



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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APPLICATION NO:	4/11/00036/FPA
FULL APPLICATION DESCRIPTION:	Formation of access onto classified road
NAME OF APPLICANT:	Mr J Tate
SITE ADDRESS:	1 Louisa Terrace Witton Gilbert Durham DH7 6QS
ELECTORAL DIVISION:	Framwellgate Moor
CASE OFFICER:	Henry Jones, Area Planning Officer 0191 3018739, <a href="mailto:henry.jones@durham.gov.uk">henry.jones@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site relates to an end terrace property, No. 1 Louisa Terrace located within Witton Gilbert. Louisa Terrace fronts onto the B6312 Sacriston Lane, one of the main routes through Witton Gilbert.
  2. To the west of the site lies an electricity substation building, and beyond a modern residential estate at Acorn Croft. To the north of Louisa Terrace lies a back lane with private residential amenity spaces beyond. Beyond Sacriston Lane, to the south, lies an area of open grassed land and then further residential properties on Burnside.
  3. The application itself seeks planning permission for the formation of a new vehicular access onto Sacriston Lane. The new access would be formed adjacent to the western gable end of the property. Within the curtilage the proposed plan shows a permeable paving area for vehicular parking. At present, double yellow lines mark the highway where the proposed access is to be located.
  4. The application is reported to Planning Committee following a request from a Local Ward Member.
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## **PLANNING HISTORY**

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5. In 2010 planning permission was granted for the erection of a single storey extension to the rear of the property. Works in association with this development had commenced on site at the time of a site visit made by officers.

6. An application for the demolition of a garage to the rear of No. 1 Louisa Terrace and replacement with a new two storey detached dwelling with associated parking area and turning head was submitted to run concurrently with this planning application before Planning Committee. However, this application for a new dwelling has since been withdrawn.

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## **PLANNING POLICY**

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### **7. NATIONAL POLICY:**

Planning Policy Statement 1: Delivering Sustainable Development sets out the Government's policies that need to be taken into account by regional planning bodies. Six key principles are evinced including the need to achieve high quality inclusive design.

Planning Policy Guidance 13: Transport: Its objectives are to integrate planning and transport at the national, regional, strategic and local levels and promote more sustainable transport choices both for carrying people and moving freight. It also promotes accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling. Finally, it aims to reduce the need to travel, especially by car.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>*

### **8. REGIONAL POLICY:**

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal.

In July 2010 the Local Government Secretary signaled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law. Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. The following policies are considered relevant

Policy 8 (Protecting and Enhancing the Environment) Requires new development to maintain local distinctiveness.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>*

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## **9. LOCAL PLAN POLICY:**

Policy H13 (Residential Areas – Impact upon Character and Amenity) states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas or the amenities of residents within them.

Policy T1 (Traffic – General) states that planning permission will not be granted for development that would generate traffic which would be detrimental to highway safety and/or have a significant affect on the amenity of occupiers of neighbouring property.

Policy T10 (Parking – General Provision) states that parking provision off the public highway should be limited in amount so as to promote sustainable transport choices and reduce the land-take of development.

Policy Q9 (Extensions and Alterations to Residential Property) states that extensions and alterations to residential property will be permitted provided that the design is sympathetic to the main dwelling, alterations respect the privacy and amenity of neighbouring occupiers and the alteration will not will not create a level of multiple occupancy contrary to policy H9 of the Local Plan.

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*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **10. STATUTORY RESPONSES:**

The Highway Authority has been consulted on the application. They consider that visibility from the access point would be acceptable, with the bend in the B6312 to the north east being over 70 metres away. Although vehicles are likely to have to reverse onto the carriageway, the Highway Authority is satisfied that there is sufficient space for the driver to see in both directions. In addition vehicles waiting to turn right into the site would have sufficient space to wait in the middle of the carriageway.

As a result no objections are raised to the proposed access or parking space. The footpath crossing would need to be constructed to Durham County Council standards under the terms of s184(3) of the Highways Act 1980.

