

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

10th APRIL 2013

**REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

12/2919/COU

White House Farm, Sandy Lane West, Billingham

Change of use of existing compound for HGV operations base for up to 12 lorries and trailers.

Expiry Date 8 February 2013

SUMMARY

This application seeks retrospective planning permission for a change of use from an existing compound/agricultural parcel of land to a Heavy Goods Vehicles (HGV) operations base for up to 12 articulated tractor units/lorries and associated trailers.

The application site is White House Farm, located along Sandy Lane West, Billingham. The site consists of a working farm involving beef fattening, dairy, sheep and arable operations. Two associated agricultural workers dwellings are also present on site (White House Farm and Hollygate). There are various farm buildings throughout the site. Agricultural/grazing fields are present to the south and to the west. Beyond the site entrance to the east is the A19 highway. The nearest properties within the Wolviston Court estate are sited approximately 200m beyond.

69 letters of objection have been received in addition to letters of objection from Councillor M E Womphrey and Councillor Mrs M B Womphrey, Grindon Parish Council and Wolviston Parish Council. These objections primarily relate to the impact of highway and pedestrian safety, the impact on residential amenity in terms of noise disturbance and that the site is not suitable for the area. These and other objections are set out below.

10 letters of support have been received, which primarily relate to the use providing a satisfactory form of rural diversification during difficult economic times and that the use does not adversely affect the highway network.

The Head of Technical Services has assessed the application and considers that the use is acceptable in terms of its impact on highway and pedestrian safety, vehicular access and the impact on the highway network. The Environmental Health Unit Manager has raised no objections to the use in view of the limited number of vehicles accessing/exiting the site before 0700 hours.

The use is considered to satisfy the provisions of the NPPF in terms of forming sustainable form of development. Subject to a number of conditions for additional landscaping, and a limit to the number of vehicles being able to use the site, the scheme is considered to be acceptable in this instance.

The application is therefore recommended for approval.

RECOMMENDATION

That planning application 12/2919/COU be approved subject to the following conditions and informatives below;

01 The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number Date on Plan
PRM/OH/01 13 December 2012

Reason: To define the consent.

02. Proposed landscaping scheme

Within two months from the date of the decision notice, full details of a scheme for soft landscaping should be submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan to show the provision of screen planting to be planted to the south east of the compound, in accordance with the specification planting details within informative 01 of the decision notice, which includes the requirement for 30% evergreen species as part of any scheme. The details shall include a specification of works indicating plant species, numbers, densities, locations, stock size and type. All works shall be carried out in accordance with the approved plans. The agreed scheme shall thereafter be completed within the first planting season following.

Reason: To ensure a high quality planting scheme is provided and to break up the visual impact of the compound, in the interests of visual amenity which contributes positively to local character and to accord with Policy CS3.

03. Soft Landscape Management Plan

Within two months from the date of the decision notice, a soft landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas/retained vegetation, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.

Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the Local Planning Authority is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season unless the Local Planning Authority gives written consent to any variation.

Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved.

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

04. Restricted vehicle numbers

The total number of Heavy Goods Vehicles (HGV) shall be restricted to 12 vehicles (HGV articulated tractor units) and 16 trailer units that shall not be parked/stored outside of the compound as defined by the red line boundary on plan PRM/OH/01 (plan dated 13th December 2012).

Reason; In order to define the permission that the scheme relates to and in the interests of highway safety.

05. No deliveries

Notwithstanding the existing operations at the site associated with the agricultural use of White House Farm, Sandy Lane West, Billingham, there shall be no deliveries other than diesel fuel to the site in connection with the Heavy Goods Vehicle operation that this permission relates.

Reason; In order to define the permission that the scheme relates solely to the storage and parking of HGV's and in the interests of highway safety.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

The use is considered to be acceptable in principle in this specific instance, taking account of the provisions of the NPPF. It is considered that suitable development could be accommodated on the site that would not result in an adverse impact on the character of the surrounding area and poses no unacceptable harm to the amenity of neighbouring residents in terms of outlook, overlooking, overbearing and overshadowing, and noise disturbance as to warrant a refusal of the application. It is further considered that the proposed scheme would not lead to an adverse loss of highway or pedestrian safety. It is considered that, subject to the meeting of the requirements of conditions imposed, that the development accords with the relevant policies as set out below and that there are no material planning considerations which indicate that a decision should be otherwise.

The following policies of the Adopted Core Strategy Development Plan Document (March 2010), the Saved Policies from the Adopted Stockton on Tees Local Plan (1997) and associated documents are considered to be relevant to the determination of this application

Core Strategy Policy 2 (CS2): Sustainable Transport and Travel

Core Strategy Policy 3 (CS3): Sustainable Living

Core Strategy Policy 4 (CS4): Economic Regeneration

Core Strategy Policy 10 (CS10): Environmental Protection and Enhancement

National Planning Policy Framework

Informative 01; Planting Species

In accordance with Condition 03 of the decision notice (Condition 02 of the Committee Report), the required soft landscaping scheme shall consist of a 10m wide planting buffer to the south/south east of the compound. The buffer planting should be comprised of native plants such as alder, birch, hawthorn, hazel, oak and make provision for 30% evergreen species such as holly and Scots pine. All trees should be planted at 2m spacing.

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework

BACKGROUND

1. 03/1624/P; Planning permission (outline) was granted on 21st January 2004 for the erection of 1 no. agricultural workers dwelling at the site.

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2. 05/0968/REM; the associated Reserved Matters permission was granted on 9th August 2005. This property is known as Hollygate and is occupied by the applicant (Mr Hutchinson).
3. 12/0100/PNO; Prior approval was not required (13th February 2012) for the erection of an agricultural farm workshop and store on a parcel of land adjoining the parcel of land that the current application relates to.
4. As part of the case officer's site visit and investigations, it was noted that a compound had been created on the adjacent parcel of land to the proposed siting of the agricultural building.

SITE AND SURROUNDINGS

5. The application site is White House Farm, located along Sandy Lane West, Billingham. The site consists of a working farm involving beef fattening, dairy, sheep and arable operations. There are various farm buildings throughout the site. The farm also includes the residential properties/agricultural workers dwellings of White House Farm and Hollygate (approved as per 05/0968/REM), both of which are present to the north of the application site.
6. The site is served by Sandy Lane West (north), with the main site access from the east. Beyond the main entrance to the farm site, internal roadways serve the various buildings within the farm including the compound for trailers. Agricultural/grazing fields are present to the south and to the west. A number of poultry sheds are sited beyond the compound to the south.
7. Beyond the site entrance to the east is the A19 highway. The residential housing estate of Wolviston Court is sited approximately 200m beyond. The nearest residential properties (on the western side of the A19) are Wilmire View, sited approximately 320m to the north west of the farm and Daisy's View, approximately 160m-170m to the south.

