

15/02095/FUL

Change of use of land to rear of Londonderry Lodge from Haulage Yard to Fuel Storage Facility at land adjacent Londonderry Lodge, Londonderry for BWOC Limited

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is to the rear (east) of Londonderry Lodge and covers an area of approximately 0.25 hectares off the eastern side of the village street towards the northern end of the village. Londonderry Lodge is a disused public house/café incorporating a dwelling unit which is understood to be occupied by the owner. The Lodge is a grade II listed building. The building and its immediate curtilage do not lie within the application site.
- 1.2 The site is bounded by the Lodge to the west and by houses to the south and east. To the north lies the access road leading to RAF Leeming's emergency access route. The boundaries to the south are formed by the wall of the house to the south, which is known as Dobson's Barn. Timber fencing abuts The Woodlands to the east and galvanised palisade fencing to the north. The site has a concrete and partly gravelled surface.
- 1.3 The site has last been used as a haulage yard for up to 11 trucks / trailers; vehicles currently park at the southern end of the site adjacent to the boundary with Dobson's Barn. Prior to this, the land was used as a truck stop for the café within The Lodge until it closed in 2012.
- 1.4 It is proposed to change the use of the site to a fuel storage depot. It is proposed to store domestic heating oil (kerosene) and agricultural gas oil and diesel. It is noted that it is not intended to store petrol on the site. The application has been amended to reduce the number of tanks from six to three, which results in a capacity of 375 tonnes of material.
- 1.5 An amendment has also been received to restrict the hours of use so that it would not be a 24 hour operation. It is proposed to operate the facility for the loading and unloading of vehicles (not vehicle movements) between the hours of 6am to 6pm Monday to Friday; 7am to 1pm on Saturday and no loading or unloading on Sundays and Bank Holidays.
- 1.6 The storage tanks would be coloured dark green. It is also proposed to site a modular office building with dimensions of 14.4m x 4m with a height of 3m, coloured dark green. A dark green storage tank is proposed with dimensions of 7.3m x 2.6m with a height of almost 3m. This would be to store ancillary products (parts and equipment) associated with the use of the site.
- 1.7 Close boarded timber fencing at a height of 1.8m, is proposed along the boundaries of the site. Landscaping is proposed along the northern boundary.
- 1.8 The plan has also been amended to increase the area of graded hardstanding to include the fuel delivery area so that the tankers would be parked on this area when loading and unloading fuel.

- 1.9 It is proposed to discharge surface water from roofs into the existing soakaway. The remaining surface water would be discharged to the existing foul sewerage system.
- 1.10 A total of 10 lighting units are proposed in five positions along the perimeter of the site on five posts with a height of 8m.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 13/02260/FUL - Retrospective consent for change of use to a haulage operating centre for the use of up to 11 trucks and 11 trailers. Permission granted 31 January 2014 subject to the following conditions:
1. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
 2. Other than when waiting to gain entry into the site, the haulage vehicles specified in the application shall be parked at all times within the confines of the application site.
 3. At no time shall there be more than 11 trucks and 11 trailers be parked within the site.
 4. Unless within 3 months of the date of this permission details of boundary fencing or other means of enclosure have been submitted for the written approval of the Local Planning Authority and within 3 months of the date of the approval of the final approved scheme the fencing has been completed in accordance with the approved scheme the land shall cease to be used for the purposes of a haulage operating centre.
 5. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered Plan 1 received by Hambleton District Council on 12 November 2013, Plan 2 received 6 December 2013 and Plan 3 received 20 December 2013 unless otherwise approved in writing by the Local Planning Authority.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP25 - Rural employment
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP42 - Hazardous and environmentally sensitive operations
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Exelby Leeming & Newton Parish Council - has given careful consideration and wish to object for the following reasons and in support of residents:

- Londonderry is primarily a village and not an industrial area
- There will, it is expected a high level of vehicle movements based over 24 hours per day, 7 days week, 52 weeks per year
- There will be a definite detriment to the village and the lives of the villages both in Londonderry and the adjoining village of Leeming
- The proposed site of the development will produce light pollution throughout the night as the site is 24 hour working
- The proposed development is close to adjacent private residences which will be directly affected if the application is granted.
- Other residences in the village will be affected both by the vehicle traffic, light pollution, air pollution created by the influx of HGV vehicles entering and egressing the site over the 24 hour period
- The residents are not against commercial enterprise as can be seen by the adjoining RAF base and the former Lorry Park which occupied the site prior to this planning application being made
- Oil fuel spillage which may arise from the site following a leakage is hazardous to residents health as the oil spill it is believed will enter the main drainage system having serious environmental impact
- If the application is granted, then applications may follow for the storage of petroleum and gas which has its own fire and environmental problems
- Property values will be seriously affected by the granting of an industrial type enterprise
- The site would be a fire hazard to all adjoining properties and beyond
- Such development schemes should be located on Industrial sites and not in a village environment. Such industrial type sites are present in the locality and are well away from residential properties
- The proposed development is near to the RAF Leeming air base and there is potential for terrorist attack/infiltration to a fuel storage facility
- There is no direct access to or from the A1 road network
- There would be air pollution from the vapours given off by the storing and dispensing of kerosene on the site

The Parish Council has not changed its stance on the amended planning application and wishes its objections against the initial proposal to stand without amendment. The Parish Council considers the amendments suggested by the applicant do not change the application in principal.

