



Area Planning Committee (South and West)

Date Thursday 8 May 2014
Time 2.00 pm
Venue Council Chamber, Civic Centre, Crook

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 17 April 2014 (Pages 1 - 4)
5. Applications to be determined
 - a) 3/2013/0056 - Land east of New Row, Oakenshaw, Crook (Pages 5 - 14)
Storage Building and Access Road
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham

30 April 2014

To: **The Members of the Area Planning Committee (South and West)**

Councillor M Dixon (Chairman)

Councillors J Buckham, D Bell, D Boyes, J Clare, K Davidson,
E Huntington, S Morrison, H Nicholson, A Patterson, G Richardson,
L Taylor, R Todd, C Wilson and S Zair

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DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 17 April 2014 at 2.00 pm**

Present:

Members of the Committee:

Councillors J Armstrong, D Bell, D Boyes, J Clare, K Davidson, J Gray, E Huntington, H Nicholson, A Patterson, G Richardson, L Taylor and C Wilson

Also Present:

J Byers – Planning Team Leader (South and West Area)
L Renaudon – Solicitor (Planning and Development)
J McGargill – Highways Officer

In the absence of the Chairman and a Vice-Chairman for the Committee, Councillor H Nicholson was elected to chair the meeting.

Councillor H Nicholson in the Chair.

1 Apologies for Absence

Apologies for absence were received from Councillors J Buckham, M Dixon, S Morrison, R Todd and S Zair.

2 Substitute Members

Councillor J Gray substituted for Councillor M Dixon and Councillor J Armstrong substituted for Councillor R Todd.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 20 March 2014 were confirmed as a correct record subject to the reference to 'ANOB' in minute numbered 5a Planning Application 3/2013/0347 - Ireshope Plains, Ireshopeburn, being amended to read 'AONB'.

The Chairman signed the Minutes.

5 Applications to be determined

5a 7/2013/0269/DM - Land at and to west of K Hartwell Ltd, Green Lane Industrial Estate, Spennymoor

Consideration was given to the report of the Planning Team Leader regarding an outline application for up to 120 dwellings including details of access (for copy see file of Minutes).

J Byers, Planning Team Leader gave a detailed presentation on the application which included photographs of the site. Members had visited the site and were familiar with the location and setting.

Members were informed that since the report had been circulated a further representation had been received from a local resident. The resident expressed concern with regard to the proposed changes to the restriction on Enterprise Way, that his property would be in the centre of a large development adjacent to a busy through road with changed traffic priorities, and would be next to a play area.

The Planning Team Leader advised of a proposed amendment to condition numbered 2 which would allow the application for approval of reserved matters to be made before the expiration of four years from the grant of planning permission, instead of three. This was considered to be reasonable in view of the programme of works required prior to the submission of an application for the approval of reserved matters.

It was also proposed to amend the recommendation in the report. If the application was approved by the Committee this should be subject to the completion of a Section 106 Obligation to secure the provision of a minimum of 10% affordable housing units on site.

Councillor N Foster, local Member addressed the Committee. He stated that his initial concerns had mirrored those of residents in terms of highway safety. However he felt that these concerns had been addressed by the proposed traffic restriction outlined in the report which would separate residential, commercial and industrial vehicles. In addition Councillor Foster noted the concerns expressed about construction traffic which should also be segregated from neighbouring residential properties by using the route to the north of the site from Butchers Race.

Overall he was of the view that the development would meet the needs of the area and would enhance Durham Gate. An additional five hectares of employment land was proposed adjacent to the Thinford Roundabout which was similar in size to the application site.

These views were endorsed by local Member Councillor Barbara Graham who had examined the proposals in detail and offered her support to the application.

Mr P Grylls addressed the Committee on behalf of the Applicant. He stated that the proposals would represent an attractive extension to the very successful development of Durham Gate.

The development would provide 120 family homes in a sustainable urban location on an underused brownfield site. The highways issues had been addressed and the development complied with relevant Local Plan Policies.

