

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/01376/FPA
FULL APPLICATION DESCRIPTION:	Change of use from agricultural use to the storage of equipment and materials in association with an arboricultural business (amended description and plans received confirming revised access)
NAME OF APPLICANT:	Mr Jonathan Wheeler
ADDRESS:	Land to the South East of Southridge Seaton SR7 0NE
ELECTORAL DIVISION:	Seaham
CASE OFFICER:	Paul Hopper (Planning Officer) Tel: 03000 263 946 Email: paul.hopper@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises an existing agricultural building which forms part of a collection of buildings known locally as Stotfold Farm and is positioned in a rural location to the south west of Seaton. Although originally comprising a working farmstead the site has since been subdivided and sold on a piecemeal basis and as such now hosts several residential properties, two commercial liveries, a prestige car sales business and a bottled water company.
2. The building is of typical pre-fabricated agricultural design finished in corrugated green steel cladding to the walls and roof and includes both pedestrian and vehicular access the latter via roller shutter doors to its eastern elevation. It is approximately 17 metres long by 12 metres wide and has a curtilage which includes a small area of land to the eastern and western elevations. The application site also includes an area of agricultural land to the south east covering an area of approximately 1 hectare which is presently set to grass and delineated by a mix of post and wire and post and rail fencing.
3. At present there are two vehicular points of access into and out of the wider Stotfold Farm site which are available to the north and west and both make use of an adopted unclassified road before traversing two short lengths of private access road.

The Proposal

4. Planning permission is sought for the change of use of an existing building and associated land at Stotfold Farm, Seaton from agriculture to light industrial use to be occupied in association with an arboricultural business currently based at Tursdale Business Park, Tursdale, Durham.

5. The applicant advises that whilst the business is currently located at TurSDale this site is subject to a short term rolling lease which is no longer suitable for the applicant's business and as such relocation of the business to the site at Stotfold Farm is sought for which the applicant has secured a long term lease.
6. The building would be used for the storage of plant, machinery and vehicles in association with the existing arboricultural business and also includes the siting of 2 no. single storey cabins. These would be positioned to the western elevation of the building and be approximately 7.3 metres long by 3 metres wide and 6.4 metres by 3 metres wide respectively and be used to provide office and welfare facilities. Both would have an overall height of approximately 3 metres. The associated land would be used for the storage of virgin timber materials generated by the arboricultural business with the remainder used for agriculture and forestry as is currently the case.
7. In terms of operational activity the site would be used to store three 3.5 tonne vehicles, two wood chippers (one tracked chipper and one self-propelled chipper), a transit panel van (used as a welfare van at jobsites), one L200 pickup, a Land Rover MEWP and two tractors. Whilst the business also owns a number of other vehicles these are retained by employees overnight at their home addresses and the applicant advises would not be stored at the application site. For clarity the applicant has advised that the business does not use any HGVs and has no requirement to do so in the future.
8. In terms of processing activities the applicant has confirmed that only logs and wood chip generated by the business would be stored at the site, and that whilst in most cases material is chipped at the point of origin (i.e. at the point at which the tree is felled), there will likely to be some limited processing of material on site but that this would be limited to the cutting of larger logs by hand and the mechanical chipping of brash.
9. It is anticipated that the maximum number of vehicle movements generated by the business would equate to approximately 9 vehicle movements in and 9 out per day, with an additional 7 in and 7 out generated by staff vehicles giving a total of 16 in and 16 out per day. The applicant advises that movements by staff vehicles are likely to be less as some staff commute straight to job sites and as such keep business vehicles at their home overnight. The applicant advises that vehicle movements would normally occur at around 07:30 in the morning and between 15:30 and 17:30 in the afternoon.
10. Despite initially proposing four possible points of access the applicant has since amended the proposal confirming that vehicular access would be taken solely via a private track and adopted, unclassified road to the west.
11. The applicant has advised that at present the business employs 7 full and 3 part time members of staff and that whilst no additional positions would be created as a result of the proposal these existing positions would be safeguarded through the relocation of the business. In terms of site operation whilst the business does offer a 24 hour call out service the core hours of proposed use would be 07:30 to 18:30 7 days a week.
12. This application is being reported to Planning Committee at the request of Seaton with Slingley Parish Council which considers the nature of the application and volume of public objection to be such that the application should be considered by full planning committee.