PROPOSAL

8. This application seeks retrospective planning permission for a change of use from an existing compound/agricultural parcel of land to a Heavy Goods Vehicles (HGV) operations base for up to 12 articulated tractor units/lorries and associated trailers. The submitted information notes that the company currently operate 9 articulated tractor units that in turn pull a variety of trailer units, in addition to 1 rigid 7.5-ton vehicle.
9. The site was issued an Operators License for 12 vehicles and 16 trailer units (issued by Department for Transport) in August 2011. It is understood that the use has been operating since March 2012.
10. The compound relates to an area measuring approximately 22m x 42m to the south west of the main farm buildings (sited approximately 15m opposite a detached cattle building). The compound is enclosed by an approximately 2.5m high security fence. Within the compound is a 14,000 litre tank for the storage of diesel for the HGV. Access to the compound is obtained through the existing farm yard. The submitted information notes that an existing wide farm access is in place, following an upgrade to provide for improved access for the daily milk tanker and other farm related HGV traffic.
11. Within the submitted planning statement, the applicant's agent has commented that the site "*provides a registered base for operations of the company (Arrowhaul), although for the majority of the time, the lorries and their respective are out on the highway network fulfilling their contracts*". The farm therefore provides an operating base for the parking of lorries

and trailers when not in use, the fuelling of lorries for operations and the storage of the drivers' cars whilst they are driving the HGVs. The submitted information states that other activities take place in the compound including maintenance operations as such operations are contracted to a company in Darlington. The submitted information states that no deliveries of goods associated with the HGV operations take place at the farm site.

CONSULTATIONS

12. The following Consultees were notified and comments received are set out below:-

Head of Technical Services

Highways Comments

This application seeks to regularise an existing use of a compound for HGV operations base for up to 12 Lorries and trailers from Whitehouse Farm, Sandy Lane Billingham.

Vehicular access is taken from an existing adopted farm accommodation road served from Sandy Lane West, Billingham. The visibility splay of approx 4.5 x 215m is acceptable for the current use at the farm.

There has been 1 slight injury accident on the length of Sandy Lane West between Wynyard Road and Wolviston Mill Lane junction. Sandy Lane West and Wynyard Road are both subject to 'environmental' weight limits (7.5 t) which allows for 'access only' by HGVs. There are no 'structural' weight limits on any of the road bridges in the area.

The HGVs operate at various times from the site with the earliest leaving the depot at approx 05:00 and those HGVs that are not parked at remote overnight locations also return to site at various times.

The applicant has provided details of HGV movements into and out of the farm on an average week, (Mon-Sat) which indicates a total of 6 HGV vehicle movements 'out' and 22 'in' to the farm.

As a result of concerns raised by residents and to consider the impact on the local highway network a recent HGV survey covering the Wolviston Mill Lane/Thames Road/Sandy Lane West junction and Wynyard Road/Sandy Lane West junction was undertaken

The HGV survey was a 'HGV only' survey, 12 hour period (7:00 am -7:00 pm), undertaken at 2 survey points, either side of Whitehouse Farm namely; a) East of junction of Sandy Leas Lane West/Wynyard Road and b) East of junction of Wolviston Mill Lane/Whitehouse Road/Thames Road. The survey did not differentiate between Arrowhaul and other vehicles.

The results were;

- a) Sandy Leas Lane West/Wynyard Road - s'bound 4 no & n'bound 6 no
- b) Wolviston Mill Lane/Whitehouse Road/Thames Road - s'bound 6 no & n'bound 8 no
(2 no HGVs were recorded turning south west into Wolviston Mill Lane

The data provided by the applicant indicated; vehicles travelling from/to Whitehouse Farm over an average week (mon-sat), showed on average 1 no vehicle out and 3 no vehicles in per day.

An environmental weight limit restriction is used to limit the impact of heavy goods vehicles where there is a 'significant volume of heavy goods vehicles using surrounding residential road network. However given the numbers of HGV vehicles using the surrounding network, a restriction would not be practicable or justified in this case.

Drivers stopping at the Wolviston Court shops could only be controlled by waiting restrictions, backed by a traffic regulation and would be applicable to all vehicles.

The applicant submitted drivers records, which indicate that of the 6 no vehicle movements out of Whitehouse Farm, in a typical week (Mon - Sat), 4 no departures were prior to 7:00 am.

However, whilst the actual HGV movements into and out of the farm are relatively low, it is acknowledged by the applicant that the HGVs operate staggered departure and arrival times at the farm, including one tractor unit which is operated over a 24 hour period. Therefore, to address residents concerns regarding protecting residential amenity, it is proposed to impose a condition that between the hours of 23:00 hrs and 7:00 hrs, access and egress to Whitehouse Farm, by HGVs, be via the A177 to Wynyard Road and Sandy Lane West.

Subject to the following conditions there are no highway objections:

