

COMMITTEE REPORT

Team: East Area
Date: 15th June 2006

Ward: Derwent
Parish: Holtby Parish Council

Reference: 06/00452/FULM
Application at: Newsham House Main Street Holtby York YO19 5UD
For: Change of use of agricultural buildings to workshop (B2 use)/Storage (B8 use) including external alterations (part retrospective)
By: Chris England
Application Type: Major Full Application (13 weeks)
Target Date: 26 June 2006

1.0 PROPOSAL

1.1 The application site consists of three vacant former agricultural buildings to the rear of Newsham House. The total floorspace of the buildings is 1375 sq m. The site lies outside of the settlement limits of Holtby and is washed over Green Belt as shown on the Proposals Map of the Draft Local Plan.

1.2 The buildings are proposed to be changed to B2 (general industrial)/B8 (storage) uses. A lean to outbuilding and Nissen hut would be removed from around these buildings. Two of the buildings would maintain their blockwork and boarding appearance, with the insertion of roller shutter doors into existing openings, and repair alterations. The other building in part has a pole barn type appearance. This would also be clad in timber boarding, with use of blockwork at lower levels. The buildings would be accessed as existing, onto Main Street, which also serves the existing Newsham House and a small sewage works. Car parking is proposed on site to serve the buildings. At the time of the officer site visit, cars were been stored on the site, though no external works had been carried out.

1.3 Amended Plans were submitted during the course of the application showing planting around the south and west boundaries of the site, provision of refuse points for the buildings, cycle parking to be provided within the buildings and the widening of the access point into the site for the first 20m.

1.4 In support of the application, the agent makes the following points (in summary):

- the change of use is very similar to others the Authority has permitted.
- use of two of the buildings for some storage of cars on the site has already occurred for the last two years unnoticed, indicating no real harm. The client realises it is not appropriate to continue unauthorised uses on the site, and the application has come about through his own initiative, not enforcement.
- whether the car storage will continue or alternative occupants are sought will depend on customer demand and the outcome of the application.
- no external lighting is proposed.
- and provided supplementary highways information.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:
SP2 The York Green Belt
GB1 Development within the Green Belt
GB3 Reuse of buildings

GB11 Employment Development outside settlement limits
GP1 Design
GP4a Sustainability
GP6 Contaminated Land
T4 Cycle Parking

3.0 CONSULTATIONS

3.1 Internal

Highways Network Management – No objection, subject to amended plans showing the widening of the access point into the site for the first 20m. On submission of these plans, raise no objection subject to conditions (12,13). The site is presently being used for the storage of cars and we have not been made aware of any problems caused by this. Visibility at the existing access is within the guidelines and the access is to be widened into the site.

Environmental Protection – No objection, subject to a contaminated land condition (4) due to the previous agricultural use of the site.

3.2 External

Parish Council – The re-use of farm buildings to help farmers diversify is often accepted in planning applications and can be a good thing. However in this case, object for the following reasons:

- the proposal would only make increasing traffic volume and speed in the village worse
- the potential use of the buildings is unknown. Newsham House has become a location for York City Cars Ltd, a retail outlet for cars. This may be a clue to future use.
- it is unlikely the buildings are being converted on spec as similar buildings remain unlet within a mile or two of the site. A recent attempt to market Willow Court Barn for commercial purposes on the same farm site failed. The Property section of CYC considers Holtby unfavourable for employment purposes.
- re use is normally allowed for diversification which adds to farm incomes. These buildings have been out of farming for many years and are not therefore diversification
- Holtby could also be affected by noise, security, floodlighting, verge damage by traffic, drainage, sewage.
- Wildlife and protected newts are found close to the site.
- Several planning regulations breaches have already occurred, showing that controls fail. Close monitoring of this development will be needed.

Any further representation on the amended plans will be reported to Committee.

Drainage Board – No objections subject to conditioning of soakaways (as the means of surface water drainage)

Yorkshire Water – No observations.

