

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/02609/FPA
FULL APPLICATION DESCRIPTION:	Erection of Agricultural Barn
NAME OF APPLICANT:	Mr J Berry
ADDRESS:	Land to the north east of 13 Dunelm Close, DH8 7QR
ELECTORAL DIVISION:	Leadgate and Medomsley
CASE OFFICER:	Louisa Ollivere Planning Officer Telephone:03000 264 878 louisa.ollivere@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site measures 0.1 hectares in area and has until very recently been maintained by the Council. The site and the adjacent grazing site were recently sold by the Council to the applicant and this site was enclosed with 2m high close boarded timber fencing. The site lies adjacent to and to the north east of 13 Dunelm Close which is an end property on this residential cul-de-sac. To the north of the site is a detached dwelling (9 Ridley Terrace). To the south is grazing land owned by the applicant and to the east is pastureland. The site currently has no formal dropped kerb access from the cul-de-sac hammerhead. This site falls within a High Risk Area in terms of Coal Mining legacy.

The Proposal

2. In April this year planning permission was refused for an agricultural barn measuring 18m by 9m and for the retention of the 2 temporary storage containers and existing fencing on this site on the grounds that the proposal would be detrimental to visual amenity, would be harmful to residential amenity and highway safety and that these adverse impacts would not outweigh any benefits. Following several pre-application submissions the proposed building was reduced in size and height and this application originally sought planning permission for the erection of an agricultural storage building to measure 9.1m by 9m which would have a pitched roof to a height of 4.7m. Following ongoing discussions with the applicant the building has been further reduced in size to 6m by 6m. The building would be located along the eastern boundary of the site. The purpose of the building is to store plant, machinery and vehicles required to cultivate the land and for the storage of water and feedstuffs for the purposes of a hobby farm which keeps livestock such as goats and chickens and one horse. The building would be constructed in box profile steel sheeting with steel sheeting also for the roof. It is proposed create a new tarmac access road to the site from the hammerhead and this will lead to an area of hardstanding in front of the proposed building. The existing 2m high fencing adjacent to the hammerhead would

be replaced with a hedge with lower post and rail fencing adjacent the rest of the hammerhead and along the south and east boundaries and to section off the building from the land to the north.

3. The application is reported to Committee as a local Councillor, Councillor Watts Stelling has requested that this be determined at this level given concerns in relation to the appearance and suitability of the fencing and access and egress to and from the site.

PLANNING HISTORY

4. In April 2017 an application for the erection of a larger 18m x 9m agricultural barn for general agricultural storage and retention of 2 temporary storage containers and fencing adjacent to the highway was refused on the grounds that the proposal would be detrimental to the visual amenity, would be harmful to residential amenity and highway safety and that these adverse impacts would not outweigh any benefits (DM/17/00318/FPA).
5. EN/16/01345 an Enforcement Notice has been served on the landowner in relation to the siting of two large containers on the land and this requires the permanent removal of the containers and their contents by 20th October 2017.

PLANNING POLICY

NATIONAL POLICY:

NATIONAL PLANNING POLICY FRAMEWORK

6. In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the draft National Planning Policy Framework (NPPF). The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, the most relevant of these in this instance being:
7. *NPPF Part 4 – Promoting Sustainable Transport* - notes the importance of transport policies in facilitating sustainable development and contributing to wider sustainability and health issues. Local parking standards should take account of the accessibility of the development, its type, mix and use, the availability of public transport, levels of local car ownership and the need to reduce the use of high-emission vehicles.
8. *NPPF Part 7 – Requiring Good Design* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and

sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.

9. *NPPF Part 11 – Conserving and enhancing the natural environment* -The planning system should contribute to and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
10. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

<http://planningguidance.planningportal.gov.uk/>

NATIONAL PLANNING PRACTICE GUIDANCE:

11. The National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.
12. *Design* -The importance of good design. Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
13. *Land Stability* - The guidance provides advice to local authorities and developers to ensure that development is appropriately suited to its location, and that there are no unacceptable risks caused by unstable land or subsidence.
14. *Noise* - Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. Consideration should be given to whether significant adverse effect or an adverse effect occurs or is likely to occur; or whether a good standard of amenity can be achieved. Paragraph 123 of the NPPF provides policy support to this aspect.