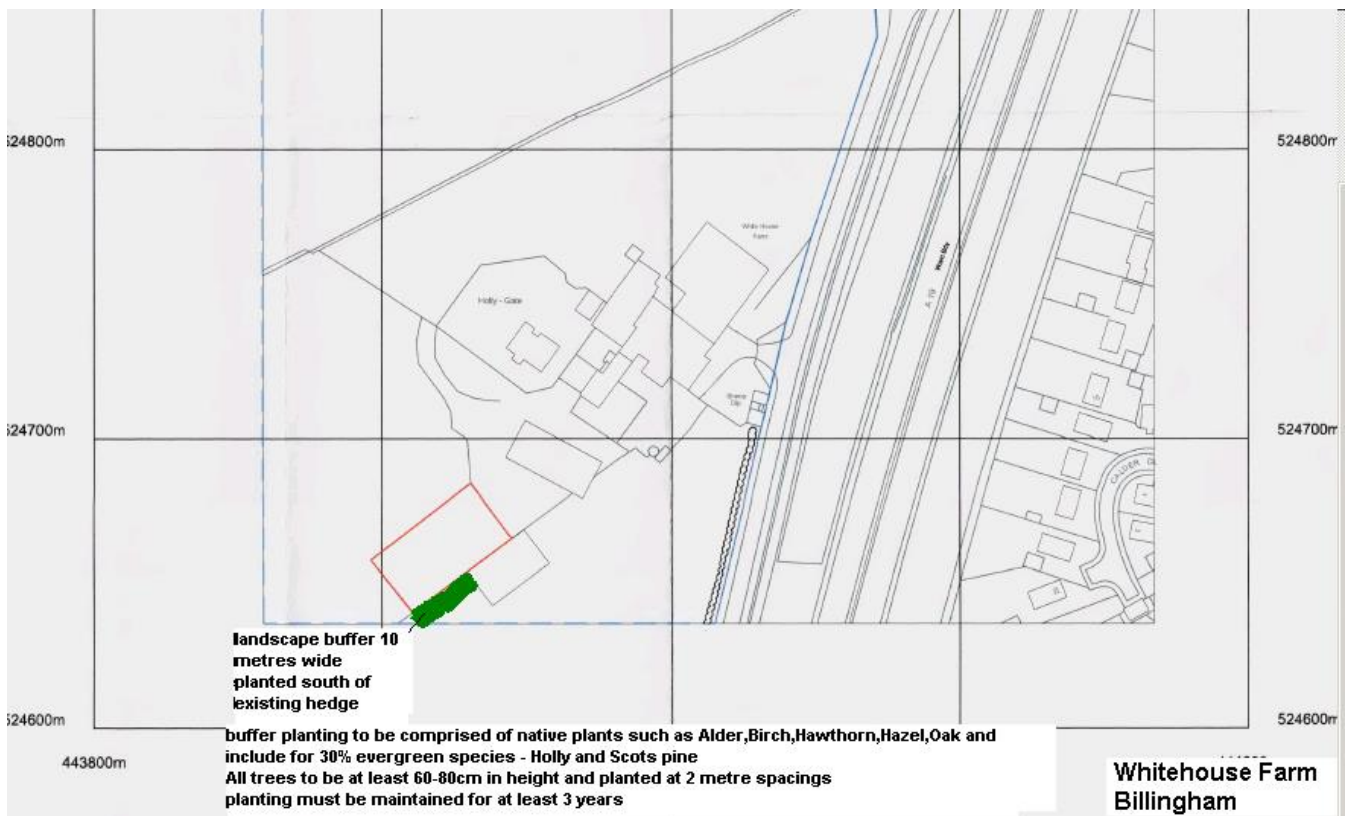
The applicant HGVs to access/egress Whitehouse Farm via the A177/Wynyard Road during the evening period between 23:00 hrs and 7:00 hrs, thereby limiting the environmental impact on residents of nearby Thames Road/Whitehouse Road and Wolviston Mill Lane

Limiting operations at the site to its current maximum number of 12 tractor and trailer units

No HGV deliveries allowed to Whitehouse Farm except for the existing agricultural use

Landscape & Visual Comments

The site is visible from the road used as a public footpath to the south and therefore some screen planting is required here as the view would be one of parked lorries and trailers. A sketch plan is attached below showing the buffer required as a minimum standard which should consist of native block planting to suite this rural site. Condition wording is also provided at the end of the memo in the informative section below.



LANDSCAPING – SOFTWARES

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans, prior to the commencement of soft landscaping works full details of Soft Landscaping shall be submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed unless otherwise agreed with the LPA in writing in the first planting season following: commencement of the development or agreed phases or prior to the occupation of any part of the development and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity.

MAINTENANCE- SOFTWARES

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans, a soft landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or approved phases.

Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the LPA is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season unless the Local Planning Authority gives written consent to any variation.

Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

Environmental Health Unit Manager

Environmental Health has no objections to this application. Noise from vehicles accessing and egressing the site was considered but due to the location and distances involved to residential premises, this is not considered an issue. There are concerns regarding disturbance from heavy goods vehicles travelling through residential areas during the night, which is an issue for which Environmental Health have no legislative controls. However, the survey carried out by the Council's Highway Engineers indicates that the HGV movements will be relatively low and consequently their effect on background noise levels will not be significant.

Environmental Health therefore maintain the position that they have no objection to the application.

Councillor J Gardner

No comments received

Councillors M E Womphrey and Councillor Mrs M B Womphrey

We object to the above application for the following reasons:-

- (1) Thames Road, Whitehouse road and Wolviston Mill Lane are in a residential area and the highways infrastructure is not suitable for regular use by very large H.G.V. vehicles.
- (2) Many of the vehicle movements are in the middle of the night and very early on mornings with the resulting noise disturbance at these times.
- (3) The junction of Whitehouse Road with Wolviston Road is a very tight junction which is extremely dangerous for vehicles of this size to negotiate as is the junction of Whitehouse Road with Wolviston Mill lane
- (4) Some of these vehicles are very high sided and do irreversible damage to mature trees on Whitehouse Road.
- (5) Road safety and the potential for serious accidents:-

You will be aware of the three schools in the area and the traffic problems associated with school start and finishing times. At these times the three roads in question are log jammed and make access for emergency vehicles very difficult. Add these very large vehicles into the mix and we have a very serious traffic management problem - a daily occurrence on Thames Road.

- (6) We have personally witnessed H.G.V. vehicles from Whitehouse Farm parked across operating school crossing patrols and the junction of Whitehouse road/ Clifton Ave at school finish times resulting in the obvious traffic management and road safety implications.

Grindon Parish Council

Grindon Parish Council wishes to strenuously object to this, in our opinion, thoroughly unsuitable proposal on the following grounds.

There are three possible access routes from this site to join the Road Network.

The first is by the bridge crossing the A19 leading to Thames Road. This bridge has an absolute weight limit of 7.5 tonnes for HGVs.

The second possible route is by Wynyard Road leading to Wolviston Village. A dangerous Road which leads to narrow Village Streets used by many horses, pedestrians and cyclists, with for a distance no pavement. The third and worst option in our opinion is by Wynyard Road, past Wynyard Hall gates, across Bottle Hill Bridge and onto the A177. Bottle Hill Bridge has a 7.5 tonne weight limit except for access.

Wynyard Road has a truly deplorable accident record with many injury accidents. The use of this Road by walkers, cyclists and horses has been encouraged. A footpath is not available at any point along this long stretch of road and a high wall in the ownership of Wynyard Park runs along one side with a very narrow grass verge. Grindon Parish Council working with the Borough Councillor has been successful in obtaining funding for a Road Safety Review, which is ongoing, with a view to implementing Road Safety improvements.

Wynyard Road is extensively used by Agricultural Vehicles operating from the many local farms.

Wynyard Park made application in one of their Planning Applications to implement a One Way System into Wynyard and to use Wynyard Road as the only means of entry. This application was not pursued after discussions.

We note the many contradictions made by the Applicants Agent in the Planning Statement and would comment upon the following.

The Applicant states that whilst this is an Operating Centre for the purposes of his Operators Licence only and that in practice most vehicles will not return there on a daily basis being parked elsewhere overnight. He then states that the site will be used for refuelling vehicles. Whilst the applicant says that very few vehicles will visit this site daily our contention is that it is not possible to place a workable condition upon the number of vehicle movements permitted if permission were to be granted.

It is proper that mention is made of the fact that the applicants main business is Plant Hire and that he owns low loaders which are used to transport large excavators to and from the Farm premises. We ask that this application be refused.