4.2 Highway Authority – no objection; conditions recommended.

4.3 Highways England - no objection.

4.4 Environment Agency - no objections subject to conditions relating to soakaway drainage, pollution control, containment against accidental spillage and foul drainage.

The oil storage will have to follow guidelines in relation to the Control of Pollution (Oil Storage) regulations 2001. If there was a spillage from the site which polluted water or groundwater, the Environment Agency would become involved. However, due to the scale of the site, we would not proactively visit or monitor this site. It would be up to the applicant to ensure the water environment was sufficiently protected. Our initial response provided a number of conditions which were recommended in order to protect the water environment.

4.5 Yorkshire Water - no objections in principle to:

1. The proposed separate systems of drainage on site and off site

2. The proposed amount of domestic foul water to be discharged to the existing on-site connections
3. The proposed use of the petrol/oil/grit separator/interceptor as submitted on drawing L015014-008 (revision E) dated 29/10/2015 that has been prepared by Wardman Brown. It is noted that the submitted drawing shows surface water proposed to be drained to soakaway.

- 4.6 Ministry of Defence - whilst we have no safeguarding objections to the proposed fuel storage facility, the MOD recognises that cranes may be used during the construction phase to lift the fuel tanks onto the site. Cranes in the vicinity of aerodromes are of concern to the MOD. Therefore, if cranes are to be used during the construction phase it will be necessary for the developer to liaise with the MOD prior to the erection of any cranes or temporary tall structures. The MOD requests an informative note is included in any planning permission granted obligating the applicant to consult the DIO Safeguarding section prior to deploying cranes or other tall plant equipment on the site to ensure it will not affect aviation safety.

I can also confirm that we do not object to this application provided that the development is carried out strictly in accordance with the details given in the application and supporting documents. In particular as an adjoining landowner it is important to us that in order to prevent major spillages and contamination from polluted water that the proposed fuel storage tanks are fully bunded and that the new full retention oil water enviroceptor is provided.

If any decision can be conditioned to ensure that the development is carried out fully in accordance with the submission then we have no objections.

- 4.7 Health & Safety Executive - The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site.

Additional information from the HSE has been submitted as follows:

HSE's role in the planning process is limited to that of statutory consultee on:

- (a) Relevant developments within the consultation distance of major hazard sites and major accident hazard pipelines – see the Schedule 4(e) of the Town and Country Planning (Development Management Procedure) Regulations 2015; and
- (b) Applications for hazardous substances consent under the Planning (Hazardous Substances) Act 1990 and the Planning (Hazardous Substances) Regulations 2015.

A major hazard site is one which requires hazardous substances consent to hold a specified quantity of a hazardous substance in accordance with Schedule 1 of the Planning (Hazardous Substances) Regulations 2015. Major accident hazard pipelines are defined in the Pipelines Safety Regulations 1996. HSE sets a consultation distance around major hazard sites and major accident hazard pipelines and planning authorities are required to consult HSE on relevant developments within a consultation distance.

As the proposed site for the fuel storage depot in planning application 15/02095/FUL does not lie within the consultation distance of a major hazard site or major accident hazard pipeline, HSE is not a statutory consultee in respect of this application and therefore HSE has no comments to make.

The planning application indicates that the proposed fuel storage depot will hold up to 375 tonnes of Kerosene, Gas Oil and Diesel. These substances fall under the category of 'Petroleum products and alternative fuels' in Schedule 1 of the Planning (Hazardous Substances) Regulations 2015, and the threshold quantity at which hazardous substances consent is required for these substances is 2,500 tonnes. Therefore, the proposed fuel storage depot would not require hazardous substances consent.

If planning permission is granted for the fuel storage depot, during its construction and when operational it will be subject to the requirements of the Health and Safety at Work etc. Act 1974 and any associated relevant legislation. This includes the requirement on the operator of the site to ensure so far as is reasonably practicable, that people in the vicinity are not exposed to risks to their health or safety by activities carried on at the site.

- 4.8 North Yorkshire County Council Trading Standards - The controls of this type of installation are not within this Authorities remit. Consultation for this should be sought with the Environment Agency.

I can give comment on the application though as Chairperson of NERPECG (North East Region Petroleum and Explosives Consultation Group) and also as a member of PELG (Petroleum Enforcement Liaison Group).