PLANNING HISTORY

13. There is no planning history relevant to the current application.

PLANNING POLICY

NATIONAL POLICY

14. 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 dependent.
15. 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’. The following elements of the NPPF are considered relevant to this proposal;
16. *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.
17. *NPPF Part 4 Promoting Sustainable Transport*: Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
18. *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.
19. *NPPF Part 11 Conserving and Enhancing the Natural Environment*: Planning policies and decisions 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 mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
20. *NPPF Part 12 Conserving and Enhancing the Historic Environment*: Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA’s should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

LOCAL PLAN POLICY:

Easington District Local Plan

21. Policy 1 (General Principles of Development) 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.

22. Policy 3 (Protection of the Countryside) which states that development outside the settlement limits will be regarded as development within the countryside. Other than specifically allowed by other policies, development in the countryside will not be approved.
23. Policy 35 (Design and Layout of New Development) which requires the design and layout of development to embody the objective of energy conservation, reflect the scale and character of the area, be screened appropriately where required, and have no serious amenity impact.
24. Policy 36 (Design for Access and the Means of Travel) which requires new development to provide safe and adequate means of access capable of serving the amount and nature of traffic to be generated.
25. Policy 74 (Footpaths and Other Public Rights of Way) which states that public rights of way will be improved, maintained and protected from development. Where development is considered acceptable, planning permission will be granted if a suitably landscaped alternative to the affected public right of way is provided which is convenient and attractive to users.

EMERGING COUNTY DURHAM PLAN:

The County Durham Plan

26. 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 (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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:

27. Seaton with Slingley Parish Council objects to the application raising the following concerns:
 - Access: The proposed access is via a single track road which is unsuitable for HGVs and not intended for use by heavy industrial vehicles, particularly as there is no pedestrian pathway. There is a livery yard close to the application site and the surrounding road and footpath network is well used by walkers, riders and young children who would come into direct conflict with commercial vehicles accessing the site.

- Noise: There is potential for significant noise from machinery such as chainsaws, chippers and heavy industrial vehicles visiting the site which would have a negative impact upon the residential amenity of surrounding occupiers.
- Fire Risk: Large quantities of wood chip and logs could potentially be stored on site and as such there is potential for surface water contamination and fire risk.

28. Dalton-le-Dale Parish Council objects to the application as neighbouring parish and cites the following concerns:

- Highway Safety: After concerns were raised by the Parish Council and local residents a restricted access gate was installed at the public right of way entering Walton Avenue which the applicant has included as a proposed means of access. Given that a gate was installed in the area it would be completely impractical that every vehicle accessing the site would close the gate upon entering and exiting the site which would be left open.
- Impact upon users of the PROW: This route is well used by walkers, young children and riders who would come into direct conflict with industrial vehicles using the site and the residential nature of the road at Walton Avenue is such that it is unsuitable for use by industrial vehicles.

29. Highway Authority has no objection to the application based on the type and number of vehicles using the site.

INTERNAL CONSULTEE RESPONSES:

30. Noise Action Section has no objection to the application subject to the inclusion of a planning condition requiring the submission and agreement of noise attenuation measures and a condition restricting the days and times that material can be processed at the site.
31. Public Rights of Way Section has no objection to the application after the development was amended to remove the use of the access from Walton Avenue.

