

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/12/00762/FPA
FULL APPLICATION DESCRIPTION:	Change of use of vacant paddock to north west (rear) of existing premises to form ancillary storage area, to be enclosed by 2.50m high palisade fencing
NAME OF APPLICANT:	W H Holden & Son
ADDRESS:	Land Adjoining Holdens Yard, West Side of Front Street, Quarrington Hill, Durham
ELECTORAL DIVISION:	Coxhoe
CASE OFFICER:	Richard Greig Assistant Planning Officer 03000 263 965 richard.greig@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The land subject of this application is situated outside of the settlement boundary of Quarrington Hill, in a non-designated area to the north of land designated for employment allocation. The application site comprises a vacant paddock of mature vegetation, located immediately to the north west of the established light industrial premises of W H Holden & Son and to the south east of existing allotment land. The land is accessed from an unmade track via Front Street South which leads northwards to the allotments and beyond to the perimeter of the playing fields to the north east.

The Proposal

2. This application seeks planning permission for a change of use of the aforementioned paddock to form an ancillary storage area serving W H Holden & Sons, and the enclosure of the land with 2.50m high palisade fencing.
3. This application is reported to Planning Committee at the request of Coxhoe Parish Council.

PLANNING HISTORY

4. 04/00800/FPA - Change of use of land to light industrial use and erection of 2.50m high palisade fencing – Approved 27.08.04

Note: The above application related to approximately 325m² of land immediately to the west of the land subject of the current application. This approval has since been implemented.

PLANNING POLICY

NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.

Section 3 of the NPPF places an emphasis upon the need to support economic growth in rural areas.

Section 7 of the NPPF places an importance upon the need to promote good design as a key aspect of sustainable development.

Section 11 of the NPPF places an emphasis upon the need to conserve and enhance the natural environment.

LOCAL PLAN POLICY:

6. Saved Policy E7 – Development Outside Settlement Boundaries

Policy E7 places a general presumption against development outside existing settlement boundaries, however, opportunities for development may be considered acceptable in exceptional circumstances.

7. Saved Policy E14 – Trees and Hedgerows

Policy E14 seeks to retain trees and hedgerows, which contribute to the character and quality of both the countryside and urban area.

8. Saved Policy EMP9 – Local Industrial Sites

Policy EMP9 places a general presumption in favour of light and general industrial uses within designated Local Industrial Sites.

9. Saved Policy EMP10 – Bad Neighbour Activities

Policy EMP10 states Industrial Uses falling under B2 and Sui Generis will only be permitted subject to compliance with key policy criteria.

10. Saved Policy EMP16 – Employment in the Countryside

Policy EMP16 makes provision for limited employment generating uses in the countryside in limited circumstances.

11. Saved Policy T1 – Traffic Generation (General)

Policy T1 places a presumption against development that would generate traffic, which would be detrimental to highway safety and/or the amenity of neighbouring occupiers.

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>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

12. The Highways Authority

No objections raised, as access would be taken from the existing private yard with no resultant impact on the adopted highway.

INTERNAL CONSULTEE RESPONSES:

13. Ecology

No objections raised to development.

14. Arboricultural Officer

It is conceded that the small cluster of trees (3no common sycamore and 1no common elder) within the immediate vicinity of the application site are likely to be lost as part of the development, however, no objection would be raised to their loss subject to the submission and subsequent implementation of a satisfactory scheme of re-planting.

PUBLIC RESPONSES:

15. Four letters of representation have been received from various parties, including neighbouring residents, Crowtrees Heritage Group and Quarrington Hill Village Partnership, all objecting to the application. These comments are summarised as follows:

- loss of allotment land;
- detrimental impact upon appearance of village;
- unacceptable reclassification of land to facilitate the development;
- trees have been felled to facilitate the development;
- the existing storage area would be sacrificed to accommodate the proposed storage area;
- would set an unwelcome precedent;
- other applicants have been advised similar development in the Green Belt would not be viewed favourably;
- no consultation with Parish Council prior to agreement of conditional sale of land;
- the increase in the size of the site will do no more than increase the land area for Mr Holden.

