

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

1. 7/2008/0330/DM APPLICATION DATE: 24 July 2008

PROPOSAL: **CONVERSION OF EXISTING STABLE TO FORM 3 NO. DWELLINGS INCLUDING GARAGE FACILITIES AND ASSOCIATED ACCESS**

LOCATION: **WEST CLOSE COTTAGES CHILTON CO DURHAM**

APPLICATION TYPE: Change of Use

APPLICANT: Mr S Taylor
Land adjacent to , 3 West Close Cottages, Chilton, Ferryhill, Durham,
DL17 0PQ

CONSULTATIONS

1. Cllr. C. Potts
2. Cllr. T.F. Forrest
3. Cllr. B.F. Avery
4. DCC (TRAFFIC)
5. NORTHUMBRIAN WATER
6. CHILTON P.C.
7. BUILDING CONTROL
8. ENGINEERS
10. L.PLANS
11. DESIGN
12. Countryside Team

NEIGHBOUR/INDUSTRIAL

West Close Cottages:1,2,3

BOROUGH PLANNING POLICIES

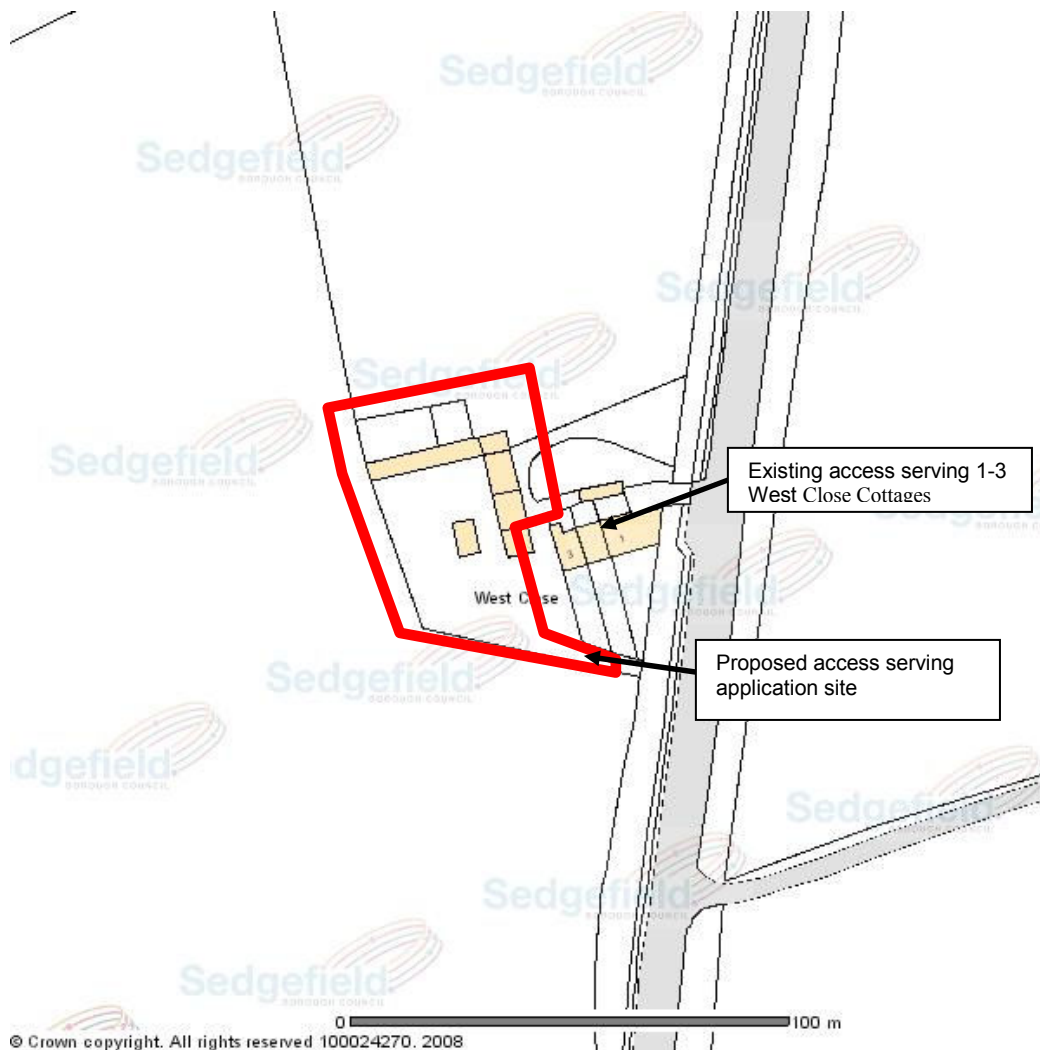
D3 Design for Access

This application would normally constitute a delegated matter under the approved scheme of delegation. It is however being presented to Development Control Committee at the request of a local Councillor.

PROPOSAL

Planning permission is being sought for the conversion of existing stables at West Close Cottages, Chilton to form 3no. dwellings, including new garage facilities and access onto the A167 highway.

