

COMMITTEE REPORT

Date: 10 January 2013 **Ward:** Bishopthorpe
Team: Major and **Parish:** Acaster Malbis Parish
Commercial Team Council

Reference: 12/03436/FUL
Application at: Manor Farm Intake Lane Acaster Malbis York YO23 2PL
For: Change of Use of three agricultural buildings to light industrial (Class B1c) and installation of portable office building (retrospective) and (Proposed) Change of Use of one agricultural building to light industrial, and installation of second portable office building.
By: Mr & Mrs Roger Raimes
Application Type: Full Application
Target Date: 2 January 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 Manor Farm Acaster Malbis comprises a substantial farmstead of timber and powder coated steel clad buildings set within a well landscaped and physically compact setting within the York Green Belt to the south west of Acaster Malbis village. Some of the buildings remain in agricultural use whilst others deemed to be surplus to agricultural requirements are used in connection with a tent and marquee assembly and hire business.

1.2 Planning permission is sought for the retention of the existing portable site office and the principal range of former agricultural buildings in light industrial use for the tent company. In addition change of use to light industrial use of a further agricultural building is sought together with the provision of an additional modular office building.

1.3 The proposal represents a revised re-submission of an earlier scheme which was withdrawn following on from concerns expressed in respect of impacts upon the residential amenity of neighbouring properties.

1.4 Planning permission ref:-08/00410/FUL has previously been given for use of one of the surplus agricultural buildings for use as an archive store having previously been used for the storage and distribution of vacuum cleaner bags(02/03332/FUL).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

Flood zone 2 GMS Constraints: Flood zone 2

2.2 Policies:

CYGB1 Development within the Green Belt

CYGB3 Reuse of buildings

CYGP1 Design

3.0 CONSULTATIONS

INTERNAL:-

Environmental Protection Unit

3.1 Have undertaken noise monitoring at the site in respect of external operations and indicate that providing the operating hours of the premises are restricted by condition then there is no material impact upon the residential amenity of neighbouring properties.

Highway Network Management

3.2 Raise no objection in principle to the proposal but raise some concern in respect of the on-site parking implications of the proposed increase in office space.

EXTERNAL:-

Acaster Malbis Parish Council

3.3 Raise no objection to retention of the existing activities at the site subject to a temporary permission for one year with a strict restriction upon operating hours. Strong objection is expressed in respect of the additional office and change of use of an agricultural building which is felt to be premature prior to the activities at the site being brought fully within the remit of planning control.

Julian Sturdy MP

3.4 Julian Sturdy MP raises concern in respect of the retrospective nature of the proposal, the intensity of the use proposed within a rural area and the volumes of traffic entering and leaving the site.

Local Publicity

3.5 16 Letters of objection and three letters of support have been submitted in respect of the proposal. The following is a summary of the letters of objection:-

- Concern in respect of impact upon the open character and purposes of designation of the York Green Belt;
- Concern in respect of loss of residential amenity to neighbouring properties through noise at anti-social hours;
- Concern that the proposed location is unsustainable for the business;
- Concern that the proposal represents an over-development of the existing site;
- Concern at the impact of traffic going to and from the site on the local highway network.

3.6 The following is a summary of the letters of support:-

- Endorsement of the need to support a locally grown business and to safeguard local jobs;
- Indication of a lack of impact arising from the business upon residential amenity and the safety and convenience of highway users on the local network.

4.0 APPRAISAL

KEY CONSIDERATIONS INCLUDE

- Impact upon the open character and purposes of designation of the Green Belt;
- Impact upon the residential amenity of neighbouring properties;
- Sustainability of the operation from the application site;
- Impact upon the safe and free flow of traffic on the local highway network.

