

## COMMITTEE REPORT

**Date:** 5 August 2020                      **Ward:** Osbaldwick and Derwent

**Team:** East Area                              **Parish:** Dunnington Parish  
Council

**Reference:** 20/00525/FULM

**Application at:** Grimme (Uk) Ltd Kilnfield House 45 Common Road Dunnington  
York

**For:** Change of use to business, general industry and storage or  
distribution (Use Classes B1, B2 and B8)

**By:** Mr Alistair Kelly

**Application Type:** Major Full Application

**Target Date:** 12 August 2020

**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 Change of use of premises comprising a combined industrial/storage and office building with yard and car parking to business, general industry and storage or distribution use (Use Classes B1, B2 and B8). The existing consent restricts the use of the rear part of the site (the industrial/storage building and yard) to the importation and distribution of agricultural machinery. The current proposal would broaden the permitted use by providing a B1 (office/light industrial), B2 (General Industrial) and B8 (Storage and Distribution) permission for the whole site. No external alterations are proposed to the buildings or the site.

### RELEVANT PLANNING HISTORY

1.2 01/00286/FUL - Erection of a single storey office and storage building (i.e. the existing building) with access, parking and landscaping. Condition 4 of the permission restricted the use of the site to landscape contracting or horticulture/agriculture and for no other purpose, including any other purpose in class B2 (The use appears to have been classed as B2 due to the predominance of repairs to agricultural plant, equipment and vehicles). The reason for the condition was to ensure that the use would remain acceptable given its Green Belt location and proximity to a residential dwelling.

1.3 03/02811/FUL – Variation of condition 4 of 01/00286/FUL to allow the whole of the site to be used for any B1 or B2 use. Planning permission was refused because, if approved, the use would have been inappropriate development in the Green Belt, harmful to the Green Belt and to the amenity of adjacent residential occupiers.

1.4 09/01758/FUL – Variation of condition 4 of 01/00286/FUL to allow the use of the office building to be unrelated to a landscape contracting or horticulture/agriculture. The application was approved because the character of the site and the impact on the openness of the Green Belt was unlikely to materially change. The re-use of the offices would not prevent the shed and yard being used in accordance with condition 4.

1.5 10/00536/FUL - Variation of Condition 4 of 01/00286/FUL to allow Class B2 general industrial use of approved workshop and yard unconnected with landscape contracting business or horticultural/agricultural use. The applicant was a manufacturer, importer and supplier of large agricultural plant and equipment. The site at Dunnington would serve customers across Yorkshire providing sales, spare parts and service backup for machines out in the field. The LPA considered that an unrestricted B2 use would be unacceptable due to the possible impact on the openness of the Green Belt and neighbour amenity. However, the proposed use by an importer of agricultural machinery was considered to be acceptable subject to conditions. Planning permission was granted subject to a condition (agreed with the applicant) restricting the use to the importation and distribution of agricultural machinery.

1.6 The current application includes the whole of the premises, as does the 2001 permission (including condition 4). The 2009 permission relates only to the offices and the front car parking. The 2010 permission relates only to the shed and the rear yard.

## **2.0 POLICY CONTEXT**

2.1 Section 38(6) of the Planning and Compensation Act requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for the site comprises the saved policies of the Regional Spatial Strategy (RSS) - relating to the general extent of the York Green Belt. The application site lies within the general extent of the Green Belt as shown on the Key Diagram of the RSS.

2.2 The Publication Draft Local Plan 2018 (the emerging plan) was submitted for examination in May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. The policies of the emerging plan can be afforded limited to moderate weight at this stage of preparation, and subject to their conformity with the NPPF and the extent to which there are unresolved objections to the relevant policies the less significant the unresolved objections, the greater the weight that may be given). The evidence base underpinning the emerging plan is capable of being a material consideration in the determination of planning applications. The main policies of relevance to this application are:

DP4 – Approach to Development Management  
GB1- Development in the Green Belt  
GB3 – Reuse of Buildings  
D1 – Placemaking

2.3 The draft Dunnington Neighbourhood Plan is at an early stage of development and carries very little weight.

2.4 In the absence of a formally adopted local plan for the site the most up to date representation of key planning policy is the National Planning Policy Framework, February 2019 (NPPF). It is against the NPPF and the saved policies of the RSS policies that the application should principally be assessed. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11) which means granting permission unless:

- i. the application of policies in the Framework that protect areas of particular importance (ie Green Belt) provides a clear reason for refusal, or
- ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF taken as a whole.