Wolviston Parish Council

Wolviston Parish Council wish to object to this application on the following grounds
There are three possible access routes from this site to join the major road networks.
The first is by the bridge crossing the A19 leading to Thames Road. This bridge has a weight limit of 7.5 tonnes for HGVs.

The second possible route is by Wynyard Road (7.5 tonne limit), leading to Wolviston Village, which is also subject to a 7.5 tonne weight limit. This is a dangerous road which leads to narrow village streets used by pedestrians, including school children, cyclists, and horses, with no pavement for a part of the road. In the opinion of the Parish Council, it will be totally unsuitable to allow HGV 's to use this for access. There will also be problems with extra noise, and air pollution, and possible damage to road surfaces.

The third is by Wynyard Road, past Wynyard Hall gates, across Bottle Hill Bridge and onto the A177. Bottle Hill bridge has a 7.5 tonne weight limit except for access.

The Applicant states that this is an Operating Centre for the purposes of an Operators Licence only and that in practice most vehicles will not return there on a daily basis, being parked elsewhere overnight, and that very few vehicles will visit this site daily. He then states that the site will be used for refuelling vehicles. The Parish Council contends that it is not possible to place a workable condition upon the number of vehicle movements permitted if permission were to be granted. Also, once permission is granted, the applicant will be able to get round any restrictions by claiming the need for access.

It is appropriate to note the fact that the applicants main business is Plant Hire and that he operates low loaders which are used to transport large excavators to and from the Farm premises.

Wolviston Parish Council ask that this retrospective application be refused.

PUBLICITY

13. 69 Letters of objection have been received from occupiers of the following addresses;

1. Mr Adrian Wrigley, 33 Chaucer Close Billingham
2. Mr R Lake, 144 Whitehouse Road Billingham
3. Mr Simon Coward, 15 Ashcombe Close Billingham
4. Mrs Barbara Farrow, 179 Whitehouse Road Billingham
5. Ian McNeil, 167 Whitehouse Road Billingham

6. Mike Dixon, 173 Whitehouse Road Billingham
7. Mr David Hancock, 85 Whitehouse Road Billingham
8. Mrs Vipond, 94 Thames Road Billingham
9. J J And G Cook, 184 Thames Road Billingham
10. Mr Thomas Jones, 60 Whitehouse Road
11. Mrs Jennifer Connor, 18 Lenham Close Billingham
12. Mrs Diane Bowey, 18 Ribble Close Billingham
13. Bernard And Patricia Callaghan, 117 Thames Road Billingham
14. A McLean, 110 Wolviston Mill Lane Billingham
15. Mr Alan Barnes, 176 Thames Road Billingham
16. Mr James Morgan, 143 Whitehouse Road Billingham
17. Mr Robert Smith, 17 Skripka Drive Billingham
18. Mr Wood, 47 Whitehouse Road Billingham
19. Mrs Louise King, 32 Skripka Drive Billingham
20. Miss J Dennison, 8 Ganton Close Wolviston Court
21. Kevin Brown, 44 Whithouse Road Billingham
22. Mrs Iris McElvanney, 96 Wolviston Mill Lane Billingham
23. Mr And Mrs Armstrong, 105 Thames Road Billingham (x2)
24. Mrs Samantha Gibson, 10 Skripka Drive Billingham
25. Mr Paul Fergusson, 126 Thames Road Billingham x2
26. Mr Les Jordan, 124 Whitehouse Road Billingham
27. Mr Chris Clough, 181 Whitehouse Road Billingham
28. Mr Riby MBE, 171 Whitehouse Road, Billingham
29. Mrs Stephanie Cross, 138 Thames Road Billingham
30. Alan And Margaret Johns, 183 Whitehouse Road Billingham
31. Mr Brian Oakley, 2 Wilmire Road Billingham
32. Mrs Irene Blackburn, 196 Thames Road Billingham

33. Mr Raymond Massey, 188 Thames Road Billingham
34. Mrs Alison Workman, 106 Thames Road Billingham
35. Keith And Ann Coppick, 192 Thames Road Billingham
36. Mr And Mrs D Lowther, 4 Hazelmere Close Billingham
37. Colin Dixon, 88 Whitehouse Road Billingham
38. Ann Dennison, 26 Broughton Road Billingham
39. John P McDonald, 101 Thames Road Billingham
40. Mr Wayne Percy, 2 Marton Drive Billingham
41. Mr Bernard Hanson, 115 Wolviston Mill Lane Billingham
42. J Mitchell And Petitioners, 111 Whitehouse Road Billingham (classed as one objection)
43. Ken Gibb, 148 Thames Road Billingham
44. Mr I Dent, 108 Thames Road Billingham
45. Mrs S Turner, 112 Thames Road Billingham
46. Bernard McLean, 43 Skripka Drive Billingham
47. Mr Husband, 141 Whitehouse Road Billingham
48. KT And M Dobson, 187 Whitehouse Road Billingham
49. Mr Paul Lucas, 166 Thames Road Billingham
50. A S Bettley, 105 Wolviston Mill Lane Billingham
51. Mrs Dorothy Fyfe, 146 Whitehouse Road Billingham
52. Mr And Mrs I M Smith; 175 Whitehouse Road Billingham
53. Mr James Small, 172 Thames Road Billingham
54. Mr Karel Simpson; 165 Whitehouse Road Billingham
55. Mr David Cain; 139 Whitehouse Road Billingham
56. Mr Craig Moat; 122 Thames Road Billingham
57. Alan Etherington; 16 Orton Grove Billingham
58. Mrs Kate Baucherel, 130 Thames Road Billingham
59. Mr William Millar, 109 Wolviston Mill Lane Billingham
60. Mrs Paula Pickering, 6 Liverton Crescent Billingham

61. Mr Alistair Cairnie, 16 Langton Avenue Billingham
62. Mrs Susan Williamson, 80 Grosvenor Road Billingham
63. N And H Richardson, Warren Lodge Wynyard Road Wolviston Billingham
64. Mr John Abberton, 182 Thames Road Billingham
65. Geoff And Barbara Harris, 7 Hazelmere Close Billingham
66. Mr And Mrs Maddren, 30 Whitehouse Road Billingham
67. Mr David Smith, 121 Thames Road Billingham
68. Mrs Ann Cornforth, 104 Wolviston Mill Lane Billingham
69. Mr and Mrs P J Robertson, 103 Wolviston Mill Lane Billingham

These objections and concerns can be summarised as follows;