The Highway Authority has in addition to these formal comments had correspondence with a local resident on the highways implications of the development and this is detailed further within the planning considerations and assessment element of this report.

### **11. INTERNAL CONSULTEE RESPONSES:**

None

### **12. PUBLIC RESPONSES:**

Eight letters or emails have been received from those wishing to make representations in respect of this development.

One objector queries the public consultation exercise which has been undertaken, stating that no site notice has been erected and that no consideration given to how the proposal would affect users of the pavement, drivers leaving Acorn Croft, and drivers using Sacriston

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Lane in general.

Two objector's raise concerns relating to the application for the additional dwellinghouse to the rear of Louisa Terrace which has since been withdrawn. However, concern is also raised regarding the safety of an additional vehicular access to Sacriston Lane sought within that earlier application, and clarity is sought from the Highways Authority by one resident as to whether such an access adheres to required safety guidance.

A further resident considers the proposed access to be unsafe with stopping distances, and required vehicular manoeuvres, to be dangerous and contrary to the highway code.

Objection has also been raised regarding the amount of trees and shrubs removed from the site in October 2010 with no consultation with neighbouring occupiers. The authorisation of such removal has been questioned, together with a request for damage to be made good in the interests of the appearance of the area.

The future of dilapidated sheds and outbuildings now exposed by the tree removal and currently facing residents is questioned, and it has been suggested that the Council should act under Section 79-82 of the Environmental Protection Act which deals with unsightly gardens.

A local resident has submitted a lengthy letter of objection wholly relating to concerns with regards to highway safety. The resident uses photographs and diagrams to help illustrate points. Particular concern is raised in respect of reversing manoeuvres from the proposed drive onto Sacriston Lane, particularly if the wall to the front of No. 1 Louisa Terrace was increased in height. If it were possible to either turn the car around within the parking area or reverse into the parking space off the highway this would be safer, but this is dependent upon the view not being obstructed by vehicles parking on Sacriston Lane. If planning permission were granted, double yellow lines should be extended from the sub station into Acorn Croft it is suggested.

The parking space indicated on plan is also alledged to be larger than for a single vehicle, were more vehicles to be accommodated then it is suggested the chances of collision would rise through the increase in manoeuvres. It is also considered that this application for a "risky" new access is only sought because of the plans to development a dwelling to rear, and that the two developments and associated impacts must be considered together.

Further correspondence between a local resident and the Highway Authority is discussed within the planning considerations and assessment section of this report.

One resident has submitted a further email stating that no response to his original objection had been received. Objections on matters of highway safety and the loss of trees are raised again. It is urged that planning permission is not granted until confirmation has been received from the applicant that repair to the damage done is undertaken.

Officers have responded directly to these comments and have explained that the application is to be heard at Planning Committee, with all comments raised being taken into account within the officer's report.

### **13. APPLICANTS STATEMENT:**

The applicant has submitted a design and access statement in support of the application. Access onto the parking area from the rear road serving Louisa Terrace will be stopped up. The proposed dropped kerb will be to the required County Council standards.

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The parking area is to be surfaced using permeable materials to accommodate rain water and details have been provided within the application.

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*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:*

*<http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=11/00036/FPA>  
Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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14. The main planning considerations relate to the implications of the development upon highway safety and impacts upon the character and appearance of the area.

### **Highway Safety**

15. This application seeks planning permission for the formation of a new vehicular access to a classified road and as a result the main planning consideration is that of highway safety.

16. This application together with a recently withdrawn application for the erection of a single dwelling to the rear of Louisa Terrace has attracted some public objection. Of the points of objection with regards to this particular application most concern relates to matters of highway safety.

17. Policy T1 of the Local Plan states that planning permission will not be granted for development that would generate a level of traffic detrimental to highway safety and/or have a significant affect on the amenity of occupiers of neighbouring property.

