

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 6 February 2008

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APPLICATION REF. NO:	07/01241/FUL
STATUTORY DECISION DATE:	14 February 2008
WARD/PARISH:	SADBERGE AND WHESSOE
LOCATION:	Manor Farm, 20 The Green, Bishopton, Stockton On Tees, TS21 1HF
DESCRIPTION:	Construction of new track and improvement of existing access
APPLICANT:	MRS HOPPER

APPLICATION AND SITE DESCRIPTION

The application site consists of an area of agricultural land to the south of the village of Bishopton. The C46, otherwise known as Folly Bank bounds the area of land to the west, with Bishopton Beck to the north. Beyond this are the boundaries of residential properties together with Manor Farmyard itself, on which currently an extant planning permission exists for residential development.

Planning permission is sought for the construction of an access track from the C46 road to the west, to the bridge to the south of Manor Farmyard. This proposal is to afford safe access to the agricultural land and a livery and associated outdoor exercising area owned by the applicant. This would involve the use of an existing access on the C46 road and the construction of a 4m wide track to the south of the existing field boundary. Some landscaping is included within the proposal in order to assimilate the proposal into its surroundings.

The proposed track straddles the Bishopton Conservation area and includes it at its northernmost point in the area of the bridge. The proposed track also joins Footpath No. 3 at this point.

PLANNING HISTORY

The site has a lengthy planning history however only the most recent and relevant are included below for the purposes of this report:

06/00270/FUL – In May 2006 planning permission was refused for the construction of a 4m wide access road from Manor Farm to Folly Bank.

PLANNING POLICY BACKGROUND

The following policies of the Borough of Darlington Local Plan are relevant: -

E2 – Development Limits
E7 – Landscape Conservation
E29 – The Setting of New Development
E33 – Archaeological Sites of Local Importance
H15 – The Amenity of Residential Areas
T8 – Access to Main Roads

PPS1: Delivering Sustainable Development (2005)
PPG15: Planning and the Historic Environment (1994)
PPS7: Sustainable Development in Rural Areas (2004)
PPG16: Archaeology and Planning (1990)

RESULTS OF CONSULTATION AND PUBLICITY

Five letters have been received from local residents raising the following concerns: -

- *The track is not conducive to a rural environment and will considerably reduce the quality of life of residents;*
- *The track will be unsightly; Bishopton is a conservation area and this proposed road construction would ruin what is at present a pleasant, noise free rural setting; The bridge is partly within the conservation area – the applicant still owns the whole of Manor Farm including the agricultural land and the development plot. As such English Heritage should be consulted; The road will spoil the views from private houses;*
- *The road will result in a lot of noise from traffic;*
- *There is still evidence of great historical interest and character in the fields between Manor Farm and Folly Bank; The new track would certainly ruin this forever; In the Middle Ages the local land was divided into three large fields; These fields were divided into thin strips and horses or ox ploughed these fields; this work left large banks and hollows, known as ridge and furrow; These strips of land are clearly visible in the fields between Manor Farm and Folly Bank; Manor Farm is very historical with a Roman hill fort and the fields which may still have many treasures; They allow people with metal detectors to survey the fields from time to time;*
- *The application states that it is in connection with agriculture – no further details are given; If this application is in connection with livery, this is a change of use and hence not in connection with agriculture – the use and limitations of this track should be made clear and specific;*
- *A stone track is proposed, does this mean crushed stone / hardcore or stone setts?*
- *What are the details of the landscaping scheme – is the verge area to be grassed or something else?*
- *Details must be provided for the widening and strengthening of the bridge; What width is proposed and what materials are to be used;*
- *Manor Farm as you are aware is a listed building; The Georgian Group in their advice to you made it clear the extent of this listing as including: - any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done since before 1 July 1948. This applies to the bridge and hence it requires LBC with an appropriate consultation – has this been put in hand?*

- *There is a blind bend in Folly Bank where the road is going to be which is a bad access in and out of the road.*

The Highways Officer has been consulted and has raised no objections to the proposed development.

The Council's Conservation Officer has been consulted and has raised no objections to the proposed development.

English Heritage has been consulted and has requested that the application be determined in accordance with the Council's in-house specialist conservation advice.

Bishopton Parish Council has been consulted and has made the following comments:

The members are aware that a similar track has previously been applied for and refused. It is the members' opinion that this new application does not change any of the reasons for refusal previously and is still dangerous where it meets the highway and also is a danger to a small bridge that is of historical value to the Parish of Bishopton.

It is the members' strong belief that Manor Farm, having operated as a working farm and livery stables for many years previous to this and managing very successfully now has no need for such a road. Now that the farm is no longer working there is no good reason to construct a roadway across the fields, especially a 4m wide road which is a similar width to most of the main roads in the area. As a Conservation Area no unnecessary blights on the countryside should be permitted. The Parish Council can therefore find no justification to giving permission for this application.