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This application is the latest in a series of applications for the site, for the conversion of this former L-shaped stable building (presently used for storage purposes) into residential use. The application site falls outside of any recognised settlement framework and lies in the open countryside, in close proximity to a terrace of 3no. dwellings (known as West Close Cottages). The site is accessed to the east from the A167 highway (a declassified former trunk road) to which the national maximum speed limit still applies, and enclosed on all sides by land in agricultural use. The southern extent of Ferryhill lies some 850metres to the north of the site, with Chilton some 1100metres to the south.

As part of this development, vehicular access to the site will be achieved to the south of the site, away from the existing access to the adjacent West Close Cottages.

The proposal would involve converting the existing single storey stable block into 2no. 2-bed bungalows and 1no. 3-bed, 2-storey dwelling by increasing the roof height of the existing stable structure, whilst retaining the existing L-shaped footprint. 2no. garages would also be erected to the rear (west) of the plot (new build), with a third garage space to be built into the existing structure.

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Plate 1: Existing structure (Eastern elevation)



Plate 2: Existing structure (Northern Elevation)



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Plate 3: Existing structure (Southern elevation)



Plate 4: Existing structure (Southern elevation)



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Plate 5: Existing structure (Western elevation)



As part of this application, the applicant has submitted additional information comprising a traffic survey statement (which concludes that proposals would generate negligible levels of traffic, resulting in no material traffic impact on the local highway network and, thereby supports the redevelopment of this site), a biodiversity/bat report (identifying a low risk to bats), and a structural survey (loosely confirming a need to refurbish walls, with the roof system needing to be assessed if the scheme is developed further).

CONSULTATION AND PUBLICITY RESPONSES

External Consultation Responses:

- Chilton Parish Council have raised no objections to this proposal,
- The Durham County Highways Engineer has objected to this proposal on the grounds that the proposal cannot achieve the required 2.4 x 215m junction visibility splay onto the A167, and that it is therefore unsafe on highway safety grounds (*see later considerations*),
- NWL have raised no objections to this proposal.

Internal Consultation Responses:

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- The Sedgefield Borough Environmental Health team have identified that a survey of all asbestos based materials will need to be carried out on site should approval be granted,
- The Sedgefield Borough Highways Engineer has advised that the Highways Authority will require maximum visibility splays to be achieved owing to the high speeds attained on this section of the carriageway,
- The Sedgefield Borough Countryside Officer is content with the findings of the submitted bat survey, concluding a low risk of roosting bats, although does not agree with the conclusion that roosting opportunities built into the fabric of the new buildings are not required. Should approval be granted, it is recommended that bat boxes or suitable bat bricks are incorporated into the fabric of the building to allow for roosting bats, thereby adding to the biodiversity value of the development. It is also recommended that any required vegetation clearance or dismantling of any structure utilised as a nesting site for swallows not be carried out during the bird-breeding season, with the submitted report stating that swallows were nesting in some of the rooms. Finally, it is recommended that swallow nesting boxes be erected in suitable locations around the new buildings should approval be granted,
- The Sedgefield Borough Conservation and Design Officer has not commented on this application,
- The Sedgefield Borough Forward Plans Team object to this proposal, considering the stable building to lack sufficient historic and architectural merit which would otherwise outweigh the normal presumption against new residential development within the open countryside, outside of any established settlement. Furthermore, this site is not considered to be in a sustainable location for new housing, with such development considered contrary to national planning guidance and development plan policies which seek to restrict new dwellings in the open countryside.

As part of the consultation and publicity exercise for this application, a site notice was displayed adjacent to the application site and all neighbouring properties were notified. No objections were received in response to this exercise, with 2no. letters of support received from the occupants of the adjacent 'West Close Cottages'. A further 4no. letters of support were provided by the applicant (again from occupiers at 'West Close Cottages') with the submitted application.

No other comments have been received in response to this consultation and publicity exercise.

PLANNING HISTORY

Formal planning applications:

- 7/1989/0350/DM (Erection of agricultural building and alterations to vehicular access)
– REFUSED ON HIGHWAY SAFETY GROUNDS
- 7/1995/0500/DM (Conversion of barn to provide 1 bungalow)
– REFUSED ON HIGHWAY SAFETY GROUNDS AND ON THE GROUNDS THAT THE ALTERATIONS WOULD BE DETRIMENTAL TO THE TRADITIONAL CHARACTER OF EXISTING BUILDING
- 7/2006/0549/DM (Erection of stable block) - WITHDRAWN

Informal enquiries:

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- P/2005/0508/DM (Conversion of buildings)
Concerns raised over condition of buildings to be converted. Buildings were considered to be in a dilapidated condition and unsuitable for conversion, also being unworthy of retention. Development would also result in an unsustainable and unacceptable form of sporadic development contrary to local plan policies. Meanwhile, regarding site access issues, the applicant was advised to contact County Engineers.
- P/2008/0208/DM (Conversion of stables into 3no. dwellings)
Development strongly resisted. Strong highways objections over proposed access from A167. Despite some provision for the reuse of suitably located and constructed buildings in the open countryside where this would meet sustainable development objectives, officers remained unconvinced that these buildings were worthy of retention, with works likely to involve substantial rebuilding or modification to provide acceptable living conditions.

