

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/03035/FPA
FULL APPLICATION DESCRIPTION:	Change of use of woodland to extend existing caravan storage area
NAME OF APPLICANT:	Mr Brian Robinson
ADDRESS:	Air Power House Watling Street Industrial Estate Leadgate Consett DH8 6TA
ELECTORAL DIVISION:	Leadgate and Medomsley
CASE OFFICER:	Graham Blakey Planning Officer Telephone: 03000 264865 graham.blakey@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site lies to the south of an industrial building 'Air Power House' which is currently used as a furniture shop, with storage (primarily of caravans) to the remaining external areas of the site. The land to which this application relates sits between the existing building and Villa Real Bungalows to the south and features established tree planting that has grown to around 5-6 metres in height at its tallest. The trees were planted as part of a wider planting strategy across the Watling Street Industrial Estate in the 1990s, with the woodland to the North West of the application site having matured significantly. The current boundary of the storage area lies around 70 metres to the north east of the bungalows separated by the aforementioned tree belt forming a visual screen.
2. Land levels are relatively flat at the area subject to this application, with the area forming a small plateau between the Pont Valley to the north and the Stockerley Valley to the south. Two access roads to the terraces of bungalows run up to the site from the south and there is an informal footpath which runs along the periphery of the land in question linking the bungalows to the industrial estate to the north east.

The Proposal

3. Permission is sought to extend the curtilage of the business premises into the adjacent planted area to create additional external storage space for caravans. The works involve the expansion of the hard core base, new 2.4 metre high perimeter fence (coloured green) and flood lighting to the boundary of site to illuminate the

extended area. There would be an additional nine floodlights positioned to the south western boundary of the site. These would measure 4 metres high and would face north eastward into the site with a power of 80w from an LED bulb.

4. The proposal would result in the removal of trees from within the tree belt but would retain a 15 metre strip, measured from the edge of the vehicle turning areas at the end of Villa Real Bungalows. This would equate to an additional 31 metre strip of land being incorporated within the curtilage of the business for the purposes of additional caravan storage.
5. The application is presented to Committee at the request of a local Ward Member to assess the impact of the proposal upon the woodland and amenity of the residents of Villa Real Bungalows.

PLANNING HISTORY

6. In 1995, planning permission was granted for the erection for the factory building seen on site today, with a change of use to the current furniture retail unit in 2006, and a further change of use of the first floor to offices in 2007.
7. In 2012, an application to erect a 2.4 metre high steel palisade fence to the perimeter of the land ownership was granted and erected.
8. Finally, in late 2012, a further change of use to storage and caravan storage within the curtilage was agreed by the Local Planning Authority.

PLANNING POLICY

NATIONAL POLICY

9. 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.
10. 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’.
11. 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.
12. The following elements of the NPPF are considered relevant to this proposal;
13. *NPPF Part 1 Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity,

building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

14. *NPPF Part 3 Supporting a Prosperous Rural Economy.* Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
15. *NPPF Part 4 Promoting Sustainable Transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
16. *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.
17. *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, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

NATIONAL PLANNING POLICY GUIDANCE

18. *Light Pollution.* Artificial light can be a source of annoyance to people, harmful to wildlife, undermine enjoyment of the countryside or detract from enjoyment of the night sky. Some proposals for new development, but not all, may have implications for light pollution. Impacts upon background light levels, impacts from existing lighting, impacts upon protected species and wildlife, dark landscapes and reflection from existing buildings all are important factors to consider. If any of these are affected, then where light shines, when it shines, how much shines and ecological impacts should be investigated.
19. *Natural Environment.* Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.
20. *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:

The Derwentside Local Plan

21. *Policy GDP1 General Development Principles* – 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.
22. *Policy EN11 – Trees and Development* – states that throughout the district existing trees should be retained where possible.
23. *Policy IN4 – Development within General Industrial Estates* – permission will be only be granted for Business (B1), General Industrial (B2) and Storage and Distribution (B8) within General Industrial Estates. Permission will be granted if units are of a good specification and appearance; prominent and frontage plots are of a higher standard of design; a clean and attractive environment is created; good landscaping and screening is incorporated; and external storage is satisfactorily screened and does not impede surrounding land uses.
24. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access, adequate provision for service vehicle manoeuvring, etc.

RELEVANT EMERGING POLICY:

The County Durham Plan

25. 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 is to withdraw the CDP from examination, forthwith. In the light of this, policies of the CDP are no longer material to the determination.