LOCAL PLAN POLICY:

15. The following section details the saved policies in the Derwentside District Local Plan thought most relevant to the consideration of this application:
16. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet. – outlines the requirements that new development proposals should meet, requiring high standards of design, protection

of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account 'designing out crime' and consideration of drainage.

17. *Policy AG3 – Agricultural Development* – permission will be granted providing it meets operational needs and is designed for the purposes of agriculture; is sited /designed to be in scale with/be unobtrusive in the landscape; does not result in loss of amenity to surrounding occupiers; incorporates adequate landscaping where appropriate.
18. *Policy EN26 – Control of Development Causing Pollution* – permission will only be granted for development which is not likely to have an adverse impact on the environment having regard to likely levels of air, noise, soil or water pollution.
19. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access, adequate provision for service vehicle manoeuvring, etc.

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.durham.gov.uk/Pages/Service.aspx?ServiceId=494>

EMERGING POLICY:

20. Paragraph 216 of the NPPF says that 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 County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP. In the light of this, policies of the CDP can no longer carry any weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

21. *Highways Officer*: Notes that the applicant has provided a site layout plan where a vehicle can pull off the public highway in a safe manner, can park, turn in curtilage and proceed onto the public highway in a forward gear and see other road users from the point of access. Whilst the Officer still has concerns over agricultural vehicles using this estate road he considered that these proposals have been revised to the extent that he can no longer make an objection to these proposals on highway grounds. It is advised that the new vehicular access crossing must be constructed in accordance with the requirements of Section 184(3) of the Highways Act 1980.
22. *Coal Authority*: Objects to this planning application, as the required Coal Mining Risk Assessment Report, or equivalent, has not been submitted as part of the application.

INTERNAL CONSULTEE RESPONSES:

23. *Landscape Officers:* Advise that despite the skyline location and locally uncharacteristic height and nature of the proposed building that it would be seen from a distance in the context of adjacent housing. It is advised that a large shed would be an uncharacteristic feature in the context of the domestic townscape and that any such building should be attended by native species hedging to mitigate in part for the reduction in visual amenity value. It is advised that details of rabbit and stock proof fencing would be required. The Officer points out that the submitted drawing does not illustrate how the slope of the site would be reconciled with a finished floor or plinth level and advises that a cut exercise might help reduce the perceived height of the building. It is recommended that there is no excavation within the critical rooting area of the mature sycamore near the north site boundary and that there be adequate space for hedging to grow. To conclude the Officer advises that in his opinion the proposal would have some local adverse landscape and visual effects.
24. *Environmental Health Officers:* Advise that whilst the application relates to a noise/odour generating development and as such falls into the scope of the TANS the proposed development is such that it cannot be considered against the thresholds or other relevant guidance/standards contained within the TANS. Therefore it is advised that the planning officer should consider the following supporting detail to inform their decision in relation to the possible impact of the development.
25. It is noted that the intent appears to be to create a 'hobby farm' on the site. Therefore the Officer assumes the building will allow for the storing of machinery and feed for the purpose of keeping of animals. In terms of the building itself, due to its specific stated use for storage, it is advised that there is limited noise/odour issues associated with activities within the building. However the Officer does have concerns that the building will allow for an increased intensity of use in terms of keeping of animals in the immediate area in close proximity to residential properties which has the potential to lead to noise and odour impacts.
26. With regard to statutory nuisance, the Officer has some concerns regarding the establishment of a 'hobby farm' in this locale, should this be the intent, due to the proximity of sensitive receptors. It is likely that the addition of a building will allow for intensification of any use. However as the application only relates to the use of the building for the purpose of storage, based on the information submitted with the application, the Officer does not object based on statutory nuisance.