Planning appeals:

- T/APP/M1330/A/96/267926/P8 (Appeal by Mr and Mrs Walker in relation to planning refusal 7/1995/0500/DM) - APPEAL DISMISSED ON HIGHWAY SAFETY GROUNDS

PLANNING CONSIDERATIONS

The main planning considerations in this case are:

- Whether the normal presumption against new residential development within the open countryside is outweighed by the desirability of retaining the buildings in the interests of preserving the rural heritage of the area; and
- Whether the proposal is capable of being served by a safe means of access.

Conversion principles.

In the absence of a specific Local Plan Policy relating to the conversion of former farm buildings the application needs to be considered in accordance with the requirements of National Planning Policy PPS7 (*Sustainable development in rural areas*) which provides guidance on the re-use of buildings in the countryside.

PPS7 explains how it is Government's policy to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations, and for some types of building. Scope is also given for the retention of buildings in less sustainable locations if the buildings are considered worthy of retention due to their architectural merit. PPS7 stipulates that in assessing proposals for the conversion and re-use of buildings in the countryside for economic, residential and any other purposes, that following criterion needs to be taken into account:

- The potential impact on the countryside and landscapes and wildlife;
- Specific local economic and social needs and opportunities;
- Settlement patterns and accessibility to service centres, markets and housing;
- The suitability of different types of buildings, and of different scales, for re-use;

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- The need to preserve, or the desirability of preserving, buildings of historic or architectural importance or interest, or which otherwise contribute to local character.

Furthermore, PPS7 advises that local planning authorities should be particularly supportive of the re-use of existing buildings that are adjacent or closely related to country towns and villages, for economic or community uses, or to provide housing in accordance with the policies in PPG3, and subject to the policies in paragraph 7 of this PPS in relation to the retention of local services.

In considering the relative merits of the proposal the principle issues which need to be addressed on this occasion are:

- Whether the buildings are of such historic or architectural merit which would outweigh the normal presumption against new residential development within the open countryside,
- Whether the extent of the works will maintain the intrinsic characteristics of the building which make it worthy of retention; and
- Whether the site is a sustainable location for new residential development.

In applying for these works, the applicant argues the building to be of local historic value to the residents of both Ferryhill and Chilton as they were formerly used to accommodate pit ponies from the nearby Colliery. This would appear to be the only historic justification for retaining the building and is not considered to be sufficient on its own to justify the conversion of the building to residential use. Furthermore, the building itself has little architectural merit or outstanding features worthy of retention. The photographs attached to the report show the existing building to be a standard farm building, constructed of a mixture of brick, stone, and block work, with a corrugated iron/asbestos roof. It is typical of many farm buildings found elsewhere across the borough and as such is not a scarce resource or unique agricultural building, which is worthy of retention in the interests of preserving the rural heritage of the area. The historic and architectural merits of the buildings are therefore considered to be insufficient to outweigh the normal presumption against new residential development within the open countryside.

In addition, whilst the true extent of conversion works required is unclear, the submitted plans clearly show a need for considerable works to the original structure which in turn diminish its original integrity and retention value. It is noted that works will involve an increase in the proposed roof height to part of the structure to provide first floor living space, with the remainder of the existing roof structure (a combination of asbestos cement sheeting and plastic corrugated sheeting) also likely to be replaced. The accompanying structural survey fails to provide sufficient information as to the extent of the works, identifying a need to 'refurbish walls', with again considerable concern raised over the ambiguity of the works proposed, which will inevitably be to such an extent that much of the 'character' and 'value' of the original building will be lost.

It is considered that the extent of works that will be required to convert the buildings to residential use will be so significant that the original integrity of this structure will be lost and questions the very need to preserve this structure on the grounds of its architectural or historic importance.

It is also argued that should permission be granted for such works, this will result in an unsustainable form of development (contrary to the applicant's claims) outside of any identified settlement framework for Sedgefield Borough, thereby constituting unsustainable development.

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in the open countryside. The remoteness of this site from public transport, shops, services and other facilities would discourage future occupiers from using public transport, with this development being largely car dependant, therefore failing to meet the requirements of the Regional Spatial Strategy and PPS7.

Highway safety:

The Highway Authority has for a long time objected to the principle of further residential use on this site with regard to the proposed access onto the adjacent A167 highway. Highways engineers have always maintained that this site is unsuitable for further residential development on the grounds that the junction site visibility splays with A167 are insufficient, taking into account the speed of vehicles and the vertical alignment of the carriageway.

In 1996 a planning appeal against the decision of the Local Planning Authority to refuse consent for the conversion of this barn structure to 1no. residential bungalow was dismissed by the planning inspector (*LPA planning ref: 7/1995/0500/DM, Appeal ref: APP.M1330/A/96/267926*).

In arriving at this decision (*a copy of which is appended to this report*), the planning inspector agreed that conversion of this structure to just 1no. dwelling would result in an increase in traffic using this site, and agreed with the County Councils Highways advice that this would result in a significant increase in the risk of accidents occurring with vehicles turning into the site. With no speed restriction on this section of road (60mph national limit – *a factor which has not changed*), the Councils main concern was that vehicles turning into the site off the A167 would impede following vehicles, particularly those travelling southbound from Ferrryhill. Although amendments to the white lines on this section of carriageway was considered, it was concluded that this would make little material difference, with the proposal for 1no. dwelling considered detrimental to highway safety.

