

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	4/11/00630
<b>FULL APPLICATION DESCRIPTION:</b>	Extension of sawmill building, extension of the outside storage area, new road, re-siting of log grading line and bark store and construction of weighbridge
<b>NAME OF APPLICANT:</b>	Taylor-made Timber Ltd
<b>ADDRESS:</b>	Taylor-made Timber Ltd, Sherburn Hill, Durham, DH6 1PS
<b>ELECTORAL DIVISION:</b>	Sherburn
<b>CASE OFFICER:</b>	Sinead Turnbull

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The site

1. Taylor-made Timber Ltd is an established timber yard located within the settlement limits of Sherburn Hill, to the north of the village. The site is allocated as a general industrial site by virtue of policy EMP9e of the City of Durham Local Plan 2004, which permits use classes B1 (Light Industry), B2 (General industry) and B8 (Warehousing). The application site falls into the category of general industry use class B8.
2. The business operates 24 hours a day. The site occupies the former Sherburn Hill colliery, which closed in 1965, and land immediately east of the timber yard, which comprises the former colliery spoil heap which has been planted with conifers. The site is made up of several buildings and outside storage areas for timber and bark. Parking is provided on site for both staff and visitors to the site. The site is accessed from Littleton Lane.

#### The proposal

3. Planning permission is sought for the extension of the sawmill building, extension of the outside storage area, new access road, re-siting of log grading line and bark store and construction of a weighbridge.
4. The extension to the sawmill building would be to the north east of the building. It would have a length of 18 metres and a width of 9.5 metres. The extension would be constructed of materials to match the existing sawmill building.
5. The relocation of the bark outside storage area would be required to allow for the extension of the sawmill building. The bark storage would be relocated to the north eastern corner of the site adjacent to the spoil heap woodland. The bark storage area would consist of three separate bark store duckets. The relocated bark storage area would be slightly larger than the existing bark storage area.

6. The application includes a proposed new 4 metre wide one way access road, with vehicle standing areas, through a section of the conifer plantation. The new access road would have a concrete finish and will begin at the existing site entrance continuing west for approximately 80 metres, then ending at the newly re sited bark store.
7. The log grading line would be sited to the north east of the sawmill building, adjacent to the plantation.
8. The weighbridge would be site to the north of the existing outside storage area, adjacent to the plantation. The proposed new weighbridge would include a small reception kiosk constructed of stained vertical timber boarding.

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## **PLANNING HISTORY**

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9. 4/98/00903 Erection of undercover timber treatment area and associated guard rail  
Approved 18/3/1999
10. 4/00/00092 Erection of undercover timber treatment area and associated guard rail  
Approved 27/4/2000
11. 4/00/00329 Prior Notification for the siting of 15 metre high telecommunications monopole, associated equipment cabin and compound refused 19/6/2000
12. 400/00812 Variation of condition No 14 of Planning Permission 4/79/289 to permit extended working hours up to 1 a.m. daily Approved 9/5/2001
13. 4/00/00902 Erection of extensions to existing sawmill building to house drop sorter machinery Approved 28/3/2001
14. 4/01/00514 Retention of covered timber drying area Approved 17/8/2001
15. 4/02/00218 Erection of timber treatment building Approved 6/6/2002
16. 4/03/00972 Installation of 20 metre high telecommunications mast with 3 no. antennae and 2 no. transmission dishes and associated equipment cabinets  
Approved 13/11/2003
17. 4/04/00104 Erection of timber treatment building Approved 23/3/2004
18. 4/04/01162 Erection of extension to existing sawmill building Approved 19/11/2004
19. 4/04/01161 Erection of electricity sub-station Approved 19/11/2004
20. 4/05/01124 Change of use of land to provide extended storage area including diversion of right of way, demolition of derelict buildings, re-siting of gatehouse, erection of boundary fences and gabion walls, creation of car park and removal and planting of trees Approved 16/3/2006
21. 4/06/00146 Erection of machine shed Approved 20/3/2006
22. 4/06/01187 Variation of planning approval 4/00/812/VOC to permit extended working hours of 6am to midnight Monday to Thursday, 6am to 4pm on Friday and 7am to noon on Saturday and Sunday Approved 10/01/2007