- The scheme would worsen an already inadequate road network and use would increase congestion;
- Physical impact on road surfaces (worsening existing potholes/road damage). The scheme would exacerbate existing highway issues;
- A weight restriction and other traffic calming measures should be put in place including additional signage
- Impact on highway and pedestrian safety, including residents and nearby school children
- A survey should be undertaken
- The vehicles route should be controlled by way of a planning condition to limit journeys to/from Thorpe Thewles/A177 only
- The exit routes are inadequate
- HGVs waiting/pulling up at the shops in Wolviston Court (Clifton Avenue)
- The development is not suitable for the area/over development and should be re-located to an industrial area
- Noise disturbance as a result of HGVs passing residential properties, in terms of the speed and vibrations
- Increase in fumes and smells
- The scheme would set an undesirable precedent for similar developments
- Property devaluation
- There are other businesses registered to the site
- The use would result in anti-social behaviour/increase in crime
- The use could not be controlled by a planning condition
- Lack of public consultation
- Impact on/damage to trees (from HGVs passing)

8 individual letters of support have been received for the application. A further 12 representations have been received however, these are made up of 2 different pro-forma copies and as such these representations only account for a further 2 letters of support (10 letters of support in total). The 8 individual letters of support were received from;

1. P J Shepherd, Fulthorpe Farm Wynyard Road Thorpe Thewles Stockton-on-Tees TS21 3JQ

2. David Dresser 40 Liverton Crescent Wolviston Court Billingham TS22 5BS
3. Mr K Broatch 5 Troon Close Billingham TS22 5RD
4. Mrs A Wombwell 1 Carlton Avenue Billingham TS22 5HT
5. Mrs D Robinson 8 The Poplars Wolviston Billingham TS22 5LY
6. Mrs K Smart 45 Sandy Lane Billingham Stockton On Tees
7. Daryl McKay Caravan Daisys View Sandy Lane West Billingham TS22 5NB
8. Kevin McDermott Wilmire House Farm Sandy Lane West Billingham TS22 5NB

The letters of support can be summarised as follows;

- The use does not cause a nuisance and does not adversely affect traffic or highway safety;
- The small business should be supported during difficult economic times;
- The use has been operating for 12 months without any problems;
- The number of HGVs on the highway network include other vehicles, separate to Arrowhaul;
- The use is a positive diversification of rural activities;
- Cars are left in the compound at the beginning of the week and the drivers return to collect the vehicles towards the end of the week, in many cases.

PLANNING POLICY

14. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan
15. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations
16. The following planning policies are considered to be relevant to the consideration of this application:-

National Planning Policy Framework

Paragraph 14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking;

For decision-taking this means:

approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

-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-
-specific policies in this Framework indicate development should be restricted.

Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel

Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.

Improvements to the road network will be required, as follows:

- i) In the vicinity of Stockton, Billingham and Thornaby town centres, to support the regeneration of these areas;
- ii) To the east of Billingham (the East Billingham Transport Corridor) to remove heavy goods vehicles from residential areas;
- iii) Across the Borough, to support regeneration proposals, including the Stockton Middlesbrough Initiative and to improve access within and beyond the City Region; and
- iii) To support sustainable development in Ingleby Barwick.

Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

8. Additionally, in designing new development, proposals will:

- _ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
- _ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
- _ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
- _ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

Core Strategy Policy 4 (CS4) - Economic Regeneration

8. Additionally, support will be given to:

- i) Suitable enterprises that require a rural location and which support the rural economy and contribute to rural diversification; ii) The establishment of new enterprises, particularly where related to existing industries, assisting them to evolve with advancing green technologies;
- iv) The expansion of research-based businesses associated with Durham University's Queen's Campus;
- v) Growth in sustainable tourism, particularly in the following locations:
 - a. The River Tees as a leisure, recreation and water sports destination, with regard given to the protection and enhancement of the character of tranquil areas along the river corridor between the towns of Stockton and Yarm;
 - b. Preston Park;
 - c. Sites linked to the area's industrial heritage, including early history, railway and engineering heritage and the area's World War II contribution; and
 - d. Saltholme Nature Reserve.

- vi) The creation of employment and training opportunities for residents by developers and employers.

Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement

- 2. Development throughout the Borough and particularly in the Billingham, Saltholme and Seal Sands area, will be integrated with the protection and enhancement of biodiversity, geodiversity and landscape.
- 3. The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of:
 - i) Strategic gaps between the conurbation and the surrounding towns and villages, and between Eaglescliffe and Middleton St George.
 - ii) Green wedges within the conurbation, including:
 - _ River Tees Valley from Surtees Bridge, Stockton to Yarm;
 - _ Leven Valley between Yarm and Ingleby Barwick;
 - _ Bassleton Beck Valley between Ingleby Barwick and Thornaby;
 - _ Stainsby Beck Valley, Thornaby;
 - _ Billingham Beck Valley;
 - _ Between North Billingham and Cowpen Lane Industrial Estate.
 - iii) Urban open space and play space.

Saved Policy EN13 of the adopted Stockton on Tees Local Plan

Development outside the limits to development may be permitted where:

- (i) It is necessary for a farming or forestry operation; or
- (ii) It falls within policies EN20 (reuse of buildings) or Tour 4 (Hotel conversions); or

In all the remaining cases and provided that it does not harm the character or appearance of the countryside; where:

- (iii) It contributes to the diversification of the rural economy; or
- (iv) It is for sport or recreation; or
- (v) It is a small scale facility for tourism.

MATERIAL PLANNING CONSIDERATIONS

The main planning consideration in respect to this application relate to the principal of development in relation to National and Local planning policies, Impact on highway and pedestrian safety, and other highway matters, Residential Amenity, Visual and environmental impact and Residual Matters.

Principle of development

17. The following planning policies and statements are considered to be material to the assessment of the current application;

i) The National Planning Policy Framework (NPPF)

18. The NPPF states that a set of core land-use planning principles should underpin both plan-making and decision-making. Included in these principles are that planning should "*take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it*".

19. The NPPF also notes that the "*Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system*".
20. The NPPF supports "*economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development*"; the NPPF promotes the expansion of all types of business and enterprise in rural areas including "*the development and diversification of agricultural and other land-based rural businesses*"
21. Such support for rural diversification is to be strengthened as part of the Government's planning reform proposals that include proposals to expand changes of use of empty agricultural buildings for various uses. The Government undertook a consultation in July 2012 relating to '*New opportunities for sustainable development and growth through the reuse of existing buildings*'. One of the aims of these proposed reforms is "*to create permitted development rights to assist change of use from existing buildings used for agricultural purposes to uses supporting rural growth*". The Government has recently confirmed plans to consult again on allowing greater flexibility for changes of use of existing agricultural buildings for other business purposes.

ii) Relationship to the adopted Development Plan

Sustainable transport and travel

22. The scheme has been considered in relation to Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel. Notwithstanding matters related to highway safety and access (considered below in this report), in view of the nature of the business (HGV deliveries) which requires transportation throughout the UK, and the limited operation of the scheme (up to 12 vehicles), it is considered that the use does not adversely affect the aims of the NPPF and sustainable economic growth, subject to the proposed scheme satisfying other material considerations set out below.