OTHER CONSULTEE RESPONSES:

27. *The Police Authority:* Have not responded to date.
28. *The Fire Authority:* Have no objections subject to the premises being constructed and the access provided in line with the requirements of approved document B (Technical Guidance Building Regulations).

PUBLIC RESPONSES:

29. Neighbouring land owners and occupiers have been consulted and this has resulted in 12 letters of objection from 17 local residents.

Objectors' comments are summarised as follows:

- Concerns over highway and pedestrian safety.
- Noise disturbance from activities on site. Loss of peace, quiet.
- Loss of parking due to position of access.
- Loss of open space.
- Barn and storage containers not in keeping with residential character of the area.
- Size of proposed barn.
- Height of fencing is affecting residential outlook.
- Loss of privacy.
- Visual impact.
- Hedge will take several years to grow.
- The barn will not be used for agriculture but another type of business and will be accessed at unsociable hours as is the case with the containers on the site.
- Concerns are not simply about the size of the building but also that the access road, site and building will be used for business purposes.
- The building will block a footpath which may be an accrued right of way.
- Alleged character of the applicant and his associates, and intimidating and anti-social behaviour.

APPLICANTS STATEMENT:

30. Mr Berry bought the land off Durham County Council as agricultural land and intends to use it in such a way. Mr Berry had originally added some storage containers on site not realising that he required a planning permission. Therefore, he was then instructed by the enforcement officer to put in an application along with the agricultural building which he desired on the land. He then instructed my firm to carry out the proposed drawings and associated application. This application was then deemed to be too large for the site and in turn refused. Since then we have reduced the scale of the proposal by almost half in height and footprint and related the building where the Council thought was more favourable and re-submitted. Therefore I believe that the proposed scheme is in line with the Planning Officers requirements.

PLANNING CONSIDERATIONS AND ASSESSMENT

31. 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 the development, design and character of the area, the impacts upon neighbouring residential amenity, highways safety, land stability and drainage.

Principle and the General Policy Context

32. The application site lies at the edge of the rural/urban fringe therefore in this instance Local Plan countryside policies EN1 and EN2 are not relevant. The main policy in terms of this proposal is Derwentside Local Plan Policy AG3 which requires proposals for agricultural development to be required and designed for the operational needs of the unit, to not form an intrusive element within the landscape or harm amenity and to incorporate adequate landscaping. This policy is consistent with the NPPF. In terms of justification for the development the application details that the building is required for the storage of agricultural vehicles and equipment required to maintain the surrounding grazing land, and to store hay and other foodstuffs to feed the livestock on site. The amount of agricultural land associated with this proposal amounts to 0.97 acres.
33. The site and adjacent pasture can only support very limited levels of livestock. It is considered that the applicant is keeping the very limited amounts of livestock on the adjoining pasture primarily for pleasure rather than profit and therefore the proposal amounts to a hobby farm. In planning terms, the use of the land would therefore be agriculture. Having researched similar applications involving comparative amounts of pasture and limited livestock your Officers conclude that the requirements in terms of land maintenance and welfare of livestock requires some storage of limited amounts of machinery, vehicles and hay. Furthermore it is accepted that for visual amenity and security purposes equipment would be better stored within a secure building than outside. In view of the above, it is considered that the proposed building, which has been considerably reduced in size following negotiations, would now comply with Policy AG3 of the Derwentside Local Plan as the building is required and designed for the operational needs of the unit. The proposal is therefore acceptable in principle.