PLANNING ISSUES

The principal issues to be considered in the determination of this application are:

- Planning Policy
- Impact on the character and appearance of the Countryside
- Impact on the Bishopton Conservation Area
- Impact on the setting of Listed Building
- Impact on residential Amenity
- Highway Issues
- Loss of Hedgerow
- Impact on the public right of way
- Archaeological Issues
- Section 17 of the Crime and Disorder Act 1998

Planning Policy

Policy E2 (Development Limits) of the Borough of Darlington Local Plan seeks to maintain the well-defined boundaries between the built-up areas and the countryside. It places emphasis on the strict control of development outside these limits. Development for agricultural operations, and small-scale development beneficial to the needs of the rural economy are accepted as a matter of principle within the context of the policy, subject to the development satisfying other policies within the development plan.

National Guidance contained within PPS7: Delivering Sustainable Development (2005) sets out the Government's overall aims in respect of development in the countryside and is a material consideration in the determination of planning applications. The guidance advises that in determining applications for development in the countryside, Local Planning Authorities should, inter alia; support development that results in diverse and sustainable farming enterprises; support other countryside based enterprises and activities which contribute to rural economies and / or promote recreation and the enjoyment of the countryside; and to maintain countryside character and environmental quality.

The proposal is considered to be acceptable as a matter of principle. The remaining issues to be considered are all detailed matters of development control, to be addressed in the following sections of this report.

Impact on the Character and Appearance of the Countryside

Policy E7 (Landscape Conservation) of the Borough of Darlington Local Plan requires new development to respect the character of its landscape setting in terms of siting, design, materials, landscaping, protection of existing landscape features and relationship to adjoining buildings, having regard to the distinctive landscape characteristics of the locality.

The application site and surrounding land is included within the flatter farmlands of the central belt. The land in the immediate area slopes gently down from the farmyard and the pasture has a gently undulating character with a ridge to the south of the proposed road. The area of the proposed road is generally open with limited hedgerow and tree cover.

The track itself would have no vertical impact. Matters raised by objection relate to the creation of an unsightly addition to the area, detracting from its character and appearance and destroying its history. These matters are dealt with in turn.

The proposed track would follow the line of the existing field from an existing access gate. The line of the track is already used for access purposes and the purpose of the application is to create a surface for this access. The proposal is to create an informal track with associated landscaping. It is officer opinion that although there will be some impact on the character and appearance of the countryside, that this impact can be satisfactorily reduced by way of careful choice of materials and landscaping. It is recommended that a planning condition be attached to any approval to secure submission and agreement of the details of the landscaping as it is envisaged that a more informal and less regimental form of landscaping than is shown on the submitted plans, will be more appropriate in this particular location. The landscaping scheme will be required to consist of native species. In turn, the details of the surfacing should be secured by planning condition. It is envisaged that this will consist of a loose stoned (gravel or rolled gravel or Grass Crete) surface in a dark colour, which tends to be less noticeable in the landscape than lighter materials.

Impact on the Bishopton Conservation Area

The track would bound the Bishopton Conservation Area at its western end and at its northernmost point to the south of the farmyard area. However, given the above comments and the lack of an objection from the Council's Conservation Officer, it is considered that the proposal would preserve or at the very least have a neutral impact on the character or appearance of the Bishopton Conservation Area, which meets the necessary tests established by case law.

English Heritage was consulted on the proposed development and has advised the Local Planning Authority to determine the application in line with national guidance and its own in-house specialist conservation advice.

Impact on the Setting of the Listed Building

The site is situated to the immediate south of Manor Farm yard, the historical curtilage of Manor Farmhouse, a Grade II listed building. As such, the Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possesses. It is not considered that the proposal would have a significant impact on any of these features and as such, this duty is discharged.

A matter raised by objection is the need for listed building consent by virtue of the land being in the same ownership as the Grade II listed Manor Farmhouse to the north. Listed building consent would be required only if the bridge, which is contained within the application site, is a curtilage structure. The question as to the requirement for listed building consent is a matter for the Local Planning Authority. The Council's Conservation Officer has advised that he does not consider that the bridge is a curtilage listed building and that listed building consent is not required for the proposed development.

Impact on Residential Amenity

Matters raised by objection include the impact of the development on quality of life. The proposed track, which leads from an existing and used access, would be some 40m from residential boundaries at its closest and some 150m at its farthest. The application states that the application is submitted for three reasons; a) to access the agricultural land to the rear of the farm, the existing access from The Green being too narrow for modern farm machinery; b) for access for the owners horsebox in connection with the stables to the rear of the farm; and c) to provide emergency access in the event of a fire.

It is unlikely that the proposal would result in such an intensive use as to cause undue disturbance to residential properties. It is however recommended that a planning condition be attached to any approval to ensure the implementation of a management plan to ensure that the access road is not used for residential access to the properties to be constructed / converted within the Manor Farm site.

