

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/01875/FPA
FULL APPLICATION DESCRIPTION:	Erection of a hangar building for storage of micro-light aircraft.
NAME OF APPLICANT:	Mr and Mrs Horn, East Durham Micro-Lights,
ADDRESS:	Greenhill's Farm Cottage, Wheatley Hill, DH6 3QS
ELECTORAL DIVISION:	Trimdon and Thornley
CASE OFFICER:	Lisa Morina (Planning Officer) Tel: 03000 264877 Email: lisa.morina@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a parcel of land associated with Greenhills Farm on the outskirts of Wheatley Hill. The site is made up primarily of open grassed land. A change of use of the land was approved in 2015 to allow the use of the land as a micro light centre with a new centre and clubhouse building and associated car parking. The use had previously been carried out on a temporary basis. This consent has been implemented with the club house currently under construction.
2. There are five residential properties located directly to the west of the site. To the immediate north beyond the B1279 and to the south and west of Greenhill's Farm the predominant land use consists mainly of open fields either for arable agricultural or grazing purposes. To the east of Greenhill's Farm separated by the B1280 Salters Lane is the municipal household waste recycling centre and Thornley Crossing industrial estate. A pond is also located to the east of the site.

The Proposal

3. Planning permission is sought for the construction of a hangar building for the storage of micro-light aircraft. The building is located to the north east of the site adjacent to the proposed car parking area.
4. The building is proposed at 24m x 48.5m with a height of 3.646m to the eaves and overall height of 5.228m. The building has been designed at this size to accommodate a maximum of 12 micro light aircraft which are fixed wing types. These have a wing span of 12.0 metres from wing tip to wing tip and measure 7.0 metres in length from nose to tail. Internal space within the building is also required to allow the aircraft to be manoeuvred in and out of the building.
5. At least 50% of these spaces are required to accommodate the overspill from the existing hangar building and there is a waiting list of new members for the other spaces.

6. There is no external lighting proposed and there is to be no increased level of flights, which are currently restricted to 40 in any one day.
7. The application is being reported to the planning committee as it is a major development.

PLANNING HISTORY

8. DM/15/01088/FPA - Change of use of land for the use of micro light centre and erection of new centre and clubhouse building with associated car parking. Approved 2015.

PLANNING POLICY

NATIONAL POLICY

9. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
10. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
11. NPPF Part 2 Achieving Sustainable Development - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
12. NPPF Part 6 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 a low carbon future.
13. NPPF Part 9 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.
14. NPPF Part 12 Achieving Well-Designed Places - 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.

15. NPPF Part 15 Conserving and Enhancing the Natural Environment - 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, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

Emerging County Durham Plan

16. Paragraph 48 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. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

LOCAL PLAN POLICY:

District of Easington Local Plan

17. 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.

18. 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.

19. Policy 18 - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.

20. 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.

21. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

22. Policy 37 - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).

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:

23. Highway Authority has no objection to the proposal.

INTERNAL CONSULTEE RESPONSES:

24. Environmental Health Officers have raised no objection to the application.

25. The Ecology Section raises no concern given the information which has been submitted however asks for the recommendations of the submitted report to be conditioned.

26. The Landscape Section raised concerns over the impact the proposal may have however feel that subject to an appropriate landscaping scheme and relocation of the building the proposal would be acceptable.

PUBLIC RESPONSES:

27. The application has been publicised by way of site notice and notification letters to neighbouring properties. One letter has been received offering support for the proposal and the current business which is carried out.

APPLICANTS STATEMENT:

28. A micro-light flying club has operated from the Greenhill's Farm site for over a decade. Originally the club was operated on an occasional basis limited to 28 days flying per annum under permitted development rights.

29. In 2015 it was decided the micro-light club had sufficient capacity in terms of its membership to be developed as a business by the club owners. In May 2015 an application for a change of use of land for the use as micro-light centre and erection of a clubhouse building with associated car parking was submitted to the Council. This application was approved by the Council on 9 July 2015 to allow flying throughout the year subject to conditions limiting the cumulative number of take-offs and landings to 40 per day and a restriction on flying between 7.00pm and 8.00am daily.

30. The micro-lights owned and used by the club have previously been stored in an adjacent former agricultural building currently leased to the micro-light club and located to the west of the small residential development of The Crossings. Due to increasing interest and demand from existing and new club members the existing storage building is already over capacity in terms of the storage space available to house the number of micro-lights owned by the club and its membership such that it has been necessary to elevate some of the micro-light aircraft above ground level.