I would advise that providing the site is built with consideration to the Blue Book Guide (Guidance for Design, Construction, Modification, Maintenance and Decommissioning of Filling Stations) which is an industry standard guide which covers the use of above ground storage tanks which is equally applicable to diesel and petrol. It also has reference to drainage including interceptors and the flow rate acceptable of spilt fuel over drainage channels that there should be no issues with the application.

Having looked at the plans there appears to be drainage for the tanker standing area where the above ground tanks are filled at the side but where the three fill points are indicated at the front edge of the tanks the tanker appears to stand outside of the drainage area. I personally would like to see both tanker offload area within the drainage channels. Due to the size of the fuel tankers I would also want a suitably sized interceptor installed and not a standard 10k litre one.

- 4.9 HDC Environmental Health Officer - I have assessed this application focusing on the potential impacts from noise, odour and light pollution.

Noise

The chosen location for this proposal is in an existing noisy environment (next to the A1 and RAF Leeming). The site has been used as a haulage yard with HGV's coming and going regularly and this department have not received any complaints in relation to this activity.

In my opinion the proposed storage facility would have less of a noise impact than the haulage yard due to the proposed operating hours for the loading and unloading of vehicles. Monday to Friday 6am to 6pm, Saturday 7am to 1pm, with no loading and unloading on Sundays and Bank Holidays. There were no controls on vehicles leaving and arriving at the site previously.

In my opinion given the existing noisy environment and the proposed loading/unloading times the noise levels generated will not have any additional impact on the noise levels the residents are already subjected to.

Odour

I am satisfied that the carbon filtration system which has been proposed to minimise odour from the storage tanks is sufficient and provided that this system is maintained e.g. filters are replaced when required there will be no impact on amenity in relation to odour.

Lighting

The applicant has submitted a scheme for the lighting of the site and it appears to be satisfactory. Therefore the artificial lighting shall be installed, operated and maintained in accordance with the approved scheme. Changes to any element of the lighting scheme shall be submitted to and approved in writing by the local planning authority prior to the changes taking place.

The external flood lighting shall be arranged so as not to shine directly towards any dwelling.

- 4.10 HDC Conservation Officer - It must be remembered that the use of the hardstanding area already has permission for use as a haulage yard and therefore a number of principles have already been established; namely that the land can be used for the parking of large lorries / vehicles; the hardstanding is permitted; and the activity associated with the existing permission has to be taken into consideration.

Londonderry Lodge is situated on the former Roman road between London and Scotland. Originally constructed as a house in the 1760s, the Lodge is positioned to gain maximum benefit of views of the Cleveland Hills to the east and of the Yorkshire Dales to the west. The views to the west have recently been significantly compromised by the construction of the A1(M) on a raised bund, however it is clear to see how prominent the Lodge would have been within the landscape.

With regard to setting there are a number of things to consider:

1. The relationship with the former Newton House and the outbuildings to the north of Londonderry Lodge.
2. The significance of the garden wall and intervisibility between it and Lodge.
3. The appropriateness of security fencing around the site.
4. The impact on the wider setting of the listed building.

Newton House was constructed just after Londonderry Lodge and elements of the estate remain, such as the stable block with carriage archway, a single squared gate pillar, the substantial boundary wall to the grounds and the Gardener's Lodge further to the north. Londonderry Lodge later became part of the Newton House estate and therefore this link is of significance. Alterations to the Lodge have reduced the legibility of the relationship between it and the stable block, however the proposed development will not adversely affect this relationship.

It is my opinion that the proposed fuel storage tanks will have no further harm to the character or setting of the listed building than the existing use of the site as a lorry park. With appropriate boundary treatments and new landscaping, the current appearance could be improved. I would like to establish the short to medium term future of the listed buildings on this site to ensure they are maintained in an appropriate condition.

- 4.11 Site notice/local residents - a significant number of objections have been received from residents of the village and the surrounding area. No comments have been

received in support of the proposed development. Approximately 100 objections have been received, raising concerns regarding the following matters:

Suitability of location

- This is not an industrial estate
- There is an industrial estate at Leeming for which this type of development is ideal
- The village is close to RAF Leeming, the A1, there is a scrap yard at the bottom of the village and now a massive fuel storage depot
- This is not a retention/continuation of an established business on the site
- My understanding of the Town and Country Act is that it should allow for the planning and development of land for its best use and the environment. Londonderry is a village, and villages are where people live, and are not where you store and distribute fossil fuels. Now that the petrol station has closed, it may be time to revisit the Local Plan in terms of its designation of land use for the Lodge and the redundant petrol station, and take the opportunity to revitalize Londonderry as a proper village
- there is a perfectly, purpose built new location further up the road which is a service station designed specifically for haulage vehicles and those using/coming off the A1 Motorway
- The fact there is a garage in the village does not make it an industrial area
- unsustainability located in terms of its proximity to the trunk-road network, contrary to policies CP1, CP2, CP4, CP10 and CP15 which support employment uses in settlements relative to their scale and function with a view to minimising travel
- Applicants should be encouraged to seek industrial/business setting not a village environment
- The Lodge was previously in operation as a public house and café. This facility was enormously beneficial to the community. The building also served as a newsagent and general dealers. A more sensible option would be any scheme which would benefit the community and facilities for the community, in line with the objectives of the Localism Act
- The current industry on the north of the village developed because of the village's position on the Roman Road and the proximity of the A1 when post-war planning law was in its infancy, and I feel in all honesty that if the industry had never developed in the past and planning permission were to be applied for today, it would not be granted.
- A fuel storage depot would degrade the Lodge further, and would destroy any future residential development or expansion of the village as the village would be effectively permanently hemmed in by industry and the RAF base on the north, east and south.
- You have a duty of care to us as residents of this county. You surely have a moral and ethical duty to support us in refusing this, or any other absurd proposal which would allow any sort of fuel storage and distribution centre at this or other sites close to residential developments, and to a site of heritage.
- The applicant's consultant also makes a reference to there being a refuelling garage next to the proposed site in support of the application. This is incorrect, as the refuelling garage has now been closed down and the former owner has relocated this facility to Coneygarth Services at Leeming Bar. The former refuelling garage has been decommissioned. The recently arrived current occupants, Ward Haulage Limited, have, as a condition of their purchase agreement, been advised that they cannot have any refuelling facility on site

Impact on residential amenity

- Increased light pollution
- Extra noise from tankers, noise from engines, reversing warning beeps, tankers being refuelled and emptying into the storage tanks, people shouting, wagon doors being opened and closed
- Smells from so much fuel storage will be unbearable; the village will be permeated with the smell from fuel vapours and fumes
- There is a boundary wall between Woodlands and the proposed site, but it does not run along the boundary at a continuous height of 3.5 metres, as implied in the planning proposal supporting document. The wall is staggered and it would not be of sufficient height to fully screen the back of the storage tanks
- The gable end wall of Dobson`s Barn actually forms the boundary where the applicant wishes to install the fuel storage facility. The inlets and exhaust vents of this property lie on the south side of the proposed site, so this would create multiple health and safety risks for the occupants
- Light pollution is of serious concern, especially to those residents who leave for work during the early hours of the day. Sleep patterns would be adversely affected
- The reduced opening hours also make little difference - there will still be a significant amount of heavy goods vehicles parking, turning and reversing at the entrance to the lane, causing noise and pollution and general disruption to a rural peaceful village
- Storage tanks will be placed against the boundary to a residential property
- My house is the boundary with the site and the kitchen is at the gable end of the house. The flue from solid fuel AGA cooker and heater is on this wall and is used 24 hours a day. There is a family room which runs the length of the boundary and has multi fuel stove with a flue extending out of the roof at only 4.5metres from the ground. We regularly burn wood in this heater and I consider this would be too dangerous if there was a fuel store on the other side of the wall.
- Poor quality of life for residents - personal safety, unable to open windows, use gardens, increased litter
- (The agent and applicants) have not visited the site and looked at it properly, nor spoke to the residents. They still have Dobson's Barns buildings shown incorrectly. What they have marked as outbuildings is actually the house! They have not entered garden areas into the plan, where outdoor seating areas would be virtually impossible to enjoy. Nor have they got Lovatt cottage or Newton Manor displayed on their map. The area marked as commercial property is still occupied by many people through the day. Dobson's Barn residents can hear every word spoken if using their toilet or bedroom or outside in their garden. Woodlands have similar problems and I myself can hear when workers are talking or work is being carried out in the yard.
- Fitting carbon filters may eliminate some odours but I fail to see how it would eliminate enough from various activities to prevent the smells permeating to our home environment. It would still not eliminate the vapour hazard risk either!
- There are 9 homes shown here within 25 metres of the site and a further 2 hidden from view beside South View. So, 11 families live beside this proposed site and a further 30 families are within 500 metres
- Detrimental loss of amenity to local residents by virtue of noise disturbance, light pollution, smells, vapour, dust and heavy vehicle movements, contrary to policies CP1 (Sustainable development) and DP1 (Protecting amenity) of the Local Development Framework which require new developments to adequately protect residential amenity
- A 'Noise Assessment' produced by suitably qualified personnel should be requested, as a thorough assessment of noise impacts cannot be reasonably undertaken without one
- This application refers to a site neighbouring Londonderry Lodge and it had a condition placed upon it by HDC stating "no external lighting". This application

was further away from domestic dwellings than the proposed application at Londonderry Lodge which shares borders three domestic dwellings. This lighting scheme would be totally intrusive to neighbouring properties and detrimental to the inhabitant's health and welfare.

