

COMMITTEE REPORT

Date: 11 June 2015 **Ward:** Rural West York
Team: Major and **Parish:** Dringhouses/Woodthorpe
 Commercial Team Planning Panel

Reference: 14/02968/FUL
Application at: West Cottage Eastfield Farm Moor Lane Acomb York
For: Change of use of outbuildings to form additional accommodation for West Cottage with link extension and associated external alterations
By: Messrs Dodgson
Application Type: Full Application
Target Date: 15 April 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for the conversion of 6 no. stables together with a link extension to create an extension of residential accommodation (including a double garage) to West Cottage. The site forms part of a larger complex of agricultural buildings, currently used for livery. There are 5 other dwellings within the site. The existing dwelling has 6 bedrooms, and has been used as a House of Multiple Occupation (there is no consent for its current use). The accommodation of the dwelling would be reconfigured and the development would result in 1 no. 3/4 bed roomed dwelling. It is also proposed to formalise the garden curtilage for the dwelling.

1.2 The site lies within general extent of the green belt. The site is within Flood Zone 1. The Askham Bog Site of Special Scientific Interest is within 1km of the site.

1.3 The application was submitted with three other applications for the redevelopment of other buildings within the farm complex:

- 14/02964/FUL - Change of use of outbuildings to form additional accommodation for The Dovecote, alterations to Byre House and the conversion, alteration and extension of outbuildings to form 5 no. dwellings with associated gardens and parking
- 14/02966/FUL - Change of use of outbuildings to form additional residential accommodation for The Cottage with associated alterations
- 14/02967/FUL - Change of use of outbuildings to form additional residential accommodation for The Coach House with associated external alterations

1.4 To allow the proposed development of this application and that proposed in 14/02964/FUL, and 14/02967/FUL the plans show the metal agricultural sheds within the stack yards being removed, together with the metal shed to the north which houses a vehicle repair business and stables, and a dilapidated pole mounted barn. The development proposed in the 4 applications would result in the loss of the existing livery business. The agent has confirmed that no decision has been made on the future ownership/division of the surrounding fields used in connection with the livery use.

1.5 Revised plans have been submitted showing the proposed vehicle access to Moor Lane removed.

1.6 Pre-application discussions with Council Planning Officers took place regarding the principle of development on the site.

1.7 Cllr Reid has requested that this application together with the three other applications come before committee for the following reasons:

- Would like consideration given to whether the applications would have detrimental impact on the greenbelt from the domestication and intensification of use.
- Increase in traffic movements.
- Reservations about the proposed northern vehicle access to Moor Lane.
- Concerned about the creation of a tarmac road across fields to Moor Lane where traffic is travelling at speed.

POLICY CONTEXT

2.1 Development Plan Allocation:
Airfield safeguarding GMS Constraints

2.2 Policies:

CYGP1 Design

CYGP3 Planning against crime

CYGP4A Sustainability

CYGP6 Contaminated land

CYGP9 Landscaping

CGP15A Development and Flood Risk

CYNE3 Water protection

CYNE6 Species protected by law

CYNE7 Habitat protection and creation

CYGB1 Development within the Green Belt

CYGB3 Reuse of buildings

CYT4 Cycle parking standards

CYE3B Existing and Proposed Employment Sites

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 Request that the driveway accommodate two way traffic at the entrance from old Moor Lane. Request 5 metre wide road for first 12 metres. May reduce down to a single width track with passing place as required

3.2 Access from Old Moor Lane will require 43 x 2 metre forward visibility. The first 5 metres of driveway should be a sealed surface and positively drained. The remaining driveway should be constructed to a standard that is suitable for the development proposed

3.3 Car and cycle parking should be included within the development for CYC Annex E standards - can be condition

3.4 A refuse bin collection point should be provided near the entrance of the driveway. This should be a maximum of 20 metres from the highway but preferable closer

Ecology Officer

3.5 The site falls within Natural England's SSSI risk impact zone for Askham Bog (c.680m). This means that developments requiring their own water supply, or where there is any discharge of water or liquid waste to ground or surface water that is more than 2m³/day (discharges to mains sewer are excluded) triggers the need to consult Natural England on likely impacts.