Impact upon the character of the area

34. Derwentside Local Plan Policy GDP1, specifically sections (a), (e) and (f) require proposals to be of a high standard of design which is in keeping with the character of the area, requires the protection of open land recognised for the contribution its character makes to an area and requires that adequate landscaping is incorporated. Policy AG3 requires proposals to not form an intrusive element within the landscape and to incorporate adequate landscaping. These policies are consistent with the NPPF.
35. To accord with these Local plan policies the form, mass, layout, density and materials of development need to be in keeping with the site's location and need to take into account the sites natural and built features and should incorporate landscaping.
36. It is noted that objectors and Landscape Officers raised concerns with regard to the nature and design of the originally proposed building and its impacts upon the residential character of the area. It is not considered that the amended size of the building is excessive for the land requirements and visually it is considered to be more domestic in size and scale, akin to the size of a double garage. The proposed materials are not of high quality although they are typical for an agricultural building. The applicants have been advised to amend the materials so that the building would have a brick or render finish and concrete tiles for the roof as such materials would be more in keeping with the domestic streetscape however they are unwilling to do so. Nonetheless the reduced size of the building would help to minimise its impact upon the open character of the end of the cul-de-sac. The proposal has positively

evolved since the previous application with some landscaping now being proposed which will in time help screen the building from views in the streetscape.

37. One of the core policies of the NPPF is to ensure that planning takes account of the different roles and character of different areas. Section 7 of the NPPF requires proposals to add to the overall quality of an area and amongst other criteria should use streetscapes to create attractive places to live. In accordance with the NPPF developments should also respond to local character and reflect the identity of local surroundings and be visually attractive with appropriate landscaping.
38. The role of this area has historically been undeveloped yet maintained land which acts as a transition from the adjacent built up area to the open countryside beyond. This had the benefit of providing a soft green edge and open aspect to the residential cul-de-sac. The reduced size of the building along with the alternative type of fencing (post and rail typically 1.5m in height) and hedging adjacent to the hammerhead, as opposed to the current 2m high close boarded timber fencing would not significantly harm the open aspect or alter the undeveloped nature of this site. The reduced size of the building is now in keeping with the size of the dwellings on the streetscape. The proposal would now have a minimal impact on the quality and attractiveness of the area.
39. The proposal therefore does not conflict with the NPPF in terms of design and visual amenity. Furthermore it is considered that the revised development would no longer be significantly harmful to the character of the area and would therefore accord with Derwentside Local Plan Policies GDP1 and AG3.

Protection of Existing Landscapes

40. Policy GDP1 of the Derwentside Local Plan requires the protection of existing landscapes which accords with section 11 of the NPPF. From afar the building would be seen in the context of the surrounding built form therefore in wider landscape terms there would not be significant adverse impacts. In terms of the more localised landscape to address the concerns of residents and Landscape Officers the applicant has reduced that size and thereby this reduced amount of development combined with the positive addition of landscaping, are now sufficient to protect the local and wider landscape.

Impacts on residential amenity

41. Derwentside Local Plan Policy GDP1 seeks to ensure that neighbours are protected from harmful development. Policy EN26 of the Derwentside Local Plan only allows for development to be granted where it is not likely to have an adverse impact on the environment having regard to likely levels of noise pollution. Both of these policies accord with Section 11 of the NPPF which advises that decisions regarding developments should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and should aim to mitigate and reduce impacts arising from noise through the use of conditions.
42. Objectors have raised concerns over noise from vehicles, tractors and persons associated with activities on site. It is considered that the impact on the nearby neighbouring residents would be from the loading, unloading and movement of vehicles, materials and machinery associated with the building. Given the proposed storage detailed the Environmental Health Officer considers that there are limited noise or odour issues associated with the development and does not consider that it would result in statutory nuisance. The Officer did have concerns that the presence

of a building of the size originally proposed on the site would be likely to allow for the increased intensity of the use of the surrounding pasture land and had concerns over the keeping of animals and operation of noisy machinery close to residential properties. However given the limited size of the landholding it is considered that it does not lend itself to intensive farming of cattle etc. with only small scale keeping of chickens, rabbits, sheep and goats feasible on an area of land this size. Therefore a significant intensification of use or odour is unlikely and in any event would not amount to a change of use as it would still be agriculture. With regards to noise the agricultural use is lawful and therefore noisy equipment can be used on the land regardless of the application. The proposal would however bring benefits in terms of unloading/loading being possible within the building rather than outside which would reduce noise. Bearing the above in mind the proposal would be unlikely to be detrimental to neighbouring residential amenity or cause a statutory nuisance and therefore in this regard the proposal is considered acceptable in accordance with Derwentside Local Plan Policies GDP1 and EN26.