2.5 The NPPF does state that local planning authorities should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area (paragraph 38).

2.6 The Development Control Local Plan Incorporating the Fourth Set of Changes was approved for development management purposes in April 2005. It does not form part of the statutory development plan for the purposes of s.38(6) and its policies carry very limited weight.

### **3.0 CONSULTATIONS**

#### INTERNAL

##### Highway Network Management

3.1 There is no collision on record for this stretch of Common Road. Considering the current use, with very large agricultural machinery, it is unlikely that a different use (B1, B2, B8) within the same buildings would have a significant impact on traffic levels and/or road safety so we have no concerns.

3.2 There is parking and machinery display happening on the highway verge. It would need to be made clear to any new users that vehicles parked on the verge are likely to reduce visibility to and from the site. Add an informative drawing the applicant's attention to the highway authority's enforcement powers and a condition requiring provision of enclosed cycle parking, if it is not provided already.

## Public Protection

3.3 No objections in principle. The site has been running for years with part use of the above classes and Public Protection have received no complaints about noise, dust or odour from the site. Maintain conditions of previous planning permissions on the site, i.e. those relating to hours of operation, noisy machinery and extraction plant.

## EXTERNAL

### Dunnington Parish Council

3.4 Objection. The application:

- is inappropriate development in the Green Belt, would encroach into the countryside and would reduce its openness for which there are no exceptional circumstances.
- is contrary to, and would undermine national, local and neighbourhood planning policies, in particular those relating to the Green Belt, landscape character, road safety and residential amenity.
- would detract from the generally attractive landscape character and appearance of the rural area.
- would erode the buffer between the industrial area and the residential properties on Common Road causing significant harm to the residents of nearby dwellings.
- would worsen existing concerns about noise, disturbance and loss of privacy arising from the existing activities and hours of the use of the site.
- would result in a significant increase in the nature and amount of vehicular traffic to and from the site, which would have a negative effect on the safety and the free flow of traffic and road safety.

## **4.0 REPRESENTATIONS**

### Cllr M. Rowley

4.1 The site is in the Green Belt land and the use is restricted to maintaining agricultural/horticultural machinery. The proposed use would increase the number of HGV vehicles along Common Road, and potentially in Dunnington Village.

Cllr M.Warters

4.2 Fully supports the objection by Dunnington Parish Council.

Neighbour Notification and Publicity

4.3 No responses received.

**5.0 APPRAISAL**

MAIN ISSUES

Local economy  
Impact on the Green Belt  
Highway issues  
Neighbour amenity  
Landscape character

APPLICATION SITE

5.1 The site is dominated by a single integrated building comprising a 2-storey office building and a large L-shaped storage/workshop building. To the front of the site is a car parking area and an area used for the display of agricultural equipment. To the rear is a large, secure yard for the open storage of plant and the parking of vehicles. Access is from Common Road. The whole site is bounded by security fencing and a mature hedge.

5.2 The site lies between the village of Dunnington and Derwent Valley Industrial Estate. It is in the Green Belt and outside any settlement limit. There is one residential dwelling in the vicinity, approximately 45m to the north of the site.

LOCAL ECONOMY

5.3 The NPPF states that local planning authorities should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible (paragraph 38). Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development (paragraph 80).

5.4 Policy DP4 (Approach to Development Management) of the emerging plan states that when considering future development the council will take a positive approach that reflects the presumption in favour of sustainable development in the NPPF.

5.5 The existing business on the site has outgrown its premises, as can be seen by the open storage of plant and equipment which frequently occupies every available space including the highway verge. The business proposes to move to alternative premises outside the district. The premises are suitable for many other commercial uses outside the category specified in the 2010 permission (importation and distribution of agricultural machinery). The broad-use planning permission now being sought would support the local economy by, in effect, making the site available to a much wider range of potential businesses than the existing restricted permission allows.

## IMPACT ON THE GREEN BELT

5.6 The site is in the general extent of the Green Belt. Paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy GB1 of the emerging local plan reflects Green Belt policy in the NPPF. The re-use of buildings is not inappropriate provided they are of permanent and substantial construction, preserve the openness of the Green Belt and do not conflict with the purposes of including land within it (paragraph 146 of the NPPF and policy GB3 of the emerging plan).