PUBLIC RESPONSES:

32. The application has been publicised by way of site notice and individual notification letters to neighbouring properties. At the time writing, 57 letters/emails of objection had been received, although 5 appear to be duplicates from 5 addresses and three respondents left no address details. The reasons for objection are summarised below;
- a) Highway Safety and Suitability of Access: The bridleway and footpath to the east of the site is a public right of way and not suitable for use by light industrial vehicles. The route also makes use of an existing residential estate road and is also well used by walkers, riders and children who would come into direct conflict with vehicles accessing the proposed business premises. The residential roads to the east at Walton Avenue are also subject to a high degree of on street parking which further restricts access.
 - b) Parking: There is insufficient on-site parking to service the number of business and staff vehicles using the site which would force vehicles to park outside of the application site restricting access for surrounding users.

- c) Adverse impact upon Amenity of Surrounding Occupiers: Noise from vehicle movements and processing on site would be detrimental to the amenity of surrounding residents given the sites rural location.
- d) Suitability of the Site: Industrial uses are not suitable within rural locations and should be situated within existing industrial estates of which there are several within the area capable of accommodating the proposed use.
- e) Impact on existing Livery Yards within the Locale: noise and disturbance from the proposed development would have an adverse impact upon the adjacent livery yards and the horses stabled there which itself would have a detrimental impact upon these businesses.
- f) Adverse environmental impacts of waste processing and the storage of waste material at the site particularly contamination of surface water and risk of airborne bacteria. Storage of large volumes of material also presents a significant fire hazard.
- g) The means of access from the west off the adopted unclassified road linking Seaton to Murton is taken via a short section of private track which the applicant has no right of access across with commercial vehicles.
- h) Adverse Impact upon Property Values.

In addition a 125 signature petition in objection to the application has also been received echoing the reasons for objection listed above.

Two additional letters of representation have subsequently been received in response to the amendment to the proposed access arrangements which effectively remove previous objections.

APPLICANTS STATEMENT:

33. This document is to provide support with positive factors of our application to change use of land and building at Stofold Farm, SR7 0NE to enable us to use it in connection with our existing arboricultural business as outlined in our application and associated documents.

In many ways our business is a crossover nestling midway between agriculture and forestry, and can be considered semi-rural, most of the time working in the most remote parts of the countryside. Whilst many rural and semi-rural business have struggled we have worked hard to establish ourselves as a successful small company in our industry. We have done this in a sustainable manner and been awarded many accreditations as a result of our responsible approach to our operations. Such accreditations should help provide assurance to the committee that we have considered the impact of our proposed move to be low and will not impact on the surrounding dwellings.

With 7 x fulltime employees we may be considered to have a small positive effect on employment but one thing we are proud of is that to date, unlike many larger businesses we have never made redundancies due to a down turn in work, some existing employees being with our firm for 5 years. So the application is positive with potential to provide future jobs.

Various employees have been put through continuous professional development to include academic courses and competencies to improve their career portfolio. In addition we have been engaged in work experience programmes with people from both local schools and the Job Centre, those people have benefited from real employment and career opportunities, some of which we put through college, one has gone on to now have a long term permanent job on the tree team in the Council.

Investment in staff includes people mainly from County Durham, we have close – unaffiliated - ties to East Durham College encouraging prospective arborists to attend and employing students who have attended college and desire an introduction to the industry.

Our current premises are to be considered temporary, from the start of our occupancy the landlord only committing to a short term lease, on an easy in/easy out 30 day clause. The condition of the unit is unfit for purpose with numerous holes in the roof (you can literally see daylight) and water flooding in. Paying a ludicrous service charge for security with 1 working of a miserly 4 cameras, the site was broken into approx. 3-4 weeks ago and 13 units broken into. Rumours of development of the site regularly feature and cast uncertainty on our future at Tursdale. We have already been removed from our office to accommodate a larger firm and we are now having to sublet. As such we are reluctant to invest in premises that only present short term potential with limited facilities.