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:

26. Highways – No objections to this proposal from the highways aspect.

INTERNAL CONSULTEE RESPONSES:

27. Landscape - The site has no landscape or related designations, however, the visual amenity value of the plantation is generally recognised. The tree and native shrub

cover across the site has developed thus far without evident management beyond the initial establishment period. The growth pattern of the trees should dictate the depth of retained woodland required to effectively and acceptably screen caravans from surrounding public viewpoints.

28. Industrial estates across the County have frequently used a minimum dimension of 15m to screen development. This is in recognition of the seasonal leafless factor, and the natural growth pattern of trees to become clear stemmed at the expense of understorey as an effective screen. Therefore a 15 metre screen should be retained around the development, with additional structure planting to the Werdohl Way elevation.
29. Rights of Way Officer – Although no formal footpaths are registered near the site, the informal footpath has accrued public rights through time and use. The amended plans indicate that the footpath would be unaffected by the proposals, however the PROW team should be informed of any temporary closure of the path.
30. Environmental Protection – The application does not provide specific detail on the intended lighting installation. When a significant light source is installed the potential of impact in relation to intrusive light and glare on residential properties should be considered. Although it is accepted that there is a certain distance and potential barrier between the applicant's site and nearest resident, further details of lighting impacts should be provided to allow assessment of the application.

It is noted that local residents have raised concerns in relation to transferal of noise from the industrial estate due to removal of the tree belt. It does not appear that the intended use of the site would be likely to produce any additional noise, considering the likely existing noise climate. It is therefore assumed the concern relates to the assumption that the tree belt will block out noise from the other potential noise sources. To clarify, trees provide limited noise attenuation and therefore considering the other nearby noise sources it is unlikely that the part removal of the tree belt should be likely to significantly alter the existing noise climate.

31. Ecology – The woodland strip offers limited habitat value in itself, but does form part of the wider linkages or corridor between areas of greater habitat importance. The loss of some of this woodland would be a net habitat loss; however the overall impact would be minimal as the linkage, although reduced in scale, still remains. Opportunity does exist to provide alternative habitat, such as wild flower meadow, in the immediate vicinity which could be explored.

PUBLIC RESPONSES:

32. Neighbours have been consulted by way of direct notification, and a site notice posted and press notice published. Eight letters of objection have been received together with a petition of around 70 signatures from the residents of Villa Real Bungalows. In summary the comments were as follows: -
 - Removal of the trees would affect the woodland and the amenity of the bungalows.
 - The area is of valued amenity and children and grandchildren of the residents of the bungalows regularly play within the tree belt.
 - NPPF aims to protect and enhance the natural environment. This proposal would be to the detriment of the natural environment to this part of the world.
 - Loss of the habitat would reduce wildlife and diversity in this woodland, including deer, badgers and other wildlife.

- Drainage would be affected as the trees help to use surface water and the impact would be more flooding to the bungalows.
- Floodlighting would intrude in to the nearby residential properties.
- The tree belt forms a barrier that helps protect against the elements in the winter months and reduce lying snow in the streets of the bungalows.
- The woodland reduces noise from the industrial businesses beyond.
- Ample industrial land available elsewhere in the vicinity.
- No jobs would be created by the development, only the loss of a community asset.
- Negative impact upon house prices.
- Caravan alarms would be heard 24 hours a day as a result of bring the development closer to the properties, and storage of canisters of fuel so close to domestic properties would be dangerous.

APPLICANTS STATEMENT:

33. Here is a summary as to why it is believed planning consent should be given.
34. The land in question originally formed part of the same land purchased from Derwentside District Council in 1995. Although trees had been planted six months prior to the purchase, preference was given to our plans to build a factory because the land was originally set aside for industrial purposes as part of the old Bradley Workshops Estate.
35. This policy was never changed and therefore plans to utilise the land for industrial purposes should still take preference. Caravans have been stored on our site for nearly three years and have been awarded the Cassoa Gold standard seal of approval because of the high standards of our site.
36. We are aware some people frown upon caravan storage areas believing them to be unsightly. With this in mind we have designed the extra storage area so it will not be visible from anyone using Werdhol Way or more importantly the residents of Villa Real Bungalows.
37. The proposed lighting would be at right angles to the bungalows, facing into the site away from the dwellings, and would not shine over anyone's property regardless of the type used.
38. Finally it is important to point out that this application is actually fulfilling a need for in the area as there is a lack of storage space available for caravan owners. We alone are turning away on average 6 people per week looking for storage space.

I therefore respectfully request that members view the application favourably as a result.