STATUS OF THE DRAFT LOCAL PLAN

4.1 The Draft Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

GREEN BELT IMPACT

4.2 Policy GB1 of the York Development Control Local Plan sets down a firm policy presumption that within the Green Belt planning permission for development will only be granted where the scale, location and design of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and it would be for one of a number of purposes deemed to be appropriate within the Green Belt including agriculture and forestry. Following on from that Policy GB3 of the Draft Local Plan sets a firm policy requirement that outside of settlement limits planning permission within the Green Belt will be forthcoming for reuse of existing buildings providing that reuse does not have a materially greater impact than the present use on the openness of the Green Belt, the buildings are of substantial and permanent construction, the proposed use would generally take place within the fabric of the existing building and there is a clearly defined curtilage. Central Government Planning Policy in respect of Green Belt areas outlined in paragraph 89 of the National Planning Policy Framework identifies the construction of new buildings as by definition inappropriate in the Green Belt with reuse of existing buildings only appropriate in the eventuality that it would not give rise to a greater impact upon the openness of the Green Belt than the existing use.

4.3 The application site forms a physically compact former farmstead associated with Manor Farm which lies directly to the north of the main road. A number of the existing timber clad buildings have been converted into light industrial and storage use as they have become surplus to the requirements of the farming operation and a number of more recent profile steel clad buildings directly to the south remain in agricultural use. A menage and stable has been set up in the field directly to the west. The tent hire and distribution company have, through their operations kept largely to the footprint of the existing farmstead with the addition of a modest prefabricated office building directly to the west with a further rather smaller building anticipated as part of the current proposal. The only activities taking place outside of the direct environs of the building complex relate to staff parking which takes place directly to the north and north east and tent cleaning which takes place within the yard area directly to the south. The buildings have been converted as a consequence of becoming surplus to the requirements of the farming operation and it is not felt that the new activity, even including the office space has given rise to a materially greater impact upon the open character of the Green Belt than the existing operation.

The terms of Policies GB1 and GB3 of the Draft Local Plan together with Central Government Policy in respect of Green Belt areas outlined in paragraph 89 of the NPPF have therefore been complied with.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

4.4 Policy GP1 of the York Development Control Local Plan sets a firm policy presumption in favour of development which respects or enhances the local environment, is of a layout and scale that is compatible with neighbouring buildings, spaces and the character of the area and ensure that residents living nearby are not unduly affected by noise or disturbance. Concern has been expressed in respect of the noise impact of vehicles entering and leaving the site carrying tents at unsocial hours together with the external pressure washing of equipment after it has been returned to the site. The application site forms part of a farm holding which still attracts an appreciable quantity of agriculture related traffic specifically at harvest time; it also lies in close proximity to residential property directly to the north west. Indeed the closest residential property lies some 30 metres to the north west. The site boundaries are heavily landscaped along the north and north eastern edges. The main road passing the site is heavily utilised by a variety of traffic including vehicles to industrial area at Acaster Airfield during the majority of daylight hours so it would be very difficult to distinguish a specific nuisance generated by the application site. However, during the evening as traffic levels abate there is anecdotal evidence of some nuisance being caused to local residents fronting the main road. The application details include a detailed noise survey undertaken by the applicant which indicates minimal harm as a result of standard operations at the site. In order to deal with the concern arising from activity outside of normal working hours it is however recommended that any permission be conditioned so that activity ceases at the site in the early evening and does not take place on a Sunday or Bank Holidays.

4.5 The pressure washing of tents and other items of equipment is undertaken during the day time within the existing yard area towards the southern edge of the site, sheltered by the existing building complex from the closest residential properties some 85 metres to the north west. The closest residential property to the west is some 160 metres away. In terms of the distances involved it would be difficult to distinguish from other sources involved. It would therefore be difficult to demonstrate any material degree of harm originating from the operation. Environmental Protection Unit has furthermore found it difficult to demonstrate a material degree of harm originating from noisy activities taking place within the site during the standard working day. The Parish Council wish to see a temporary permission for one year in respect of the current level of operation at the site ,in view of the level of harm that could be demonstrated during the standard working day it is felt that this would not be reasonable.

Subject to the hours and days of operation of the business being suitably restricted it is felt that any harm to the residential amenity of neighbouring properties can be properly regulated and the terms of Policy GP1 of the Draft Local Plan will be complied with.