The scheme was well-designed, was in keeping with the surrounding area and there would be no loss of residential amenity to neighbouring properties.

Mr Grylls continued that the proposals represented significant investment in Spennymoor and would create local jobs. The development was a catalyst for the positive transformation of the town.

In conclusion he stated that the proposals would complement the character of the area and meet an established need for housing.

J McGargill, Highways Officer commented on the highways matters raised. The current restriction on Enterprise Way had achieved segregation of commercial, industrial and residential traffic. The proposal to relocate the existing restriction further north to accommodate the vehicular access to serve the development would retain this segregation. The concerns expressed regarding construction traffic could be dealt with at the reserved matters stage to ensure that a suitable route was utilised until the completion of the development.

In response to a question from Councillor Armstrong, J McGargill advised that the existing turning head was adjacent to the proposed access restriction and would need to be removed. The turning head had been constructed for use by commercial vehicles and was currently used by residents for parking, however a detailed design proposal would be acceptable that could provide a longitudinal bay which could accommodate two vehicles.

Councillor Boyes stated that his initial concerns about the location of the development in an industrial area had been addressed by traffic mitigation measures to segregate commercial, industrial and residential traffic, and also by the requirement for a detailed acoustic mitigation scheme, as outlined in condition 15. He noted that the proposals would only require the minimum of 10% affordable housing but understood the current economic climate and its impact on the housing market. On balance he was in support of the proposals.

For clarification Councillor Boyes asked what weight should be given to Saved Local Plan Policies and the emerging County Durham Plan. The Planning Team Leader informed Members that in accordance with the NPPF greater weight should be given to Saved Local Plan Policies that were consistent with the NPPF. Limited weight may be given to the emerging County Durham Plan according to the degree of consistency of policies in the Plan to the policies in the NPPF.

In response to a question from Councillor Huntington regarding the disposal of foul water the Planning Team Leader advised that the Council would liaise closely with Northumbrian Water to bring about the increase in the capacity of the Tudhoe Mill Pumping Station within the 5 year implementation period of any planning approval.

Following discussion it was **Resolved:**

That the application be approved subject to:

- (i) the conditions outlined in the report with condition 2 being amended to read as follows:-

‘Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of four years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last reserved matter to be approved’.

- (ii) the completion of a Section 106 Obligation to secure a minimum requirement of 10% affordable housing units on site, and the entering into a Targeted Recruitment and Training Programme.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/2013/0056
FULL APPLICATION DESCRIPTION:	STORAGE BUILDING AND ACCESS ROAD
NAME OF APPLICANT:	MR SEAN PATTINSON
ADDRESS:	LAND EAST OF NEW ROW, OAKENSHAW, CROOK, DL15 0TE
ELECTORAL DIVISION:	WILLINGTON ED
CASE OFFICER:	Adam Williamson Planning Officer 03000 260826 adam.williamson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The application site consists of a parcel of agricultural land adjacent to New Row, Oakenshaw. The parcel of land originally was part of a larger agricultural field, but has become subdivided in recent years to form smaller plots. To the east of the site is woodland, to the west are the dwellings that form New Row, whilst to the south is open land. To the north of the site is a building approved in 2011, which is used for horticultural business storage, and beyond that is another recently approved agricultural building. The site is bounded to New Row by a 1 metre high agricultural style timber fence. The land slopes away to the east.

The proposal

2. Planning permission is sought for the erection of a mixed use storage building for agricultural implements, livestock feed, tractor, tool storage, as well as having 6 sheep pens and a holding pen for lambing and accommodating sick sheep.
3. The proposed building would measure 17.6 metres in length by 9 metres in width, 3.4 metres to the eaves and 4.4 metres to the ridge.
4. The proposed building would be dug into the site by approximately 2 metres, with a landscaped bund measuring 2 metres in height created to the western side of the proposed building to help screen it from New Row.
5. This application was called to Committee by the former local member Becky Brunskill over concerns over the scale of the development and highway safety.