23. 4/07/00318 Retention of kiln, erection of enclosed bark store and creation of additional storage area with associated lighting. Relocation of weighbridge and gatehouse and revised access arrangements Approved 17/5/2007
24. 4/07/00562 Erection of single storey pitched roof extension to existing treatment building Approved 30/7/2007
25. 4/08/00429 Erection of roof over existing storage area, re-grading of existing mound and construction of tarmac surface with associated access to provide additional storage, and re-siting of existing boundary fence including diversion of public right of way and associated new highway access to C60 Approved 24/6/2008
26. 4/08/00426 Erection and display of 2 no. internally illuminated signs Approved 2/7/2008
27. 4/08/00652 Re-grading of existing mound and construction of tarmac surface with associated access to provide additional storage, re-siting of existing boundary fence including diversion of public right of way and associated new highway access Approved 4/9/2008

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

28. *Planning Policy Statement 1: (PPS1) Delivering Sustainable Development* sets out the Government's overarching planning policies on the delivery of sustainable development through the Planning System.
29. *Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth* sets out the Government's objectives for achieving sustainable economic growth. Local authorities are required to assess the existing and future supply of land available for economic development, ensuring that existing site allocations for economic development are reassessed. Site allocations should not be carried forward where there is no reasonable prospect of their take up. If there is no reasonable prospect of a site being used for the allocated economic use, the allocation should not be retained, and wider economic uses or alternative uses should be considered.
30. *Planning Policy Statement 9: Biodiversity and Geological Conservation* sets out planning policies on protection of biodiversity and geological conservation through the planning system.
31. *Planning Policy Guidance 13 (PPG13): Transport* sets out the Government's objectives to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices. Local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, and accommodate housing principally within urban areas.

## REGIONAL PLANNING POLICY

32. *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. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.
33. *Policy 2: Sustainable Development* is concerned with providing for development which delivers environmental, social and economic objectives to improve the quality of life for all without threatening, either now or in the future, the viability of the natural, built and social systems on which the deliverability of these objectives depends.
34. *Policy 8: Protecting and Enhancing the Environment* which requires new development to be of high quality and maintain local distinctiveness.
35. *Policy 33: Biodiversity and Geodiversity* require planning proposals to ensure that the Region's ecological and geological resources are protected and enhanced to return key biodiversity resources to viable levels.
36. However, The Secretary of State for Communities and Local Government's letter dated 27<sup>th</sup> May 2010 announced the Government's intention to abolish Regional Strategies and return decision making powers on housing and planning to local councils.

## LOCAL PLAN POLICY: (City of Durham Local Plan 2004)

37. *Policy EMP9e* Designates the application site as a local industrial site permitting light and general industry (Use Classes B1 and B2) provided that there is no significant detrimental effect on the environment or on the amenity of the occupiers of adjoining or nearby property and the development of neighbouring areas. Uses within class B8 (Warehousing) are also permitted.
38. *Policy E14: Trees and Hedgerows* sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
39. *Policy E16: Protection and Promotion of Nature Conservation* is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
40. *Policy T1: Traffic Generation – General* Considers traffic generation of new development and resists development which would be detrimental to highway safety and/or have a significant affect on the amenity of occupiers of neighbouring property.

41. *Policy Q1: General Principles – Designing for people* sets out the criteria which development should consider in relation to meeting the access requirements of all users of the development. Development should also address safety and be adequate for the needs of the particular use of the proposal.
42. *Policy Q2: General Principles – Designing for Accessibility* Sets out the criteria which development should consider in relation to meeting the access requirements of all users of the development. Development will be expected to embody the principle of sustainability.
43. *Policy Q7: Layout and Design – Industrial and Business Development* The siting, design and external appearance of all new industrial and business development will be required to be of a standard appropriate to the designated area within which it is located and have regard to policies Q1 and Q2.

*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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### **STATUTORY RESPONSES:**

44. None requested

### **INTERNAL CONSULTEE RESPONSES:**

45. *Highway Authority:* The internal layout of the site would be rationalised by the new timber wagon delivery route and log grading line. No objection to the proposal provided clear markings or signs indicate the priority of traffic at the junction of the new link road with the main access route.
46. *DCC Ecology:* No objection subject to the conditioning of the contents of Section E (Mitigation and Compensation) of the protected species survey.
47. *DCC Public Rights of Way:* The proposal would not affect any public rights of way.
48. *DCC Landscape (Trees):* No comments received.
49. *DCC Pollution Control:* No comments offered.

### **PUBLIC RESPONSES:**

50. No comments received

### **APPLICANTS STATEMENT:**

51. Extracts have been taken from the applicant's design and access statement and the application file.
52. In order to satisfy demand for timber in the market additional outside storage space for raw and finished treated timber is required.

53. The introduction of a one way system will help site operations to run more efficiently and also create a safer environment for pedestrians as all traffic will be from the same direction.
54. All new structures on the site will be constructed of materials to match existing structures on the site.
55. Mitigation measures have been recommended to ensure that protected species are not harmed as a result of the development.
56. Landscape improvements shall be made to the site to remediate for alterations to the land and the plantation.