SUSTAINABILITY OF THE OPERATION

4.6 Concern has been expressed in respect of the sustainability of the operation and its size being run from a rural location. Central Government Planning Policy in respect of Planning and the Rural Economy outlined in paragraph 28 of the National Planning Policy Framework supports the growth and expansion of all types and business and enterprise in rural areas through the conversion of existing buildings and by the erection of well designed new ones. The current proposal seeks the retention of a series of conversions of surplus agricultural buildings together with the conversion of a further surplus agricultural building to facilitate the needs of the business. The business consists of a tent assembly, and hire business for corporate events and weddings. The business has not materially expanded beyond the area of the pre-existing farmyard and has not given rise to a materially greater level of activity to the previous agricultural use. The scheme as proposed would make use of all bar one of the timber clad buildings of the complex at the centre of the site with the steel clad buildings to the south remaining in on-going agricultural use.

IMPACT UPON THE SAFE AND FREE FLOW OF TRAFFIC

4.7 Concern has been expressed in relation to the volumes and speed of traffic entering and leaving the application site together with vehicular conflicts caused by traffic waiting to access the site prior to the start of business in the morning. The numbers of vehicle movements in terms of tents and equipment is generally modest with 5 vans, 5 land rovers and 6 trailers operating from the site. Significant areas of hard standing exist around the outside of the complex to allow for staff vehicles and company transport to park in comfort. The vans and trailers are loaded within the former agricultural buildings to avoid conflict other with traffic and to keep noise to a minimum. It is not felt that the proposals have materially increased the usage of the access to the site over and above the previously permitted agricultural and permitted light industrial activity and it is felt that the proposed limited further extension of activity would not materially harm the safe and free flow of traffic providing the hours of operation are reasonably restricted.

5.0 CONCLUSION

5.1 Manor Farm Acaster Malbis comprises a farmstead of timber clad and profile steel sheet clad buildings set within a physically compact , well landscaped site within the York Green Belt to the south west of Acaster Malbis village. Planning permission has previously been given for a series of low intensity light industrial and storage uses within a number of farm buildings at the site which have become surplus to normal operational requirements. Planning permission is currently sought for the retention of a prefabricated office building along with the change of use of a number of timber clad surplus agricultural buildings within the central section of the complex to serve as a depot for a tent hire and corporate events company.

Planning permission is also sought for the change of use of a further agricultural building and the erection of a further office directly to the west of the existing building complex. The buildings currently used and proposed for use are deemed surplus to the requirements of the agricultural operation and the use would not have a materially greater impact than the pre-existing agricultural operation. Central Government Guidance in respect of Planning and the Rural Economy would therefore be complied with. Concern has been expressed both in terms of the level of intensity of the use of the site and the occurrence of activities at the site at anti-social hours in the late evening and early morning, it is therefore recommended that subject to conditions being applied the operation for a temporary period of three years and strict controls being imposed upon operating hours then the development is acceptable in planning terms.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by Section 51 of the Compulsory Purchase Act 2004.

2 No materials associated with the use hereby authorised shall be delivered to or dispatched from the application site and no maintenance work shall be undertaken that is audible from outside of the application site between the hours of 20.00 and 08.00 Monday to Saturday and no such operation shall be undertaken at all on Sundays or Bank Holidays.

Reason:- To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

3 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Drawing Refs:- 1214_SP2; 1214.2; and 1214.1 Date Stamped 6th November 2012.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

4. The development hereby authorised shall be used solely for the storage, distribution and maintenance of tents and other items of corporate hospitality apparatus and for no other use within Classes B1 and B8 of the 1987 Town and Country Planning(Use Classes) Order (as amended).

Reason:- To safeguard the open character of the Green Belt, to safeguard the residential amenity of neighbouring properties and to secure compliance with Policies GP1 and GB3 of the York Development Control Local Plan.

7.0 INFORMATIVES: Notes to Applicant

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 impact upon the open character and purposes of designation of the Green Belt, impact upon the residential amenity of neighbouring properties, the sustainability of the use from the application site and impact upon the safety and convenience of highway users on the adjoining network. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB1, GB3 and GP1 of the City of York Development Control Local Plan and Government policy contained within paragraphs 79 - 92 of the National Planning Policy Framework.

2. 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) 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. The use of appropriate conditions, would it is felt make the proposal acceptable.

Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416