

COMMITTEE REPORT

Date: 6 December 2012 **Ward:** Derwent
Team: Major and **Parish:** Dunnington Parish
Commercial Team Council

Reference: 12/02930/FUL
Application at: The Market Garden Eastfield Lane Dunnington York YO19 5ND
For: Agricultural building
By: Mr Tim Graves
Application Type: Full Application
Target Date: 8 November 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site comprises a mixed agricultural smallholding involving pig breeding with a depot for a horticultural contractor occupying a visually prominent ridge site within the York Green Belt to the north east of Dunnington village. Planning permission is sought for a substantial open-sided steel framed barn at the eastern edge of the site. When initially applied for this was stated as being for the storage of materials and equipment associated with the horticultural contracting business. It has however been subsequently clarified as being for the storage of a significant quantity of straw used in the pig breeding operation currently stored in the open air at various locations across the site.

1.2 The application was deferred from consideration at the 8th November East Area Planning Sub-Committee to allow for the neighbour notification exercise to be re-run following difficulties arising from an IT failure and at the same time clarification was sought from the applicant in terms of the size and purpose of the barn. The neighbour notification exercise has now been carried out and further responses received (see below).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGB1

Development within the Green Belt

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3.0 CONSULTATIONS

INTERNAL:-

3.1 Environmental Protection Unit raise no objection to the proposal subject to any permission being conditioned to limit use of the building to materials and equipment connected with the pig breeding business.

EXTERNAL:-

3.2 Dunnington Parish Council objects to the proposal on the grounds that it would be harmful to the open character of the Green Belt and could lead to flash flooding of properties down slope of the site.

3.3 Thirty letters of objection have been received in respect of the proposal. The following is a summary of their contents:-

- * Concern that the building would be used for purposes other than agriculture and would therefore amount to inappropriate development in the Green Belt;
- * Concern that access to the site would be taken from the bridleway to the south to the detriment of other road users;
- * Concern that the proposal would have a seriously harmful impact upon the openness of the Green Belt;
- * Concern that the building would give rise to flash flooding of properties down slope of the site;
- * Concern that the pig breeding operation at the site does not comply with animal health guidelines in terms of the relationship of the pigs to nearby residential properties.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- * Impact upon the open character and purposes of designation of the Green Belt;
- * Impact upon the residential amenity of neighbouring properties.

IMPACT UPON THE OPEN CHARACTER AND PURPOSES OF DESIGNATION OF THE GREEN BELT:-

4.2 Policy GB1 of the York Development Control Local Plan states that within Green Belt areas planning permission will only be forthcoming 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 identified as being appropriate within the Green Belt, including agriculture and forestry. This clearly reflects Central Government Policy in respect of Green Belt areas outlined in paragraphs 79 to 90 of the National Planning Policy Framework (NPPF). Additionally, even if felt to be appropriate within the Green Belt new development should preserve its openness.

4.3 The proposal envisages the erection of an open sided Dutch Barn some 7.6 metres high to the ridge and 6.2 metres high to the eaves as well as some 17.7 metres long and 12 metres wide. It would be orientated north-south following the line of the slope and the applicant has confirmed that notwithstanding the initial application details it would be used to house the significant quantity of hay presently stored in the open at the site which is used for the operation of the pig breeding business. As such the development can be taken as being appropriate within the Green Belt as being for an agriculture related activity. Further clarification has been sought in respect of the nature of the agricultural use of the building and its size; this has not been forthcoming to date.