*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=10/00955/FPA>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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57. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, 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 surrounding area, protected species, trees and highway safety.

### Principle of the development

44. The application site is an established, thriving business employing over 100 people. The business is located within the settlement of Sherburn Hill and is located less than 4 miles from Durham City. The business is located on the former Sherburn Hill colliery site.
45. National planning policy contained within PPS4 seeks to secure sustainable economic development. The proposed development is considered to contribute to the local economy and be sited in a reasonably sustainable location. PPS4 lends its support to sustainable economic growth and states that such proposals should be looked upon favourably. Regional policy supports sustainable economic development, in particular on previously developed land, such as the application site. The need for the proposed development has arisen due to increased demand for timber in the UK market. The proposal can be supported as it is situated in a sustainable location and would contribute to the continuing viability of a local business.
46. The development is considered to be acceptable in principle, in accordance with policy EMP9e of the City of Durham Local Plan 2004 and PPS1, PPS4 and PPG13.

### Impact on the surrounding area

47. The application site is somewhat secluded. The majority of outside storage and buildings are set back from the highway and are not readily visible within the landscape due to tree coverage provided by the wooded spoil heap and the existing land form. The extension to the sawmill building and alterations to the outside storage areas would be constructed of materials to match existing structures on the site and would be screened by the conifer plantation. Due to the design, scale and

existing screening of the proposed development it is considered that the proposal will not have any significant detrimental impacts on the visual amenity of the area.

48. The site is located to the north of the village at a reasonable distance from residential properties. The development is considered to be of a minor scale and as such it is considered that disruption to residents of Sherburn Hill shall be minimal. The proposal would bring about the introduction of a one way system of traffic management which will ensure that vehicles will not back up onto the main road waiting to be weighed. The proposed improvements to traffic management at the site would further reduce the impact of the site on the local area.
49. The proposed development is considered to be in accordance with policies Q1, Q2 and Q7 of the City of Durham Local Plan 2004.

#### Protected species

50. The presence of protected species such as badgers in this instance is a material consideration, in accordance with Circular 06/05 to PPS9 Biodiversity and Geological Conservation. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 1994. These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.
51. The species protection provisions of the Habitats Directive, as implemented by the conservation (Natural Habitats Etc.) Regulations 1994, contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a European Protected Species (EPS). For development activities this licence is normally obtained after planning permission has been granted. The three tests are that:
  1. The activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
  2. there must be no satisfactory alternative; and
  3. favourable conservation status of the species must be maintained.
52. Notwithstanding the licensing regime, the Local planning authority (LPA) must discharge its duty under Regulation 3(4) and also address these three tests when deciding whether to grant planning permission for a development which could harm an EPS. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
53. As badgers, which are a protected species, are known to be present in the area and potentially may be disturbed by the proposed development, the applicant has submitted a protected species survey. The known badger setts are considered unlikely to be directly impacted upon by the development, however it is not known what how extensive the set is or the foraging grounds. Therefore a 30m buffer zone will be imposed around the sett entrances, within which wood which will only be cleared as absolutely necessary to make way for the proposed new road. Mitigation measures set out in section E of the Badger survey includes reflectors along the

entire length of the road, 10mph speed limit and 30m buffer zone which shall all be conditioned. Furthermore in discussions with ecology a scheme to allow badgers to climb over the gabion retaining wall will be required so foraging badgers are not isolated from their sett's.

54. It is considered that the granting of planning permission would not constitute a breach of the Conservation (Natural Habitats etc) Regulations 1994.
55. The development is considered to be in accordance with policy E16 of the City of Durham Local Plan 2004 and PPS9.

#### Trees

56. The proposed development involves the construction of a weighbridge and new access road through the existing tree plantation. The construction of this access road would require the felling of a section of this wooded area.
57. The predominantly single species coniferous reclamation wood is over 30 years old and was established on the Sherburn Hill Colliery spoil heaps in unfavourable growing conditions. Despite this, annual incremental growth rates are relatively good. The trees have a positive quality as a group. However, the removal of trees for the new weighbridge and access road would not represent a substantial loss of visual amenity value, given the relatively hidden or distantly seen circumstances of the plantation.
58. It is proposed to replant trees on a section of the spoil heap which is currently open land. It shall be a condition of the planning permission that a landscaping scheme indicating replanting of trees within the site is submitted to the local planning authority prior to the commencement of the development.
59. The applicant has incorporated the guidance of the Council's landscape section into the scheme. It is considered that the development would not be significantly detrimental to trees within the site in accordance with policy E14 of the City of Durham Local Plan 2004.