Economic Regeneration

23. Core Strategy Policy CS4 states that suitable enterprises that require a rural location and which support the rural economy and contribute to rural diversification will be supported. It is noted from the submitted supporting statement that the applicant's requirement for high levels of security in relation to the existing farm use mean that the scale of the HGV operation could not viably take place on a remote site, as such an operation would need to be sufficiently large in scale to employ its own full time security presence on site.

Limits to Development

24. The application site is located to the north-west of Billingham and outside of the defined limit to development, as set out in saved Local Plan policy EN13, which seeks to identify the control of development within the countryside to 'activities necessary for the continuation of farming or forestry, contribute to rural diversification, or cater for tourism, sport or recreation'. Whilst this policy remains relevant, there is a need to be mindful of the presumption in favour of sustainable development as set out below.

iii) Conclusion to policy assessment

25. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
26. The development would meet an economic role through the provision/protection of 12 full time jobs that have been created (primarily related to HGV drivers). The submitted supporting statement notes that the "*business supports a number of indirect jobs in support functions...the vast majority of the firm's contracts involve supporting business in and around the Tees Valley*". The statement also states "*all drivers are based locally, being employed in Hartlepool, Middlesbrough or Stockton*". The scheme is therefore considered to satisfy the principles of the NPPF in this respect.
27. The use in its present scale and form (up to 12 vehicles and 16 associated trailers) would also comply with the NPPF's promotion of rural diversification (in addition to central government's proposed reforms of the Use Class system) and the principles of Core Strategy Policy CS4 and is not considered to be at significant conflict with the aims of saved Policy EN13.
28. The environmental strand of sustainable development will be considered in further detail below, however in view of the site's existing form of built development, and taking into account the parameters of permitted development for agricultural purposes such the erection of agricultural buildings and provision of hardstanding in such areas, it is considered that the specific circumstances of the scheme, on balance, mean that it should be viewed as sustainable development from a planning policy perspective and without reference or prejudice to consideration of any other site specific issues.
29. As such the principle of development on the site is considered to be acceptable in this specific instance subject to the scheme satisfying other material planning considerations that relate to; whether the site is suitable for the scale of development, its impact on neighbouring land users and the wider area, impact on existing landscape features and highway related matters. These, and other matters are considered as follows;

Impact on highway and pedestrian safety, and other highway matters

30. Highway related objections have been received from a large number of residential properties, Local Ward Councillors and Parish Councils for reasons set out above.
31. The Head of Technical Services (HoTS) (including Network Safety section) has assessed the application and has undertaken a site survey. Vehicular access to the site is taken from an existing adopted farm accommodation road served from Sandy Lane West, Billingham. The Head of Technical Services considers that the visibility splay of approx 4.5m x 215m is acceptable for the use.
32. With respect to the impact of HGVs on the highway network, the HoTS has commented that the HGVs operate at various times from the site with the earliest leaving the depot at approximately 0500 hours and those HGVs that are not parked at remote overnight locations also return to site at various times. It is noted from the submitted information that one of the registered HGVs operates on a 24-hour basis.
33. As a result of concerns/objections raised by residents and in order to consider the impact on the local highway network, a recent HGV survey covering the Wolviston Mill Lane/Thames Road/Sandy Lane West junction and Wynyard Road/Sandy Lane West junction was undertaken by the Council's Technical Services section. The 'HGV only' survey was recently undertaken over a 12 hour period (0700 - 1900 hours) at two survey points, either side of Whitehouse Farm namely; a) East of the junction of Sandy Leas Lane

West/Wynyard Road and b) East of junction of Wolviston Mill Lane/Whitehouse Road/Thames Road. The survey did not differentiate between Arrowhaul (business relate to the current site) and other vehicles.

34. The results were;
 - a) Sandy Leas Lane West/Wynyard Road - southbound 4 HGVs and northbound 6 HGVs;
 - b) Wolviston Mill Lane/Whitehouse Road/Thames Road - southbound 6 HGVs and northbound 8 HGVs (2 HGVs were recorded turning south west into Wolviston Mill Lane).
35. The applicant has also provided drivers records of HGV movements into and out of the farm on an average week that showed on average 1 vehicle 'out' and 3 vehicles 'in' per day. The submitted drivers records also indicate that of the 6 vehicle movements out of Whitehouse Farm in a typical week (Mon - Sat), 4 vehicle departures were prior to 0700. The Head of Technical Services therefore concludes that "*...the actual HGV movements into and out of the farm are relatively low*".
36. The Head of Technical Services has confirmed that the results of the recent HGV survey indicate that the existing HGV traffic flows "*do not have a significant impact on the surrounding road network or on highway safety*". Furthermore, given that the departure and return times for the HGVs are staggered, the HoTS considers that they "*do not significantly impact upon the school run traffic on Whitehouse Road/Thames Road*".
37. In view of the above considerations, the Head of Technical Services raises no objections to the application in terms of highway and pedestrian safety, access/egress and the impact on the volume of traffic/impact on the network, subject to conditions restricting a) the operations of the site to its current maximum number of 12 tractor and (16) trailer units and b) no HGV deliveries to the site except for the existing agricultural use. This would not preclude the delivery of diesel fuel to the existing 14,000 litre tank on the site
38. These conditions are considered to be necessary in order to control the scale of development that the considerations of the application are based upon. It is also noted that the size of the enclosed compound would in itself restrict the numbers of HGVs. Subject to the imposition these conditions, it is considered that the use will not result in an unacceptable impact on highway safety and that the scheme would not contravene the aims of Core Strategy Policy CS2.
39. It is also to be noted that the total number of 12 HGV tractor and 16 trailer units is controlled by an operator's license, issued by the Department for Transport.

Other highway matters

40. With respect to recorded injuries/accidents at the site, the Head of Technical Services (HoTS) has confirmed that there "*has been 1 slight injury accident on the length of Sandy Lane West between Wynyard Road and Wolviston Mill Lane junction*".
41. With respect to requests for weight restrictions to be imposed on the highway network, the HoTS has confirmed that Sandy Lane West and Wynyard Road are both subject to 'environmental' weight limits (7.5 t) which allows for 'access only' by HGVs. There are no 'structural' weight limits on any of the road bridges in the area. The HoTS has advised that an environmental weight limit restriction is used to limit the impact of heavy goods vehicles where there is a "*significant volume of heavy goods vehicles using surrounding residential road network*". However given the numbers of HGV vehicles using the surrounding network taken from the Council's survey (which does not differentiate between HGVs associated

with the application site and other HGVs using the highway network), the HoTS has confirmed that *"a restriction would not be practicable or justified in this case"*. Any future requirements for such restrictions would be subject to separate highway legislation.

