
APPLICATION DETAILS

APPLICATION NO:	3/2013/0464
FULL APPLICATION DESCRIPTION:	Erection of greenhouse, polytunnel and storage building, alterations to site levels and vehicular access, and formation of pond (part retrospective)
NAME OF APPLICANT:	Mr Alan Nicholson
ADDRESS:	Land to the south east of Highfields, Tow Law, Bishop Auckland, DL13 4BA
ELECTORAL DIVISION:	Tow Law
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 an area of scrub and grassland to the rear (south) of the Highfields residential estate, Tow Law. The properties of Highfield line the northern boundary of the site. The land is valley-shaped, sloping down steeply from Highfields before rising up steeply to the south. There is dense planting along the southern and western boundaries with further residential properties beyond. The site is accessed from the turning head at the end of Highfields. The site is excluded from the development limits for Tow Law, but is surrounded by development on three sides.

The proposal

2. The application contains a number of elements including engineering operations to alter land levels and formation of a pond, as well as the erection of buildings including a storage building, greenhouse and polytunnel. Some engineering operations including the formation of the pond and works to the access have already taken place. There are some other structures on the land including a poultry houses, a small plastic shed and beehive, but they are considered to be moveable chattels on the land and do not therefore require planning permission.
3. The proposed storage building and polytunnel would be located fairly centrally in the lower part of the site, albeit on raised ground, while the green house would be located on higher ground to the south.
4. The main body of the proposed storage building would measure 13.7 metres by 8.1m metres, 4 metres to the eaves and 6.6 metres to the ridge. It would be

constructed from brickwork to 1.8 metres in height, with timber cladding above this level and corrugated sheeting for the roof. The projecting front elevation would be stone faced. Use of the building would be for hay, tool, tractor and general storage associated with maintenance of the land.

5. The proposed polytunnel would measure 10.9 metres by 7.4 metres, and 2.8 metres to the highest point.
6. The proposed greenhouse would measure 6.3 metres by 3.2 metres, 1.4 metres to the eaves and 2.3 metres to the ridge.
7. The engineering operations include excavations along the northern slope to provide an access track leading from the site entrance at the end of Highfields down to the lowest part of the site. They also include the depositing of soil (approximately 3000 tonnes) within the valley bottom at its western end which would raise the ground level in that area by between 1.5m to 3.5m. The (duck) pond approximately 13m in length has already been formed at the eastern end of the site and there is a small area of paving and gravel adjacent to it.
8. The application was called to Committee by Tow Law Town Council who are concerned about the size/height of the proposed building, access to and from site by heavy goods vehicles, the proximity to residential homes and the keeping of livestock near residential homes.

PLANNING HISTORY

9. There is no planning history associated with the site.

PLANNING POLICY

NATIONAL POLICY

10. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). 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. The following elements of the NPPF are considered most relevant to this proposal:

11. *NPPF Part 11 - Conserving and enhancing the natural environment* The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains in biodiversity where possible.

LOCAL PLAN POLICY:

12. The current development plan is the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007:
13. *Policy GD1 (General Development Criteria)* - All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area. The policy contains a number of relevant general development criteria in respect of design, landscape, amenity, ecology, access and impact on the local road network.

14. *T1 General Highways Policy* - Developments which generate additional traffic must provide adequate access and not exceed the existing highway capacity.
15. *ENV1 Protection of the Countryside*- Within the countryside development will be permitted for the purposes of agriculture, rural diversification, forestry, outdoor recreation, or compatible countryside uses.
16. *Policy BE19 (New Agricultural Buildings)*: New agricultural buildings in the countryside will be allowed provided the development fulfils criteria relating to design and landscape impact.

EMERGING POLICY:

17. The emerging County Durham Plan was submitted in April 2014 and is currently undergoing Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The policies in the Plan can now be given some weight because of the advanced stage of the Plan.
18. Policy 18 (Local Amenity) Permission will not be granted for development which would have a significant adverse impact on amenity.
19. Policy 35 (Development in the Countryside) Development in the countryside will only be allowed for agriculture and other appropriate purposes.
20. Policy 39 (Landscape Character) Development will not be allowed where it would cause significant harm to the character, quality or distinctiveness of the landscape.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

21. *Tow Law Town Council* objects to the proposal as they are concerned about the size of the storage building, access through the residential estate by heavy vehicles, and the keeping of livestock close to residential properties.
22. *The Highway Authority* has no objection as the impact on the highway network would only be temporary as a result of the movements of heavy vehicles bringing soil to the site, however conditions are recommended to address concerns about potential damage to the estate road and to restrict the hours of heavy vehicle movement to avoid peak times and weekends.