18. The Highway Authority has been consulted as to their views. Visibility from the access point is considered acceptable, with the bend on the B6312 to the north east being over 70 metres away. Although vehicles are likely to reverse onto the carriageway, the Highway Authority is satisfied that there is sufficient space for the driver to see in both directions. In addition, vehicles waiting to turn right into the site would have sufficient space to stand in the middle of the carriageway. The new access will, however, require a footpath crossing to be constructed to Durham County Council standards under the terms of s184(3) of the Highways Act 1980.

19. Letters of objection concerning highway matters raise a number of safety issues. The concerns relate to stopping distances, the need to reverse into traffic, visibility, the size of drive and number of cars which could potentially use the access, and the need to extend double yellow lines if planning permission were granted.

20. Officers have discussed these matters at length with the Highway Authority, and the conclusion remains that the proposed access would not be harmful to highway safety. Correspondence has also occurred directly between one local resident and the Highway Authority with queries raised over whether a highways officer visited the site and how it is determined that the access would be safe. The highways section manager explained that several site visits had been undertaken to the site. Sacriston Lane is an urban single carriageway which already has several individual vehicular accesses onto it not unlike that proposed. The speed limit is 30 mph and the Highway Authority considers that 85% of cars will be travelling at 37 mph or less. This figure is used to derive a required sight distance of 59 metres. This distance is achieved, and visibility is considered to be rarely obstructed by

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parked vehicles due to the presence of double yellow lines and the central hatched markings. Boundary walls are low to the terraces on Louisa Terrace further aiding visibility. The Highway Authority state that traffic volume is quite high at 6500 vehicles per day but users of the new driveway will have to wait for a safe gap as do other motorists who use accesses onto this road.

21. The local resident responded in turn to the Highway Authority showing disagreement with the analysis, namely that 59 metres visibility is not available, that survey and analysis work is not substantive enough, and details are given of occasions where the objector has had to perform similar manoeuvres and did not consider them safe.

22. With expertise within matters of highway safety, it is considered that considerable weight must be attributed the Highway Authority's consistent view that the proposed development of access and parking area would be safe. Despite the strength of concern from some local residents over such an access, planning officers concur with the views of the Highway Authority and consider that there would not be reasonable highway safety grounds on which to refuse the application.

23. Officers acknowledge that this application was originally submitted in conjunction with a proposal for a new dwelling to the rear of Louisa Terrace, now withdrawn, and that the current proposal may well be motivated by a wish to provide access for a future dwelling resubmission. However the current application must now be considered on its own merits.

#### **Impact upon the Character and Appearance of the Area**

24. Policy Q9 of the Local Plan requires all alterations to residential property to remain sympathetic to the main dwelling, whilst policy H13 will not permit development proposals which would have a significant adverse effect on the character or appearance of residential areas.

25. Some content of the letters of objection received relates to the cutting down of trees and shrubs which occurred at No. 1 Louisa Terrace and the land to the rear. Queries are raised as to how these works were authorised at the time and whether now the Council can act to remedy the condition of the land. It must be noted that trees and shrubs have been removed from both this application site and from the site of the withdrawn new dwelling application.

26. None of the trees or other landscape features within either application site was formally protected by a tree preservation order or any other means of protection. As a result a landowner is entitled to do works to such trees or landscape features without the prior consent of the Local Planning Authority. When the trees and landscape features were removed, the Local Planning Authority did not give authorisation as authorisation was not required.

27. Officers acknowledge that such works will have had some detrimental impact upon visually amenity. The photographs supplied with some letters of objection do indicate former landscaped areas now removed and the objections can be fully appreciated by officers.

28. However, no authorization was required. Planning applications must only be refused for reasonable and justified reasons, if not the Council exposes itself to potential challenge and the awarding of costs against it.

29. One local resident has queried whether action could be taken by the Council due to

provisions within the Environmental Protection Act. That forms a separate statutory regime from planning and is not within the remit of this Committee. Although it seems unlikely that any action could be taken under the EPA, Officers will refer the matter to Environmental Health officers for their consideration.