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 <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NVKYEAGD0A500>

PLANNING CONSIDERATIONS AND ASSESSMENT

39. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and

all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development and the impact woodland and neighbouring properties.

Principle of the Development

40. The application site lies to the south of the established industrial units at Watling Street Industrial Estate, and despite the appearance of the land, the application site is within the area designated as general industrial estate under Policy IN4 of the saved Derwentside Local Plan. This policy is considered to support the aims of the NPPF in securing sustainable economic growth to designated sites.
41. The designation as employment land gives implicit 'in-principle' acceptance to industrial type developments (i.e. development falling in "B" use classes of the Use Classes Order 1987 (as amended)). The proposed caravan storage would fall under use class "B8" storage and distribution and so is supported by Policy IN4.
42. A previous case determined by the Planning Inspectorate for a larger plot to the north of the application site for a new factory unit found the designation as an industrial estate through Policy IN4 has a strong presumption in favour of the development unless it is outweighed by material considerations raised. Although this appeal was determined before the inception of the NPPF and NPPG, the framework does offer support for economic uses in designated locations (paragraph 21), showing the conformity of Policy IN4 to the requirements of the NPPF.
43. The application site, together with a larger swathe of the woodland to the north are scheduled for deallocation as part of the emerging County Durham Plan, however the status of the plan at the time of writing means it carries no weight in the decision making process. The application must be determined in accordance with the current development plan, the Derwentside District Local Plan, and the NPPF.
44. As a result, this proposal to utilise land designated as industrial, for the storage of caravans, itself an industrial land use, carries significant weight in the decision making process in favour of this proposal.

Impact upon the Woodland

45. The application site forms part of the mature tree belt which has grown to separate the industrial development to the north from the residential properties to the south. Protection of the character of the natural environment is a material consideration in this case and follows from part 11 of the NPPF. Policy EN11 of the Local Plan builds upon this requirement to secure trees which contribute to the landscape amenity of an area and which characterise the setting of a building.
46. Neighbouring residents have expressed concerns about the proposal and have indicated their strong support in seeking retention of the wooded area that they state provides a visual and weather screen to the north and east and a community facility that supports a diverse selection of wildlife.
47. The Council's Landscape Officer has outlined the Council's standard requirement of around 15 metres of buffer planting to new industrial development proposals to act as a visual screen to the development. The scheme proposed here originally sought to retain approximately 10 metres. As a result of the Landscape Officer's comments the scheme was amended and now matches this 15 metre requirement. In response to the concerns of the Landscape Officer, the applicant has stated that they believe there to be sufficient shrubbery and trees as part of the verge area to the side of

Werdohl Way to screen the development. Currently, the storage area is visible from Werdohl Way and there is some vegetation at the point of the application site, however this could be reinforced by the applicant as the part of the proposal.

48. With an additional 31 metres of land, the amended drawings indicate that the layout of the storage area requires this additional amount to adequately accommodate the caravans. This indicated that no more land than is necessary to accommodate the additional caravans stored in a suitable configuration within the extended site is being sought, showing that there is no unnecessary encroachment in to the tree belt.
49. Residents contest that the woodland strip offers habitat that forms part of a community facility and that any loss of trees would cause damage. The loss of any form of woodland would ultimately lead to a negative biodiversity impact; however the specifics of each case need to be assessed. In this instance, there is no total loss of trees and so the corridor habitat that exists is maintained to some degree. As a result, a balance between the loss of trees sought through economic development and the loss of habitat is considered appropriate. Here, there is no total loss of trees and the corridor habitat is maintained to some degree, weighing in favour of the proposal.
50. Therefore, a balance has been reached whereby the requirements of the applicant can be accommodated and the remaining trees can be considered to adequately screen the development and continue to provide a potential wildlife habitat that satisfies the requirements of Part 11 of the NPPF and Policies IN4 and EN11 of the saved Derwentside Local Plan.

Impact upon Amenity

51. Locations whereby industrial and residential developments sit in close proximity are generally likely to cause a conflict that affects the amenity of the residential occupiers. This is also applicable in this instance; however the presence of the tree belt goes some way to address this general conflict in land uses by screening the industrial development from the bungalows.
52. This proposal however would reduce this tree belt, and some residents of the bungalows believe that this would have a negative impact upon their residential amenity through direct impacts (weather and noise) and indirect impacts (loss of habitat and community facility).
53. Policy GDP1 (h) requires new development to respect the amenity of adjacent land owners and so this is a material planning consideration in this instance. Retention of a 15 metre buffer as proposed would still provide habitat and woodland, however the general acoustic dampening effects of woodland are not considered sufficient to form a barrier to noise. The Council's Environmental Health Officer clarifies within their comments upon this application that trees provide limited noise attenuation. The removal of the trees as part of this proposal is therefore not considered to significantly alter the levels of noise arriving at the bungalows to the south.
54. Therefore the proposed 15 metre strip of tree belt to be retained would not be considered to fundamentally alter the impact of the industrial estate upon the amenity of neighbouring residents and would adequately protect amenity. The retention of the tree belt at this point would still be considered to potentially support wildlife within the area and so carries appropriate weight as a result.
55. The application proposes the inclusion of nine floodlights to the southern boundary of the extended site. These would be at a height of 4 metres and would face into the

