

Parish: Exelby, Leeming & Londonderry

Committee date: 30 May 2019

Ward: Bedale

Officer dealing: Mr C Allison

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Target date: 3 June 2019

19/00461/FUL

Change of use of former agricultural building to workshop. Regularisation of existing use to permit external storage for vehicles. The siting of two secure steel containers for the storage of tools and equipment.

At Poplars Farm, Londonderry, North Yorkshire, DL7 9NF

For Mr M Swales

This application is referred to Planning Committee as the application site is departure from the Local Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is located south of Londonderry and is immediately to the east of the A1 Motorway. The closest dwelling is 300 metres to the north and the remainder of the village is some 600 metres away. The site is secured by close boarded fencing and is screened from views from the village by a belt of coniferous trees some of which are approximately 8 metres high.
- 1.2 Operating from the site is an End of Life Vehicle business which has operated from the site since 2009. The applicant at the time was unaware that planning permission was required and therefore in 2011 planning permission was applied for, for the change of agricultural buildings to an End of Life Vehicle centre (planning reference: 11/00780/FUL).
- 1.3 However, within the approval there was a condition which stipulated the following:

“There shall be no outside storage of processed vehicles or ancillary materials nor any sales of vehicles, spares or other materials from the site at any time.”
- 1.4 From a site visit undertaken by the Planning Enforcement Officer it was evident that outside the two permitted agricultural buildings a large amount of storage of processed vehicles was taking place within the site. The application seeks to regularise the situation to continue to operate an End of Life Vehicle Business from the site but to include the whole yard so storage of processed vehicles can be stored. Furthermore, with the outside storage the applicant is also seeking a small extension to the rear of the site for the storage of skips and vehicles which have been processed and are awaiting removal from the site.
- 1.5 The applicant also seeks consent for the conversion of one of the agricultural buildings on the site to be used as a workshop for use by the existing business. Furthermore, the siting of two storage containers to be retained on site for the storage of tools and materials relating to the End of Life Vehicle Business.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 11/00780/FUL – Retrospective application for the change of use of an agricultural building and part of another agricultural building to form an ELV business (End of Life Vehicles) – Approved 23 June 2011

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
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 CP21 – Safe Response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP9 - Development outside Development Limits
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP36 – Waste
Development Policies DP42 – Hazardous and environmentally sensitive operations
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – No comments received
- 4.2 Highway Authority – No comments received
- 4.3 Environmental Health – No comments received
- 4.4 Yorkshire Water – No comments received
- 4.5 Ministry of Defence – No objections to the proposal
- 4.6 Public comments – A site notice was posted and neighbours were consulted on the application, but no letters of representation have been received.

5.0 OBSERVATIONS

- 5.1 It must be noted that the two agricultural buildings which have been previously granted planning permission for the change of use to End of Life Vehicles are not to be assessed as part of this application due to the permission already granted. The purpose of this application is to determine if the storage of end of life vehicles outside of the agricultural buildings is considered to be acceptable along with an additional piece of land directly behind the site for the storage of additional vehicles and skips. With further consideration to be made in regard to the change of use of the former agricultural building to a workshop and the siting of two storage containers on the site.
- 5.2 Therefore the main issues to consider are: (i) the principle of outside storage of vehicles; (ii) the impact on the character and appearance of the surrounding area; (iii) the impact on residential amenity

Principle

- 5.3 Policy CP1 of the Core Strategy states development that would significantly harm the natural or built environment or that would generate an adverse traffic impact will not be permitted. Proposals would be supported if they promote and encourage sustainable development. In determining applications decision should be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

- 5.4 As the site is located within the countryside and outside settlement boundaries, Policy CP4 and DP9 is of relevance. Development within the countryside would be acceptable if it would re-use existing buildings without substantial alteration or reconstruction and would help to support a sustainable rural economy. Furthermore it would support the social and economic regeneration of rural areas. In all cases, development should not conflict with the environmental protection and nature conservation policies of the Local Development Framework and should provide any necessary mitigating or compensatory measures to address harmful implications.
- 5.5 The application is for the storage of vehicles outside of the existing buildings and as such can gain limited support from Policy CP4 and DP9 of the Local Plan. However, the principle of the use in this location has already been established through the earlier approval.
- 5.6 Policy DP25 states that employment in locations outside development limits will be supported where the activity is small in scale, comprises the conversion and re-use or replacement of existing rural buildings of sound construction or appropriate extensions of buildings or existing uses; the development is not capable of location within a settlement; is supported by a business case and the development would not adversely impact on the economy. The business is small in scale, and in terms of trying to locate the business within a settlement the closest estate is the Leeming Bar Business Park which has no such sites available and is predominately food orientated and therefore this use would not be appropriate in this location.
- 5.7 Furthermore Policy DP36 states that development and activities will be encouraged which support the minimisation of waste together with the efficient use of materials and in particular assist in the delivery of the priorities of the waste hierarchy; which seeks first to promote the reduction of waste, followed by its re-use, then recycling and compositing, followed by energy recovery, before finally accepting its disposal as a last resort.
- 5.8 As this is the storage and processing of end of life vehicles Policy DP42 is of relevance which states that permission for potentially hazardous or polluting activities will only be granted where these are kept separate from other uses likely to be sensitive, in order to prevent potential conflicts and in particular to protect the health, safety and amenity of the general public.
- 5.9 The End of Life Vehicle Business is regulated by the Environment Agency, which issues an Environmental Permit for this activity to occur. The permit runs in conjunction with any planning permission granted. In terms of lawful End of Life Vehicle Business this site is the only one within the Hambleton District and the next closest one is located in Osset in West Yorkshire. Therefore even though the storage of end of life vehicles is outside of the settlement boundary and does not specifically comply with Policy CP4 and DP9 of the Local Plan and it is considered that the proposal complies with other policies of the Local Plan, and with the importance to provide such facilities within Hambleton and to promote the recycling of materials from vehicles it is considered that the storage of vehicles outside the agricultural buildings is considered acceptable and in accordance with the Local Plan Policies, subject to other material planning considerations.
- 5.10 In terms of the other elements of the application the change of use of an agricultural building to be used as a workshop and the siting of two storage containers both of these are required to store tools and ancillary equipment relating to the business. Whilst some aspects of this would not be wholly compliant with the Local Plan, due to the nature of the business and the need for the End of Life Vehicle business within the Hambleton area it is considered that these elements are acceptable subject to other material planning considerations.