Safer York Partnership – The analysis of recorded crime in and around Holtby village from 01.01.2005 to 30.04.06 shows 14 crimes. One of these is an aggravated vehicle theft from the application premises in late March/early July. Crime prevention can be a material consideration, identified by PPS1 and companion guide 'Safer Places'. The applicant should provide details of what crime prevention measures are being considered (officer note: this has now been provided by the applicant's agent, and comments from Safer York Partnership are awaited).

Public Consultation – Nineteen letters of objections have been received on the following grounds:

- site is unsuitable for employment use due to its Green Belt location. Does not comply with planning policies relevant to change of use or redevelopment of existing buildings.

- not farm diversification as the agricultural activities on the site have long since ceased.
 - proposal will make traffic problems in Holtby worse, and the area in general and is not served by direct bus services, nor for pedestrians
 - the village has no facilities to support such a development.
 - poor access on a narrow bend
 - no details of proposed uses are given. Other such sites in the area remain vacant.
 - use has already commenced. Site is currently been used for car sales on the internet.
- Conditions should be used so only commercial storage is accepted.
- planning history of the site should be taken into account.
 - environmental problems, such as noise, floodlighting, drainage, sewerage and damage to wildlife would result.

Six further letters reiterating objections to the amended plans have also been received.

4.0 APPRAISAL

4.1 The main planning issues are considered to be

- Green Belt and countryside issues
- amenity
- highways

Green Belt and countryside:

4.2 PPG2: Green Belts states that the re-use of buildings within the Green Belt is not inappropriate providing that it does not have a materially greater impact than the present use on the openness and purposes of including land within the Green Belt; that strict control is exercised over the extension of re-used buildings and associated uses of land; that the buildings are of permanent and substantial construction, and capable of conversion without major reconstruction; and form, bulk and general design is in keeping with their surroundings.

4.3 North Yorkshire Structure Plan policy E9 states that planning permission within Green Belt areas will normally only be granted for change of use or redevelopment which is in connection with agriculture and forestry, outdoor sport and recreation, cemeteries or institutions in extensive grounds and other uses appropriate in a rural area. Draft City of York Local Plan policies GB1, GB3 and GB11 policies, and the Holtby Village Design Statement provide similar advice to that in PPG2: Green Belts and the Structure Plan.

4.4 In terms of the impact on the Green Belt itself, the proposed re-use does relate to the conversion of the existing buildings on the site, with no extension to the existing footprint of the buildings proposed. The cladding of the pole barn type structure with timber boarding and use of blockwork would be reasonably significant, but would be in keeping with appearance of the other buildings on the site, and may also improve its overall appearance. The roof of the building would remain as existing. This application, if approved, would allow only for the cladding of this pole barn type structure as stated, and not for its demolition and rebuilding. The alterations proposed to other two buildings are modest. The form, bulk and design is considered to be in keeping with the surroundings. The buildings themselves are of permanent and substantial construction, and capable of conversion.

4.5 The removal of other outbuildings on the site, together with planting around the boundaries of the site with open countryside would be likely to improve the visual impact of the site on the Green Belt and on the rural setting of the village. Part of the boundary planting scheme involves augmenting an existing hedge with new planting trees, which accords Holtby Village Design Statement guidelines that hedges should be infilled with a mixture of species to create better biodiversity. No external storage would be permitted, to further reduce the impact on the Green Belt. The development is considered to accord with the provisions of Green Belt policy.

4.6 PPS7: Sustainable Development in Rural Areas states that the preference of re-use of buildings in the countryside is for economic development purposes, which is also reiterated in Draft Local Plan policy GB3. The development is considered to accord with policy advice in this respect. As relevant to this application, Structure Plan policy E9 states change of use of existing buildings would normally only be granted in connection with other uses appropriate in a rural area. Re-use for economic development purposes is considered to accord with this, bearing in the mind the advice in PPS7 on preference for economic development purposes. If approved, the permission would not allow for retail sales.

