

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2010/0446
FULL APPLICATION DESCRIPTION	CHANGE OF USE OF PASTURE LAND (3.95 Ha) TO PLANT MACHINE TRAINING CENTRE, WORKS TO INCLUDE USE OF EXISTING BUILDINGS, ERECTION OF SCAFFOLDING FORMATION OF SCREENING MOUNDS AND LANDSCAPING WORKS
NAME OF APPLICANT	TRAINING SUPPORT FOR INDUSTRY
SITE ADDRESS	EASINGTON LEA FARM WEST, EASINGTON COLLIERY SR8 3UP
ELECTORAL DIVISION	EASINGTON
CASE OFFICER	Laura Eden 0191 5274613 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

1. The application relates to Easington Lea Farm situated to the north of Easington Colliery and away from the built up area. In particular it relates to a field located on the western side of the farm and a large former agricultural building situated in the centre of the group of buildings. The site lies in the countryside, outside the settlement boundary.

Proposal:

2. Planning permission is sought for the permanent change of use of the barn and adjacent field from agriculture to form a Training Support for Industry Training Centre. The existing building has been converted and used as a classroom with associated canteen and toilet facilities, and as a storage area and training area. The adjacent field is being used as a training area. The Training Centre supplies on site training to local companies in land based and construction industries; specifically the training centre provides courses in forklift trucks, mobile plant and machinery, cranes and associated courses in safety awareness.

3. The field subject of the application is being used as a practical training area for operating vehicles and plant. The practical training involves a maximum of four vehicles operating on the site at any one time taking place on a daily basis. Within the field various structures are used as part of the training, these include a lorry trailer and scaffold tower. The scaffold tower as erected has an approximate height of ten metres.
4. The Training Centre currently employs a total of four full time employees and the hours of operation are 0830-1700 Mondays to Fridays.
5. The application is for full planning permission following the lapse of a temporary one-year permission on the site.
6. The application is being brought before Members attention due to the previous submission being determined by the planning committee.

PLANNING HISTORY

PLAN/2007/0814 – Change of use of pasture land for plant machinery training including erection of scaffolding and use of barn as training centre granted a one-year temporary approval on 06/03/2009.

PL/5/2010/0081 – Change of use of pasture land for plant machinery including use of barn and erection of scaffolding withdrawn 21/06/2010.

PLANNING POLICY

7. NATIONAL POLICY:

Planning Policy Statement 1 (PPS1) sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Statement 4 (PPS4) Planning for Sustainable Economic Development proposes a responsive and flexible approach to planning which provides sufficient employment land and makes better use of market information. The PPS is designed to establish a national planning policy framework for economic development at regional, sub-regional and local levels for both urban and rural areas.

Planning Policy Statement 7 (PPS7) sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

8. REGIONAL POLICY

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. Of particular relevance are the following policies:

Policy 4 - National advice and the first RSS for the North East advocated a sequential approach to the identification of sites for development, recognising the need to make the best use of land and optimize the development of previously developed land and buildings in sustainable locations.

In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law, and it is a matter for each Planning Authority to decide how much weight can now be attached to this intention.

9. LOCAL PLAN POLICY:

District of Easington Local Plan

Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.

Policy 3 - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.

Policy 7 - Development which adversely affects the character, quality or appearance of Areas of High Landscape Value (AHLV) will only be allowed if the need outweighs the value of the landscape and there is no alternative location within the County.

Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or 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.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>

CONSULTATION AND PUBLICITY RESPONSES

10. STATUTORY RESPONSES:

Parish Council – No comments received.

11. INTERNAL CONSULTEE RESPONSES:

East Durham Business Service - The applicant has looked for many years to find a base for his business and, subject to issues of noise, the current location provides a fit for the slightly unusual needs of the business that cannot readily be accommodated on an industrial estate. EDBS therefore supports the application.

Highways – The traffic volumes associated with the business are low and appear reasonable in relation to the use of the site. Even if the business expanded it is considered that the increase in traffic would be low therefore would not be a concern. Furthermore there have been no recorded personal injury road traffic accidents associated with the development within the last three years. The existing Public Right of Way is not compromised by the training area therefore no highways objection is raised in relation to the current application.