In addition to the above, Coxhoe Parish Council have also objected to the proposed development. Their comments are summarised as follows:

- the application site is statutory allotment land;

- the Parish Council have expressed a wish to add area to existing allotments;
- will extend the industrial boundary;
- an unused provision of industrial land already exists in Quarrington Hill;
- concerned by the description of the land;
- question the merits of a photograph of an adjacent area of land.

APPLICANTS STATEMENT:

16. The applicant has confirmed the premises of W H Holden & Son presently operate as a storage and distribution facility for building and landscaping materials serving the trade and general public. The application site would form an additional storage area for materials. There would be no additional vehicles entering the site with access to the land obtained via the existing yard.
17. The applicant has also provided additional supporting information in the form of aerial photographs, which are thought to date circa 1984 and 1998 respectively. The former identifies the site prior to the allotments introduction wherein the application site appears to be utilised as a paddock, containing outbuildings (stables), a large haystack and manure heap. The applicant states the 1998 aerial photo illustrates the use of the land as a paddock.
18. The applicant goes on to question the “*waiting list*” for allotments referred to by the Parish Council, suggesting that a number of the allotments are presently vacant and since his family have occupied the site from which W H Holden & Son operate, the land which forms the application site has never been used as an allotment.

PLANNING CONSIDERATIONS AND ASSESSMENT

19. 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 following represent the principal material planning considerations raised, namely;
 - Principle of Development;
 - Character and Appearance of Area;
 - Neighbouring Occupiers;
 - Natural Environment;
 - Highways; and
 - Other Issues.

Each of the above will be addressed in the order, which they are raised.

Principle of Development

20. The City of Durham Local Plan 2004 outlines the focus for the concentration of development, inclusive of most housing, business, retail development and community facilities, is within existing settlements. The application site is situated outside of the settlement boundary of Quarrington Hill. However, there are a number of permissible exceptions in policy terms where development outside settlement boundaries in the countryside may be considered acceptable.
21. Saved policy E7 of the Local Plan will only permit development outside settlement boundaries where the proposal accords with other relevant policies of the plan. The

relevant policies are named within the criteria to policy E7. The applicable policy in this instance is EMP16, wherein opportunities for development include:

“the extension of an established industrial or business use”;
to which the current application falls under.

22. A Local Industrial Site is designated at Quarrington Hill, as recognised under policy EMP9, wherein industry (B1, B2 and B8) will be permitted provided that there is no significant detrimental effect on the environment or on the amenity of neighbouring premises. The established business premises form part of this area. Notwithstanding the concerns voiced by the Parish regarding an extension of the industrial boundary, the use of the land as an ancillary storage area to an existing light industrial operation of the premises may be permissible under saved policy EMP16.
23. In light of the above the principle of a change of use of the land to form an ancillary storage area is considered to be acceptable in policy terms.

Character and Appearance of Area

24. Saved policy EMP10 contains a number of key criteria, inclusive of the impact of development upon the character and appearance of an area.
25. The village of Quarrington Hill remains predominantly residential in character, with the focus of development to date having been concentrated around the two principal highways of Front Street and Church Street. Nevertheless an area of commercial/industrial activity has evolved to the north east of Front Street, wherein the Quarrington Hill Industrial Estate and other comparable commercial units have been established, inclusive of W H Holden & Son. The commercial/industrial character of the immediate area is further reinforced by the designation of land for employment allocation under the Local Plan.
24. The application site consists of a small pocket of land measuring 19.50m deep by 29.50m wide, located between the existing storage yard of W H Holden & Son to the south east and the allotments to the north west.
25. As noted above the application site is presently accessed from an unmade track, which runs north westwards before returning 90 degrees in a southwesterly direction around the rear of the existing storage yard. The access to this is heavily screened from Front Street South by mature trees and shrubs and similarly to the north by additional dense vegetation. In light of the private setting of the application site, the proximity to the existing storage yard of W H Holden & Son and other similar commercial/industrial units in the vicinity, it is considered that the application site makes no significant contribution to the character and appearance of the locality in terms of visual or amenity importance.
26. Notwithstanding the above it is acknowledged that the proposed palisade fencing would extend forward of the allotments towards the unmade track with the likely loss of a small number of common sycamores and a single common elder. The arboricultural officer has stated that these trees are collectively worthy of retention, however, it is clear that their removal is required to facilitate the development. Whilst it may be preferable to retain these trees, the arboricultural officer has also confirmed that they are not particularly good specimens. In light of the above, the retention of the trees is not considered to outweigh the benefits arising from the development, notably, the ability to help to secure the long term future of this established commercial operation. Furthermore the loss of the trees is also offset by the provision of a satisfactory replacement-planting scheme which would both soften the

visual impact, albeit limited, of the proposed fencing and to reinforce the woodland strip, which aligns the track.