PLANNING HISTORY

6. In February 2011, the South West Planning Committee approved a building immediately to the south of the site for horticultural storage (ref. 3/2009/0566). That building is in separate ownership.
7. An agricultural building was also approved under delegated powers on a separate plot (ref. 3/2011/0298).
8. This current application is a resubmission following withdrawal of application 3/2012/0392.

PLANNING POLICY

NATIONAL POLICY

9. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). The framework establishes a presumption in favour of sustainable development. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
10. Relevant key aims are securing sustainable patterns of development, supporting a prosperous rural economy and conserving the natural environment.

LOCAL PLAN POLICY:

11. The following saved policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are considered to be consistent with the NPPF and can therefore be given weight in the determination of this application:
12. *ENV1 Protection of Countryside* - Development in the countryside will only be allowed for the purposes of agriculture, farm diversification, forestry, outdoor recreation, or existing compatible uses.
13. *GD1 General Development Criteria* - New development should among other things be well designed, appropriate to the setting, not conflict with adjoining uses, protect and enhance the environment, have safe vehicular access and not create levels of traffic that exceed the local road network.

EMERGING LOCAL POLICY

14. The County Council is currently developing a countywide Local Plan (County Durham Plan) to replace all existing District Local Plans; however, the weight to be accorded to the draft policies is very limited in that the plan has not yet been subject to examination and may change prior to adoption.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

15. *The Coal Authority* originally objected to the proposal, however, this objection has been withdrawn following the submission of a Coal Mining Risk Assessment.
16. *Greater Willington Town Council* did not submit any formal comments.
17. *The Highway Authority* has stated that the sight visibility from the proposed access position onto New Row is satisfactory. Conditions should be attached restricting the building's use.

INTERNAL CONSULTEE RESPONSES:

18. *The Ecology Section* has raised no objection to the proposal.

PUBLIC RESPONSES:

19. The application was publicised by site notice and letters were sent to nearby neighbouring properties. 25 letters of objection and 1 letter of support have been received. The main points raised in the objections relate to the visual impact of an additional building in proximity to 2 similar existing buildings. There are also concerns about whether the building will be used for other business uses and the impact of traffic and site activities on nearby properties and the adjacent nature reserve.

APPLICANTS STATEMENT:

20. The building will be used only for the storage of hay, straw and feed bins, machinery and implements. An area will be used for maintenance of the tractor with a bench to store parts. In addition the building will be used to house sheep hurdles and electric fencing, posts, timber, stock mesh and barbed wire. An area will be allocated for stock pens for injured, lame or sick livestock.

PLANNING CONSIDERATIONS AND ASSESSMENT

21. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004, development plan policies and relevant guidance, and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development; impact on the character and appearance of the surrounding area; highway safety; residential amenity; and ecology.

Principle of development

22. The key underlying aim of national, regional and local planning policy is to create sustainable patterns of development. In this respect preference is given to development of suitable sites within or adjacent to the development limits of towns and villages.
23. The application site is not previously developed land and is located in open countryside, albeit on land immediately adjacent to the settlement of Oakenshaw and close to the applicant's home where the need to travel will be minimised.
24. The subdivision of the larger field into separate ownership has resulted in small individual plots which are no longer suitable for any commercial agricultural

activities and is reflected in the use of the two existing buildings which are in horticultural and hobby farming use. While the proposed building would have some agricultural use for storage of animal feed, agricultural machinery and livestock pens, it too cannot be considered to be strictly for agricultural purposes or for an agricultural trade or business.

