Protecting and Enhancing Biodiversity and Geodiversity
- CS16 Protecting Environmental Resources, Human Health and Safety
- CS17 Delivering a Multifunctional Green Infrastructure Network

The National Planning Policy Framework (NPPF) 2012 is also relevant.

RESULTS OF CONSULTATION AND PUBLICITY

Occupiers of neighbouring properties have been consulted by way of letter and a site notice has been displayed.

57 letters of objection have been received and the points raised are summarised below:

- *There would be an impact on traffic.*
- *Traffic on Neasham Road moves fast and this would be a danger.*
- *There are no pavements linking the site to other areas.*
- *Not enough parking would be created.*
- *The site is not on a bus route.*
- *There is minimal street lighting in the area.*
- *There would be issues of noise from the proposal.*
- *There would be issues of antisocial behaviour from the occupiers of the cabins.*
- *There would be an impact in terms of noise and disturbance on the adjacent livery*
- *The location is isolated which is not suitable for such a use.*
- *There are no facilities locally for the occupants of the cabins.*
- *The area is prone to flooding.*
- *There are issues with migrating methane gas in the area.*
- *There are issues with drains in the area.*
- *There are issues with current gas and electric supplies.*
- *There are existing disputes regarding gas meters.*
- *Contrary to the Habitat and Wildlife Survey, there is a pond in our garden close to the site which features frogs and newts.*
- *How would the future use of the cabins be controlled?*
- *The site could be used as a holiday park.*
- *The proposal would help lead to the suburbanisation of the area.*
- *The proposal would diminish the character of the rural area.*
- *There would be issues caused by lighting from the site.*
- *There are problems with litter in the area.*
- *The proposal would be harmful to the visual amenity of the area.*
- *A previous application for a similar development has previously been refused.*
- *The proposal may need funds from the Council which will lead to increased council tax.*
- *The proposal would result in a loss of agricultural land.*
- *The locality is marked as Tees Forest / Community Woodland and an area of High Landscape Value.*
- *Policy CS17 of the Darlington Core Strategy protects green infrastructure.*
- *The proposal will not be a benefit to local people.*
- *The consultations carried out by the Council were inadequate.*
- *The proposal will put extra strain on doctors and school places.*

Hurworth Parish Council objected to the application and raised the following points:

- *Residents and the Parish Council are extremely concerned about the proposal.*
- *Neasham Road is extremely dangerous with a speed limit of 60mph and where there is speeding.*

- *There are already 116 other similar buildings which have received planning permission in the immediate vicinity of which only 20 have been built. There seems no immediate market or need for log cabins.*
- *A further increase in the resident population will have a direct detrimental effect on the services provided by our local schools and medical facilities. The villages are sustainable, in the legal sense, with the present population. These proposed applications endanger this status.*
- *The new log cabins would be situated on Neasham Road where there is no pavement, cycle path or bridle path. There is already serious risk to cyclists and horses. The busy road caters to the Tawny Owl Inn and is also the most direct to and from Neahsam and Dinsdale.*
- *The application mentions 'vulnerable young people' – this will be a very dangerous place for them as the risk of traffic and horse related accidents are very high.*

The **Campaign to Protect Rural England** objected to the application and raised the following points:

- *There will be an unacceptable impact on the landscape of the surrounding area.*
- *It is outside the development limits.*
- *There will be a loss of Grade 3 agricultural land.*
- *The lack of a footpath into Darlington could bring road safety issues.*

The **Highways Engineer** raised a concern about the lack of access to public transport.

The **Environmental Health Officer** raised no objections subject to a condition regarding contamination.

The **Environment Agency** raised no objections subject to conditions regarding the disposal of sewage.

Northumbrian Water has assessed the impact of the proposal on their assets and has no comments to make.

Northern Gas Network raised no objections.

Northern Power Grid raised no objections.

PLANNING ISSUES

The main issues to be considered are:

- Planning Policy
- Visual Amenity
- Residential Amenity
- Crime and Antisocial Behaviour
- Loss of Agricultural Land
- Habitat and Ecology
- Drainage

Planning Policy

The proposed development site is outside of identified development limits as identified by the Borough of Darlington Local Plan. Policy E2 (Development Limits) of the Local Plan indicates that most new development should take place within the development limits. The development limits are intended to maintain well defined settlement boundaries and safeguard the character and appearance of the countryside. Policy CS1 (Darlington's Sub-Regional Role and Locational Strategy) of the Core Strategy states that outside development limits, development will be limited to that required to meet identified rural needs.

Policy H19 (Special Care Accommodation) of the Local Plan states that hostels and homes providing group accommodation for people in need of care will normally only be permitted in close proximity to public transport, shopping and community facilities.

The National Planning Policy Framework establishes a presumption in favour of sustainable development and states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. In terms of what can be considered as sustainable development the NPPF discusses three key dimensions of the planning system in determining the sustainability of a proposal, an economic role, a social role and an environmental role. So it is acknowledged that the sustainability of a proposal should not solely be determined by its location however local plan policies have been devised to guide development into the most sustainable locations first.