application site (away from the bungalows). Details of the lighting indicate the LED lights would be of the same specification as installed to the current building lighting up the existing storage area.

56. Residents have raised concerns over use of the lighting overnight and the resultant impact upon the bungalows nearby. The NPPG offers guidance upon new artificial lighting and its impacts upon various receptors. It states that light spill should be avoided as there are potential impacts upon sleeping, annoyance and affecting natural systems. In order to fully assess the impacts of the proposed lighting and the extent of any light spill the Council's Environmental Health Officer requested that additional information be provided up front. The applicant has declined to provide the required details in advance and would prefer this matter to be controlled by a planning condition. This is because they do not feel that the proposed lighting would adversely affect resident amenity by virtue of the orientation of the lighting and the distance from the residential properties.
57. Ideally the information ought to be provided upfront to enable a fully informed decision to be made. However, the NPPF does advocate the use of conditions to make otherwise unacceptable development acceptable. On this occasion the lights are to be directed away from the bungalows. The lighting is also proposed at 4 metres in height and so would be below the height of the majority of trees within the tree belt that would be retained. This would contribute to screening the lighting to the south to some degree. All these factors would help to minimise the impact of the lighting and careful lamp design and the use of cowls to shield the lighting would mitigate the impact further. Taking these factors into account officers consider that it would be feasible to install floodlights which would not cause undue impact upon the amenity of the neighbouring properties. However, to ensure that this is the case it is recommended that a condition is imposed requiring full details of the floodlighting and a lighting assessment showing patterns of illumination with specified lux levels to be submitted to and approved by the Council prior to the installation of the floodlights. Adopting this approach would enable the Council's Environmental Health Officer to fully assess the lighting scheme and to make recommendations if necessary to adapt the scheme to minimise its impact.

Other Matters

58. The application site features informal public rights of way to the perimeter of the site. These are paths which are not formal rights of way but which have accrued rights through usage. The proposal does not intend to obstruct the path linking the bungalows with Watling Street Industrial Estate and falls short of this point. Therefore, the proposal is not considered to conflict with any public rights of way in the vicinity.
59. Expansion of the caravan storage does have economic benefit, and while there is no job creation proposed, the applicant is safeguarding the existing jobs at the site. This aspect weighs in favour of the proposal, but has to be balanced with the associated impacts through the loss of tree belt discussed above.

CONCLUSION

60. Expansion of the caravan storage business in to the wide tree belt that runs between the industrial estate and Villa Real Bungalows would occupy designated industrial land under Policy IN4 of the saved Derwentside Local Plan. The retention of 15 metres of the tree belt is considered to offer a balance between the safeguarding of

the current business and the protection of the amenity and wildlife that the tree belt brings and so in this instance represents acceptable development.

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.

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.

Date received	Plan Reference Number
18/11/2015	001 – Location Plan
18/11/2015	012 – Proposed Block Plan
18/11/2015	101 – Existing and Proposed Site Plans

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

3. Within three months of the commencement of the development, details of the surface water drainage shall be submitted to the Local Planning Authority. Once agreed, the development shall be carried out prior to the use of the site commencing and in accordance with the approved details.

Reason: To ensure that the impact of the development upon flooding is controlled in accordance with paragraphs 100-104 of the NPPF.

4. Prior to the installation or erection of the floodlighting proposed, full details of the proposed lighting, including their design, position, direction, lux levels and levels of light spill, shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, the lighting must be installed in accordance with the approved details and shall only be adapted with the prior written approval of the Local Planning Authority.

Reason: To ensure that the amenity of the neighbouring occupiers is protected in accordance with Policy GDP1 (h) of the saved Derwentside Local Plan.

5. Notwithstanding details submitted with the application, the fencing proposed shall be coloured dark green to match that of the existing fence to the perimeter of the site.

Reason: To ensure that the visual impact of the proposed fence is reduced in accordance with Policy GDP1 (a) of the saved Derwentside Local Plan.