Environmental Health – The submitted noise risk assessment is satisfactory and the measures suggested in the report to reduce noise will minimise the chance of disturbance occurring. No comments have been made in relation to contaminated land.

Planning Policy – The proposal is considered to be contrary to the local plan and is also difficult to justify under PPS4. Although there are some benefits to the economy and job creation it is not considered that this outweighs the significant impacts that the development is likely to have generally and in terms of the adjacent AHLV. The business would be better suited to an industrial estate location therefore the application would not be supported.

12. PUBLIC RESPONSES:

The application would represent a departure to the local plan therefore the application has been advertised in the press, by two site notices and neighbour notification letters. Two letters have been received from neighbouring properties objecting to the application on the following grounds:

- The application site is considered to represent greenbelt, the proposed development would be out of keeping with the character of the area. The erection of the scaffolding has an impact on the previously uninterrupted view.
- The application relates to industrial development which is not suitable for this particular site and would be better located in one of nearby industrial estates.
- The proposed development will set a precedent for future development in terms of concerns over future expansion. Furthermore, if the proposed business were to fail then the site would be considered 'Brownfield' and therefore could potentially be developed.
- Concerns have been raised in relation that the access road to the site is very narrow and does not incorporate a public footpath. This business increases traffic to the area which is seen as a safety concern for both residents and pedestrians.
- The development is considered to have a detrimental impact on the occupants of adjacent dwellings by way of noise, general disturbance and dust.

13. APPLICANTS STATEMENT:

In support of the proposal the applicant has stated that customers are urging him to develop specialised training courses, as at present these are not provided for in the northeast. It is suggested that the proposal represents an acceptable form of diversification for an agricultural holding that is no longer economically viable. The applicant has stated that the benefits of the proposal include:

- Encourage rural enterprise by introducing a new business venture with additional employment and spin off trainees requiring accommodation in the locality.
- The training area is well screened by existing trees and hedgerows in terms of its landscape setting. There would be no significant alterations to the levels of the land, as reinstatement of the trenches etc, occurs daily.

- The site does not include the best or most versatile agricultural land; therefore little effect on agriculture.
- The activities outside the building do not differ significantly from normal agricultural practices.
- In practice there is little difference than if farming activities were taking place.

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://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=110927>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

The main issues to consider in determining this application are:

- Relevant Planning Policy
- Residential Amenity and Character of the Area
- Highways and Traffic

14 Relevant Planning Policy

The application site relates to an area of land situated outside the established settlement boundaries as defined in the District of Easington Local Plan, as such the development is considered to represent development in the countryside. Policy 3 of the Local Plan presumes against development in the countryside unless allowed for under other development plan policies. Planning Policy Statement 7: Sustainable Development in Rural Areas gives national planning guidance for development in the countryside. With regard to countryside protection and development in the countryside it states that Local Planning Authorities should support proposals that deliver diverse and sustainable farming enterprises and support other countryside-based enterprises and activities, which contribute to rural economies. PPS7 also discusses the re-use of redundant building in the countryside and advises that the Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings, and that preference for the re-use should be for economic development.

The current proposal relates to the use of land and an existing building as a Training Centre, where both practical and theory courses are provided. It is accepted that such a use would normally be found on an industrial estate, but it is considered that if such a business were of a suitable scale it would represent development, that would offer diversification of a former agricultural unit, provide for the re-use of a former agricultural building, and contribute to the local economy. Therefore although the development is strictly a departure from the Local Plan, for the reasons outlined above, its scale and nature could lead it to be considered an acceptable departure. Due to the nature of the development the use of the land has minimal visual effects on the character of the area. The work associated with the practical training is carried out at ground level and earthworks are on a temporary basis therefore it is considered that the development can be considered to broadly accord with Policy 3 of the Local Plan and advice contained within PPS7.