- A statement from the agent actually allows vehicles movements outside the stated times and implies that the pumping on and off of vehicles will be disturbing for residents
- The fact that their advertising states their opening hours are 24 hours 7 days a week, contradicts their reduction in hours.
- these lights will be floodlighting the site and over spilling into all the adjacent properties will be unacceptable
- The lighting specification forwarded has many omissions and shows no impact on the surroundings as it only shows light levels at ground level within the site. As everyone knows, light does not stop because there is a site boundary and there will be light pollution vertically and horizontally from these lights which amount to nearly 3000 watts
- Each lighting stand will have 600 watts of energy. To put this into everyday terms, most home security lighting is 500 watts at most and only stays on for seconds when tripped
- The Committee's decision regarding this application should be based on the real safety issues for the residents of Londonderry, as well as common sense and the huge impact this development will have on the Human Rights and Amenity of Londonderry residents
- Environmental Health have in fact got everything wrong in their response, again this is due to working from flawed information, therefore their response as a Statutory Consultee should be disregarded completely.
- The noise, headlights, exhaust fumes and road dust from HGVs on top of the fuel vapour created would be unbearable and have an overwhelming effect on the quality of life of local residents
- Noise from vehicles manoeuvring within the site; vehicle reversing alarms; fuelling of the storage tanks by the bulk delivery vehicles and fuelling of the delivery vehicles will all cause noise nuisance and disturbance. There will be slamming of vehicle doors and shouting from drivers to overcome the general on-site noise.
- There will be additional task lighting on site for which there is currently no information.

Environmental and visual impact

- Putting up fencing may hide the storage tanks but will make our village look like a prison
- Spillages would cause problems for the environment
- Planting trees in a woodland will effectively reduce the carbon footprint i.e. CO2 output, this I agree with. To imply that this will have an effect in the air quality of the village is ludicrous, these are "buzz words" only to pay lip service to the Planning Officers
- Animal casualties/habitats
- The proposed 6' fencing will not hide 11' high structures
- On site spillages will eventually get into the village drainage system
- visual impact on village surroundings

Impact on listed building

- The site is within the curtilage of a listed building
- No listed building consent has been applied for

- Londonderry Lodge is an eyesore and the owners should be encouraged and assisted to improve appearance by local authorities/heritage organisations because of its listed status
- Londonderry is a traditional country village consisting mostly of historic properties, with several properties over 200 years old
- It is hard to see how the tanks are in keeping with the grade II listed building
- The significance of a listed building is not confined solely to the structure itself, but incorporates the setting within the curtilage of the building as well as its wider architectural, archaeological and historical setting within the village and local area. And this village is rich in history. It deserves to be conserved for future generations.
- This statement suggests that the developers believe, as a result of the listing content and previous treatment of the building with regards to planning and listed building consents, that the only parts of the building which should be safeguarded are the roadside elevations. There is no further attempt to understand why the building is significant and how their proposals will impact upon that significance. There is a plain assumption that what has been allowed to happen to the site in the past paves the way for similar treatments in the future. I find it appalling that, in their second planning submission, the words 'listed building' do not appear even once
- Now that the A1 has been upgraded, and Londonderry effectively bypassed, the majority of the heavy haulage industry has relocated to land designated for industry. Although I recognize that Londonderry Lodge should not be empty, and that the best way to protect a listed building would be for it to have an appropriate use with funding to maintain it fully, and creating an oil storage depot within what was the walled garden of the Lodge would discourage any tenants or owners of the Lodge from developing or maintaining it properly
- The proposed development would have a detrimental impact on the setting of Londonderry Lodge, contrary to policies CP16 (Protecting and enhancing natural and man-made assets) and DP28 (Conservation) which seek to preserve and enhance the District's historic heritage

Traffic and access

- Added heavy traffic
- The entrance to the site is an access road to an emergency gate for the RAF
- Heavy loads will take a huge toll in the roads accessing the slip roads to the A1
- The provision for the parking of employees' transport has not been included in the Planning Application. The number of parking spaces required is not mentioned, although a number of 15 employees (yard workers?) is mentioned, this number could be pessimistic as delivery drivers are not mentioned who will also require parking spaces, one presumes
- There is a history of accidents at the junction over the bridge at Londonderry involving cars due to poor design and visibility. This being the case with trucks being slower than cars it would be a clear and present hazard to allow this development
- There are several residents in the village who have horses. They ride them daily out of and back into the village. An increase of traffic to the village of the magnitude I have already mentioned would be a serious threat to the safety of both horse and rider
- Full size, 44 tonne bulk delivery tankers would have great difficulty turning safely in the yard, due to the positioning of the storage tanks, parked tankers, office building and parking area. This would mean they would have to reverse into the yard, from the main road, bringing with it further traffic hazards

- an articulated lorry with a trailer reversed back onto the main road and crashed into the concrete barrier opposite the junction when they could not gain access to Londonderry Lodge
- We are still on a daily basis suffering HGV's through the village and having to reverse back up the road, and churning up the grass verges, and along with Exelby, Leeming and Newton Parish Council have previously made requests that ALL signage is removed from the A6055 stating Londonderry Lorry Park
- Regardless of whether HGV's are instructed to avoid the Leeming to Londonderry road if it suits them they will use it. Other HGV's already do so.
- Increased road traffic on the inadequate service road A6055.