#### Highways

57. Durham County Council's Highways Engineer has been consulted and raises no objections to the proposals. The development is not expected to lead to an increase in vehicular traffic. The internal layout of the site would be rationalised by the new timber wagon delivery route and log grading line. There should however be clear markings or signs to indicate the priority of traffic at the junction of the new link road with the main access route. The proposed development is considered to be in accordance with policy T1 of the City of Durham local Plan 2004 and PPG13.

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## **CONCLUSION**

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58. This decision has been taken having regard to the national planning policy contained within PPS1, PPS4, PPS9 and PPG13, policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008 and the City of Durham Local Plan 2004 which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004.



59. The scheme would involve development within the settlement limits of Sherburn Hill on land allocated as a local industrial site where B2 Use Classes (General Industry). The proposals would contribute to the continuing viability of the business. The proposal is considered to be sustainable development. It is considered that the proposal would be in accordance with policies EMP9e and Q7 of the City of Durham Local Plan 2004, PPS1 and PPS4.
60. The proposed development is considered to be of a standard appropriate to the designated area within which it is located in accordance with Policies EMP9e, Q1, Q2 and Q7 of the City of Durham Local Plan 2004 and PPS4.
61. The issue of protected species has been addressed through the submission of a badger survey report and the conditioning of the mitigation measures recommended by the report and the Council's ecologists.
62. The proposal would have a positive effect on highway safety by ensuring that vehicles do not have to queue on the main road while waiting to be weighed in accordance with policy T1 of the City of Durham Local Plan 2004 and PPG13

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## **RECOMMENDATION**

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

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
	Site Location Plan	2/8/2011
849.E.06	Drop sorter building (proposed plans)	2/8/2011
849.E.04	New and re-sited ancillary buildings	2/8/2011
849.E.02A	Proposed site plan (preliminary)	2/8/2011
849.E.03	Sections	2/8/2011

*Reason: To define the consent and ensure that a satisfactory form of development is obtained. In accordance with policies EMP9e, E14, E16, T1, Q1, Q2 and Q7 of the City of Durham Local Plan 2004.*

3. The hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site, and which scheme may provide for the planting of trees and / or shrubs (including species, sizes, numbers and densities), the provision of screen fences or walls, the movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development. The works agreed to shall be carried out within the first planting season following completion of development of

the site (or of that phase of development in the case of phased development) and shall thereafter be maintained for a period of 5 yrs following planting.

*Reason: In the interests of the visual amenity of the area and to comply with policies E14 and E16 of the City of Durham Local Plan 2004.*

4. Notwithstanding any of the information submitted a scheme of 10mph speed restriction signs, roadside reflectors and means of facilitating badgers the ability to climb the retaining walls for the proposed access road shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with these approved details prior to the use of the access road.

*Reason: To conserve protected species and their habitat in accordance with policy E16 of the City of Durham Local Plan 2004, Policy 33 of the RSS and Planning Policy Statement 9.*

5. Notwithstanding any of the information submitted a traffic sign shall be erected on site at the junction with the main road clearly indicating to all traffic the internal site priority routes prior to the use of the access road.

*Reason: In the interests of Highway Safety in accordance with Policy T1 of the City of Durham Local Plan 2004.*

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## **REASONS FOR THE RECOMMENDATION**

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1. This decision has been taken having regard to the national planning policy contained within PPS1, PPS4, PPS9 and PPG13, policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008 and the City of Durham Local Plan 2004 which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 and policies EMP9e, E14, E16, T1, Q1, Q2 and Q7 of the City of Durham Local Plan 2004.
2. The scheme would involve development within the settlement limits of Sherburn Hill on land allocated as a local industrial site where B2 Use Classes (General Industry). The proposals would contribute to the continuing viability of the business and is considered to be sustainable development. It is considered that the proposal would be in accordance with policies EMP9e and Q7 of the City of Durham Local Plan 2004, PPS1 and PPS4.
3. The proposed development is considered to be acceptable with no significant harm caused to the character or appearance of the area or the amenities of neighbouring occupiers in accordance with Policies EMP9e, Q1, Q2 and Q7 of the City of Durham Local Plan 2004 and PPS4.
4. It is considered that the granting of planning permission would not constitute a breach of the Conservation (Natural Habitats etc) Regulations 1994, the development is not licensable by Natural England and sufficient mitigation measures have been undertaken to reasonably preserve species and habitat.
5. The proposal would have a positive effect on highway safety by ensuring that vehicles do not have to queue on the main road while waiting to be weighed in accordance with policy T1 of the City of Durham Local Plan 2004 and PPG13