42. With respect to objections relating to HGVs waiting/pulling up at the shops in Wolviston Court (Clifton Avenue), the HoTS has advised that this *"could only be controlled by waiting restrictions, backed by a traffic regulation and would be applicable to all vehicles"*. Any future requirement for such restrictions would fall within highway legislation and is therefore not a material planning consideration.
43. With respect to damage to the existing highway in terms of exacerbating existing potholes, such matters would fall within the remit of the Council's highway section and as such is not a planning consideration.
44. The HoTS recommended a third condition relating to the restricting the route of vehicles during the hours of 2300 -0700 hours *"thereby limiting the environmental impact on residents of nearby Thames Road/Whitehouse Road and Wolviston Mill Lane"*. However as these matters relate to residential amenity and not highway matters, such matters fall to be considered by the Council's Environmental Health Unit.

Residential Amenity

45. The compound itself is sited within close proximity to the two existing agricultural workers dwellings (White House Farm and Hollygate), sited approximately 40m to the north of the compound. Consideration is given to the existing, operational nature of the farm with associated early morning activity including delivery of livestock and milk tankers on a daily basis. In view of the above referenced HGV movements in/out of the site, and in the context of existing background noise levels of the farm and the nearby A19, it is considered that the use would not result in an unacceptable loss of amenity for occupiers of the adjacent workers dwellings in terms of outlook, overlooking, overbearing and noise disturbance.
46. With respect to the nearest properties (west of the A19), the compound is sited approximately 320m to the nearest properties to the north west (Wilmire Farm) and 160m to the nearest property/farm (Daisy's View) to the south. In view of these distances, the existing agricultural operations on the site, and the HGV movement in/out of the site, it is considered that the use would not result in an unacceptable loss of amenity for occupiers of the adjacent neighbouring properties in terms of outlook, overlooking, overbearing and noise disturbance.
47. The actual compound is sited approximately 200m from the nearest residential properties within the Wolviston Court estate (east) with the presence of dense mature planting, and the busy A19 trunk road in between. In view of these considerations, it is considered that the actual operational use within the compound itself would not result in an adverse loss of amenity for residential properties to the east within the Wolviston Court estate in terms of outlook, overlooking, overbearing, noise disturbance and an increase in fumes/smells.
48. A large number of objections from residential properties, local ward councillors and parish councils raise significant concerns regarding an adverse loss of amenity in terms of noise disturbance and vibrations as a result of HGV vehicles passing properties during unsociable hours.
49. In view of the survey undertaken by the Head of Technical Services, it is acknowledged that many of the residents concerns/objections to the existing flow of HGV traffic through the residential estates appears to include a wider issue of the general flow of HGVs through residential areas as opposed to only HGVs operating from the application site. The HoTS

considers that the impact on the highway network as a result of HGVs (not differentiated between HGVs associated with the application site and general HGVs using this network) did "*not have a significant impact on the surrounding road network or on highway safety*". Furthermore, the HoTS considers that there is no justification for implementing weight restriction or other traffic calming measures in this area as a result of existing traffic flows (of HGVs).

50. Notwithstanding the HoTS suggested condition to restrict vehicular movement during certain hours (2300-0700) to a certain route, the Head of Technical Services has commented that "*the actual HGV movements into and out of the farm are relatively low*". This is illustrated by the applicant's submitted driver surveys, which show that on average, four departures were prior to 0700 hours in an average week. Furthermore, in view of the survey results undertaken by the Council's highway section, the total numbers were unable to differentiate between HGVs associated with the current application site (Arrowhaul) and other HGVs use the highway network through residential areas. This appears to be reflected in concerns raised by residents of the area who have made reference to foreign vehicles using the road network (from Poland and Holland).
51. The Environmental Health Unit Manager has considered the submitted information, including the findings of both surveys undertaken and has raised no objections to this application. The EHU Manager has commented

"Noise from vehicles accessing and egressing the site was considered but due to the location and distances involved to residential premises, this is not considered an issue. There are concerns regarding disturbance from heavy goods vehicles travelling through residential areas during the night, which is an issue for which Environmental Health have no legislative controls. However, the survey carried out by the Council's Highway Engineers indicates that the HGV movements will be relatively low and consequently their effect on background noise levels will not be significant".
52. With respect to the suggested condition by the Head of Technical Services, in view of the above considerations including the existing road network and traffic restrictions the relatively low number of vehicles accessing/exiting the actual site before 0700 hours, the total number of HGVs operating from the application site can be controlled and that the Environmental Health Unit Manager has raised no objections to the application, it is considered that on balance, there is no demonstrable harm on the amenity of residential properties resulting from the use at the application site in relation to the volume and type of traffic using the existing road network as controlled by the existing traffic restrictions as to warrant a restrictive condition or the refusal of the planning application.
53. It is considered that planning conditions restricting the number of vehicles (to be sited within the compound as defined by the red line boundary of the application site) and a prevention of non-agricultural HGV deliveries to the site other than diesel fuel deliveries would further assist in minimising the impact on amenity of surrounding residential properties.

Visual and environmental impact

54. As noted above, another strand of sustainable development, as defined by the NPPF, relates to the environmental impact of development.
55. With respect to the impact on the character and appearance of the surrounding area, consideration is given to the established siting of the existing farm, which is set away from the adjacent highways to the north (Sandy Lane West) and the adjacent A19 highway (east). The HGV operation is confined to the enclosed parcel of land, which consists of a hard standing area with perimeter fencing, thereby forming a compound. Despite limited

views to the site from the north and to the east (owing to the presence of the existing farm buildings), the site is still visible from the nearest highway/footpath to the south/east of the site.