25. In such circumstances the normal presumption in favour of agricultural development in the countryside does not apply. Wear Valley Local Plan Policy ENV1 does however allow some flexibility beyond purely agricultural uses and is permissive of development in the countryside for other compatible uses provided that the requirements of other relevant policies are satisfied. In particular, Policy GD1 requires that new development should among other things be well designed, appropriate to the setting, not conflict with adjoining uses, protect and enhance the environment, have safe vehicular access and not create levels of traffic that exceed the local road network.
26. The proposed use of the building is considered to be reasonably compatible with a countryside setting and the appearance of the building would be of a typical agricultural building found on farms throughout the countryside. The use of the building could be controlled by conditions to ensure it remains appropriate to the rural setting. The proposal is therefore not sufficiently in conflict with Local Plan Policy ENV1 and the general planning aims of promoting sustainable patterns of development to justify refusal on the principle of development. It is considered more appropriate in this case to judge the proposal under the requirements of Local Plan Policy GD1 in respect of whether it would have an acceptable impact on the character and appearance of the surrounding area, including the landscape impact, impact on residential amenity and highway safety.

Impact on the character and appearance of the surrounding area

27. Because of the presence of 2 buildings on adjacent sites, the consideration of how to limit the visual impact of a 3rd building and retain the rural character of the area has been of primary concern. Public views of the site from New Row are particularly important in this respect and the effect on the general character of the area has been given consideration in the detailed siting of the building and proposed landscaping, which have seen significant amendment from the application which was withdrawn in 2012 to address these specific issues.
28. The land rises from New Row before falling back down to the west. The proposed building would be located over the brow of the hill on the lower section of land furthest away from New Row. In addition, the ground would be excavated by 2m to set the building even lower and a raised bund would be formed to the west with landscaping above to act as a further screen for views from New Road. The precise details of planting can be conditioned and it is proposed to condition that the colour of the roof materials should be dark green or brown to sit comfortably in the landscape and against the woodland backdrop.
29. The building is larger than would normally be expected for the size of the plot, however the siting of the building and landscape measures would effectively screen the building from views along New Row and therefore, even though there are already 2 similarly sized buildings nearby, the proposed building would not result in an unacceptable cumulative impact on the landscape and its limited visibility would ensure that the existing rural character of the area would not be significantly altered by its presence. This could be further controlled by conditions

to ensure that there is no outside storage of vehicles and machinery within the wider site.

30. It is noted that access to the building is to be along a 90 metre long track. It is proposed that this track be gravelled and a new access formed on to New Row. Approximately half of the track would be visible before dropping down the slope to the east. Subject to agreeing the precise details of the track and colour of the gravel, the visual impact of the short visible section of track would not be unacceptable in the context of the surrounding area.
31. The site is not subject to any special landscape designation in the local plan and subject to conditions controlling its use, materials and landscaping, the proposal would not have an adverse impact on the character and appearance of the surrounding area in accordance with saved policy GD1 of the Wear Valley District Local Plan.

Highway safety

32. The proposal involves the formation of a new access onto New Row. The Highway Authority has been consulted on the proposal and concludes that visibility from the access is acceptable for the proposed use of the building. It is also considered that the use of the proposed building would not create traffic movements of a level that would cause a hazard to users of the highway or exceed local highway capacity.
33. It is considered that the proposal is in accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

Residential amenity

34. There have been concerns raised in objections about the impact on the residential amenity of properties along New Row.
35. The proposed building would be sited over 135m metres from the nearest property on New Row, behind the brow of the hill and proposed bund.
36. The applicant has a small number of around 30 sheep which he would like to relocate to this site, but only one third of the building would be given over to animal housing, which would only occur at lambing time, overwintering in severe weather or care of sick animals. This can be conditioned to prevent more intensive use. Other activities within and associated with the proposed building would include tractor and agricultural machinery storage/maintenance, tool storage and occasional vehicle comings and goings related to delivery of feed, animal transportation and land maintenance. There are similar activities taking place on the adjacent sites and therefore the use would not be out of character with its surroundings.
37. It is considered that the use of the building would not be intensive and the combination of the landform, proposed bund and distance to New Row, as well as conditions to control the use, would be sufficient to ensure the impact on the amenity of the properties in New Row would not be unreasonable. In addition, New Row is on the main road through Oakenshaw linking Stockley Lane to Willington and the Highways Authority considers that the level of traffic generated

by the use of the proposed building is unlikely to be significant. Therefore, it is considered that in addition to general use of the building, the vehicular comings and goings from the proposed building would be unlikely to have an adverse impact on the amenity of properties in New Row.