Highway Safety

43. In accordance with Derwentside Local Plan Policy TR2 all developments should have a safe access to the Highway. Local residents are concerned about highway and pedestrian safety. The Highways Officer previously had concerns that given the large size of the building that this was an intensive use which could involve large and frequent agricultural vehicles travelling along the street and turning within the estate hammerhead which he considered to not be appropriate on this residential street with high on street parking demand. Whilst the Officer concedes that the proposal will still involve agricultural vehicles using this estate road, on reflection, and bearing in mind the revised smaller scale of the development and revised access he does not object to the proposal. The revised access would now allow for a vehicle to pull off the public highway in a safe manner, and to park, turn in curtilage and proceed onto the public highway in a forward gear and see other road users from the point of access.
44. It has also been borne in mind that it is reasonable for a developer to require vehicular access to their pasture land. It is noted that there are no suitable alternative sites for a new access to the land which would not have similar issues in terms of the need to traverse estate roads and even greater constraints. Therefore whilst taking access from a residential estate road is not ideal it is not considered detrimental to highway safety to the extent that a refusal could be justified on this basis.
45. It is noted that local residents are concerned that the position of the access would remove on street parking however this is not designated parking and is intended to be kept clear for manoeuvring purposes.

Land stability

46. The site is within a high risk area in terms of former mine workings which could affect the safety and stability of the area. The Derwentside Local Plan is silent in respect of land stability. In terms of the NPPF, Section 11 requires Local Planning Authorities to prevent new development from being put at unacceptable risk from amongst other effects land instability. It is noted that the Coal Authority have objected to the development as they consider there is insufficient information to assess whether or not issues of land instability relating to the past coal mining activity on the site can be satisfactorily overcome. Under such circumstances it is considered appropriate to attach a condition to ensure that further assessment is undertaken to assess whether the site can be remediated and if so that any necessary remediation carried out prior

to the commencement of the development. This approach is consistent with that which has routinely been applied throughout the County.

Drainage Issues

47. Derwentside Local Plan Policy GDP1 seeks to ensure that there is adequate provision for surface water drainage. This policy is consistent with Section 10 of the NPPF. It is proposed that surface water will drain to a soakaway which would accord with the County Durham Surface Water Management Plan and therefore this is considered acceptable subject to a condition requiring its installation within a specific timescale. With such a condition the proposal will accord with Derwentside Local Plan Policy GDP1 and the NPPF.

Other Issues

48. Several objectors have made reference to the containers which are currently on the site however these do not form part of the proposal and were detailed in error on the originally submitted and now superseded application forms. These containers are currently subject of an enforcement notice which requires the permanent removal of the containers and their contents by 20th October 2017.

49. Loss of open space has been cited as an objection however the lawful use of the land is agricultural land and not open space and the land can be lawfully enclosed with a combination of 2m and 1m high fencing.

50. Concerns have been raised about the character of the applicant and anti-social behaviour on site however the character of an applicant is not a consideration to which weight can be afforded as planning permission relates to land rather than individuals. Anti-Social behaviour is not a matter that is typically associated with agricultural development and use. Since the applicant acquired the land residents have made numerous reports about the applicant intimidating local residents and engaging in anti-social behaviour. These matters are more properly dealt with by the Police and Anti-Social Behaviour officers rather than planning legislation which is primarily concerned about land use.

51. Loss of privacy is a concern of local residents however this is not an issue that arises from the use of agricultural buildings.