It should be noted that the earlier application related to the northern access to the site (presently used by the occupants of West Close Cottages), with the current application intending to make use of an access point some 40metres to the south. It should also be noted that the current proposal is now for 3no. dwellings, and clearly represents a significant increase in the future use of this site and highway junction, resulting in an increase in road traffic accident risk.

Prior to the applicant submitting the current application, the Highways Authority provided informal advice explaining that the newly proposed access was in fact worse than that relating to the aforementioned 1995 refusal and subsequent appeal due to the dip in the road to the north of the site and the inability to achieve the necessary 2.4 x 215m junction site visibility.

A speed survey was subsequently carried out by the Highways Authority on this section of road between Tuesday 30th October 2007 and Tuesday 6th November 2007, recording critical southbound 85th percentile speeds at 55.4mph, with Saturday and Sunday recordings at 59.2mph and 59.5mph respectively. This challenged earlier single day findings provided by the applicants highway consultants 'TrafficSense' who had previously recorded an extremely low value of 39mph (bearing in mind this is a national limit road). In response to the Highways Authority's findings, a further single day survey was undertaken by 'TrafficSense' on Monday November 19th 2007, for which a 49.2mph southbound wet weather speed was recorded.

As part of this current submission, the applicant has provided a Highways Statement (produced by 'Denis Wilson Partnership', September 2007). The statement concludes that the proposals

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would generate a negligible level of traffic, whilst resulting in no material traffic impact on the local highway network, whilst also demonstrating the proposed site access junction to easily meet the current design standards on visibility. However, as confirmed by the Highway Authority, much of the applicant's case centres on the application of 'Manual for Streets' (MfS) standards, despite earlier reminders from the Highways Authority that this is not a MfS related site.

The Manual for Streets replaces Design Bulletin 32 and presents guidance on how to design better quality streets within the existing policy, technical and legal framework. The key recommendation of the Manual is that increased consideration should be given to the 'place' function of streets. This function is essentially what distinguishes a street from a road, where the main purpose is to facilitate movement. The MfS document clearly states how MfS focuses on lightly trafficked, residential streets, and that for the purposes of MfS, a street is defined as a *'highway that has important public realm functions beyond the movement of traffic'*. The A167 highway cannot be considered as an MfS highway as its primary function is to accommodate the movement of traffic.

In view of the foregoing, the application of MfS standards to the A167 highway is not applicable with the Highway Authority's minimum expected standards set out within the 'Design Manual for Roads and Bridges (DMRB)' being applied. The proposed junction visibility for the application site falls significantly short of these minimum requirements, with the proposed access therefore considered unacceptable on highway safety grounds.

CONCLUSION

In conclusion it is considered that the stable building to be converted lacks sufficient historic and architectural merit which would outweigh the normal presumption against new residential development within the open countryside. The extent of conversion works required would likely be so significant that the original character and integrity of this structure itself will be lost, challenging the applicants fundamental arguments that this structure is worthy of retention in the first place.

Should approval be granted, this will result in an unacceptable form of development which will encourage dependency for private car usage owing to the remoteness of the site from public transport links, shops, services, employment and other services.

Finally, considerable highway concerns have been raised over the safety of the proposed access junction with the A167, which would fall significantly short of the minimum site visibility splay as required by the Highways Authority. Despite the assertions of the applicant the proposed access arrangements fail to address the junction deficiencies highlighted by the Highway Authority throughout the planning history of this site and development of the site would result in an increased risk of road traffic accidents. The applicant has in fact erroneously employed the MfS standards to justify the access arrangements. MfS was never intended to apply to roads where the primary function is to accommodate the movement of traffic. Its scope is clearly limited to residential and other lightly trafficked streets and was primarily introduced to transform the quality of residential streets and move away from places that are dominated by motor vehicles. The concerns of the County Engineer should therefore not be dismissed lightly.

To do so could potentially result in the Council being found liable in the event of a road traffic accident.

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HUMAN RIGHTS IMPLICATIONS

It is considered that in general terms, the provisions of the Human Rights Act 1998 have been taken into account in dealing with the above application.

RECOMMENDATION: Refuse for the following Reasons:

1. In the opinion of the Local Planning Authority, the building in question lacks sufficient historic and architectural merit that would outweigh the normal presumption against new residential development within the open countryside, outside any established settlement. In the absence of any overriding agricultural or forestry need, the proposal constitutes an unacceptable and unsustainable form of development remote from adequate services, employment, education and public transport. As such, the proposal is considered contrary to the provisions of PPS7 (Sustainable development in rural areas).
2. The proposed vehicular access to the site is substandard in that it fails to provide an adequate visibility splay at its junction with the A167. Such a substandard junction layout would be likely to result in manoeuvres that would be detrimental to highway safety, contrary to Policy D3 (Design for Access) of the Sedgfield Borough Local Plan, and PPG13 (Transport).