38. It is considered that the proposal is in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 in respect of impact on residential amenity.

Ecology

39. The impact on biodiversity is a material planning consideration and the Local planning authority must have regard to the Conservation of Habitats and Species Regulations 2010 in respect of any development that would impact on a protected species.
40. To the east of the site is a local nature reserve which is on the site of the former open cast coal mine. The site itself is however a grazing field with little ecological value or interconnectivity and the building and engineering works would not encroach into the nature reserve or affect the habitat of any protected species on or adjacent to the site. This view is supported by the Ecology Section who consider that the proposed building and its use would not have a damaging impact upon the adjacent nature reserve or any protected species.
41. It is therefore considered that a Natural England licence will not be required and the Local planning authority can satisfy its responsibilities under the Habitats Regulations. The proposal accords with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 and the guidance in the NPPF.

Other issues

42. The effect on property values and future investment, as raised in the objections, are not material considerations which can be given any weight in the consideration of this application.
43. A number of objections have been received because of concerns that the building will not be used for its intended purpose given the applicant operates a car sales business. However, the proposal must be considered on the basis of the submitted details and its merits. It is also noted that the applicant has recently acquired a unit at the Low Willington Industrial Estate for his car sales business. Conditions would ensure the proposed building could not be used for storage, repair or sales of motor vehicles.

CONCLUSION

44. Although the proposed building would not be strictly for agricultural business purposes, it would be suitably located and adequately screened by site levels and proposed landscaping to ensure it would not be an intrusive element in the landscape. It would not give rise to a level of activity or traffic that would be detrimental to the amenity of neighbours, or exceed the capacity of the local highway network, and it would not have a detrimental ecological impact. It is therefore considered that the proposal is in accordance with policy GD1 of the

RECOMMENDATION

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

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. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Plan Ref No.	Description	Date Received
	Red Line Site Plan	25.02.2013
01	Proposed internal layout	25.02.2013
02	Proposed elevations	25.02.2013

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. The building hereby approved shall not be used for the repair or storage of any vehicles or machinery which are not reasonably required for the maintenance of the land or other horticultural and agricultural purposes.

Reason: To ensure the use of the building is appropriate to this countryside location and in the interests of residential amenity. In accordance with policies GD1 and ENV1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

4. There shall be no vehicle or machinery sales or hire from the building hereby approved.

Reason: To ensure the use of the building is appropriate to this countryside location and in the interests of residential amenity. In accordance with policies GD1 and ENV1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

5. There shall be no external storage of vehicles or machinery within the site.

Reason: In the interests of the appearance of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

6. The only livestock to be accommodated within the building hereby approved shall be sheep or goats during periods of lambing, overwintering or in temporary cases of emergency, sickness or quarantine.

Reason: In the interests of residential amenity and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

7. The profile steel sheets to be used in the building hereby approved shall have an external colour finish of dark green or dark brown.

Reason: In the interests of the visual amenity of the area in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

8. No development shall commence until details of the surface treatment and construction of all hardsurfaced areas, including the access track, have been submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

9. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of planting species, sizes, layout, numbers and maintenance regime.

Reason: In the interests of the visual amenity of the area and to comply with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local planning authority gives written consent to any variation. Replacements shall be subject to the same requirements.