INTERNAL CONSULTEE RESPONSES:

23. *Ecology* has no objection to the proposal.

PUBLIC RESPONSES:

24. Notification letters were sent to neighbouring properties. 12 letters of objection have been received. The main points raised in the objections are summarised below:

- a) Scale of the storage building. Concerns that the raising of ground levels will cause the height of the building to be overbearing on neighbouring properties and it is considered to be too large for personal use. It will also impact on views and property values.
- b) Use of the storage building. Concerns that the building will be used for livestock in close proximity to residential properties with resultant noise and odour. Residents have already complained about noise nuisance from cockerels kept on the site.
- c) Damage to the estate road from heavy vehicles delivering materials to the site. The road has only recently been finished off and the size of vehicles and number of deliveries could damage the road surface.
- d) Traffic and noise impact from the delivery vehicles. The large dumper trucks will be travelling directly through a residential street.
- e) Ground stability. The works could affect the stability of adjoining properties.

APPLICANTS STATEMENT:

- 25. The size of the building was governed by the various storage areas being grouped together, the design was arrived at to convey the agricultural look and feel of the area but to break up the slab sides of a traditional "Green Shed" with some stone walling. I intend to use stone walling as retaining walls where the level areas have been created to further tie the agricultural theme together. It is likely to take a long time to see the project finished but I think it will be a vast improvement of the rough unused land at present
- 26. It will not house Pigs, Cows, Horses, dogs or cats or any excrement and smell and noise producing animals as has been variously suggested by the residents objecting. I have sent a list of the plants I have so far planted, it can be seen that this is primarily aimed at providing food for bees and Humans not sheep and pigs. I also intend growing more of the families' own food which is why we want a greenhouse and poly tunnel, it is Tow Law and the weather can be brutal up there even in summer.

PLANNING CONSIDERATIONS AND ASSESSMENT

- 27. 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

- 28. As the application site falls outside the development limits of Tow Law it is classed as being in the countryside. Wear Valley Local Plan Policy ENV1 permits development in the countryside for the purposes of agriculture, farm diversification, forestry, outdoor recreation, or existing compatible uses.
- 29. The applicant intends to use the land for small scale agricultural/horticulture purposes. The earth works, pond and buildings are required to that effect. Whilst the proposed activities on the site are not of a sufficient size to constitute an agricultural business and the applicant has no intention to operate a business from the site, the buildings and structures proposed are of a reasonable size commensurate in size to the site and for their intended purpose. The principle of development is therefore in

accordance with Wear Valley Local Plan Policy ENV1 and Policy 35 of the emerging County Durham Plan.

Impact on the character and appearance of the surrounding area

30. The site comprises a steeply sloping valley sandwiched between residential development to the north, south and west. It is viewed largely as falling within the physical built confines of Tow Law, rather than being part of the open grazing land further to the east. It has no special landscape designation. Because of the way the topography falls into the valley and dense vegetation around the western and southern perimeter, views of the site are confined to a small number of properties at the eastern end of Highfields.
31. The polytunnel and greenhouse would be relatively small structures, not uncommon in large gardens or smallholdings and visible only from surrounding properties. It is the size of the storage building that has been the source of concern in the objections received. However, the building would be small in relative terms compared to typical agricultural storage buildings measuring 13.7m in length and 8.1m in width with a height of 6.6m. The materials of stone, timber boarding and corrugated steel roof are an appropriate choice for the locality and typical of agricultural buildings. It is proposed to raise the land by 1.5m where the building is to be sited, but the finished floor level would still be approximately 4m lower than Highfields. That means only the roof would be above the ground level of Highfields. The building would not therefore be a prominent or incongruous structure.
32. The various level changes would only really be visible from within the site and would not detrimentally affect the character or appearance of the wider area and adjacent countryside. The duck pond is located at the lower east end of the site and is a feature that has a positive effect on the character and appearance of the site.
33. The proposal is therefore in accordance with policies GD1 and ENV1 of the Wear Valley District Local Plan in respect of design and landscape impact. It would also meet the aims of Policy 39 of the emerging County Durham Plan and NPPF Part 11 in this respect.