4.7 PPS7 also makes reference to a number of criteria that local planning policies should take account of. Issues in terms of the potential impact on the countryside and landscapes, and the suitability of the buildings have been discussed above. The site in itself has little wildlife value, but rather this may increase on site through planting along the site boundaries. In relation to local economic/social needs, local planning policies do promote employment use, and in rural areas in particular the reuse of buildings. Such planning policies apply across the whole of rural areas of York, and do not restrict reuse for employment purposes in specific locations. The existing use of the building(s) for storage would also appear to show there is some demand for the use.

4.8 PPS7 also makes reference to settlement patterns and accessibility, which under Local Plan policy GB3 criteria is more tied to residential rather than employment uses. The site entrance lies 175m from the Holtby settlement limits, which is not considered unreasonable for accessibility for employment use, though pedestrians would have to walk along the road as there is no pavement. The vast majority of trips to the site would be vehicle based, given the nature of the proposed use. Residential properties outside the settlement limits are found on the opposite side of the road to the site. Cycle storage is proposed in the buildings, and the site certainly would be accessible from the village for cyclists. The existing soakaways system is proposed to be used for drainage (subject to condition, 9), which is deemed a sustainable form of drainage. Mains foul drainage would be used. A sewage works is adjacent the site. Re-use of buildings itself accords with sustainability aims.

Amenity

4.9 The layout of the site does allow for the existing dwelling (Newsham House) be well separated from the proposed re-use. The boundary between the buildings and Newsham House is defined by an existing hedgerow/planting, with the access arrangements to the buildings also well separated from Newsham House. The nearest other dwellings are over 100m from the site, and the likely visual improvement to the site may improve their visual amenities. No external lighting is proposed at this stage, and any details of any such lighting in the future is covered through condition. To further protect amenities, hours of working and deliveries are controlled by condition (6,7,10).

4.10 The applicant's agent was been asked to provide details of crime prevention measures, bearing in mind the comments of the Safer York Partnership citing a car theft on the site. This information, received as the report was submitted for Agenda, has been passed onto the Safer York Partnership for comment. It states that a secure gate has already been installed across the access following the theft, that the building where the theft took place is currently open sided and would be enclosed under this application (the pole barn), and that appropriate alarm systems would be fitted when final users are identified.

Highways

4.11 The access into the site is to be widened for the first 20m to allow simultaneous passage of vehicles into the site. Visibility at the access point onto the highway is considered acceptable. Levels of traffic generation are also considered acceptable, also bearing in mind there would have been traffic generation associated with the former use of the buildings for

agricultural purposes in the past. The car parking as shown is commensurate to the floorspace of the buildings and secure cycle parking would also be provided. Details of surfacing of the internal access routes are also required through condition 12.

COMMITTEE TO VISIT

5.0 CONCLUSION

5.1 The principle of the reuse of the buildings for workshop (B2) storage (B8) uses is considered in principle to accord with Green Belt and sustainable development in rural areas policies. The proposed external alterations to the buildings would be in keeping, and be acceptable in relation to the Green Belt. The external appearance of the site may be improved with development, including the planting and removal of more dilapidated buildings. The development would have an acceptable effect on the amenities of the existing dwelling adjacent the site, and the nearest other residents in Holtby. The development would be acceptable in highways terms. The development would accord with national, structure and local planning policies.