Safety issues

- There will be a fire risk along with fumes accumulating in a residential village
- The site is within the outer explosive safeguarding zone surrounding RAF Leeming yet the applicants want to introduce combustible materials
- Introduction of a potential terrorist target
- It is possible that there could be a major incident at the site, the explosion at Aiskew many years ago in a residential area and more recently the Buncefield disaster are proof of this
- There is only one road in and out of Londonderry, which would make evacuation dangerous
- RAF Leeming should be informed of the use of cranes
- A1M motorway within 250m of the site. Any incident could spread to the motorway, RAF Leeming main runway and most of the residential properties in the village
- Potential increase of petty vandalism/theft/associated unsocial behaviour introduced to our village
- Looking at the Health and Safety aspect this would prevent emergency vehicles accessing the village, as the village is a cul-de sac, with this the only thoroughfare it must be also noted that the closest Fire Stations are at Northallerton or Ripon both a fair distance away
- The Buncefield disaster was caused by overfilling a tank, a result of poor maintenance and human error. It would be negligent not to consider the lessons learnt from Buncefield
- Residents' chimneys and BBQs could ignite vapours and cause a fire or explosion
- Looking at the Health and Safety aspect this would prevent emergency vehicles accessing the village, as the village is a cul-de sac, with this the only thoroughfare it must be also noted that the closest Fire Stations are at Northallerton or Ripon both a fair distance away
- The harmful effects of venting fuel vapour on the surrounding environment, including the residents and properties in the village and the agricultural land, livestock and wildlife is of extreme concern
- Though the fuels involved are of a lower volatility in comparison to petrol, the vapour flammability hazard from them is still very high
- Inadequate information has been provided to demonstrate that the proposed development does not pose an undue risk to health and safety of local residents, contrary to Policy DP42 of the adopted Development Policies DPD
- DSEAR regulations state, in its control measure for such sites, that ignition sources should be kept away from the site. Impossible to do as the various chimneys surrounding the site and various sources of ignition such as people lighting garden fires, smoking, fireworks etc.
- There are blatant errors in the details, of which I have considerable knowledge, indicating that a thorough and educated design team are at best lapse-a-daisical, showing a complete lack of professionalism

- This is designed to capture contaminated run-off water from the operating yard and send it through a full retention interceptor before entering the main sewage system drain. Have Yorkshire Water been consulted over this? Would the full retention interceptor be adequate enough to contain a major fuel spillage?
- If the applicant was granted permission to install the fuel storage facility, there would be nothing to stop them from changing the proposed type of fuel stored to an even more hazardous type, IE petrol, at a future point in time. Nor would there be anything to stop them from installing more storage tanks or increasing capacity of the ones proposed in this application
- DSEAR Regulations regarding a Non Ignition Source Zone, will be impossible to achieve
- How is BWOC going to manage (through risk assessment) the ignition sources from nearby properties
- The applicant has not yet supplied a robust Emergency Response plan for this site.

Issues have also been raised regarding the effect on housing values and cost of house insurance and details of the marketing undertaken by the applicant, which suggests that they will be moving to the Bedale area soon but these are not considered to be material planning issues.

5.0 OBSERVATIONS

- 5.1 The issues to be considered include the principle of the use of the site as a fuel storage depot, the effect of the proposed use on the amenity of local residents, the visual impact of the proposed development, the impact on the setting of the adjacent listed building, the effect on highway safety and health and safety issues.
- 5.2 The objections of residents relate to noise, smell and light pollution; contamination; increased traffic and impact on road safety; risk of explosion; visual impact; drainage; the effect on house prices and the need for listed building consent. These matters are discussed below. However, it should be noted that not all matters raised fall within the remit of planning. Along with other non-material considerations matters which are more properly controlled by other regimes should not be considered within the planning merits of the application. In particular these matters relate to safety issues and technical matters relating to the storage of fuel. It is not the role of the planning system to duplicate controls operated under different regulatory regimes, or to provide a level of detailed control that those regimes do not require.

Principle of the use

- 5.3 Paragraph 28 of the National Planning Policy Framework (NPPF) requires planning policies to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision making.
- 5.4 The Council, in its Local Development Framework (LDF) has strategic objectives (adopted within the Core Strategy) based on the principles of sustainability. Strategic objective number 1 is to ensure that all development is sustainable, in the interests of existing and future population, and number 2 is to reduce the need for travel. These are key to the policy framework.
- 5.5 The Strategic Spatial Policy, adopted to meet the needs of local development sustainably, includes Policy CP1, which underpins the whole Plan. It includes as its main aims, together with community's housing, economic and social requirements

and protection of the environment, the minimisation of energy consumption and the need to travel.