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The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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Davis Planning
26 Coniscliffe Road
DARLINGTON
Co Durham
DL3 7JX

Your Ref: 94/40
Our Ref: T/A/P/M/1330/A/96/267926/P8
Date: 05 AUG. 1996

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR AND MRS WALKER
APPLICATION NO: 7/95/0500/DM**

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Sedgefield District Council to refuse planning permission for conversion of barn to provide one bungalow at West Close Farm, West Close Cottages, Chilton. I have considered the written representations made by you and by the Council and also those made by interested persons. I have also considered those representations made directly to the Council which have been forwarded to me. I inspected the site on 23 July 1996.

2. From my inspection of the site and its surroundings and from the representations received, I consider that the principal issues are whether or not there would be an increase in traffic to the site which would have an unacceptable detrimental effect upon road safety; and also whether the design of the conversion would have a harmful visual impact on the locality.

3. The Deposit Local Plan contains various policies relating to Transport, and also to Design and the Change of Use of buildings. Policy 17 says that the Council will not normally grant planning permission for development which would generate traffic which would be detrimental to highway safety in terms of other road users. Policy 101 sets out general Design Principles to be applied to all new developments, and Policy 412 says that the change of use of a building in the countryside will normally be approved if various criteria are satisfied.

4. The appeal site comprises a former farm building adjoining a group of three dwellings. It is situated in open countryside between Chilton and Ferryhill. The plans supplied to me do not clearly define the extent of the land included within the appeal site or the exact position and layout of the access from the A167. However, from the written representations it appears that some of the front yard will be included as garden, and that the

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central entrance, which also serves the other houses, will be used for access to the development.

5. The existing building is of single storey construction with stone walls and a corrugated asbestos roof. During your discussions with the Council various amendments were made to the external appearance, but I consider that this would still be somewhat functional and lacking in detail. The alterations would be out of keeping with the traditional character of the building, which stands in a prominent position, clearly visible from a busy road.

6. As submitted, I consider that the building would have an unacceptable environmental impact on the countryside, contrary to Policy H12, and would also not accord with the Design Principles set out in Policy D1. However, I note that your clients would be willing to accept a condition requiring external appearance and materials to be agreed with the Local Planning Authority. If this appeal were to be allowed, such a condition could be imposed which would, in my view, overcome the objection on this point.

7. The A167 is a busy Trunk Road with an annual average daily flow of over 12000 vehicles. There is no speed restriction (apart from the national limit of 60mph). Visibility when emerging from the site is acceptable, but the Council's main concern is that vehicles turning into the site would impede following vehicles, with a risk of collisions occurring. There is a direct conflict in the advice given by The Highways Agency and that given by Darlton County Council. The Agency offered no objection as it was considered that the increase in traffic using the new dwelling would be small. On the other hand, the County Council strongly recommended that the application be refused because of the hazard caused by turning vehicles.

8. You argue that conversion to a dwelling would reduce the amount of traffic and hazard because large slow moving agricultural vehicles would no longer use the entrance. You say that when the building was used for agricultural purposes there were 8-10 movements per day of agricultural machinery, and that the barn is now used by a contractor. It is clear to me that the buildings now have limited potential for agricultural use because modern farming methods normally require much larger buildings, and consequently the amount of agricultural traffic in the future is likely to be less.

9. You say that the north and south access points would be closed, and I accept that there would be some benefit in doing this. However, I noted that the southern access does not appear to have been regularly used recently as it is overgrown with grass and there would only be minimal benefit in closing it. A further point is that whilst there would be a reduction in agricultural traffic to the buildings, traffic to the adjoining farm land would continue and would be re-routed to the central access.

10. I find the arguments on existing use somewhat inconclusive, but on balance I consider that there would be an increase in traffic if the building were to be converted into a dwelling. I also find the advice from the Highways Agency and the County Council difficult to reconcile, but as I have decided that there would be an increase in traffic, I give greater weight to the views of the County Council. In my opinion, there would be a significant increase in the risk of accidents occurring when vehicles turn into the site. The greatest risk is that southbound drivers could be surprised by vehicles in front slowing and

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turning right. This risk would be greatest at night or in poor weather conditions. Amendments to the white lines might help to slightly reduce hazard, but would not in my opinion make any material difference. I conclude that the proposal would be detrimental to highway safety and would be contrary to Policy T7.

11. I have considered the imposition of conditions as suggested by the Council, but in my opinion, these would not overcome the objections to the proposal.

12. I have also taken into account all the other matters raised in the representations, but consider that none of these are of sufficient weight to alter my decision.