Highway Safety

34. The access into the site is taken through the turning head at the end of Highfields, which is a residential cul de sac.
35. From the cross section plans submitted, it is estimated that between 1000 to 3000 tonnes of material will be brought onto the site to facilitate the raising of site levels. This material will be brought to the site by lorries carrying 20 tonne loads, equating to between 50 and 150 lorry movements. There would be 5 deliveries to the site per day which means anywhere from 10 to 30 days' worth of lorry movements. The vehicles will not need to enter the site beyond reversing to a concrete pad area leading from the public highway turning head where material would then be tipped into the site for subsequent re-distribution using on-site plant.
36. The size of vehicles and number of movements are decidedly unwelcome on residential roads such as Highfields, however, it is acknowledged that other locations can have new residential and other development approved which is accessed solely via existing residential estates, and which can involve similar or greater levels of HGV construction traffic movements. Given also that the proposal will be a temporary situation it cannot ultimately be considered that the highway issues arising

are capable of sustaining a highway refusal. The Highway Authority therefore has no objection to the proposal, however, it would be necessary from both an amenity perspective and to ensure the movements do not unduly impact on the free flow of traffic in Highfields, to restrict the lorry movements to outside of peak traffic and on-street parking periods, i.e. avoiding periods before 9am and after 4pm, as well as on weekends and bank holidays. As local residents have also pointed out, the road surface has only recently been finished off after having been left unfinished for a number of years. The Highway Authority shares local residents' concerns that the large number of movements of lorries delivering heavy loads to the site could damage the new road surface. Accordingly it would be necessary to condition that a highway condition survey is carried out before and after the related lorry movements so that any damage can be rectified after.

37. The use of the site and proposed buildings would not itself generate any significant traffic or lead to any high safety concerns.
38. It is therefore considered that subject to the conditions recommended by the Highway Authority, the proposal would not have a detrimental effect upon highway safety. The proposal therefore accords with policies GD1 and T1 of the Wear Valley District Local Plan.

Residential amenity

39. The amenity issues in respect of vehicle movements have been addressed above and a condition restricting the timing of lorry movements would help to limit the impact. There have however been other concerns raised by local residents in respect of the use of the proposed storage building, particularly if used for livestock. Other comments have been made in respect of keeping livestock and poultry on the land, but that is an agricultural activity and does not require planning permission.
40. The applicant has made it clear that the storage building is not required to house livestock. Its design and size also does not lend itself to livestock accommodation. A condition can also be applied to ensure it is not used to accommodate livestock.
41. The building is to be considered as a storage building for hay, tools and equipment necessary for maintaining the land. It would be sited over 20 metres from the nearest property on Highfields, and as previously stated would have only its roof above the ground level of the properties in Highfields. The building would be screened by the existing tree cover to nearly half of the properties in Highfields. It would not therefore be an overbearing structure as viewed from neighbouring properties and the activities related to the proposed building are unlikely to be at a significant level that would impact on the amenity of residents of those properties.
42. Notwithstanding the potential for a temporary period of inconvenience during the times when material is delivered to the site, the development would not fundamentally have a detrimental impact on the amenity of neighbours. The proposal therefore accords with Wear Valley Local Plan policy GD1 and Policy 18 of the emerging County Durham Plan.

Ecology

43. The application is supported by an extended phase 1 Ecology survey which concludes that the development of the site would not adversely impact on any statutorily designated wildlife sites or protected species. The site is mostly course

semi improved grassland with a small pond which is not suitable for Great Crested Newts. Its ecological value is largely as a foraging resource for a moderate range of bird species and possibly bats. The pond is likely to have improved the foraging value of the site. The Council's Ecology Section is satisfied that the ecological impact of the proposal has been properly considered and has no objection to the proposal subject to conditioning the mitigation recommended in the report, which includes no ground vegetation clearance during the bird breeding season and no lighting on the building elevations facing the trees. It is considered that the effect on ecology would not be unacceptable and so the proposal would not conflict with NPPF paragraph 118 or the relevant requirements of Wear Valley Local Plan Policy GD1.