30. Aside from the matter of the trees and landscape features removed from the site the physical alterations of a new vehicular access and hardstand driveway are considered to be acceptable in visual amenity terms. Details have been provided that a Marshalls Tegula Priora permeable paving system would be used, and such a hard stand is considered to be appropriate.

31. The applicant states that the rear of the property, where it meets the back lane, is to be stopped up. In order to ensure that any means of enclosure is appropriately designed a condition can be attached to any approval.

### **Other Issues**

32. One objector queries the public consultation exercise which has been undertaken with regards to the planning application. Letters were sent to the immediate neighbouring occupiers of the site. A site notice was not displayed. However, under statutory planning application publicity regulations, no such site notice is required. As a result officers consider that the public consultation exercise undertaken during the course of the application has been acceptable and proportionate to the development, and that there is no reason to delay the determination of the application upon such grounds.

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## **CONCLUSION**

33. This planning application relates only to the formation of a new vehicular access to Sacriston Lane, a classified road, and formation of related parking area. The application must be determined on its own merits.

34. The main area of consideration is highway safety. Significant concern with regards to highway safety has been raised by some local residents. The Highway Authority have assessed the proposed access in detail and concluded that the access is safe.

35. Much public objection relates to the previous removal of trees shrubs from the site and land to its rear. With said trees and landscape features not benefiting from any tree preservation order or other means of formal protection, the Local Planning Authority had no control over the removal works which were undertaken and the land owner was therefore entitled to undertake those works. Although the removal of such attractive features is regrettable, officers do not consider this as a justifiable reason to withhold planning permission for this development.

36. Planning approval is therefore recommended.

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## **RECOMMENDATION**

That the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. Prior to the commencement of the development details of means of enclosures to be

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erected around the site shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall thereafter be constructed in accordance with the approved details prior to the first use of the means of access hereby approved. Reason: In the interests of visual amenity in accordance with Policy Q9 of the City of Durham Local Plan 2004.

3. The footpath crossing shall be constructed to Durham County Council standards pursuant to S184 of the Highways Act 1980 prior to the first use of the means of access hereby approved. Reason: In the interests of highway safety, in accordance with the objectives of Policy T1 of the City of Durham Local Plan 2004.

The development hereby approved shall be carried out in strict accordance with the following approved plans. Proposed plan numbered 1 received 19<sup>th</sup> January 2011. Reason: To ensure that a satisfactory form of development is obtained in accordance with Policies T1 and T10 of the City of Durham Local Plan 2004.

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## **REASONS FOR THE RECOMMENDATION**

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1. The proposed formation of a new vehicular access to a classified road is considered to cause no detriment to highway safety or the character or appearance of the area in accordance with Policies Q9, H13, T1 and T10 of the City of Durham Local Plan 2004.

2. In particular, the development was considered acceptable having regard to the impact upon highway safety of a new access onto a classified road.

3. Much public objection to the proposal related to highway safety concern, and these the Highway Authority have commented upon, with their conclusion being that conditions prejudicial to highway safety are unlikely to result. Concerns have also been expressed regarding the previous removal of trees and landscape features from the site and land to rear. Whilst such removal of attractive features is regrettable, officers do not consider that these works, not requiring Local Planning Authority consent, is a justifiable reason to withhold planning permission for the development proposed.