Impact on the character and appearance of the area

- 5.11 Policy CP16 and DP30 of the Local Plan are of relevance here, these policies state 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 importance long distance views.
- 5.12 The site is located some 600 metres south of the village, and is only accessed via one road which leads to a dead end. The site is well screened by an 8 metre high belt of coniferous trees. This ensures that from the village and the surrounding area the site is not visible and blends into the local landscape. Furthermore, due to the local topography of the area there are no views of the site from the adjacent A1 or from Gatenby to the east. Therefore, it is considered that the proposed application has no impact on the visual amenity or landscape character of the area and is in accordance with policies CP16 and DP30.

Impact on residential amenity

- 5.13 Policy DP1 of the Local Development Framework states that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight.
- 5.14 In terms of the impact on local residential amenity, the process is to take place, following delivery of the vehicles, within an enclosed building and will create no noise, dust, fumes or vibration which could affect local amenity. It is worth noting that the business has operated from the site since 2009 and no formal complaints have been received by Environmental Health in regard to noise and disturbance. It is considered that the proposed development will not lead to any significant impact on local residential amenity. The proposed development is considered to comply with the requirements of Development Policy DP1.

Planning Balance

- 5.15 The site is located within an area designated as countryside and whilst not wholly in compliance with Policy CP4 and Policy DP9 it is considered that the proposal for the storage of outside vehicles is acceptable to allow this business to continue to operate. Furthermore, with this being the only licensed End of Life Vehicle Business within the Hambleton area, support should be given to promote business and to ensure the recycling of vehicles. It is therefore considered, on balance, that the proposed development is acceptable as it will support an existing business and will not result in a harmful impact on the character or appearance of the area, or on local residential amenity.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' the application site shall not be used for any purpose other than as an End of Life (ELV) Centre as described in the application for planning permission 19/00461/FUL received by the Local Planning Authority on 8th April 2019.

2. The maximum number of vehicle movements resulting from the operation of the site shall not exceed ten on each day from Monday to Friday and six on Saturdays. There shall be no such movements on Sundays or Bank Holidays. A record shall be kept which shall show the registration numbers and times of arrival and departure of all such vehicles entering and leaving the site. This record shall be made available to the officers of the Local Planning Authority upon request at all times when the site is open.
3. There shall no sale of vehicles, spares or other materials from the site at any time.
4. Surface water draining from areas of hardstanding shall be passed through an oil interceptor or series of oil interceptors, prior to being discharged and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the interceptors. Vehicle wash downs and detergents shall not be passed through the interceptor.
5. All downpipes carrying rain water from areas of roof shall be sealed at ground level prior to the occupation of the development. The sealed construction shall thereafter be retained throughout the life time of the development.
6. Inspection manholes shall be provided on all foul and surface water drainage runs such that discharges from individual units can be inspected / sampled if necessary. All manhole covers shall be marked to enable easy recognition. Foul will be marked in red. Surface water will be marked in blue. Direction of flow will also denote. Where more than one discharge point is proposed, manholes will also be numbered accordingly to correspond with their respective discharge point.
7. The permission hereby granted shall not be undertaken other than in complete accordance with the following plans Block Plan received by the Local Planning Authority on the 25 February 2019; Location Plan received by the Local Planning Authority on the 1 April 2019 and Photos of site received by the Local Planning Authority on the 8 April 2019.

The reasons are:

1. In order that the site is not used for any other purpose which may have an adverse impact on local amenity in accordance with Policy DP1.
2. In the interest of local amenity in accordance with Policy DP1
3. In order that the site is not used for any other purpose which may have an adverse impact on local amenity in accordance with Policy DP1
4. To reduce the risk of pollution to the water environment in accordance with Policy DP42.
5. To prevent the contamination of clean surface water run off in accordance with Policy DP42.
6. To allow pollution incidents to be more readily traced in accordance with Policy DP42.
7. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surrounding area and in accordance with the Development Plan Policies DP, CP16 and DP30.