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents

Planning Policy Statements PPS1, PPS4, PPS9 and PPG13

North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008

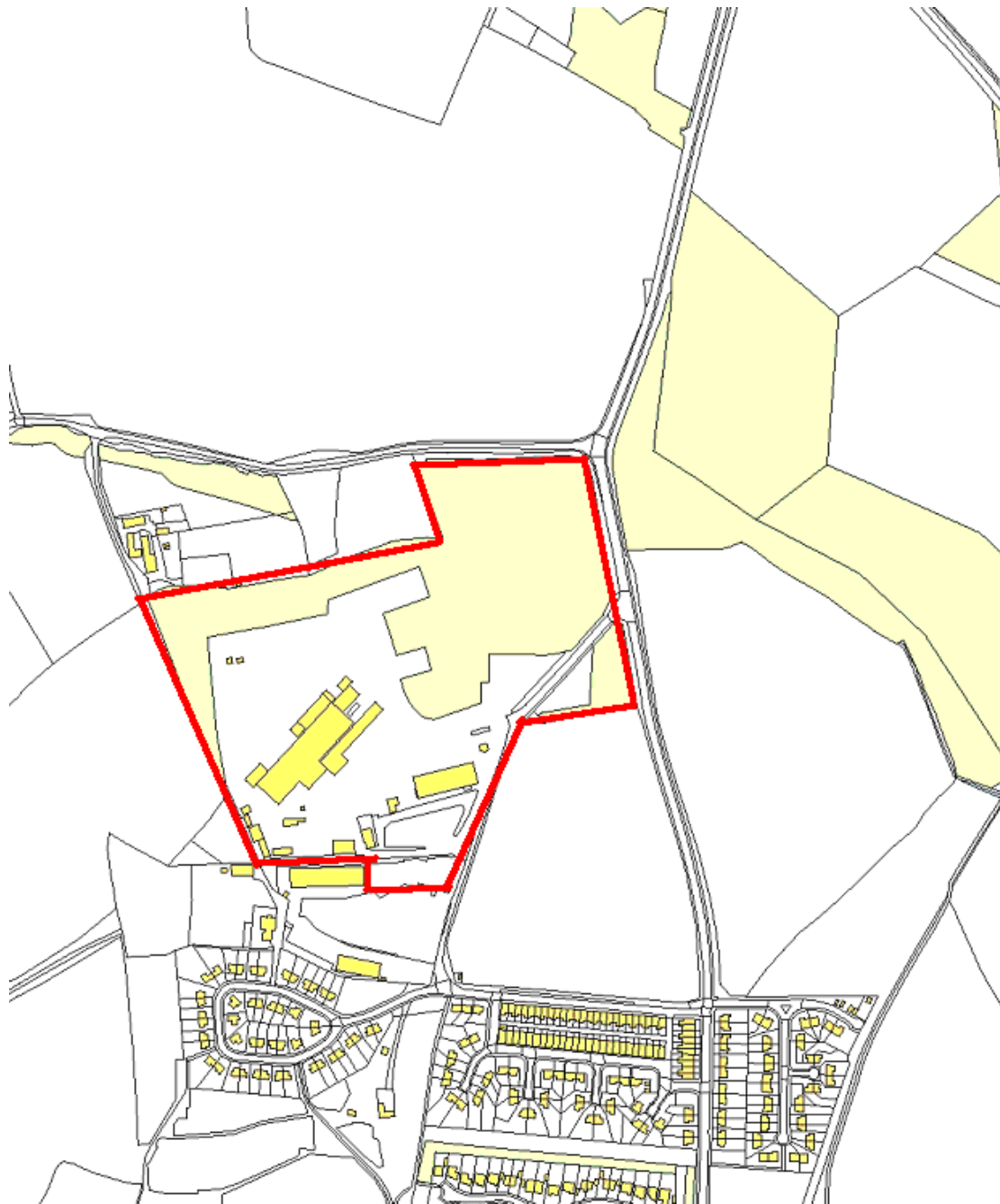
City of Durham Local Plan 2004

Response from County Highway Authority

Response from County Ecologist

Response from County Tree Officer

Response from County Rights of Way Officer



**Planning Services**

Extension of sawmill building, extension of the outside storage area, new road, re-siting of log grading line and bark store and construction of weighbridge at Taylormade Timber Ltd, Sherburn Hill, Durham, DH6 1PS

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**Comments**

**Date** November 2011

**Scale** 1:2500