I have another application which is on hold whilst this application is decided, with the intention to dwell in the proposed barn conversion adjacent to the business premises.

This will provide us with permanent, secure and cost effective premises, allowing me to better monitor the business.

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://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

34. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained within the NPPF are material considerations that should be taken into account in decision-making and other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of development, impact of the proposal upon the amenity of adjacent occupiers, the rural character of the surrounding landscape and access and highway safety.

Principle of Development

35. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and the NPPF is a material planning consideration in this regard. The Easington District Local Plan (EDLP) remains a statutory component of the development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that greater weight may be given to local plan policies depending on their degree of consistency with the NPPF. NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of- date simply because they were adopted prior to the publication of the NPPF.

36. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material consideration indicate otherwise):

- approving development proposals that accord with the development plan without delay; and

- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

ii) specific policies in this Framework indicate development should be restricted.

37. The application site is located within the countryside beyond the settlement limits of any town or village but is nevertheless situated in a collection of buildings that hosts a variety of residential and commercial uses which includes 2 No. commercial liveries, a prestige car sales company and a bottled water business.
38. Given its rural location policy 3 of the Easington District Local Plan is relevant and states that development outside of settlement limits will not be approved other than specifically allowed for by other policies in the plan. Whilst this policy is considered out of date it is noted that paragraph 14 of the NPPF does not state that out of date policies are irrelevant in the determination of a planning application. Nor does it prescribe how much weight should be given to such policies in decision making. This is considered a matter for the decision-maker having regard to advice at Paragraph 215 of the NPPF.
39. In this respect whilst policy 3 of the EDLP relates to the application of settlement limits, the principal aim of protecting the countryside from inappropriate development remains and this displays broad accord with the presumption in favour of sustainable development as contained in paragraph 14 of the NPPF. Policy 3 of the EDLP can therefore be afforded some weight in determination of this application, albeit reduced.
40. Although not directly relevant to this application given that the historic use of the building is unclear and the proposal includes land not within its curtilage, changes of use of agricultural buildings to a flexible use falling within classes B1 and B8 of the Town and County Planning (Use Classes) Order 1987 as amended can be considered permitted development through recent changes to the Town and Country Planning (General Permitted Development) Order 2015. Whilst this is subject to a prior notification procedure through which the local authority can control aspects of the development including noise, it nevertheless demonstrates support in principle for the re-use of agricultural buildings to a range of alternative uses including storage.
41. The proposed arboricultural use would use the site principally for the storage of plant and machinery in association with what could reasonably be considered a rural enterprise and is situated in a cluster of properties characterised by other rural businesses that includes two commercial livery yards, a bottled water company and prestige car sales business. Therefore some degree of commercial activity is established within the wider Stoffold Farm site and it is noted there would be some economic benefit in safeguarding 7 full time and 3 part time employment positions and the reintroduction of a positive use to a building which is currently vacant.
42. Several residents have noted that the site's rural location is such that it is not suitable for industrial activities and that there are several local industrial estates within which the proposed use would be more readily accommodated. However, there is no requirement to demonstrate that there are no available sites within existing industrial areas before alternatives can be viewed favourably.

43. Whilst the proposal displays some level of conflict with policy 3 of the Easington District Local Plan in that it relates to new development within the countryside, there is a requirement through the NPPF to consider the proposal in the context of a presumption in favour of sustainable development. Paragraph 14 of the NPPF states that the development should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. There are no specific restrictive policies of relevance and the NPPF does include as a general aim in encouragement of economic growth in rural areas in order to create jobs and prosperity through supporting the sustainable expansion of all types of business and enterprise in rural areas. Any benefits and adverse impacts of the proposal are considered later in this report.