13. For the above reasons and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully



J.S. DEAKIN FRICS
Inspector

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2. 7/2008/0368/DM APPLICATION DATE: 19 June 2008

PROPOSAL: **ERECTION OF 2 NO. DWELLINGS WITH ASSOCIATED ACCESS**

LOCATION: **LAND OPPOSITE 1-5 GREENFIELD STREET BYERS GREEN CO DURHAM**

APPLICATION TYPE: Outline Application

APPLICANT: Mrs Susan Reynolds
28 High Street , Byers Green , Spennymoor, Co Durham

CONSULTATIONS

1. SPENNYMOOR TC
2. Cllr. W. Waters
3. Cllr. K Thompson
4. Cllr. Colin Nelson
5. DCC (TRAFFIC)
6. BUILDING CONTROL
7. ENGINEERS
8. BR TELECOM
9. ENV. HEALTH
10. VALUER
11. L.PLANS
12. LANDSCAPE ARCH
13. NORTHUMBRIAN WATER

NEIGHBOUR/INDUSTRIAL

High Street:22,24,26,59,61,77,79,81,78,69,71,86,,59

Thomas Wright House

Greenfield Street:5,4,3,2,1

Hill View:6,7,8,9,10

BOROUGH PLANNING POLICIES

- H8 Residential Frameworks for Larger Villages
D3 Design for Access
D5 Layout of New Housing Development
D3 Design for Access
H17 Backland and Infill Housing
-

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This application would normally constitute a delegated matter under the approved scheme of delegation. It is however being presented to Development Control Committee at the request of a local Councillor.

BACKGROUND

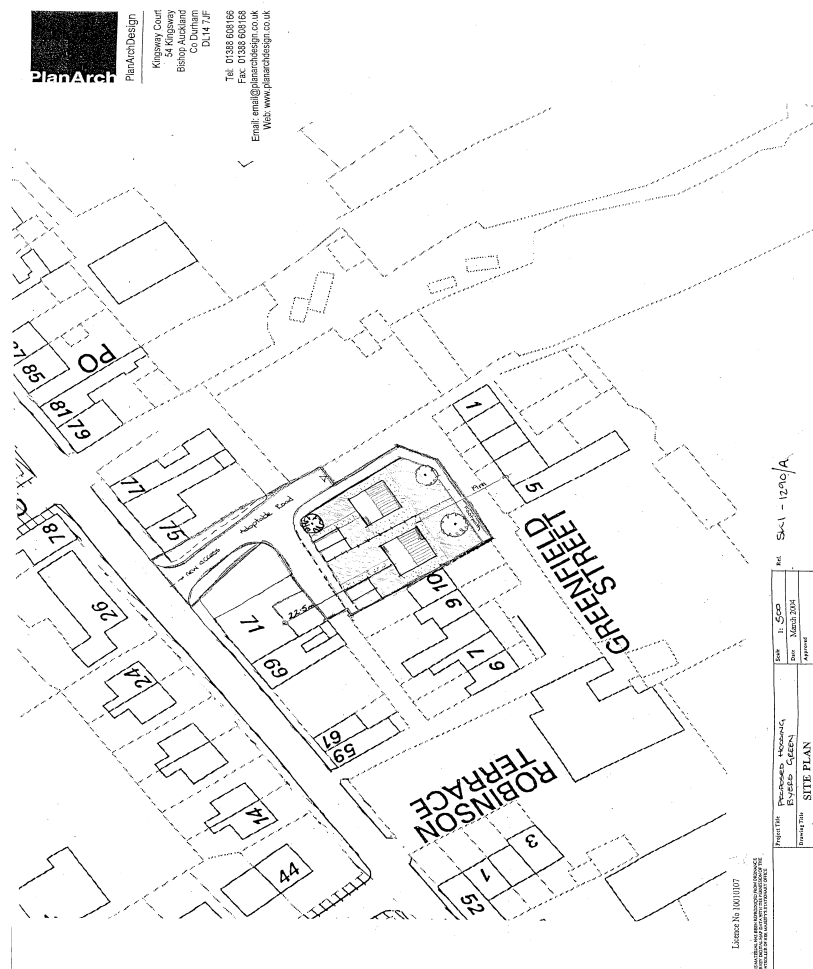
In 2004 Development Control Committee granted outline planning permission for residential development comprising 4no. terraced dwellings on land at Greenfield Street, Byers Green (*planning ref: 7/2004/0506/DM*). The decision to approve the application was contrary to the officer recommendation which, based on the advice of the County Engineer, recommended refusal on the grounds that the proposed vehicular access to the site was substandard in that it failed to provide adequate visibility and was therefore detrimental to highway safety.

This approval expired following a 3-year period in which no reserved matters for the development were approved. A subsequent, detailed application for the development of 4no. terraced dwellings was subsequently refused in May 2008 under the officer scheme of delegation (*planning ref. 7/2008/0190/DM*). The reasons for refusal were once again based on the advice of the County Engineer who maintained that the vehicular access to the site was still substandard and therefore detrimental to highway safety.

PROPOSAL

Outline planning permission is now being sought for two detached dwellings with all matters reserved for subsequent approval with the exception of details of the means of access to the site and site layout. The proposed means of access and site layout is shown below.

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Access to this site would be taken from an existing unmade track and junction with High Street to the east (between numbers 71 and 75 High Street), which according to the applicant would be realigned and constructed to an adoptable standard.

The submitted application indicates that 2no. two-storey detached dwellings would be developed on this site and this is a noticeable deviation from previous applications and enquiries for this site which concerned a terrace of 4no. dwellings to be accommodated in the centre of the site, as a continuation of no's 6-10 Greenfield Street which lie to the immediate north-west.