The site lies close to an Area of High Landscape Value (AHLV) as identified in the Local Plan. Policy 7 of the Local Plan states that the special character, quality and appearance of the landscape within areas designated as AHLV will be maintained and enhanced. Furthermore, it states that any development likely to adversely affect the character, quality or appearance of the AHLV will only be permitted if it meets a need that outweighs the value of the landscape and there is no alternative location within the county. The application site is not situated within the Area of High Landscape value, although it is

accepted that it is visible from the landscape designation. However, it is not considered that the development detracts from the landscape designation. It is considered that the creation of the earth mound, the completion of the additional planting scheme and the growth from the existing vegetation that have occurred following the grant of the original approval have contributed to screening the site and thus protecting the special character of the area.

Furthermore it is considered that the principle of development has already been established in planning policy terms by granting a temporary permission on the site, albeit subject to certain conditions aimed at mitigating against any negative effects on the character of the area and adjacent occupiers sufficiently to allow it to be considered as an acceptable departure from the local plan. Since that time there has been no changes to planning policy except for the introduction of Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Development in December 2009.

PPS4 advises along the same lines as PPS7, that the countryside should be protected and that the Local Planning Authority should strictly control economic development in the open countryside. It does however advocate that support should be given to the conversion and re-use of appropriately located and suitably constructed existing buildings in the countryside for economic development where it provides the most sustainable option for locations remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport. Applications of this nature should be approved provided the benefits of the development outweigh the harm in terms of the potential impact on the countryside.

It is considered that the Training Centre has limited impact on the adjacent AHLV through the introduction of the earth mound and additional landscape planting therefore it is not considered that significant harm is caused to the countryside. Although it is acknowledged that this is an industrial type business that may be better suited on a purpose built estate the applicant has struggled to find suitable premises which has been confirmed by East Durham Business Service. He has looked for several years however due to the unique needs of the business it cannot readily be accommodated on an industrial estate. Taking all relevant factors into account the business is considered to be broadly acceptable under PPS4 guidance.

It is acknowledged that the planning policy section has objected to the application as they consider it to be contrary to both local and national policy and that it would be better located elsewhere. Notwithstanding this however it has been shown that the development can be seen to be an acceptable departure from the local plan and is broadly in accordance with national planning guidance.

A local resident has raised the concern that if the business fails the site would be considered 'Brownfield' and therefore could potentially be seen as more favourable in terms of future development. A condition can be added to the permission that states that when the business is no longer operational the land must be reinstated to its former condition prior to this use commencing. Furthermore, any new development of the site would be likely to require permission therefore the merits of the application could be assessed at that point in time.

15 Residential Amenity and Character of the Area

Policy 35 of the Local Plan deals with the impact of development. It states that new development should: reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials; provide adequate open space, appropriate landscape features, and screening

where required; and have no adverse effects on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation.

Representations have been received in relation to the change of use. Concerns have been raised regarding the impact the business is having on adjacent occupants and the general character of the area. It is suggested that the change of use is not in keeping with the rural setting and that the operations of the site are having detrimental effects on the amenities of adjacent occupants by way of noise, disturbance and dust.

Planning permission was originally granted for a temporary period initially, to enable the impacts of the development to be properly assessed. The one-year permission has been implemented and the Local Planning Authority considers that this has been a reasonable period to allow the impact the development has on adjacent occupants to be fully assessed. Planning guidance recommends against granting further temporary permissions, as the initial approval should have been of a sufficient length to ascertain whether permanent approval should be granted.

In respect of the concerns raised by local residents there has been a full and detailed assessment into noise at the site. The environmental health section has concluded that the submitted noise risk assessment is satisfactory and the measures suggested in the report to reduce noise will minimise the chance of disturbance occurring. Several site visits have taken place to monitor noise levels at the site and there was no recorded evidence of a statutory noise nuisance. Notwithstanding this information, planning officers have visited the site to assess the situation and it was concluded that although noise is generated by the movement and manoeuvring of vehicles on the site, it was not excessive and was more of a background noise rather than being particularly intrusive. With this in mind it is not considered that noise associated with the development is of a level that would justify refusal of the planning application.

The development was also considered in terms of the potential impact that it has on the outlook of the adjacent neighbouring property. The application site is screened from the neighbouring property by two boundary hedges, one mainly evergreen and one completely evergreen. These have grown to a good height therefore are considered to screen the majority of the development site from view. It is acknowledged that this does not entirely obscure the operation from view as sometimes the crane can be seen when fully extended in addition to machinery passing over the mounding. This does not necessarily happen regularly throughout the day and the views are quite distant therefore it is not seen to be overbearing. Overall the development is well screened and in years to come as the hedging matures the situation should improve further.