52. Comments have been made in relation to blocking of a public right of way although no details have been provided of its location. There are no registered Rights of Way on the site or adjacent to the site and at present in terms of presumed rights of way the Rights of Way Officer has confirmed that as yet no persons have applied for a Definitive Map Modification Order (DMMO) to have the alleged right of way recorded on the definitive map. There does not appear to be any clear, well-trodden routes across the land nor do the LPA have any evidence of such use and any application would need to rely on user evidence provided by the public. There is therefore a separate statutory regime for resolving this issue. Should such a claim be made and be successful it may affect the development of the site and therefore this must be taken into account when assessing the deliverability of the scheme. However in the likelihood of such a claim being successful it is considered that it would be feasible to amend the position of the building prior to construction to accommodate potential Rights of way or if necessary post construction potential Rights of Way could be diverted or closed. Given the above it is not considered that the possibility of accrued rights of access across the site should carry significant weight against this proposal.

CONCLUSION

53. The amended proposal would bring some limited benefits in terms of the provision of internal rather than external storage and an improved boundary with the hammerhead. There would not be significant adverse impacts to the residential character and appearance of the area from the proposed building which is both required and designed for the operational needs of the hobby farm on the site and surrounding land. There would not be significant adverse impacts in terms of residential amenity, the landscape, drainage and highway safety subject to conditions. The proposal would therefore be in accordance with up to date Derwentside Local Plan Policies GDP1, EN26 and AG3 and the NPPF. Paragraph 14 of the NPPF directs the Local Planning Authority to approve development proposals that accord with the development plan without delay.

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.

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 only in accordance with the following approved plans except insofar as such details may be inconsistent with any conditions attached hereto when such condition shall prevail:

Plan Ref:	Date Submitted:
Site Location Plan	7/08/2017
1500062-010 Revision F	12/10/2017

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy GDP1 of the Derwentside District Local Plan.

3. The building hereby approved shall only be used for the storage of vehicles, plant and machinery required for the maintenance of the adjoining land identified in red on the attached plan Ref No. LO/DCC/1 and for the storage of hay and other foodstuffs required for the livestock on the adjoining site identified in red on the attached plan Ref No. LO/DCC/1.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy GDP1 of the Derwentside District Local Plan.

4. No plant or machinery shall be operated on the site outside of the hours of 08:00 to 19:30.

Reason: In the interests of residential amenity in accordance with Policy EN26 of the Derwentside District Local Plan.

5. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include accurate plan based details of the following:

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The local planning authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

All planting in the approved details of the landscaping scheme shall be carried out in the first available planting season following the commencement of construction of the storage building.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with policy GDP1 of the Derwentside District Local Plan.

6. No development shall take place before a Coal Mining Risk Assessment or similar information has been submitted to and approved in writing by the Local Planning Authority in relation to the assessment of the coal mining legacy risks within the site. In the event that the assessment confirms the need for the treatment of any areas of shallow mine workings and/or the mine entry for stability purposes, and/or any other mitigation measures to ensure the safety and stability of the proposed development, these works shall be detailed within the report and undertaken prior to commencement of development. The site shall be developed wholly in accordance with said document with confirmation of the completion or remediation works in full being provided prior to the commencement of construction of the storage building.

Reason: To protect the development against potential Coal Mining legacy issues that may affect the site in accordance with the NPPF.

7. Before the completion of the storage building a soakaway shall be installed on site.

Reason: To ensure satisfactory surface water drainage in accordance with Derwentside Local Plan Policy GDP1.

8. The construction of the storage building shall not commence before the site access has been constructed in accordance with the requirements of Section 184(3) of the Highways Act 1980.