27. Given the location in close proximity to established commercial/industrial activity; the private setting of the application site and the ability to reinforce the existing planting to the perimeter of the site as part of the development, the change of use of the land to form an ancillary storage area is not considered to be seriously detrimental to the character and appearance of the area with the added ability to secure adequate screening to the site and fencing by way of a condition. As such the proposal is considered to accord with criterion 2 of policy EMP10.

Neighbouring Occupiers

28. Policy EMP10 places an emphasis upon a number of key criteria inclusive of the need to ensure that development does not have an adverse impact on the occupiers of nearby and adjoining premises.
29. As noted earlier the application site lies adjacent to the existing storage yard of W H Holden & Son to the south and the allotments to the north. The application site would form an additional storage area for materials, consistent with the existing established use of the premises, which has operated to date without any known disruption to or conflict with neighbouring occupiers and/or land owners. There is no evidence to suggest any such issues would arise from the continued use of the site as a storage and distribution operation.
30. The application site is largely secluded. The external storage area would remain set back from the highway, not readily visible within the landscape due to tree coverage and the existing land form. The site lies on the north western edge of the village, the optimum distance from the nearest residential properties of Front Street South (Aged Miners Homes). The development is deemed to be of a minor scale and as such it is considered that disruption to residents of Quarrington Hill would be minimal.
31. For the reasons outlined above the proposal is not considered to have an adverse impact on the occupiers of nearby and adjoining premises and thereby accords with criterion 1 of policy EMP10.

Natural Environment

32. The land subject of this application is presently overgrown with common bramble and other vegetation. There appears to have been a tree removed in the past, which may have formerly been part of the linear feature of trees and associated hedgerows, which align the unmade access track to the north east, however, having viewed the site, the Landscape & Arboriculture Section were able to conclude from the age of the stump, the tree had not been felled recently.
33. There are three semi-mature common sycamore on the north east corner of the existing palisade fencing and a smaller common elder with open access into the paddock. Thereafter the linear tree line continues along the northern boundary of the allotments to the west. The aforementioned sycamores and single elder may be lost to facilitate the erection of the fencing. Whilst the trees have a positive quality as a group, their removal for the new fencing would not represent a substantial loss of visual amenity, given the private setting and limited views into the site. However, a scheme of replanting of other smaller tree species and hedging could be implemented to offset their loss and provide a screen to the proposed fencing. It should be a condition of any forthcoming grant of 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.

34. It is considered that the development would not be significantly detrimental to tree coverage within the site or its vicinity subject to the submission and approval of a satisfactory replanting scheme. This would serve to add greater definition to the linear feature of trees to the benefit of the natural environment, in accordance with policy E14 of the Local Plan and section 11 of the NPPF.

Highways

35. The Highways Authority has been consulted and raises no objections to the scheme. The applicant is taking the access point from the existing private yard and as a consequence the proposals will not have an impact on the adopted highway. The existing access/exit point to the north east and associated manoeuvring space would remain unaffected by the proposal. The proposed development is therefore considered to accord with policy T1 of the Local Plan.