Impact upon the amenity of adjacent occupiers

44. Despite its rural location the application site is situated approximately 24 metres from the nearest residential property at Southridge and within 110 metres of an additional 6 dwellings that make up the remaining cluster of buildings at Stotfold Farm.
45. Paragraph 123 of the NPPF requires that planning decisions avoid noise from development giving rise to significant adverse impacts on health and quality of life; and mitigate and reduce to a minimum other adverse impacts through the use of conditions. Policy 35 of the EDLP is considered to display a broad level of accord with the aims of paragraph 123 in this regard and states that the design and layout of new development should have no serious adverse effect on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings.
46. Several local residents have raised objection to the application in this regard citing concerns that the increase in vehicle movements and the external processing of material would generate a level of noise and disturbance that would have a detrimental impact upon the amenity of surrounding residents and the welfare of horses stabled in the nearby livery yards.
47. Noise associated with the use of the building for storage is anticipated to be generated principally by vehicle movements which given the number of movements proposed is not considered to be significant. Given the position of the building within a site which also includes commercial activities including livery and bottled water company noise from vehicle movements is unlikely to be out of character with the existing uses, or significantly increase the noise climate.
48. With regard to processing activities the applicant has confirmed that this would be limited to the cutting of large logs by hand and the chipping of brash by mechanical splitter which would only be carried out between the hours of 09:00 to 17:00 Monday to Saturday with no working Sundays or public/bank holidays, and only on occasions where it has not been possible to process the material at its point of origin. Whilst processing activities would be carried out externally, these would nevertheless be situated approximately 150 to 200 metres from the nearest residential properties.
49. The Council's Noise Action Team advises that noise from chippers and chainsaws is significant even at distance and should it be prolonged and frequent is likely to impact on residential amenity. The applicant has confirmed that the proposed frequency of chipping at the site is understood to equate to either 1 hour per day 6 days a week or 8 hours per day for 3 days per month.

50. The Council's Noise Action Team has been consulted and offers no objection to the application noting that any impact in this regard could be appropriately mitigated through planning condition restricting the use of the mechanical plant/equipment associated with the business (other than motor vehicles) outside of the hours of 09:00 to 17:00 Monday to Friday and 09:00 to 12:00 Saturdays and that all chipping be carried out in the area identified for the storage and processing of wood on the submitted storage plan.
51. Subject to the inclusion of the conditions stated the proposal is considered to accord with the requirements of policies 35 of the EDLP and paragraph 123 of the NPPF in that it would not have any unacceptable impact upon the amenity of people living or working near the site.

Impact upon the character and appearance of the surrounding area

52. The application includes the installation of 2 No. demountable cabins on land to the west of the existing building which would be single storey in height and provide office accommodation and welfare facilities for employees.
53. Policy 35 of the EDLP states that the design and layout of new development will be required to 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. This is considered to display a broad level of accord with the aims of paragraph 56 of the NPPF which notes that good design is a key aspect of sustainable development and is indivisible from good planning.
54. Despite being of functional appearance and situated in an elevated position in the surrounding landscape the cabins would be partially screened by an existing hedgerow and viewed in the context of an existing building of notable height, which itself is of utilitarian appearance finished in corrugated green cladding. In the wider context it is noted that there are other similar buildings of functional appearance within the immediate locale and in this context the two cabins would not have any unacceptable impact upon the character and appearance of the rural landscape in accordance with the aims of policy 35 of the EDLP and paragraph 56 of the NPPF. However, it is noted that the external colour should be green to help assimilate the structures to the building against which they would be viewed and this could be ensured through planning condition.

Impact upon Access, Highway Safety and Public Rights of Way

55. The application as originally submitted identified a total of four points of access which included a route through Walton Avenue to the east although the applicant has since confirmed intention to use only the access to the west of the site via an unclassified adopted road and short section of private access track. All commercial vehicles using the site would access it via this route and amount to approximately 18 commercial movements per day (9 in and 9 out) and 14 movements by staff per day (7 in and 7 out). The latter is given as a maximum as it is understood that some employees keep commercial vehicles at their home addresses overnight and travel direct to the job site. The vehicles accessing the site would comprise 3 No. 3.5 tonne vehicles, 1 No. transit panel van (used as a welfare van at jobsites), 1 No. L200 pickup, 1 No. Land Rover MEWP and two tractors.
56. Policy 36 of the EDLP requires new development to provide safe and adequate access capable of serving the amount and nature of traffic to be generated. This is considered to display a broad level of accord with the aims of paragraph 123 of the NPPF which requires that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised.