Highway Issues

The Council's Highways Officer has been consulted on the proposed development and has made the following comments;

A speed survey has been carried out and 85th percentile speeds for northbound and southbound traffic are 42mph and 41mph respectively. These speeds would require visibility splays of approximately 2.4m x 105m and a forward visibility of 105m. Acceptable visibility splays can be provided if some existing planting within the highway verge is removed. Because of the alignment of the road it would be necessary to remove areas of planting on both sides of the road. Even with removal of existing planting the forward visibility that can be achieved is only 80m, i.e. below the design requirement. However, the access proposed for use is already well used by agricultural vehicles and there have been no reported personal injury accidents on the stretch of the C46 in the vicinity of the access.

Therefore, on balance, provided a condition is included requiring the removal of planting to ensure the desired visibility is accommodated I would raise no highway objection to the proposal. I would request a condition for provision of a metalled crossing within the highway (As indicated on the submitted plan) to ensure loose material is not pulled out onto the public highway).

Subject to the above planning conditions, the proposal is considered to be acceptable in highway safety terms.

Loss of Hedgerow

As indicated above, the Council's Highways Officer would require some removal of existing planting along the C46 in the vicinity of the access. Details of the specific areas of removal to accommodate improved visibility will be required to be submitted and agreed pursuant to a planning condition should members resolve to grant planning permission. The Council's Countryside Officer has been consulted on the potential loss of some of the hedgerow near to the access. He has raised no objections to the loss of hedgerow along the verge but has requested that all additional planting along the track be of local provenance.

Impact on the Public Right of Way

The proposed track meets the existing public footpath, which runs through Manor Farm at the point of the bridge. The proposed development therefore affects the public right of way in that it will share the same access across the bridge. The Council's Rights of Way Officer has been consulted and has firstly welcomed the works indicated on the submitted plans to strengthen the bridge. It is recommended that specific details of these works be submitted and agreed with the Local Planning Authority pursuant to a planning condition.

The Rights of Way Officer has also indicated that improvements would be required to be carried out in conjunction with the development to the access points onto the public right of way. These would be likely to consist of kissing gates adjacent to the farm gate and an improvement to the surface of the public right of way. It is recommended that a planning condition be attached to agree specific details of these matters.

Archaeological Issues

The County Archaeologist has been consulted on the proposed development and has indicated that it is likely that the area is a headland of the village field system and there is a ridge and furrow visible on the south side. This suggests that it is likely to be a remnant of the medieval field systems associated with the village and the castle. The County Archaeologist has indicated that the proposal raises no issues unless the work would involve significant ground intrusion to level it down. It is therefore not considered that the proposal would raise any archaeological issues.

SECTION 17 OF THE CRIME AND DISORDER ACT 1990

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 is considered acceptable in this location and will not give rise to conditions prejudicial to local amenity or highway safety. The application does not raise any issues in relation to highway safety or crime prevention. The development is considered to comply with the relevant policies in the development plan, as listed below.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) A3 Implementation Limit (Three Years)
- 2) B4 Details of Materials (Samples)
- 3) B5 Detailed Drawings (Accordance with Plan)
- 4) E2 Landscaping (Submission)
- 5) All planting carried out as a requirement of condition 4 (above) shall be of local provenance.

REASON - To achieve a satisfactory form of development.

- 6) Prior to the commencement of the development, details of the removal of planting within the highway verge to achieve satisfactory visibility splays shall be submitted to and agreed in writing by the Local Planning Authority. These improvements to the visibility splay shall be fully implemented in accordance with the agreed details prior to the use of the track.

REASON – In the interests of highway safety

- 7) Prior to the use of the approved development, the metalled crossing, as indicated on Drawing number 0797/03 shall be fully implemented.

REASON – In the interests of highway safety.

- 8) Prior to the commencement of the development hereby approved, precise details of the improvements to the existing public right of way together with the works to strengthen the bridge shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the agreed details and the works shall be fully implemented prior to the use of the development.

REASON – To ensure that the Local Planning Authority can be satisfied as to the details of the development and its relationship with the public right of way.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The proposed development is considered acceptable in this location and will not give rise to conditions prejudicial to local amenity or highway safety. The application does not raise any

issues in relation to highway safety or crime prevention. The development is considered to comply with the relevant policies in the development plan, as listed below.

Borough of Darlington Local Plan (1997)

E2 – Development Limits

E7 – Landscape Conservation

E29 – The Setting of New Development

E33 – Archaeological Sites of Local Importance

H15 – The Amenity of Residential Areas

T8 – Access to Main Roads

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

The applicant is advised that works are required within the public highway, to construct new verge crossing and remove planting, and contact must be made with the Highways Manager (contact Mr A Ward 01325 388743) to arrange for the works to be carried out or to obtain the relevant permissions to execute the works.

The applicant is advised that this permission does not remove the obligation to secure any other necessary consent and does not give permission to disturb the Public right of way. Please contact Nick Elliot, Rights of Way Officer on 01325 388643 or Sally Hunter on 01325 388648 to clarify this matter.

The applicant is reminded of the necessity for strict compliance with all conditions, and written discharge of all conditions precedent at the correct time. Should the developer be unable to provide for the discharge of particular conditions at the correct time, contact should be made immediately with the Local Planning Authority to discuss the matter.