6.0 RECOMMENDATION: APPROVE

1. PLANS1 Approved Plans
Site Plan Updated 15/05/06, CE/H/2, CE/H/3CE/H/4, CE/H/5, CE/H/6, CE/H/7, CE/H/8
2. VISQ1 Matching Materials
3. The development hereby approved does not allow for any storage of goods, materials or refuse outside of the confines of the building other than in the case of refuse, in the purpose built refuse storage areas as shown on approved plan 'site plan updated 15/05/06'. The enclosure of the refuse storage areas shall be approved in writing by the Local Planning Authority within two months of the date of this consent, and implemented in accordance with these details within one month of the agreement in writing of the Local Planning Authority and thereafter maintained.
Reason: In the interests of protecting the Green Belt and amenity.
4. Within three months of the date of this consent, the following details shall be submitted to and approved in writing with the Local Planning Authority.
 - (a) A desk study to identify any potentially contaminative uses which have or are currently occurring on site.
 - (b) A site investigation based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of Potentially Contaminated Land: Code of Practice.
 - (c) A risk based remedial strategy shall be developed based upon the findings of the site investigation. The approved strategy shall be fully implemented within a specified timescale agreed in writing with the Local Planning Authority. The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).
 - (d) A validation report detailing sample locations and contaminant concentrations.
 - (e) A timetable of any proposed remedial works.Reason: To ensure the development has an acceptable effect on the wider environment.
5. Within two months of the date of this consent a detailed landscaping scheme shall be submitted to and agreed in writing with the Local Planning Authority which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of three months from the agreement in writing

by the Local Planning Authority to the detailed landscaping scheme. 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.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

6. The hours of operation of this approved use shall be confined to 08:00-18:00 Mondays to Saturdays, and no working on Sundays and Bank Holidays.
Reason: To safeguard the amenities of adjoining occupants.
7. NOISE7 Restricted hours of construction
8. VISQ10 Details of External services to be approved
9. Details of the soakaways to be used, including details of tests to prove their particular suitability in accordance with BRE Digest 151, shall be submitted to and agreed in writing with the Local Planning Authority within two months of the date of this planning consent. If their suitability is not proven, the applicant will be required to provide alternative surface water drainage proposals prior to development commencing. The development shall be carried out in accordance with these approved details and thereafter be maintained.
Reason: In the interests of satisfactory drainage.
10. Details of any associated external lighting with the development hereby approved shall only be implemented in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the development has an acceptable effect on the Green Belt and on the nearest residential properties to the site in terms of light pollution.
11. Notwithstanding the proposed floor plans submitted with the application, details of the cycle parking areas to be provided within the buildings on the site shall be submitted to and approved in writing by the Local Planning Authority within two months of the date of this planning consent, and implemented in accordance with these approved details within one month of the approval in writing of the Local Planning Authority and thereafter maintained.
Reason: To promote use of cycles thereby reducing the congestion on adjacent roads.
12. Within 3 months of the date of this planning consent, the initial 20m of the vehicular access, measured from the back of the public highway, shall be surfaced, sealed and positively drained within the site. Elsewhere within the site all areas used by vehicles shall be surfaced and drained, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.
Reason: To prevent the egress of water and loose material onto the public highway.
13. HWAY19 Car and cycle parking laid out

7.0 INFORMATIVES:

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular

reference to the effect on the York Green Belt, visual amenity, sustainable development, residential amenity and highways issues. As such the proposal complies with Central Government Guidance, in particular PPG2: Green Belts and PPS7: Sustainable Development in Rural Areas, Policies E8, E8a and E9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies SP2, GB1, GB3, GB11, GP1, GP4a, GP6 and T4 of the City of York Draft Local Plan.

2. INFORMATIVE:

Your attention is drawn to the fact that this consent is for the conversion of buildings rather than reconstruction. If it becomes apparent during works on the site that rebuilding works are required, notwithstanding the consent, then you should immediately contact the Council for advice and for a view as to whether further planning consent is required.

3. INFORMATIVE

The applicant be advised that planning permission is granted for only B2/B8 uses under the Town and Country Planning (Use Classes) Order 1987 as amended, and that retail sales of cars from the site is not permitted in any way by this planning consent.

Contact details:

Author: Darren Hendley Development Control Officer

Tel No: 01904 551477