4.4 In terms of impact upon the openness of the Green Belt the proposed barn would be clearly prominent in views looking up slope from the residential development to the south west. However, in view of its open sided design views of the open countryside beyond would remain even when the proposed barn is partially full. In addition the proposed design is characteristic of other agriculture related developments along the ridge and within the wider vicinity. The impact of the proposal upon the openness of the Green Belt is therefore, on balance, felt to be acceptable. Any impact could also be further mitigated by landscaping around the site boundaries and it is therefore recommended that any permission be conditioned accordingly. As such there would be no conflict with Draft Local Plan Policy GB1 or Central Government Policy outlined in the NPPF.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:-

4.4 Policy GP1 of the York Development Control Local Plan expects new development to respect or enhance the local environment, be a scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area and to ensure that residents living nearby are not unduly affected by noise and disturbance. Planning permission has previously been sought for storage and workshop buildings associated with the horticultural contracting use based at the site (ref:-11/00514/FUL) along with a series of buildings for pig housing (ref:-11/00869/FUL). Both proposals gave rise to significant concerns in respect of impact upon the residential amenity of properties to the west in terms of noise and odour.

Planning permission in respect of both proposals was subsequently refused and the subsequent appeal in respect of the pig housing was dismissed. The current proposal envisages the erection of a Dutch Barn for the storage of fodder and bedding associated with the pig breeding operation which would not have a material impact upon the residential amenity of nearby properties. However, use for the housing of livestock or for activities in relation to the horticultural depot operation would clearly not be appropriate and any permission should therefore be conditioned accordingly. Subject to any permission being so conditioned, it is considered that the terms of Policy GP1 of the Draft Local Plan would be adequately addressed and any impact upon residential amenity would be acceptable.

OTHER ISSUES:-

4.5 Concern has been expressed in respect of the use of the rear access to the site from the adjacent bridleway for the construction and supply of the proposed barn. The applicant has a right of access from the rear for emergency purposes and to gain access to the area of land he owns to the south. He has indicated that the principal access to the site from Eastfield Lane to the north would be used for the construction and supply of the proposed barn.

4.6 Concern has been expressed in relation to the compliance of the pig breeding operation with animal health guidelines in respect of the proximity of the pigs to residential property. Whilst clearly an important issue this is subject to a separate system of statutory control and therefore not a material consideration in respect of the planning application.

4.7 Concern has also been expressed in respect of the proposed surface water drainage from the structure. It is considered that this matter would be most appropriately dealt with by means of a condition on any planning permission.

5.0 CONCLUSION

5.1 The application site comprises a mixed agricultural small holding associated with pig breeding with a depot for a horticultural contracting use occupying a visually prominent ridge location within the York Green Belt to the north east of Dunnington village. Planning permission is sought for the erection of an open-sided Dutch Barn for the storage of hay and fodder associated with the pig breeding operation. As an agricultural development the proposal is considered to be appropriate within the Green Belt. In terms of its impact upon openness it is considered on balance and notwithstanding any possible issue in terms of the agricultural purpose of the building; that any detrimental impact would be minimal as views of open countryside would remain through the structure even when in use. Its scale and massing would also reflect that of other agricultural buildings in the locality.

5.2 Concern has been expressed in respect of potential impact upon the residential amenity of properties to the west and south west in view of the previous planning history of the site. The proposal does however relate solely to the creation of a building to house fodder and bedding for the pigs kept elsewhere on the site and providing any permission is appropriately conditioned to prevent use of the barn for housing pigs or to undertake activities associated with the horticultural contracting use then the proposal, on balance, is considered to be acceptable.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing Refs: - 12:27: 01 and 12:27:02

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 building hereby authorised shall be used solely for the storage of fodder, bedding and equipment in association with the pig breeding activity taking place at the site and for no other purpose including the housing of any livestock.

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

4 Development shall not begin until full details of surface water drainage works in respect of the barn hereby authorised have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

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

5 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees, shrubs and other planting. This scheme shall be implemented within a period of six months of the completion of the development. 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.

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 the impact upon the open character and purposes of designation of the York Green Belt and the impact upon the residential amenity of neighbouring properties. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB1 and GP1 of the City of York Development Control Local Plan and Central Government guidance contained within paragraphs 79 - 92 of the National Planning Policy Framework.

2. CONTROL OF POLLUTION ACT 1974:-

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to; failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00
Saturday 09.00 to 13.00
Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers' instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

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