3.6 Recent great crested newt surveys in the area have identified their presence, in very low numbers, in the pond c.75m east of the site. The majority of proposed development only impacts upon existing buildings and existing hard standing. A precautionary method statement has been produced to ensure there is no risk of harm to great crested newts and no inadvertent loss of habitat. It also includes a proposal for habitat enhancement along an adjacent field boundary. No evidence of barn owl was found in any of the buildings. Recommend conditions for newt mitigation and the demolition of buildings.

3.7 West Cottage was found to support a common pipistrelle roost. Mitigation proposed includes for the provision of an integral bat box into gable end of the renovated West Cottage. In order to secure this mitigation request condition

3.8 A large number of swallow nests will be lost as part of the development. Request condition for mitigation.

Archaeology

3.9 No comments received, comments will be reported at the committee meeting

Flood Risk Management Team

3.10 It is important that there is a drainage strategy that provides a drainage solution for the whole site, for all applications and not piecemeal.

3.11 The information within 'Addendum Rev A Drainage Strategy Report' suggested that there was a network of surface water drains that eventually discharged to the drainage ditch to the east of the site; however following the site visit there is evidence to suggest that the surface water drains and foul water drains are part of a combined system. This appears to subsequently discharge to the septic tanks on site; the applicant has stated that there are four on site with two that appear to overflow and discharge to the drainage ditch. Inspection of the two outfalls into the ditch provided further evidence to suggest that there is a combined system in place on site with clear signs of foul water discharge. Main concern is that foul water is discharging into a drainage ditch; this is a matter that the applicant should be looking to resolve immediately.

3.12 Agreement has been reached with the Ainsty Internal Drainage Board with regard to the proven connected impermeable areas which equate to 930 m². From this information the permitted surface water discharge rate from the site shall be a maximum of 9.1 l/sec.

3.13 The developer should devise a robust drainage strategy and design including how surface water and foul water will be separated and how surface water will subsequently be attenuated on site before discharge.

3.14 Request conditions to seek the outstanding information

Environmental Protection Unit

3.15 Due to the presence of agricultural buildings, fuel storage, and the range of historic activities which could have been carried out, some concerns that there is potential for land contamination to be present at this site. A site investigation and risk assessment is required in order to determine whether land contamination is present. Seek the information via condition

3.16 request condition to require socket to allow vehicle recharging

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Askham Bryan Parish Council

3.17 The proposal, together with the other three applications at Eastfield Farm, constitutes a change of use from farming/equine to residential.

If approved this would result in a loss of amenity for the local community and an increase in residential development considered detrimental to this part of the Rural West Ward of York.

Dringhouses and Woodthorpe Planning Panel

3.18 The change of use will result in a loss of amenity for the local community and encourage residential development considered detrimental to this part of the Rural West Ward

Ainsty Internal Drainage Board

3.19 The information within 'Addendum Rev A Drainage Strategy Report' suggested that there was a network of surface water drains that eventually discharged to the drainage ditch to the east of the site; however following the site visit there is evidence to suggest that the surface water drains and foul water drains are part of a combined system. This appears to subsequently discharge to the septic tanks on site; the applicant has stated that there are four on site with two that appear to discharge directly to the drainage ditch. Inspection of the two outfalls into the ditch provided further evidence to suggest that there is a combined system in place on site with clear signs of foul water discharging.

3.20 Agreement has been reached with the Flood Risk Engineer with regard to the connected impermeable areas; this information will be used to calculate a surface water discharge rate from the site. The Board would note that consent to discharge will be required from the applicant and discussions with the Board should be maintained in order to resolve this.

3.21 The IDB requests conditions to seek further details be submitted. a robust drainage strategy including how surface water and foul water will be separated and how surface water will subsequently be attenuated on site before discharge. At present the main concern of the Board is that foul water is discharging into a drainage ditch; this is a matter that the applicant should be looking to resolve immediately.

Yorkshire Water

3.22 No comments received

Neighbour Notification/Publicity

3.23 Three representations of objection have been received covering the following points:

- Concerned regarding the extent and nature of the four applications within the greenbelt
- Significant change from agricultural character to residential
- Concerned regarding the proposed access to Moor Lane, the removal of the hedges to allow visibility would have significant visual amenity implications.