The scaffolding is one aspect of the development that does have a wider impact on the setting of the area as it can be seen from the neighbouring property, the Public Right of Way and the main access road. As part of the previous application the height of the scaffolding was conditioned so that it could be no higher than 10 metres and this is the situation that is currently representative on site. Although high in comparison to nearby buildings and that it is visible within the relatively open landscape due to its colouring and that is not a solid structure it is not considered that it significantly impacts on the area.

It is accepted that if allowed to operate without restrictions, the business could have detrimental effects on the occupants of adjacent dwellings. The vehicular movements and activities are considered to be similar to those expected of agricultural operations, but are more frequent and intensive in nature, occurring all year round rather than seasonally. Conditions limiting operating hours, the heights of structures and spoil heaps allowed on the

site would limit the impact the proposal would have on adjacent occupants, and ensure that the proposed change of use would not impact significantly on the character of the area. It is considered that the suggested conditions would sufficiently mitigate against and minimise any adverse impacts that the development could potentially have.

16 Highways and Traffic

Concerns have been raised in relation to increased traffic using Petwell Lane, the main access road leading to the application site. Durham County Council, Highways Authority, have raised no concerns in relation to the proposed development, as such it is considered that the development is acceptable from a highways perspective.

CONCLUSION

17 The proposed development results in the re-use of an agricultural building and adjacent land. Although the proposed use would be more appropriate in an industrial setting it is acknowledged that the applicant has historically struggled to find suitable premises in such locations due to the specialised needs of the business. The report has highlighted that the development can be seen to be an acceptable departure from the local plan and is broadly in accordance with national planning guidance. Furthermore the temporary permission has been sufficient to allow the impacts on neighbouring properties and character of the area to be fully assessed and subject to conditions it is considered that any potential issues arising from the business can be successfully mitigated against.

RECOMMENDATION

18. 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.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Design and access statement, noise assessment, location plan, aerial image, photographs of barn, scaffolding tower all received 11/02/2010 and drg. no. ELF.E/1 received 11/01/2011.
3. The use of the premises for plant machinery training shall be restricted to the hours of 0830 to 1700 Mondays to Fridays only, and is not permitted on Saturdays, Sundays or Bank Holidays.
4. No vehicles associated with the Plant Machinery Training business shall be operated outside the hours of 0830 to 1700 Mondays to Fridays, excluding Bank Holidays.
5. The scaffolding tower used for practical training, as erected on the site, shall not exceed 10 metres in height above ground level.
6. No spoil or soil heaps associated with the use of the land hereby approved shall exceed a total height of 2 metres above the surrounding ground level.

7. If the use hereby permitted is discontinued, within 6 months of the date of cessation the land shall be reinstated to an acceptable condition in accordance with details to be submitted to and approved by the Local planning authority.
8. No more than four vehicles associated with the Plant Machinery Training business hereby approved shall be operated at any one time outside the building.
9. The landscaping and mounding approved under the terms of Planning Permission Reference PLAN/2007/0814 should be retained and maintained for the lifetime of the development.

REASONS FOR THE RECOMMENDATION

1. The development was considered acceptable having regard to the following development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN	ENV03 - Protection of the Countryside
DISTRICT OF EASINGTON LOCAL PLAN	ENV07 - Protection of Areas of High Landscape Value (AHLV)
DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS4 - Planning for Sustainable Economic Growth
PLANNING POLICY STATEMENT/GUIDANCE	PPS7 - Sustainable Development in Rural Areas

2. In particular the development was considered acceptable having regard to consideration of issues in terms of planning policy, residential amenity and character of the area, highways and traffic.
3. The stated grounds of objection concerning impact on the countryside, highway safety, future expansion of the business and noise were not considered sufficient to lead to reasons to refuse the application as such matters have been fully assessed and the proposal is considered to be an acceptable departure from the local plan.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16
- Consultation Responses