57. Some residents raised objection to the original proposal to use the bridleway and footpath via Walton Avenue to the east and whilst the application has since been amended to remove this element, many of these objections have not been formally withdrawn. Notwithstanding this, Seaton with Slingley Parish Council and other residents have raised objection to the use of the adopted, unclassified road to the north and west which they consider unsuitable for use by industrial vehicles owing to its narrowness which is such that 2 vehicles are unable to pass without using the passing places provided. They also raise concern regarding the potential for conflict between commercial vehicles, walkers and horse riders.
58. Concern has also been raised by residents in relation to the amount of parking available within the site and the extent to which this is capable of accommodating the number of staff using the site.
59. Whilst these concerns are noted the wider road network forms part of the adopted highway and although narrow in places, currently serves several other commercial enterprises within the locale in addition to several residential dwellings. It should also be noted that the roads in the vicinity have historically been used by a range of large agricultural vehicles.
60. With regards to parking there is considered to be sufficient space provided within the site and potential conflict with walkers and horse riders would arguably be no greater than that which currently exists particularly considering the presence of other commercial uses in the area and the number of vehicle movements linked to the proposed use. The Highway Authority has no objection to the application and as such the proposed means of access is considered acceptable and capable of safely accommodating the type and frequency of vehicle movements proposed subject to a planning condition restricting access solely to the route via the unclassified U21.2 road to the west.
61. Notwithstanding the above, the owner of the private access track situated to the west of the building (which the applicant intends to use as the sole means of access to the development), has objected to the application and advised that his express permission is required to use this route and would not be granted. In response, the applicant has sought to present his own evidence from the land registry to demonstrate that the building benefits from a right of access across this route. Whilst it would appear from the information provided that a right of access does exist in this regard, the matter is a civil issue and the planning system is not arbitrator of any disputes in this regard. Accordingly, the existence or otherwise of a private right of access is not something that can be given weight in the determination of this application. The means of access exists and appears available for use and as such adequate information has been provided in support of the application to allow the Local Planning Authority to determine the proposal.
62. Overall, it is considered that the proposal would include sufficient parking provision and provide safe and adequate access to ensure that highway safety or users of the surrounding PROW network would not be compromised. The proposal is therefore considered to accord with policy 36 of Easington District Local Plan.

Other Matters

63. One resident has raised concern regarding the processing of green waste, pulp and hazardous material at the site and associated environmental impacts including surface water contamination, risk of airborne dirt and bacteria and risk of fire. The applicant has confirmed that no pulp or hazardous material would be stored at the site and clarified that only large logs and brash (small braches and leaves) would be chipped at the site. In this regard it is noted that guidance produced by the Environment Agency states that virgin timbers are not considered a waste and are therefore not subject to any regulatory control in this regard.
64. Whilst details of a waste carrier licence granted by the Environment Agency in 2014 has been provided it is understood that this was obtained to allow the transportation of the businesses own waste and to allow the removal of any trees that had been felled and already classed as waste. However, such licence is the subject of separate regulatory control outwith the planning system.
65. Concern has been raised by surrounding occupiers that the proposed development would have a negative impact upon property values. Whilst these concerns are noted the impact of a development upon property values is not a material consideration to which any weight can be attributed in determination of this planning application.

Paragraph 14 balance

Benefits

66. There would be some economic benefits of the proposal through the safeguarding of existing employment positions and the reintroduction of a positive use to a building which is currently vacant.