5.7 The application is solely for the re-use of the building and its curtilage; no external alterations are proposed. At present the site is intensively used with a large volume of vehicles parked in the rear yard and to the front of the property. It is unlikely that any of the uses for which consent is now being sought would have a materially greater impact than the present use on the openness of the Green Belt. In summary, the proposal complies with all of the requirements of paragraph 146, does not constitute inappropriate development and would not be harmful to the Green Belt.

## HIGHWAY ISSUES

5.8 The existing access is good with unobstructed visibility in both directions along Common Road. The nature of the occupier's business and its intensive use of the site has resulted in large machinery and vehicles, including low loaders, entering and leaving the site in both directions. Nevertheless the council's records show no collisions along this section of public highway. Bearing in mind this current use, with very large agricultural machinery, it is unlikely that a different use of the site (whether B1, B2 or B8) would have a significant impact on traffic levels and/or road safety on Common Road. The highway authority has no objection to the application.

5.9 A condition should be attached requiring provision of cycle parking and the applicant should be reminded, in an informative, of the council's enforcement powers against the parking of vehicles on the public verge.

## NEIGHBOUR AMENITY

5.10 Paragraph 127(f) of the NPPF advises that decisions should ensure that developments provide a high standard of amenity for existing and future users. Paragraph 180 of the NPPF indicates that planning decisions should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development.

5.11 Policy D1 (Placemaking) of the emerging plan states that design should consider residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

5.12 The nearest residential dwelling is about 45m to the north of the application site. It is the only residential dwelling in the vicinity. The existing business generates noise from the coming and going of large vehicles and their repair on site but Public Protection have received no complaints. Of the uses now proposed B2 could cause some local disturbance, e.g. due to noise or odour, but this would depend on the nature of the occupier's business. Such disturbance could be mitigated by planning conditions (as apply to the current use), particularly regarding hours of operation, odour and noisy equipment. Further controls exist under public protection legislation in terms of statutory nuisance.

## LANDSCAPE CHARACTER

5.13 Paragraph 130 states that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Policy D1 (Placemaking) of the emerging plan states that development proposals that, among other things, cause damage to the character and quality of an area will be refused.

5.14 The application is for change of use only, it includes no external alterations to the existing building or site. The only visible change would be to the use of the external areas, which are currently used mainly (and intensively) for the storage of large plant and equipment for display or repair. The site is screened along all boundaries by a mature hedge and does not abut any sensitive uses, such as residential. It is unlikely that any of the proposed uses would have a greater visual impact than the existing use on the visual character of the area.

## 6.0 CONCLUSION

6.1 The site already has planning permission for office (B1) use and general industrial (B2) use. The B2 use is currently restricted to the importation and distribution of agricultural machinery. The application seeks to broaden the consent to all office/light industry (B1), general industry (B2) and storage/distribution (B8) uses. No external alterations are proposed. The application complies with Green Belt policy and would support the local economy. Potential impact on local residents should be mitigated by conditions. The application complies with national planning policy in the NPPF and relevant policies of the emerging plan.

## 7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the un-numbered site plan and the survey plan numbered HU-RJH-BSP-870-18-D03, both received 13 March 2020.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the local planning authority.

3 The use hereby permitted in relation to use classes B8 and B2 shall be confined to the following hours: 07.00-19.00 Mondays-Sundays.

Reason: To safeguard the amenity of local residents and the surrounding environment.

4 The use hereby permitted in relation to use class B1 shall be restricted to 05:30 - 22.30 Monday-Sundays.

Reason: To safeguard the amenity of local residents and the surrounding environment.

5 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval in writing. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The approved machinery, plant or equipment and any noise mitigation measures shall be fully installed and operational before the uses hereby permitted commence and shall thereafter be permanently retained.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of

23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

6 Details of any extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval in writing before such equipment is installed. This shall also include details of the location in relation to the building, the make, model and its suitability for removing odours caused by any proposed use.

Reason: To Protect the amenity of nearby residents and the environmental qualities of the area.

7 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes F, H and I of Schedule 2 Part 7 of that Order shall not be erected or constructed.

Reason: In the interests of the openness of the Green Belt and the amenities of adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015.

8 Prior to first use of the development details of cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

## **8.0 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 (paragraph 38) and having taken account of all relevant national guidance and local policies,

considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

## 2. VERGE PARKING

The applicant is reminded of the highway authority's enforcement powers regarding the parking of vehicles and the storage/display of plant and equipment on the grass verge of the public highway in front of the application site.

**Contact details:**

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