- 5.6 Policy CP2 is very specific that development should be located to minimise the need to travel, and convenient access should be available to sustainable means of transport.
- 5.7 The policies of the LDF support economic development in sustainable locations. The site lies outside any defined Development Limit boundary and therefore, in normal circumstances, an exceptional case must be made for development in this location. LDF Policy CP4 states that development outside of Development Limits will not be supported unless an exception can be demonstrated. The application site has an existing commercial use and, prior to the existing haulage yard, it was used as a truck stop. The Local Planning Authority must therefore consider whether there is any greater adverse impact from the proposed development than the existing authorised use.
- 5.8 The principle of an alternative commercial use is acceptable due to the existing authorised use of the site, but it is important to consider whether the scale and form of activity is acceptable in the proposed location adjacent to domestic dwellings and whether the impact on the character of the area or residential amenity would be any greater than the existing authorised use. The use of the site was changed in 2014 for use as a haulage yard with no restrictions on hours of operation but vehicle parking limited to 11 truck units.

Impact on residential amenity

- 5.9 LDF Policy DP1 (Protecting Amenity) stipulates that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. There is a risk of noise, odour, light pollution and general disturbance as a result of the proposed activities at the site.
- 5.10 The Council's Environmental Health Officer considers that the existing environment experiences a high level of background noise as a result of its location close to the A1M and to RAF Leeming. The proposed restriction on the hours of operation with regard to loading and unloading is considered by the Council's Environmental Health Officer to improve the current unrestricted operation of the haulage depot where vehicles are able to use the site at any time of the day or night although the number is restricted to 11 trucks and 11 trailers. The proposed hours of operation submitted by the applicant would not preclude vehicles entering and leaving the site; it is the intention to prevent the emptying and filling of the tanks between the stated hours. A condition that also prevented vehicles entering or leaving the site could result in vehicles waiting on the highway thereby causing disturbance.
- 5.11 There is a potential for the proposed use to have an odour impact on the dwellings in the village. The scheme proposes to fit tanks with passive activated carbon filters. The Environmental Health Officer considers this would be adequate providing the system is maintained. A condition can be imposed requiring the inclusion and maintenance of these filters.
- 5.12 A lighting scheme has been submitted, which proposes to install light units around the perimeter of the site facing inwards. The Environmental Health Officer has confirmed that the scheme is acceptable subject to the arrangement of the floodlighting so that it does not shine directly towards any dwelling. An appropriate condition can be imposed to ensure this takes place.

- 5.13 The increased levels of lighting required to allow the operation of the site as proposed would have an impact on the character of the site. The current lighting arrangements mean that the site is visually low key and has little impact on the character of the area other than the parking of the trucks themselves. Even taking into account the proposed operational hours of the site, the proposed lighting would be in use for extended hours during the winter months.
- 5.14 The proposed lighting, tanks and pumping activities would create a far more overtly industrial character and it is considered this would be detrimental to the character of this part of Londonderry where the more industrial garage facilities to the north of the site are visually cut off from the remainder of the village by the high walls of the buildings which abut the service road. This additional industrialisation is considered to be harmful to the amenity of neighbouring residential occupiers.
- 5.15 The Environmental Health Officer is satisfied that the development would not have a greater impact on residential amenity as a result of noise, odour, light pollution or general disturbance than could occur with the planning permission that currently exists at the site.

Visual impact and impact on the character of the area

- 5.16 Policy DP30 (Protecting the character and appearance of the countryside) of the Development Policies DPD states that "the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced...Throughout the District, the design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views.
- 5.17 The site has an existing planning permission for the parking of up to 11 HGVs although it is no longer in use at its maximum capacity. The proposed development would result in structures of a more permanent appearance and therefore have a greater visual impact on the surrounding village streetscene.
- 5.18 The proposed tanks have a maximum height of approximately 3m, which, whilst not excessive would create an industrial form in this location. The tanks, whilst located toward the back of the site would be visible from outside the site as glimpses between the existing buildings.
- 5.19 Combining the change in the character of the use, including the location of relatively large tanks along with the requirements for lighting, it is considered the character of the site would increasingly change from a truck parking area to an industrial depot. LDF Policy CP17 requires proposals to respect and enhance the local context including its urban design, landscape, social activities and historic environment. The application site is currently commercial in use but set within a residential, village context. This change in character is considered to be detrimental to the character and appearance of the village and as such the development is considered to be contrary to LDF Policies CP17 and DP30.

Impact on setting of the listed building

- 5.20 The NPPF paragraph 129 requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development assessing the setting of a heritage asset). The Planning (Listed Buildings and Conservation Areas) Act 1990 states that when making a decision on all planning applications for development that affects a listed building or its setting, a local planning authority must have special regard to

the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The impact of any development on the setting of Londonderry Lodge is therefore material to the consideration of the planning application.