In addition concerned regarding the safety implications of the proposed access. The eastern access to the complex should be retained (Officer note: the proposed northern access has been removed from the applications)

4.0 APPRAISAL

RELEVANT SITE HISTORY

- 8/86/128B/PA (1992) - Conversion of redundant agricultural building to form residential holiday accommodation - Approved
- 8/86/128A/PA(1989) - Erection of an extension to and conversion of vacant cow house to use as 2 holiday units - Approved
- 8/86/128/PA (1985) - Change of use of existing buildings and outline application for the erection of an extension to existing buildings to form residential holiday accommodation at Eastfield Farm - Approved

KEY ISSUES

1. Principle and impact to the Green Belt
2. Loss of existing business
3. Ecology
4. Highways
5. Surface Water Drainage

ASSESSMENT

4.1 The site is within the City of York Green Belt as defined on the City of York Development Control Local Plan Proposals Map (2005), and the saved policies of the Yorkshire and Humber Regional Spatial Strategy (May 2008) sets out the extent of the City of York Green Belt. In the emerging local plan the site is allocated as safeguarded land (SF12). However following the motion agreed at Full Council in October 2014, the publication draft of the York Local Plan is currently not progressing through its statutory consultation; pending further consideration of the Council's housing requirements and how it should meet those requirements. It is considered that no weight should be given to policy SF12.

4.2 The National Planning Policy Framework sets out the purposes of including land within Green Belts including to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment. The protection of the Green Belt is one of the core planning principles of the NPPF (Para 17). The NPPF states the types of development that are appropriate within Green Belts. All other development is deemed inappropriate and therefore harmful to the Green Belt.

The NPPF sets out the situations where development that is not inappropriate development in the Green Belt these include: the re-use of buildings providing that the buildings are of permanent and substantial construction (Para 90). The NPPF states that the local planning authority should ensure that substantial weight is given to any harm to the Green Belt. The NPPF sets out the 5 purposes of the Green Belt (Para 80) these are: to check unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.3 The NPPF attaches importance to the design of the built environment. Good design is a key aspect of sustainable development, and is indivisible from good planning, and should contribute positively to making places better for people. The planning system should ensure that development functions well and adds to the overall quality of the area over the lifetime of the development. In addition decisions should establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work, and visit, and respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. It should be visually attractive as a result of good architecture. Planning decisions should not attempt to impose architectural styles and particular tastes and they should not stifle innovation, it is however proper to seek to promote or reinforce local distinctiveness. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area. Local Plan Policy GP1 refers to design, for all types of development. It states that development proposals will be expected to, respect or enhance the local environment. Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development.

4.4 The York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF.

PRINCIPLE OF DEVELOPMENT AND IMPACT TO THE GREEN BELT

4.5 The proposed re-use of the buildings (which appear to be of a permanent and substantial construction) is not inappropriate development in the greenbelt.

4.6 The proposed development would include extending the current residential accommodation into the neighbouring stables. The proposed accommodation would result in a reduction in the number of bedrooms (from 6 to 3/4). The proposal would result in the loss of 6 no. stables.

The change of use of the stable accommodation is considered to be minimal as an individual application but also in the context of the 3 other partner applications. The plans show space allocated for vehicle parking, and the proposed garage or the enclosed gardens would provide secure cycle parking. There is a regular bus service running along the adjacent Moor Lane.

4.7 A garden would be provided to the south and north enclosed by a hedge; the proposed garden to the south east would be enclosed by a wall which would not be visible from outside of the farm complex. Enclosure of the gardens to the north or south by a wall or fence has the potential to create harsh, urban appearance and as a result increase the prominence of the development therefore it is considered prudent to remove permitted development to maintain the character of the buildings and the surroundings. The external alterations to create the accommodation use the existing openings although this can not be achieved with the garage doors. The appearance of the garage doors is not considered to result in undue harm and would be viewed in association with the existing dwelling. The proposed development including the garden is not considered to impact on the openness or character of the greenbelt.