Other issues

44. Other concerns have been raised about impact on property values and maintenance of boundary fences, but those are not material planning considerations which can be given any weight in the consideration of the application. Neither are concerns about potential property damage from instability resulting from the ground works.
45. Questions have been asked about the nature and origin of the material that will be deposited on the site. The applicant has provided confirmation of the necessary exemption from the Environment Agency.

CONCLUSION

46. The proposed developments and those for which retrospective consent is sought are required in connection with the applicant's personal agricultural use and maintenance of the land. They are considered to be reasonable in scale, design and location on a site where wider landscape views are limited by the topography of the site and screening by trees and surrounding development. The proposal is therefore in accordance with Wear Valley Local Plan Policies ENV1 and GD1 in these respects.
47. The highways impacts have been assessed and there is no objection from the Highway Authority. Although there would initially be a period with undesirable heavy lorry movements through Highfields, the impact on the highway and surrounding properties would be temporary and movements could be restricted by condition to avoid peak traffic times, as well as times when there is likely to be more on street parking. The proposal is not therefore sufficiently in conflict with Wear Valley Local Plan Policies GD1 and T1 to justify refusal on highways grounds, or amenity grounds in respect of the delivery vehicle movements.
48. The proposed buildings are not required to house livestock and their scale and siting in relation to neighbouring properties would be acceptable and in accordance with Wear Valley Local Plan Policy GD1.
49. There is no objection from the Council's Ecology Section and the proposal is considered acceptable in that respect.
50. There has been a significant level of public objection and the views of the Town Council have been noted, but for the reasons set out in the report it is considered that the issues raised are not sufficient to warrant refusal of the application and the proposal is therefore acceptable in planning terms.

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	23.12.2013
1	Proposed floor plan	23.12.2013
43_HIG_001	Proposed building	23.12.2013
43_HIG_012	Proposed polytunnel and greenhouse	23.12.2013
AN/02	Proposed site plan	05.03.2014
AN/02/S1	Proposed sections	05.03.2014
AN/02/S2	Proposed sections	05.03.2014
AN/02/S3	Proposed sections	05.03.2014

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

3. The buildings hereby approved shall be used for agricultural purposes only, but not including the housing of livestock, or any business purposes.

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

4. The profile steel sheets to be used for the roof of the storage 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.

5. The use of the storage building hereby approved shall not 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.

6. Before any 'fill' material required to raise the ground levels as approved is brought onto the site, a joint survey shall be undertaken of Highfields public carriageway in conjunction with a Highway Authority representative to record the condition of the public highway before vehicles deliver the material to the site. Thereafter, the use of the storage building shall not commence until a final joint survey of Highfields public carriageway in conjunction with a Highway Authority representative has been undertaken and the findings on the condition of the highway, including recommendations for any necessary repair works and their timing have been agreed in writing by the local planning authority. Any repair works shall be undertaken in accordance with the agreed details.

Reason: To protect the integrity of the carriageway in accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

7. The delivery of 'fill' material required to raise the ground levels as approved shall not take place outside the hours of 9am to 4pm Monday to Friday. There shall be no deliveries of fill material to the site on weekends and Bank Holidays.

Reason: In the interests of residential amenity and to ensure the free flow of traffic in Highfields. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

8. Any on site vegetation clearance should avoid the bird breeding season (March to end of August), unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no breeding birds are present. The survey shall be submitted to and approved in writing by the local planning authority prior to removal of vegetation during the bird breeding season.

Reason: To prevent disturbance and loss of habitat to breeding birds in accordance with the aims of Wear Valley District Local Plan Policy GD1 and the NPPF Part 11.

9. No security lighting shall be installed on the west facing elevation of the storage building hereby approved.

Reason: To prevent disturbance to foraging bats in accordance with the aims of Wear Valley District Local Plan Policy GD1 the NPPF Part 11.

STATEMENT OF PROACTIVE ENGAGEMENT

51. In arriving at the recommendation to approve the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development.

BACKGROUND PAPERS

Submitted Application Forms, Plans and Statements
National Planning Policy Framework
Wear Valley Local Plan
Emerging County Durham Plan
Consultee comments and public consultation responses



Planning Services

Land south east of Highfields, Tow Law, County Durham, DL13 4BA

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Comments

Scale 1:2500