- 5.21 The application site was originally the garden of Londonderry Lodge and although continued in recent years to be used in association with the Lodge, as parking for the café, it has more recently become a separate site with an independent use. The authorised use of the hardstanding is now for the parking of trucks and trailers; Part of the Lodge is understood to be used as a dwelling by the owner. Given the historical separation of the Lodge from the yard, which is the subject of the planning application, the yard is no longer considered to lie within the historic curtilage of the Lodge. The Council's Conservation Officer concludes that the evolution of uses at the site, together with extensions to the building itself, has had an adverse impact on the character of the building and the original setting of the building has been lost.
- 5.22 It is important to consider whether the proposed use and structures would have a more harmful impact on the setting of the listed building than the existing authorised use. The proposed timber fencing, which would replace galvanised fencing, would be an improvement as it would result in a less harsh and utilitarian feature in such close proximity to the building. Despite the view previously taken that they would create a perception of greater industrialisation of the area, the proposed tanks are not considered to impact significantly on the historic setting of the Lodge. The proposed development provides an opportunity to improve the appearance of the site by erecting timber fencing to replace the galvanised fencing and by implementing a landscaping scheme.

Drainage

- 5.23 The proposed development must comply with Control of Pollution (Oil Storage) Regulations. These are regulations, separate from planning matters that would address any spillage.
- 5.24 The application site does not fall within an area of flood risk but there are issues surrounding the groundwater and the Environment Agency has recommended conditions to ensure the water environment is sufficiently protected from contamination.
- 5.25 Yorkshire Water has agreed that surface water drainage, other than clean roof water, can be discharged into the existing sewerage system. The developer is required to consult with Yorkshire Water's Industrial Waste Section on any proposal to discharge a trade effluent to the public sewer network.

Highway issues

- 5.26 There is significant concern from the local community that the increase in the number of vehicles would cause implications for highway safety in the village and the surrounding road network. It is proposed to employ 8 staff associated with the site; 4 of whom would be delivery drivers and 4 would be based at the site itself. A total of 16 vehicle movements were anticipated when the use was originally proposed to operate over a 24 hour period, with six tanks on site. The scale of the development has been reduced from six tanks to three tanks and therefore the number of vehicle movements is likely to be much lower. Furthermore, the operating hours are no longer proposed to be 24-hour but 6am to 6pm Monday to Friday and 7am to 1pm on Saturday. The authorised use of the site would allow the parking of 11 trucks and trailers, with no restriction on hours of operation, which could give rise to a significantly greater number of vehicle movements and which the local road network

would have to accommodate. Given that the road to the south of the site is no longer a through road, it is unlikely that vehicles should have to travel further south into the village than the junction at Londonderry Lodge.

- 5.27 The Highway Authority confirms that there is adequate space within the site for vehicles to park and turn and there should be no requirement for vehicles to park outside the site.
- 5.28 The Highway Authority and Highways England have no objections to the proposed use in this location.

Safety issues

- 5.29 Health and safety issues are not matters that the Planning Authority can take into account as these are dealt with by separate regulations. Non-planning related regulations include:
- COMAH (Control of Major Accident Hazards Regulations 2015) enforced by the Environment Agency and the Health & Safety Executive. The site falls well below the threshold of 2,500 tonnes of petroleum products and therefore these regulations are not relevant.
 - DSEAR (Dangerous Substances and Explosive Atmospheres Regulations) 2002 concerns worker health and safety in those workplaces where potentially explosive atmospheres may be present, implemented by HSE.
 - Hazardous Substances Certificate issued by HSE where relevant. Whilst there are some hazardous substance controls under the planning acts, these are dependent on the nature and quantity of the substance in question. The proposed storage of 350 tonnes falls below the relevant threshold of 2,500 tonnes and therefore Hazardous Substance Consent is not required.
 - Control of Pollution (Oil Storage) Regulations 2001, implemented by Environment Agency

This is not an exhaustive list but illustrates some of the controls in place to ensure the safe operation of the proposed use.

Other matters

- 5.28 The comments made by local residents regarding the reduction in house values, the increase in the cost of home insurance and the marketing strategy of the potential operator are not planning considerations. Any proposal in the future to expand the business would require further planning permission.

Conclusion

- 5.29 The NPPF and LDF policies accept that the economic development should be encouraged but not to the detriment of interests of acknowledged importance such as the amenity of local residents or the character of the area and should only be approved where impacts can be made acceptable. It is important to support health and wellbeing. The proposed development whilst resulting in relatively minimal change to the character of the site would result in an industrialisation of a site located immediately adjacent to residential properties within a predominantly residential street. The proposed development, by virtue of the proposed lighting and increased industrial character is considered to be harmful to the character of the village and subsequent impact on the residential amenity of the locality. Refusal of the application is recommended.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason.
1. The proposed development, including the proposed site lighting, would result in a change of the character of the site to form a more industrial setting within the village, in close proximity to neighbouring residential properties to the detriment of the character and appearance of the area contrary to LDF Policies CP17 and DP30. The impact on residential amenity would be contrary to LDF Policy DP1.