31. To be able to manage the expected expansion in membership of the club and the increased number of micro-lights owned by the club and individual members it is essential to ensure there is safe adequate storage space available to meet existing and forecast future demand. This application is seeking permission for the development of a new hanger building to supplement the existing space offered by the leased agricultural building to allow the micro-light aircraft to be stored safely and provide sufficient manoeuvring space internally to move aircraft in and out of the buildings. The proposed new hanger is of sufficient size to accommodate the existing overflow numbers of micro-lights whilst at the same providing additional space to attract future new members and develop the expansion of the business.

32. This is an exciting new business and the only micro-light flying club in County Durham the nearest other similar clubs and flying facilities being located in Northumberland and North Yorkshire respectively. The proposed new hanger is essential to the continued growth of this business to accommodate existing and future demand by existing and future members of the club and Members are respectfully requested to support this application as presented in the officer's report and recommendation.

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

33. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, 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 therein are material considerations that should be taken into account in decision-making. 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 the development, impact on residential amenity, highway safety, ecology and landscape and visual impact.]

34. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in this regard. The District of Easington Local Plan remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 213 that to the weight to be afforded to existing Local Plan policies will depend upon their degree of consistency with the NPPF.

Principle of Development

35. Policy 3 of the local plan states that development outside defined settlement limits will be regarded as development within the countryside. The policy further states that development will not be approved in the countryside unless specifically allowed by other policies. The NPPF is less stringent in restricting development within settlement boundaries. Part 6 of the NPPF aims to support a prosperous rural economy and states that proposals should support sustainable rural leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. Accordingly, less weight can be afforded to policy 3 due to its lack of consistency with the NPPF. Also, as the policies most important for determining this application are out of date, paragraph 11 of the NPPF is engaged.

36. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise), approving development proposals that accord with an up to date development plan without delay, or where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, granting permission unless:

- i) the application of polices in the framework that protect areas or assets of particular importance provides a clear reason for refusing the development or

- ii) 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

There are no policies which protect areas or assets of particular importance which provide a clear reason for refusal and accordingly, the acceptability of the development rests on the planning balance of whether any adverse impact of approving the development would significantly and demonstrably outweigh the benefits.

- 37. The proposal is for the addition of a hangar building to accommodate and help an existing micro light centre to grow. As stated above in the applicants statement the existing hangar building has been outgrown and there is a waiting list for people to store their aircraft. The proposed new hanger is considered essential to the continued growth of the business which is promoted in paragraph 6 of the NPPF which is considered to be a benefit however, as stated above paragraph 11 is engaged therefore, the balancing exercise must be considered to consider whether the principle of the development is considered acceptable.

Impact on residential amenity

- 38. The proposed building is to be constructed to the north eastern part of the site away from the nearby neighbours who are located to the west of the site. As stated above, the building will be used to house micro light aircrafts and the applicant has confirmed that there will be no additional flights proposed from that which was conditioned under the previous approval. Given this, the proposal is not considered to have a detrimental impact on the residents of The Crossings who are located some 70m away from the proposed building given there is no intensification of the use proposed.
- 39. Given the proposed distance between the neighbours and the hangar building as well as the orientation of the building in relation to the habitable room windows of the neighbours and the current boundary treatment in place, the proposal would only be visible from first floor windows that overlook this site at an angle. It is considered therefore, that the visual impact of the building on the neighbouring properties would not be significant.
- 40. Given the above, it is not considered that the proposals would have an adverse impact on residential amenity in terms of noise and visual amenity impacts. The proposal is therefore considered to be in accordance with policy 1 and 35 of the local plan.

Highway Issues

- 41. The existing access is to be utilised for the proposed site. The County Highways Officer has been consulted on the application and no objections have been raised to the access, as it has good visibility in both directions.
- 42. It is considered that the proposals would not have an adverse impact on highway safety and the proposals would therefore be in accordance with policy 36 of the local plan.

Ecology issues

43. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2017 have established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations it is an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.
44. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and also consider these tests when deciding whether to grant permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
45. An Ecological Assessment has been submitted with the application. The assessment concludes that no protected species are present in the area. The assessment does however state that the pond adjacent to the site has excellent habitat for Great Crested Newts and therefore mitigation is proposed during construction phase of the development. The County Ecologist has not raised any objections to the submitted information. A condition is recommended for the mitigation measures to be adhered to.
46. Given the above, it is considered that the proposed development would not adversely impact on protected species or their habitats and there is therefore no need to consider the derogation tests. The granting of planning permission would not constitute a breach of the Conservation of Habitats and Species Regulations 2017. Subject to the proposed mitigation detailed it is considered that the proposals would be in accordance with part 15 of the NPPF and policy 18 of the Local Plan.