Adverse impacts

67. Whilst the proposal would have some impact in terms of noise and disturbance these could be appropriately mitigated through the imposition of planning conditions controlling the position and duration of the external chipping of wood at the site. The proposal would not therefore result in any adverse impacts which would significantly or demonstrably outweigh the benefits when assessed against policies contained within the NPPF when taken as a whole.

CONCLUSION

68. Whilst the proposal displays some level of conflict with policy 3 of the Easington District Local Plan in that it relates to new development within the countryside, there is a requirement through the NPPF to consider the proposal in the context of a presumption in favour of sustainable development as contained in Paragraph 14 of the NPPF, which states that the development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

69. The proposal is considered acceptable in principle and would have wider economic benefit in safeguarding 7 existing full time and 3 part time employment positions and bringing back into positive use a building which is currently vacant. Subject to the inclusion of appropriate planning conditions it is considered that the development would not have any significant adverse impact upon residential amenity, the character and appearance of the surrounding area, highway safety or the users of an adjacent public right of way, in accordance with the aims of policies 35, 36 and 72 of the Easington District Local Plan and parts 3, 4, 7 and 11 of the NPPF. Applying the requirements of paragraph 14 of the NPPF it is not considered that there would be any adverse impact as a result of the proposal which would significantly and demonstrably outweigh the benefits. Accordingly, planning permission should be granted.
70. Whilst the objections and concerns raised by local residents are noted and have been taken into account, they are not considered sufficient in this instance to sustain refusal of the application.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. The development hereby approved 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:

Drawing No.	Description	Date Received
	Location Plan	24/07/2017
	Site Plan Cabins, Fence and Access	23/05/2017
	Storage Plan	23/05/2017
	Site Cabin Specification	23/05/2017
	Revised Site Access Plan	18/10/2017

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

3. No development shall commence until precise details of the proposed cabins shown on approved drawing entitled 'Site Plan cabins, fence and access' have been submitted to and approved in writing by the local planning authority. The cabins shall be coloured green and installed at the site prior to the first occupation of the building for the use hereby approved. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To protect the visual amenity of the surrounding area in accordance with the aims of policy 35 of the Easington District Local Plan as amended by Saved and Expired Policies September 2007.

4. No mechanical plant, machinery or equipment associated with the business, other than motor vehicles, shall be operated outside of the hours of 09:00 to 17:00 Monday to Friday and 09:00 to 12:00 Saturdays with no working on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity in accordance with requirements of policy 35 of the Easington District Local Plan as amended by Saved and Expired Policies September 2007.

5. No chipping or processing of material shall be carried out outside the area identified for the storage and processing of wood on drawing entitled 'Storage Plan' received 23 May 2017 and shall not be carried out on more than 3 days in any one calendar month.

Reason: In the interests of residential amenity in accordance with requirements of policy 35 of the Easington District Local Plan as amended by Saved and Expired Policies September 2007.

6. All vehicles entering and leaving the site shall do so via the existing access to the west onto the adopted unclassified road U21.2. No vehicles shall access the site from the public footpath or bridleway via Walton Avenue to the east or via the private access road from the 14.13 road to the north.

Reason: In the interests of highway safety in accordance with the requirements of policy 36 of the Easington District Local Plan as amended by Saved and Expired Policies September 2007.

7. No plant, machinery, vehicles or material other than timber generated by the arboricultural use hereby approved shall be stored in the external area shown as detached from the existing building on the approved Location Plan received 24 April 2017. Timber stored within this area shall not exceed an overall height of 2 metres.

Reason: To protect the visual amenity of the surrounding area in accordance with the aims of policy 35 of the Easington District Local Plan

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

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

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Easington District Local Plan

Statutory, internal and public consultation responses



Planning Services

Change of use from agricultural use to the storage of equipment and materials in association with an arboricultural business (amended description and plans received confirming revised access)

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Comments

Date 12 December 2017