It is acknowledged that the proposal would not accord with the Local Plan and the default position for this proposal in general planning policy terms is that it should be recommended for refusal. However, the application is supported by information about the proposed use which includes the desirability for it to be in a peaceful rural setting.

The operation would be run by a charitable organisation who consider that Green Lane Farm would provide an ideal location for such a facility as the quiet rural setting allows users to be removed from the urban environment and the issues that have given rise to the need to access the facility.

It is acknowledged that the site is not particularly well related to existing public transport services providing access to local services. There will be low levels of car ownership amongst users of the facility. However, transport will be made available by the operators as part of the individual support services to take the users to appointments, shopping etc. on a daily basis. On this basis, users of the facility will not be reliant on public transport or taxis to access local services as a sustainable, shared transport option will be provided by the operator. Given that users of the facility will have extremely low levels of car ownership and transport options will be made available by the operator, it is only on-site car parking that will be provided for the benefit of staff and visitors at the facility.

Given these circumstances, outlined above, the proposal is considered acceptable in principle if it is subject to conditions restricting occupancy so that new separate dwellings in the countryside are not provided. A condition that the cabins be removed if they are no longer in use for assisted accommodation would also be appropriate.

Visual Amenity

Policy CS17 (Delivering a Multifunctional Green Infrastructure Network) of the Core Strategy states that the green infrastructure network will be protected and where possible enhanced in terms of recreation, ecology and appearance. The green infrastructure includes all open countryside and grades 1, 2 and 3 agricultural land.

The site is relatively well screened by existing trees along Neasham Road. A landscaping scheme is also proposed with tree and shrub planting that would help integrate the cabins into the surroundings. Overall the siting of six log cabins is not considered to have such a significant impact on the character of the surrounding countryside that the application should be refused on this basis. The proposal would not result in the loss of open land used for formal or informal recreation and policy SC17 does not, in itself, prohibit development in the countryside. The area is not identified as an area of high landscape value.

Residential Amenity

The cabins would not be located close enough to existing dwellings in the area that they would incur any significant detrimental impacts in relation to light, outlook or overlooking issues. No details have been provided regarding external lighting in the application and therefore a condition regarding this would be necessary.

Crime and Antisocial Behaviour

Objectors have raised concerns that the proposal will lead to increased crime and anti-social behaviour and it is accepted that fear of increased crime is capable of being a material planning consideration in determining the planning merits of a scheme. Paragraph 58 of the NPPF states that “planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community”.

The licence agreement that users of the facility would have to sign up to would include details in respect of the transport options available, as well as terms and conditions relating to conduct, noise and nuisance and curfew requirements. Overall it is considered that the proposal is acceptable with regard to the anti-social issues.

Manager’s Accommodation

There is an existing stables building to the north of the other Green Lane Farm buildings. The proposal includes an extension to this building. It is considered acceptable in these circumstances if a condition is included restricting the occupancy so that it does not form a new separate dwelling is incorporated within approval.

The Manager’s Accommodation would be located close to the other existing buildings on the site and would not be harmful to the visual or residential amenity of the area.

Loss of Agricultural Land

The site is characterised by poor semi-improved grassland. With regard to the loss of agricultural land, the NPPF indicates that the loss of poorer quality land would be preferable to the loss of better quality land and that economic and other benefits can be taken into consideration.

Habitat and Ecology

The trees on the site are to be retained and the proposal includes a landscaping scheme which features new tree planting which would provide enhanced ecology benefits. Some vegetation clearance would, however, been required in order to form improved visibility at the access point. A Habitat and Wildlife Survey has been submitted with the application. This survey concludes that any vegetation to be removed should only be removed outside of the bird breeding season.

The Habitat and Wildlife Survey identifies that none of the buildings on the site are suitable for bats but that the trees and hedgerows provide ideal habitat for commuting and foraging bats. It is recommended that lighting be kept to a minimum and away from the trees and hedgerows.

Drainage

The proposal would not connect to the mains drains and instead would discharge to a soakaway. The Environment Agency raised no objections to the proposal providing a condition is included on any approval for the details of the means of fowl drainage to be submitted and agreed.

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 proposal is contrary to development plan policy but it has also been assessed in accordance with the NPPF and the Town and Country Planning Compulsory Purchase Act 2004 in terms of how much weight should be given to other material planning considerations.

Having regard to the key considerations of the NPPF, the economic benefits for the proposal would be the creation of approximately 7 new jobs. The social benefits of the proposal would be the creation of a safe and therapeutic environment for both young mothers and vulnerable children, in a location removed from the urban area. It is acknowledged that the site is not easily accessible by means of transport other than the car but the expected traffic movements associated with the development are minimal. The applicant has also indicated that a bespoke service to transport residents for shopping and other key trips will be provided.