56. As such, the Council's Landscape Officer has assessed the siting of the compound and has commented that additional screen planting is required to screen views of any parked HGVs and associated trailers. The Landscape Officer has provided an indicative plan for the siting of a 10m wider landscape buffer (adjacent to an existing hedgerow) that is to be comprised of native plant species including 30% evergreen species. This is considered to be necessary and full details of a soft landscaping plan, and a management plan can be secured by separate planning conditions. In view of the retrospective nature of the development, the requirement for the soft landscaping scheme to be agreed in writing with the Local Planning Authority can be ensured within two months from the date of the decision and notice and the implementation within the first planting season following approval of the scheme.
57. Consideration is also given to the planned siting of an agricultural building (reference 12/0100/PNO) on the parcel of land to the east of the current site; the submitted information notes that this structure is to be erected in the near future. This structure in addition to the requisite additional planting would assist in reducing the visual impact of the development when viewed from the adjacent footpath.
58. Consideration is also given to the parameters of permitted development (Part 6, Class B- Agricultural Buildings and Operations), including Part E (the provision of a hard surface where the development is reasonably necessary for the purposes of agriculture within the unit). In view of such permitted development rights, and that an agricultural building or hard standing could, in principle, be erected without the need for full planning permission (but would be subject to Prior Approval), the impact of such 'permitted' development should be considered as part of the current application and the visual impact of the compound on the open countryside.
59. With respect to views from the west (open agricultural fields), in view of the limited views from footpaths and the highway network (north), a separation distance of over 300m to the nearest property/development (Wilmire Farm) and taking the above referenced permitted development parameters into account, it is considered that the use would not result in an unacceptable intrusion into the open countryside when viewed from the west.
60. In view of the above considerations, it is considered that no significant environmental harm has been identified as a result of the siting of the compound, and that the scheme therefore conforms with the principles of the NPPF and Core Strategy Policies CS3 and CS10.

Residual Matters

61. With respect to the development setting an undesirable precedent for similar developments, whilst such comments are acknowledged, each application is assessed on its own individual merits. The scale of the current HGV compound at the site can be controlled and limited by way of planning conditions, as detailed above.
62. Property devaluation and property damage are not material planning considerations.
63. Whilst the Local Planning Authority does not condone retrospective planning applications, the applicant was made aware that planning permission was required for the change of use. The current application has been submitted in order to seek to regularise the situation.

64. With respect to the impact on trees from HGVs passing close by to and damaging trees, whilst such comments are noted, any damage would appear to take place away from the actual compound, to which the application relates. As a result, such matters are separate considerations to that of the current application and would require the relevant body or land owner to take the necessary action as a civil matter.

Consultations

65. Several letters of objection have commented that there has been a lack of adequate consultation for residents, particularly those in the Wolviston Court Estate (including properties along Thames Road). It is considered the route of the vehicles along Thames Road (and part of Wolviston Mill Lane) is a long one with a significant number of properties stretching along both sides of Thames Road and other residential areas. Whilst the Local Planning Authority aims to carry out the necessary consultations to both notify residents and in order to obtain the views of the community, taking the current site specifics into account, it was not considered realistic to consult all neighbours in this instance.
66. The Local Ward Councillors for both Billingham West and the Northern Parishes have been consulted. A consultation was also sent to Mr D.E. Smith of 121 Thames Road as it is understood from the correspondence between Mr Smith and the Council's Network Safety section that Mr Smith was the lead petitioner on this matter (when residents had contacted the Council's Network Safety section regarding the matter of HGVs using routes in Wolviston Court on a separate matter to that of the current application). In view of the above considerations, it is considered that the necessary consultations have been undertaken in this instance a view supported by the Council's Principal Planning Solicitor.

Registered businesses at the site

67. With respect to the registered businesses at White House Farm, it is noted from the LPA's original investigations into the unauthorised use that a number of other businesses appeared to be registered at White House Farm.
68. The applicant's agent has previously confirmed that the only non-agricultural related operational use from the site relates to the 'Arrowhaul' company. Arrowcruit Ltd is understood to have offices at the farm but no other operations; Arrowcruit Holdings Ltd is understood to be a dormant holdings company with no employees and only a registered office at the site; Arrowhaul Plant and Hire Ltd has no employees and is an agency of Arrowcruit Ltd. Arrowbuild is understood to employ 16 people but has no plant or machinery with no persons employed on site as they work at remote bases.

Community Safety Implications/Anti-social behaviour

69. Concerns have been expressed relating to potential anti social behaviour at the site. However the Issue of the scheme increasing anti-social behaviour/vandalism in the area is not supported by evidence as to the characteristics of the users of the site and should therefore not be taken into account in the determination of this development.
70. Section 17 of the Crime and Disorder Act 1998 places a duty on the authority to consider the crime and disorder implications of the proposal. With respect to concerns regarding an increase in crime/vandalism and anti-social behaviour in the area through increased activity, whilst there is no evidence to link such issues to the use, any potential problems arising from this behaviour can be dealt with by other methods such as the police service or community enforcement section and would not be a reason to warrant refusal of the application.

71. The provisions of Section 17 of the Crime and Disorder Act 1998 have therefore been taken into account in the preparation of this report.

Human Rights

72. The Human Rights Act 1998, which came into force on the 2nd October 2000, incorporates into UK law certain provisions of the European Convention on Human Rights. The provisions require public authorities to act in a way that is compatible with Convention rights.

73. In response it should be noted that the human rights of the adjoining residents are engaged, in particular, under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission involves balancing the rights of a landowner or developer to develop on his land against the interests of the community as a whole and the human rights of other individuals, in particular neighbouring residents.

74. The determination of a planning application in accordance with town and country planning legislation requires the exercise of a discretionary judgement in the implementation of policies that have been adopted in the interests of the community and the need to balance competing interests is an inherent part of the determination process. In making that balance it may also be taken into account that the amenity of local residents can be adequately safeguarded by the imposition of conditions if relevant. The impact on the amenity of neighbouring properties in terms of outlook, overlooking, overbearing, overshadowing and noise disturbance has been assessed within the material considerations above. The human rights of the owners of the application site may be engaged under the First Protocol Article 1 that is the right to make use of their land. A refusal of planning permission may infringe that right but the right is a qualified right and may be balanced against the need to protect the environment and the amenity of neighbouring residents.

75. The provisions of the European Convention of Human Rights have therefore been taken into account in the preparation of this report.

CONCLUSION

76. The scheme is considered to accord with the principles of the NPPF. It is considered that the scheme accords with this overarching national policy as the scheme is considered to accord with the principles of sustainable development. The scheme is not considered to have an adverse impact on the character and appearance of the open countryside and existing landscape features or lead to an unacceptable loss of amenity for neighbouring land users. It is considered that the scheme will not have an adverse impact on highway safety and that there are no material considerations that indicate the application should be determined otherwise.

77. It is recommended that the application be Approved with Conditions for the reasons specified above.

Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Daniel James Telephone No 01642 528551

WARD AND WARD COUNCILLORS

Ward Northern Parishes
Ward Councillor Councillor J Gardiner

IMPLICATIONS

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework

Financial Implications: As report

Legal Implications: As report

Environmental Implications: As report

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report. The detailed considerations within this report take into account the impacts on neighbouring properties, visitors to the area, pedestrians and other relevant parties responsible for; or with interests in the immediate surrounding area. Consideration has been given to the level of impact and mitigating circumstances with conditions being recommended to reduce the impacts of the scheme where considered to do so.

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

Related documents:

'New opportunities for sustainable development and growth through the reuse of existing buildings' consultation document, dated July 2012 (CLG).