Reason: In the interests of the visual amenity of the area in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

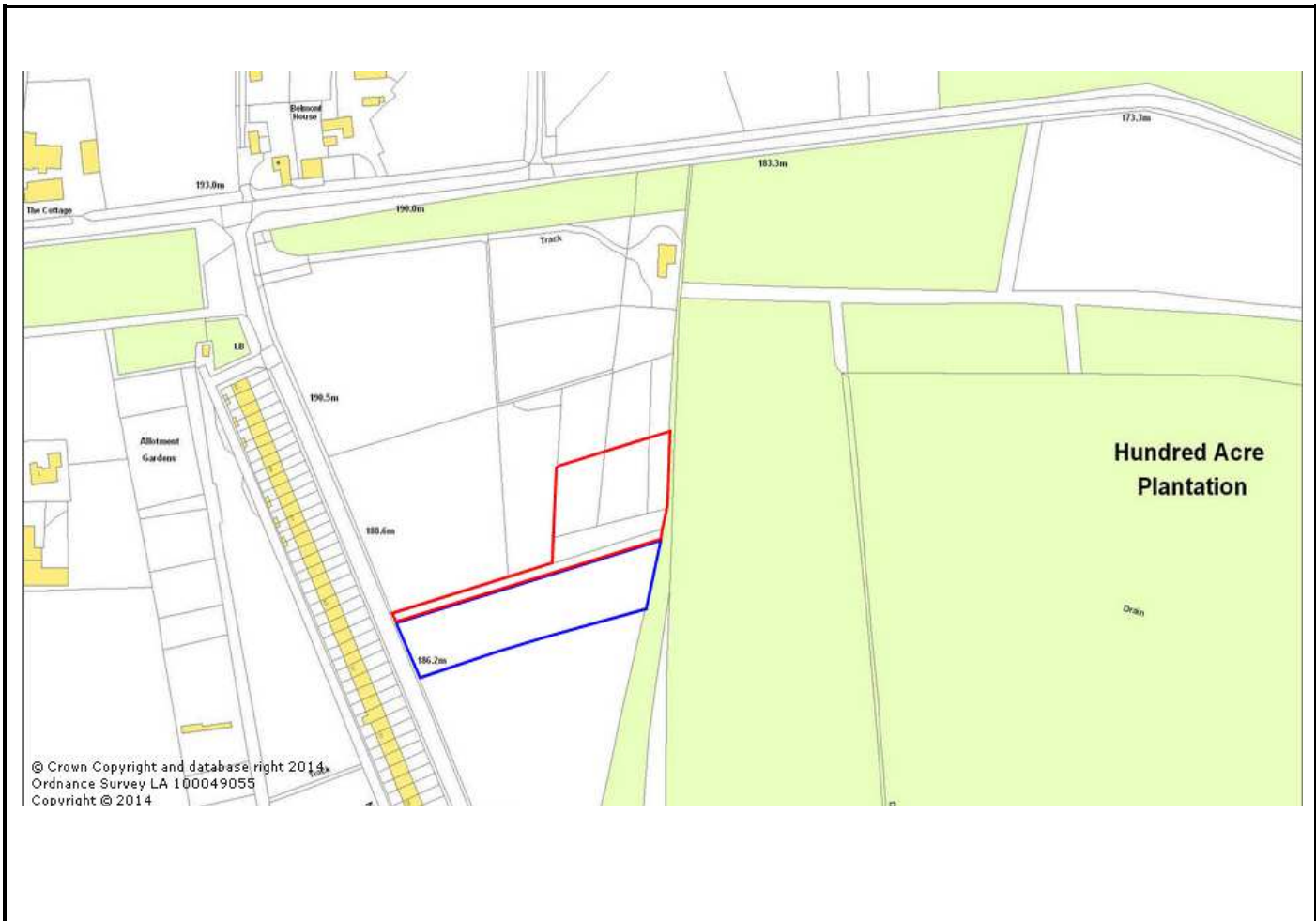
STATEMENT OF PROACTIVE ENGAGEMENT


The Local Planning Authority in arriving at its recommendation to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality development with minimal impact on the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

Submitted Application Forms, Plans and Statements

National Planning Policy Framework
 Wear Valley Local Plan
 Consultee comments
 Public Consultation Responses



 <p>Planning Services</p>	Land East of New Row, Oakenshaw, Crook, DL15 0TE	
This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005	Comments	Storage building and access road (resubmission)
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