It is considered that the applicant has provided sufficient evidence to show that the particular operation would benefit from this form of geographical location. It is considered that, subject to appropriate planning conditions, the development will not adversely affect the amenity and general character of the area, the ecology of the locality, the amenities of the neighbouring properties nor would it impact on the highway network.

Planning conditions have been imposed to restrict the usage of the proposal and make any planning permission personal to the proposed operators.

It is acknowledged that a finely balanced recommendation has to be made in respect of national and local planning policy and to the impacts of the development upon the area. Officers, having

considered all other material planning considerations in accordance with planning guidance, believe that there is sufficient justification to depart from the from the normal policy position in this case.

RECOMMENDATION

It is recommended that planning permission be **Granted** subject to conditions.

CONDITIONS

1. A3 Implementation Limit (3 years)
2. J2 Contamination
3. No development shall commence until details of all external illumination (including means to ensure that no excessive illumination shines over the landscape planting or vegetation areas) have be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be implemented in accordance with the approved details.

Reason – In the interests of amenity and ecology.

4. No vegetation shall be removed between 1 February and 31 August (in any year) unless it is under ecological supervision and following the submission and approval, by the Local Planning Authority, of a nesting bird survey and strategy.

Reason – In the interests of ecology.

5. The proposed development shall be only carried out in all respects in accordance with the recommendations and methods contained within the Extended Phase 1 Habitat Survey (Delta-Simons September 2013).

Reason – in the interests of ecology.

6. Notwithstanding the approved plans, no log cabins or other structures shall be erected on the site until details of their external appearance including materials have been submitted to and approved in writing by the Local Planning Authority. Thereafter the permission shall only be implemented in accordance with the approved details.

Reason – In the interests of visual amenity.

7. No replacement log cabins or other structures meeting the definition of a caravan in the Caravan Sites and Control of Development Act 1960 shall be erected or installed onsite without the prior agreement, in writing, of the Local Planning Authority.

Reason – in order to retain control of the use/development in the interests of visual amenity.

8. The log cabins shall only be occupied by persons receiving support and training at Green Lane Farm on a temporary basis and shall not be occupied as a person's sole or main place of residence.

Reason – In order that the log cabins are not used as separate dwelling houses.

9. When the operation to provide supported accommodation for vulnerable young people and families ceases, the use hereby permitted shall cease, all the cabins shall be removed and the ground conditions shall be restored to the satisfaction of the Local Planning Authority.

Reason – The cabins are only permitted for the specific use (to provide supported accommodation for vulnerable young people and families) and if they are no longer needed for this purpose they must be removed and the land restored.

10. The Manager's Accommodation hereby approved shall only be occupied by a person solely or mainly employed at the operation at Green Lane Farm to provide supported accommodation for vulnerable young people and families or any resident dependants of such an employee or as ancillary accommodation to Green Lane Farm. The Managers Accommodation shall not be occupied as a separate dwelling house unconnected to the operation at Green Lane Farm.

Reason – In order that the Manger's Accommodation is not used as a separate dwelling house.

11. E3 Landscaping (Implementation)

12. Notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the extension to create the Manager's Accommodation (including samples) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the permission shall only be implemented in accordance with the approved details.

Reason – In the interests of visual amenity.

13. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The Scheme shall be implemented as approved.

Reason – To protect the local water environment.

14. Prior to the commencement of the development hereby approved, details shall be submitted of a scheme to protect existing trees and hedgerows. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include, where appropriate, fencing of at least 2.3m height, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work. Notwithstanding the above specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

- a) The raising or lowering of levels in relation to the existing ground levels;
- b) Cutting of roots, digging of trenches or removal of soil;
- c) Erecting of temporary buildings, roads or carrying out of any engineering operations;

- d) Lighting of fires;
- e) Driving of vehicles or storage of materials and equipment.

Reason – To ensure that a maximum level of protection in order to safeguard the wellbeing of the trees on the site and in the interests of the visual amenities of the area.

15. The permission hereby granted shall enure for the benefit of the applicant and the charitable incorporated organisation ‘Parent & Child Together North East’ only.

Reason – The application is considered acceptable as a departure from the development plan based on the specific business model submitted with the planning application.

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:

Borough of Darlington Local Plan 1997:

- E2 Development Limits
- E5 Change of Use of Buildings in the Countryside
- E12 Trees and Development
- E14 Landscaping of Development
- E21 Wildlife Corridors
- H19 Special Care Accommodation

Darlington Core Strategy Development Plan Document 2011:

- CS1 Darlington’s Sub-Regional Role and Locational Strategy
- CS2 Achieving High Quality, Sustainable Design
- CS14 Promoting Local Character and Distinctiveness
- CS15 Protecting and Enhancing Biodiversity and Geodiversity
- CS16 Protecting Environmental Resources, Human Health and Safety