Impact on visual amenity and landscape

47. The proposed hangar would have a footprint of 24m x 48.5m with a height of 5.228m at its highest point. It is proposed that the structure be constructed from powder coated metal cladding sheets in a leaf green colour with granite grey doors. The proposed building has been sited close to the northern boundary away from the previously approved clubhouse however, would still appear as part of the cluster of buildings within this area given it is located within the curtilage of the site. Given its agricultural feel in the design of the building it is considered that the building can be appropriately located in this area. Whilst it was originally considered by the landscape team that the proposal should be located further into the site away from the boundary, it is felt that the relocated position could be accommodated given further discussions with the agent and that the 2m difference in position between the amended scheme and the landscape officer is negligible given the size of the structure. The site is surrounded by some hedging to the north and east, however, it is considered that given the size of the structure additional screening in the form of a landscaping scheme should be submitted to help mitigate the overall impact the proposal will have on the amenity of the area given its rural location.
48. Overall it is considered that the proposed development would have an acceptable visual impact within the surrounding area and would not adversely impact on the character of the countryside. The proposal is considered to be in accordance with policy 35 of the local plan.

Planning Balance

49. The acceptability of the application should be considered under the planning balance test contained within Paragraph 11 of the NPPF.

Benefits

50. The proposal would allow the expansion of an existing business allowing it to grow and prosper. The proposed new hanger is essential to the continued growth of this business to accommodate existing and future demand by existing and future members of the club. In accordance with part 6 of the NPPF which supports businesses in a rural location.

Adverse Impacts

51. Whilst the proposal would have some adverse impact on the visual amenity of the area given the size of the structure and the rural location, it is considered that the negative impacts can be mitigated against through the submission of an appropriate landscaping scheme therefore, the adverse impacts are limited.

52. Given the above, it is accepted that there would be some adverse impact as a result of the development, primarily centring around the impact on the amenity of the area. However, as identified in the planning assessment, the impacts would not significantly and demonstrably outweigh the benefits associated with supporting a business to grow within the area and therefore, the principle of the development is considered acceptable. Accordingly, planning permission should be granted.

CONCLUSION

53. The proposal is considered to be an acceptable form of development within the open countryside allowing an existing business to continue to operate thereby being in accordance with policy 3 of the local plan and part 6 of the NPPF. However, the application must also be judged against paragraph 11 of the NPPF. The benefits of the proposal are considered to outweigh the negatives as detailed above.

54. Whilst some concern has been raised over the impact of the proposal given its size, it is considered that this can be mitigated against through the submission of an appropriate landscaping scheme.

55. The proposal is not considered to provide an intensification of the use of the site given there is to be no increase in the amount of daily flights.

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:

Plan	Drawing No.	Date Received
Existing site layout plan	3163/01	21/06/18
Location plan		21/06/18
Proposed plans, elevations section and roof plan	3163/02B	10/09/18
Proposed site layout plan	3163/03A	10/09/18

Reason: To define the consent and ensure that a satisfactory form of development is obtained and to meet the objectives of saved Policies 1, 3, 35, 36 and 37 of the District of Easington Local Plan.

3. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Preliminary Ecological Assessment prepared by Hartlepool Borough Council dated December 2014.

Reason: To conserve protected species and their habitat in accordance with the objectives of part 11 of the NPPF.

4. The cumulative number of take offs and landings by aircraft on this site shall not exceed 40 in any one day.

Reason: In the interests of preserving the amenity of residents in accordance with Policy 35 of the District of Easington Local Plan.

5. No flights shall take place between the hours of 7:00pm and 8:00am the following day.

Reason: In the interests of preserving the amenity of residents in accordance with Policy 35 of the District of Easington Local Plan.

6. Within 1 month of the date of commencement of the works, a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The development shall be carried out in accordance with the approved details.

All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

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

Replacements will be subject to the same conditions.

Reason: To protect the character and appearance of the surrounding area in accordance with aims of policies 1, 3 and 35 of the District of Easington Local Plan. This is required as a pre commencement condition in order to mitigate potential impact upon the character and appearance of the surrounding area which needs to be considered before site works commence.

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 (2018)

National Planning Practice Guidance Notes

District of Easington Local Plan

Statutory, internal and public consultation responses



Planning Services

Erection of a hangar building for storage of micro-light aircraft at Greenhills Farm Cottage, Wheatley Hill

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Comments

Date October 2018