6. The area of land hereby approved shall only be used for the storage of caravans and no other uses within Use Class B8 of the Use Classes Order 1987 (as amended).

Reason: In the interests of amenity of the nearby residential properties in accordance with Policy GDP1 (h) of the saved Derwentside Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

61. The Local Planning Authority in arriving at its decision, 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.)

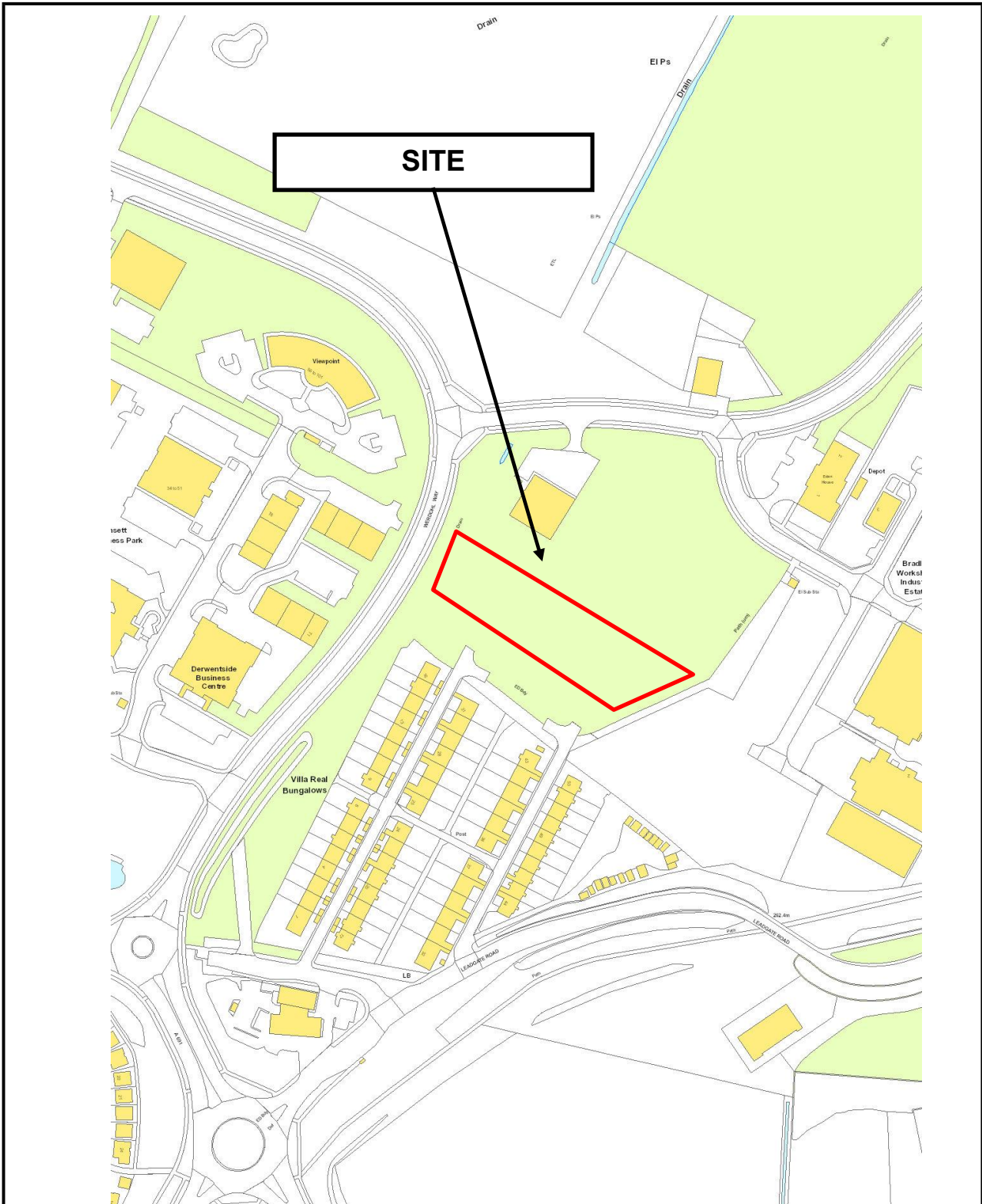
BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance

Derwentside Local Plan (saved Policies 2007)



Planning Services

Air Power House, Watling Street Industrial Estate, Leadgate, Consett, DH8 6TA

Application Number DM/15/03035/FPA

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Comments

Date 28th January 2015

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