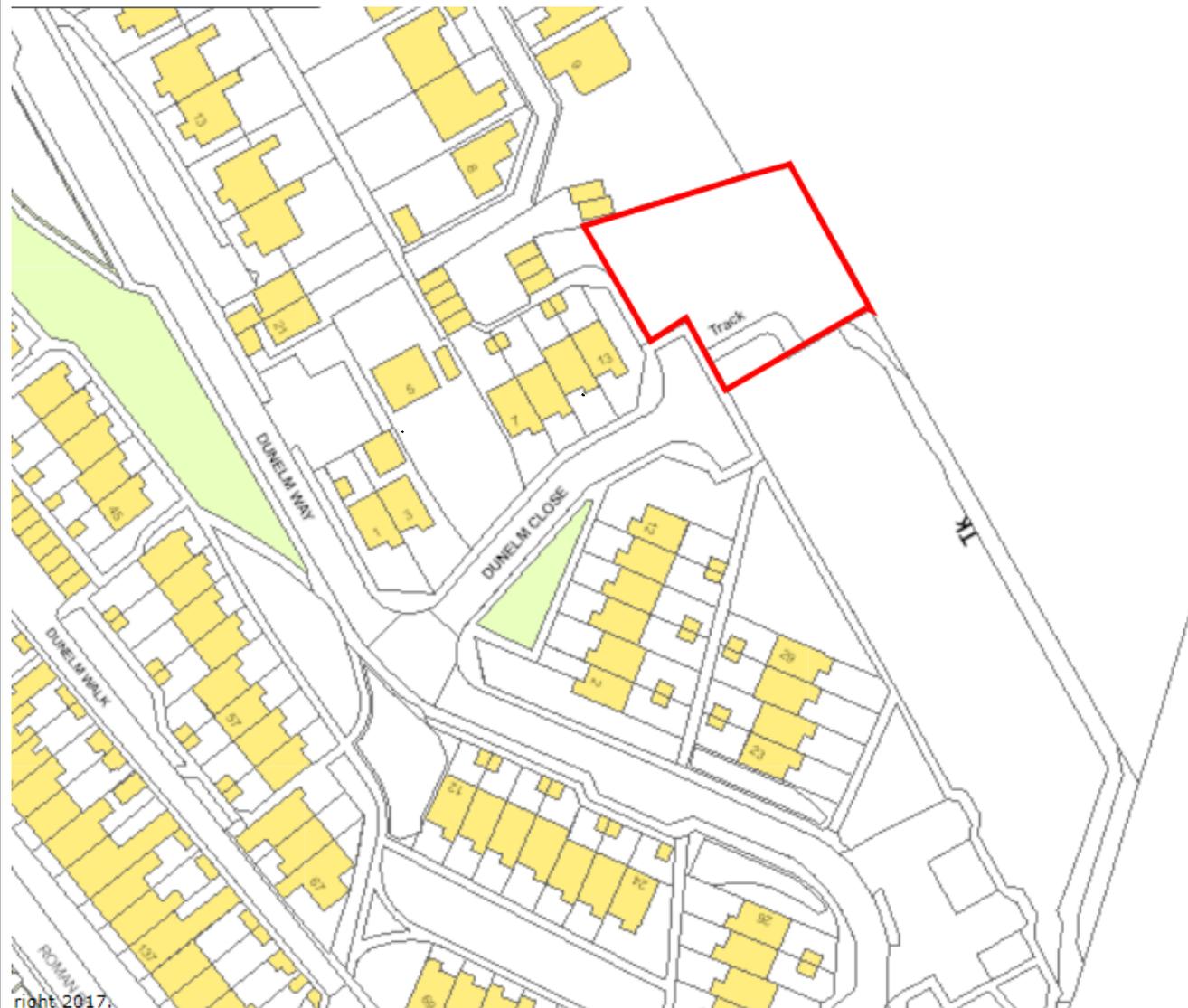
Reason: In the interests of highway safety in accordance with Derwentside Local Plan Policy TR2.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the 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 sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND PAPERS

Derwentside District Local Plan (saved policies 2007)
National Planning Policy Framework, March 2012
National Planning Practice Guidance



Planning Services

Land to the North of 13 Dunelm Close.

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Comments

Date 28th October 2017

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