Other Issues

36. A number of additional issues have been raised, as outlined under paragraph 15, during the consultation exercise.
37. Concern has been expressed regarding the description of the application with particular regard to the use of the term "paddock". Upon receipt of the application submission the description of the works was as follows:
- "To erect a 2.50m high palisade fence to correspond with fence already on site. Change of use from overgrown paddock to storage for second hand paving stones and gravel and light industrial use".
38. Planning Officers are able to amend an application description if it is considered that it does not accurately describe the development. In this instance the description was amended to ensure it appeared clear and concise. In planning terms there was no history directly attributed to the application site and no evidence available to suggest the description as "*a paddock*" was incorrect or misleading.
39. The Parish Council have also questioned the use of a photograph received on 31st August 2012, which they state may be taken to be the site itself. The purpose of the photograph was to form a supporting document, providing an example of the type of fencing proposed. The fencing captured within the photograph is steel palisade fencing as proposed in this instance.
40. In response to the alleged re-classification of the land, the proposals map to the City of Durham Local Plan, 2004, identifies the application site as being situated outside of the designated settlement boundary of Quarrington Hill, in a non-designated area. The status of the site has not been reallocated or redefined since the plan was adopted in 2004. Whilst the comments raised regarding the alleged status of the application site as statutory allotment land are acknowledged, there is no planning record relating directly to this land to substantiate this claim. Notwithstanding the above, officers can confirm that the Councils Corporate Resources team have provided a definitive response confirming that the land was never acquired for use as municipal allotments nor is there any information in the deed packet to suggest the land was appropriated for such use. Therefore, the application site and the land currently let to the Parish for allotment garden use are not considered to be Statutory Allotment Land.

41. Reference has also been made to the application site being located within the designated Green Belt. However, as confirmed above this is incorrect. The land does not fall within the designated Green Belt. The application site is situated in a non-designated area, wherein there are a number of permissible exceptions in policy terms where development outside of the settlement boundaries in the countryside may be considered acceptable.
42. The Parish have also expressed concern as to the unused provision of industrial land within Quarrington Hill. Whilst industrial land may remain available in the locality, the application under consideration must be assessed on its merits and determined accordingly.
43. The increase in the land available to the applicant and potential loss of an existing storage area to facilitate the land acquired under this application is a commercial decision for the applicant and cannot be judged in planning terms.
44. Finally, it has been stated that the Parish Council were not consulted on the sale of the land, to which it is understood a conditional sale has now been agreed. The sale of the land is not a material planning consideration and cannot be given due consideration in the assessment of this application. Notwithstanding the above, the County Council (Asset Management) do not have a statutory obligation to consult the Parish on the sale of council owned land, however, it is understood Asset Management have now entered into discussions with the Parish Council regarding the sale of the site and any interest the Parish may have in the land.

CONCLUSION

45. The proposed development has been considered against the above saved policies of the City of Durham Local Plan, 2004 and the National Planning Policy Framework, 2012. The proposal, by virtue of its intended use, supporting an established commercial operation, its modest scale and secluded location, adjacent to the existing premises, is considered to represent a satisfactory form of development, appropriate to the site and its context, having no significant detrimental impact upon the character and appearance of the locality or the occupiers of nearby or adjoining premises, with no resultant impact upon highway safety.
46. There are no material considerations which indicate a decision should be otherwise and therefore the application is recommended for approval subject to the conditions outlined below inclusive of the submission and approval of a satisfactory scheme of replanting to offset the loss of existing vegetation and provide a screen to the proposed fencing.

RECOMMENDATION

That the application 4/12/00762/FPA 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 92 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 approved plans (site location plan received on 9th August 2012; site layout plan received on 31st August 2012 and photograph of example of proposed fencing received on 31st August 2012), supporting statement and conditions hereby imposed.

Reason - To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E7 and EMP16 of the City of Durham Local Plan, 2004.

3. Prior to the commencement of the development hereby approved a scheme of landscaping shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall provide and detail for: -
- The planting of trees and/or shrubs (including species, sizes, numbers and densities) to reinforce the north east and north west boundary of the site,


The works agreed to shall be carried out within the first planting season following completion of development of the site and shall thereafter be maintained for a period of 5 years following planting.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity, in accordance with the provisions of policies E7, E14, EMP9 and EMP16 of the City of Durham Local Plan, 2004 and section 7 and 11 of the National Planning Policy Framework, 2012.

REASONS FOR THE RECOMMENDATION

47. The proposed development has been assessed against saved policies E7, E14, EMP9, EMP10, EMP16 and T1 of the City of Durham Local Plan, 2004, section 7 and 11 of the National Planning Policy Framework, 2012, and all relevant material planning considerations. The proposals are considered to be acceptable having regard to the location of the development in relation to the existing premises and its surroundings, resulting in no impact upon highway safety and no significant detrimental impact upon the character and appearance of the locality or the amenity and privacy of adjacent and nearby land users.



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Change of use of vacant paddock to north west (rear) of existing premises to form ancillary storage area, to be enclosed by 2.50m high palisade fencing</p>	
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