CONSULTATION AND PUBLICITY RESPONSES

External Consultation Responses:

- Spennymoor Town Council have raised no objections to the proposal,
- The Durham County Highways Engineer has once again objected to this application on the following grounds:

“The main apparent difference on this latest site plan is the reduction from 4no. dwellings down to 2no. dwellings. Despite this reduction in dwelling numbers, an adopted road/footway infrastructure would still be required, generally based on what the applicant has shown in the

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latest site plan. However acceptable junction sight visibility onto High Street still cannot be achieved and as such, the suggested road/footway infrastructure cannot be considered acceptable for adoption by the highway authority.

The proposals back in 2004 achieved nothing near to the junction site visibility splays of 2.4 x 70 metres required at the time, and despite the arrival of 'Manual for Streets' that could allow a further relaxation to 2.4 x 43 metres, the proposed junction arrangement still falls well short of achieving this.

Whilst I am mindful of the previous planning permission granted by Sedgefield Borough Council, I must maintain my previous highways objection to these proposals on the basis of a sub-standard junction site visibility at the access onto High Street."

- Following concerns raised by a neighbour over water supply in the area, NWL were consulted on this application and have raised no objections to the proposed development,
- BT were notified of this application with regard to the presence of a telecommunications pole in close proximity to the new access, and have made no comment on this application.

Internal Consultation Responses:

- The Sedgefield Borough Environmental Health Team have raised no objections to this proposal,
- The Sedgefield Borough Countryside Officer has recommended that any vegetation clearance of this site be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey is first undertaken by a suitably qualified person confirming no birds are present prior to the start of any works. Furthermore, it is recommended that wherever possible, biodiversity interest be built into the design of the houses, as well as the associated landscaping/gardens.
- The Sedgefield Borough Forward Plans team consider that the development accords with the requirements of Local Plan Policy H8 (*Residential frameworks for larger villages*), with the principle of housing development on this site acceptable. However, this is subject to the provision of a satisfactory means of access, whilst adhering to privacy and amenity standards as set out in SPG3 (*The layout of new housing*).
- The Sedgefield Borough Valuations team have raised no objections to the proposal,
- The Sedgefield Borough Landscape Architect considers this application an improvement in design terms from previous applications, welcoming a reduction in density and additional land for landscaping. However, concerns are raised over the lack of consideration given to landscaping schemes or discussion in the submitted D&A statement. A landscape master plan is required and should be agreed as acceptable prior to granting any permission, (*As this application seeks only outline consent for access and layout, landscaping details are not considered relevant at this time, being subject to further scrutiny when all outstanding reserved matters are applied for.*)

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- The Sedgefield Borough Highways Engineer has raised no objections to the proposal subject to site access visibility being agreed with the Highways Authority prior to determining this application,

As part of the consultation and publicity exercise for this application, a site notice was displayed adjacent to the application site and all neighbouring properties were notified. 2no. letters of objection was received in response to this exercise from nearby residents, with a summary of the main points raised as follows:

Tree felling:

- *What assurances would we have that the removal of roots on site as part of development would not result in subsidence to our homes?*
- *Since the felling of the black poplars which caused structural problems for dwellings in the vicinity, this area has been used as a playground for children posing a risk with the site unsafe from un-removed felled trees,*

Drainage:

- *My main drain with inspection cover runs through the proposed site, NWL were consulted on this application and have raised no objections,*

Highways access:

- *It is our understanding that the lane leading up to our home is not owned by either SBC or the applicant, but rather owned by the occupants of numbers 1-5 Greenfield Street. How can permission be granted to turn this into an adoptable road?*
- *The proposed access route is an unmade, unadopted road which also serves as a public footpath well used by people in the locality for leisure (rambling, dog walking etc), providing little space for vehicle access owing to the siting of a telegraph post serving many properties at the side,
BT were consulted on this application with regard to the aforementioned telegraph pole but have made no comment on this application,*
- *We currently have enormous problems with non-residents parking in the lane, with no parking facilities. This causes access problems which will be made worse if development were allowed. What about emergency vehicles? And with 24h access needed by ourselves, how will building contractors gain access without obstructing this lane?*
- *In May 2008 a similar application on this site was refused planning permission on the grounds of vehicle access. The problems presented at the time remain unchanged now.*

No other comments have been received as a result of the consultation and publicity exercise.

PLANNING HISTORY

Formal planning applications:

- 7/1986/0296/DM (Erection of 2no. dwelling houses) - REFUSED
- 7/2004/0506/DM (Residential development comprising 4 no. Terraced houses - Outline application) - APPROVED AT PLANNING COMMITTEE AGAINST OFFICERS RECOMMENDATIONS

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- 7/2007/0614/DM (Reserved matters application for the approval of design, external appearance and landscaping of 4 no. Dwellings) - WITHDRAWN
- 7/2008/0190/DM (Residential development comprising of 4 terraced houses - Outline application) - REFUSED

Informal enquiries:

- P/2003/0634/DM (Residential development) - Limited development potential. Concerns over access to site and loss of amenity to neighbouring properties.
- P/2004/0345/DM (Residential development) – Highways concerns remain. Application discouraged as site visibility is critical to success of any application,
- P/2007/0588/DM (Residential development) – Concerns over orientation of dwellings, and once again site access/visibility,

PLANNING CONSIDERATIONS

The main planning considerations in this case are:

- Whether the proposal accords with the locational requirements of the Borough Local Plan, and
- Highway safety,

Locational requirements:

Adopted Policy H8 (*Residential frameworks for larger villages*) of the Sedgefield Borough Local Plan includes Byers Green in its list of settlements within which new housing development will normally be approved, subject to there being no conflict with environmental, open space or design policies. The provision of further residential development within the defined settlement boundary of Byers Green is therefore considered acceptable in locational terms.