LOSS OF EXISTING BUSINESSES

4.8 The aim of Local Plan Policy E3b is to retain employment sites in employment uses. The NPPF makes clear that the long term protection of sites for employment use when there is no reasonable prospect of a sites being used for that purpose should be avoided (para 22). This application together with the 3 other partner applications result in the closure of the livery business. It is DIY livery and therefore nobody is employed for the care of the horses. The agent has confirmed that the livery is not a viable business , the rent received does not cover the upkeep of the buildings. The proposal would result in the loss of the metal clad building to the north which currently houses a vehicle repair business; the agent has confirmed that this business will be closing in the near future, not as a result of the applications. As the business is being removed it removes the potential for disturbance caused by the activities and comings and going from this business. As the dwelling already exists it is not considered reasonable to condition the removal of the vehicle repair business prior to the development of this application

ECOLOGY

4.9 West Cottage was found to support a common pipistrelle roost. The mitigation proposed includes for the provision of an integral bat box into gable end of the renovated West Cottage. This can be secured via condition. A European Protected Species Licence is likely to be required to undertake work this can be addressed through a specific condition.

4.10 The conversion of the buildings will result in the complete loss of nesting bird habitat. Mitigation can be sought via a condition.

HIGHWAYS

4.11 Highways Network Management have requested a number of alterations to the existing driveway and a refuse bin storage area, as this application is for the change of use of stables to residential use rather than an additional dwelling, and that the level of accommodation (number of bedrooms) is less than existing it is not considered reasonable to request or condition this through this application.

SURFACE WATER DRAINAGE

4.12 The submitted information regarding the current and proposed foul and surface water drainage scheme has a number of errors. The current disposal methods are not acceptable and to comply with current standards a new drainage scheme is required. It is considered that this can be sought via conditions to ensure a suitable drainage scheme, and that they should be applied to all four applications.

5.0 CONCLUSION

5.1 The change of use of stables to provide an extension of existing residential accommodation is considered to be acceptable. The proposed development would have very limited impact to the openness and character of the greenbelt and it not considered to result in harm. Subject to the submission of satisfactory surface water drainage details approval is recommended subject to the following conditions

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 PLANS1 Approved plans
- 2 TIME2 Development start within three years
- 3 VISQ6 Infill brickwork to match

4 The development hereby permitted shall be implemented strictly in accordance with the details shown in the Great Crested Newt Mitigation Strategy (December 2014) as already submitted in full with the application and agreed with the local planning authority prior to determination.

Reason: To take account of and to enhance the habitat for a protected species. It should be noted that under National Planning Policy Framework the replacement/mitigation proposed should provide a net gain in wildlife value.

5 No removal works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended).

6 No development shall take place, including roof stripping and maintenance work, until a detailed method statement for bats, based on the mitigation measures set out in Section 6.0 Mitigation Strategy for Bats of the Protected Species (Bat) Surveys, BJ Collins, November 2014 and including a monitoring strategy, has been agreed in writing with the Local Planning Authority. This may form part of a European Protected Species Licence application. The works shall be completed in accordance with the approved details prior to the occupation of the accommodation and shall be retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: To take account of and to enhance the habitat for a protected species. It should be noted that under National Planning Policy Framework the replacement/mitigation proposed should provide a net gain in wildlife value.

7 No development shall take place until measures addressing the incorporation of nesting habitat on the building for swallow (e.g. nest boxes) has been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with these approved details.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and comply with Section 11 of the NPPF.

8 PD6A Removal of PD Part 2 rights

9 The boundary to the north/front garden and the south/rear garden shall be a hedge. Prior to occupation details of number, species, height and position of trees and shrubs to be used shall be submitted and approved in writing by the Local Planning Authority. This scheme shall be implemented prior to first occupation. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority. The boundaries hedge shall remain in place

Informative: Native hedging is recommended, evergreen species such as Leylandi will not be accepted.

Reason: In the interests of the visual amenities, character and openness of the green belt. So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

10 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the

intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

13 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14 Prior to development details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, shall be submitted to and approved by the Local Planning Authority. The works shall be constructed in accordance with the approved details.

If SuDs methods can be proven to be unsuitable then peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

The permitted surface water discharge rate from the site shall be a maximum of 9.1 l/sec. This rate should be used as the basis of the proposed surface water drainage design.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site.

15 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Request additional information, and revised plans and elevations
- Use of conditions

2. IDB INFORMATIVE

The developer is advised that the Ainsty Internal Drainage Board's prior consent is required for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposal to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent.

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