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## **BACKGROUND PAPERS**

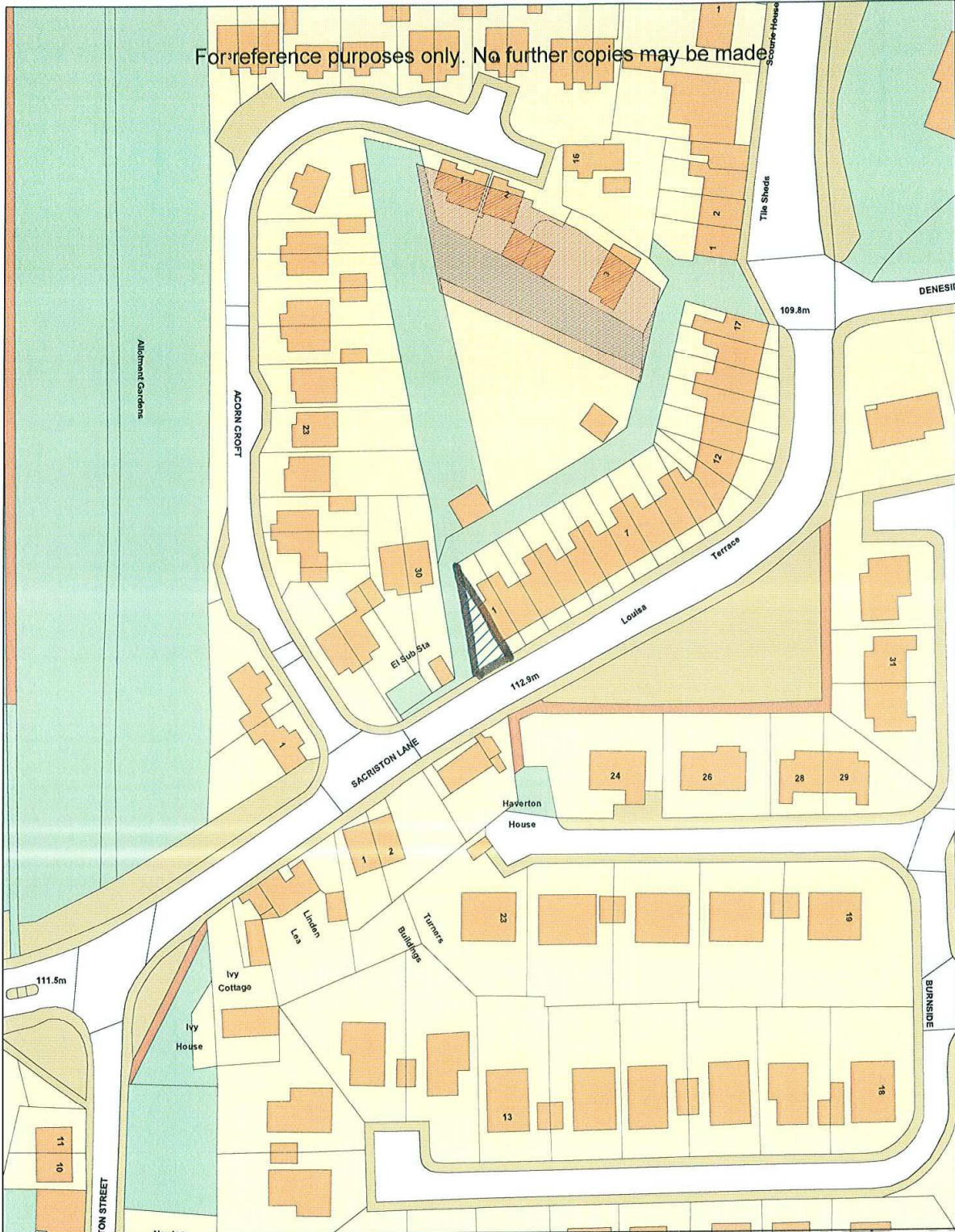
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Submitted Application Forms and Plans.  
Submitted Design and Access Statement  
City of Durham Local Plan 2004  
Regional Spatial Strategy  
Planning Policy Statement 1 and Planning Policy Guidance 13  
Responses from County Highway Authority  
Public representations  
Planning Circular 11/95





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**Planning Services**

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4/11/00036/FPA	
1 Louisa Terrace, Witton Gilbert	
<b>Comments</b>	
<b>Date</b>	29 March 2011
<b>Scale</b>	1:1000