Highway safety:

The application site is enclosed on three sides by existing housing and lies behind High Street and therefore constitutes a back land site under Policy H17 (*Backland and infill housing development*) of the Borough Local Plan. Policy H17 states:

Housing development on backland and infill sites should normally be consistent with the following principles:

- (A) A satisfactory means of access and adequate parking provision can be provided in accordance with policy D3;**
- (B) Satisfactory amenity and privacy for both the new dwelling and existing adjacent dwellings can be achieved in accordance with policy D5; and**
- (C) The development is in keeping with the scale and form of adjacent dwellings and the local setting of the site.**

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In respect of criterion **(B)** and **(C)** it is considered that the application site is capable of being developed for two detached dwellings whilst maintaining sufficient privacy and amenity, and although the application is only in outline form the scale of the development would be sympathetic to the surrounding street scene and local setting of the site.

Whilst it is considered that criterion **(B)** and **(C)** can be satisfied it is considered that despite the number of dwellings being reduced to 2no. the proposal fails to satisfy criterion **(A)** which seeks to ensure that a satisfactory means of access and parking can be achieved. As previously explained access to this site is to be taken directly from an existing, unmade track from High Street to the east (between numbers 71 and 75 High Street). Existing access arrangements to the site, and to the existing residential properties in Greenfield Street are however, quite poor. Whilst improvement of this access road as part of a good quality development would be welcomed, it is evident that the junction with High Street would be substandard, and has little or no prospect of improvement to meet the Highway Authority's required minimum standards of 2.4m x 43m (as set out within DfT 'Manual for Streets').

Officers and the Highways Authority have maintained a consistent approach to the development of this site at all times both during the informal enquiry stage and upon receipt of formal applications. Earlier outline permission was only granted against officer's recommendations at planning committee despite strong highways objections to this proposal. Whilst it is recognised that at the time stricter minimum junction visibility requirements applied the proposed junction visibility still falls well short of the required minimum, and is therefore deemed to be unsafe by the County Council as the Highways Authority.

Users of such a substandard junction would invariably position their cars in such a way as to encroach onto the main road in order to achieve adequate visibility of vehicles approaching from the south-east. High Street is a busy classified road, and is a designated bus route. Such vehicular manoeuvres would be prejudicial to highway safety. Accordingly, the Highway Authority considers the junction site visibility onto the existing adopted public highway to be inadequate and formally object to the proposal.

Although the development of this site would bring welcome environmental and visual improvements to the surrounding area, involving the redevelopment of a presently vacant, poorly managed area of undeveloped open space, the development of this site should not override highway safety concerns expressed by both this planning department, the highways authority and neighbouring residents who have raised concerns to this application throughout the long planning history of this site. Alternative powers are available to Local Authorities where it is considered that the appearance of a site is detrimental to the amenity of that area.

CONCLUSION

In locational terms, the proposal is considered acceptable with regard to residential development within the settlement framework of Byers Green (as set out in adopted Local Plan policy H8). Furthermore, subject to the approval of outstanding reserved matters, the site could accommodate new residential development of an acceptable scale and design, sympathetic to its surroundings, whilst maintaining acceptable privacy and amenity standards for future occupiers and neighbouring residents.

However, the proposed access arrangements do not address the junction deficiencies highlighted by the Highway Authority throughout the planning history of this site. The visibility at this junction still falls significantly short of the minimum advocated by the DfT 'Manual for

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Streets and that required by the Highways Authority and would result in an increased risk of road traffic accidents resulting directly from the intensified use of this site, brought about by this residential development. Whilst it is recognised that the proposal would bring about environmental improvements, the concerns of the County Engineer should not be dismissed lightly. To do so could potentially result in the Council being found liable in the event of a road traffic accident. It is therefore recommended that the application is refused for the reasons detailed below.

HUMAN RIGHTS IMPLICATIONS

It is considered that in general terms, the provisions of the Human Rights Act 1998 have been taken into account in dealing with the above application.

RECOMMENDATION: Refuse for the following Reason:

1. The proposed vehicular access to the site is substandard in that it fails to provide an adequate visibility splay at its junction with High Street in accordance with the DfT 'Manual for Streets'. Such a substandard junction layout would be likely to result in manoeuvres that would be detrimental to highway safety, contrary to Policies H17 (Backland and Infill Housing Development) and D3 (Design for Access) of the Sedgefield Borough Local Plan and PPG13 (Transport).