

COMMITTEE REPORT

Date: 5 April 2018
Team: Major and Commercial Team
Ward: Osbaldwick And Derwent
Parish: Dunnington Parish Council

Reference: 18/00041/FULM
Application at: Manor Farm Elvington Lane Dunnington York YO19 5LT
For: Erection of replacement agricultural building for storage of grain, fertilizer and machinery
By: Mr Paul Hopwood
Application Type: Major Full Application (13 weeks)
Target Date: 17 April 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks full planning permission for the erection of a single steel portal framed agricultural storage building in place of a group of three existing agricultural buildings on an established agricultural holding. Access to the building would be gained via the existing entrances from Elvington Lane. The buildings dimensions would be 51.7m long in total x 24.4m wide x 5.5m to eaves and 8.7m to ridge. External materials for the walls would be concrete panels from ground level to 2m with a mixture of Yorkshire timber boarding and profile sheeting colour finished olive green above. The Yorkshire boarding would be to the western and majority of the southern elevations (7 of 10 panels), with the metal cladding used around the eastern end of the building to enclose the grain store for security and operational reasons. The roof would be natural grey fibre cement sheeting. Drainage would be via a soakaway.

2.0 POLICY CONTEXT

2.1 Yorkshire and Humber Regional Spatial Strategy policies:

- YH9(C) and Y1(C1 and C2);

2.2 National Planning Policy Framework (2012)

2.3 City of York 2005 Draft Local Plan policies:

- CYGB1 - Development within the Green Belt
- CYGP1 - Design
- CGP15A - Development and Flood Risk
- CYHE2 - Development in historic locations
- CYHE4 - Listed Buildings
- CYNE6 - Species protected by law

2.4 City of York 2018 Publication Draft Local Plan policies:

- D1 – Placemaking
- D2 – Landscape and setting
- D5 – Listed Buildings
- GI2 – Biodiversity and Access to Nature
- GB1 – Development in Green Belt
- ENV2 – Managing Environmental Quality
- ENV4 – Flood Risk

3.0 CONSULTATIONS

INTERNAL

Design Conservation and Sustainable Development (Countryside and Ecology)

3.1 A Preliminary Bat Roost Assessment of three agricultural buildings joined together: a machinery store/barn; a cattle shed (with integral machinery store) and an open Dutch Barn, undertaken in January 2018 has been submitted in support of this application. The agricultural buildings to be demolished have negligible potential to support bat due to their materials and construction (metal/concrete, open structure). Agrees with the survey's conclusion that no further work with regards to bats is required.

3.2 The survey also made note of any evidence of nesting birds, whilst accepting that it was undertaken out of season for the majority of species. Old blackbird nests were observed in the machinery store/barn and so as a precautionary approach a condition should be imposed if this application is approved.

Public Protection

3.3 No objection as it is a replacement shed for storage of grain, fertiliser and machinery with no adjacent unrelated residential buildings.

EXTERNAL

Ouse and Derwent Internal Drainage Board

3.4 The proposal would appear to enlarge the impermeable area on site and has the potential to increase the rate of surface water run-off if not effectively constrained. No objection subject to drainage conditions.

Dunnington Parish Council

3.5 No objections.

4.0 APPRAISAL

4.1 The key issues relevant to the consideration of this application are:

- Principle of development
- Green Belt policy
- Impact on heritage asset
- Character and appearance
- Ecology
- Residential amenity
- Flood risk and drainage
- Highway safety

SITE AND PLANNING HISTORY

4.2 The site relates to a parcel of land within an existing agricultural holding extending to approximately 146 hectares (360 acres) that is located around Elvington Lane, south of Grimston Bar roundabout and the A1079 Hull Road. The farm house and a series of farm buildings are sited on the east side of Elvington Lane. The application site lies to the southern boundary of these farm buildings is currently occupied by a collection of three attached buildings (measuring approximately 1,011 sq.m. floor area, 5.64m to eaves and 7.5m to ridge). The farm house is Grade II listed and the site lies within Flood Zone 1 (low probability).

4.3 Relevant planning history includes planning permission for a replacement grain store building in 2009 (ref.09/01411/FUL 18.09.09) located to the north of the farm house and more recently a replacement agricultural building to the east of the farmhouse (ref.18/00040/FUL 12.03.18). Consent was given in 2017 for the conversion of a group of traditional brick and slate farm buildings to three dwellings (ref.17/01478/FUL 16.8.17).

LEGISLATIVE BACKGROUND

4.4 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('1990 Act') imposes a statutory duty on local planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interests which it possesses. The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under section 66 of the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted.

POLICY CONTEXT

4.5 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no development plan for York other than the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These policies, YH9(C) and Y1(C1 and C2), relate to York's Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt extending from the edges of the built up area to 'about 6 miles' from the centre of the City. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

4.6 Central Government guidance is contained in the National Planning Policy Framework (NPPF, March 2012). Paragraph 7 of the National Planning Policy Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 14 explains that at the heart of the Framework is a presumption in favour of sustainable development. This presumption does not apply where there are specific policies in the Framework which indicate that development should be restricted, such as policies relating to land designated as Green belt or designated heritage assets. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as protecting Green Belt, seeking high quality design and a good standard of amenity for all, taking full account of flood risk, conserving and enhancing the natural environment, and conserving heritage assets. Paragraph 28 of the Framework encourages local planning policies to promote a strong rural economy by supporting the sustainable growth and expansion of all types of business and enterprise in rural areas through well designed new buildings.

4.7 Although there is no formally adopted local plan, the City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. However, such policies can be afforded very limited weight. The relevant policies are summarised in section 2.2 above. The site lies within the City of York Green Belt on the Proposals Map that accompanies the draft 2005 plan.

4.8 On 21 February 2018 the Publication Draft York Local Plan 2018 ("2018 Draft Plan") was published for the final six week consultation. The emerging Local Plan policies contained within the 2018 Draft Plan can only be afforded limited weight at

this stage of its preparation, and subject to their conformity with the NPPF and the level of outstanding objection to the policies in accordance with paragraph 216 of the NPPF. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications. The Proposals Map accompanying the 2018 draft plan includes the site within the York Green Belt.

GREEN BELT POLICY

4.9 As the site lies within the general extent of Green Belt, the more restrictive policies of Green Belt apply.

4.10 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence. Whilst there is no definition of openness in the NPPF, the courts have considered that it is a concept which relates to the absence of buildings or built development.

4.11 Paragraph 87 confirms that inappropriate development is, by definition, harmful to Green Belt and should not be approved except in very special circumstances. All development is considered to be inappropriate in Green Belt, unless it falls within the closed lists contained in paragraphs 89 or 90 of the NPPF. Paragraph 89 of the NPPF includes the construction of buildings for agricultural purposes as appropriate development in the Green Belt.

4.12 Whilst the proposed building would be larger overall than the series of buildings it seeks to replace, being of one mass, with a rectangular footprint and higher to ridge, its extent is confined by the existing southern and eastern site boundaries and the presence of Elvington Lane to the west. It would be viewed in the context of the farm holding. The larger dimensions and filling in of a gap in the northern side of the building facing the farm yard would not cause any harm to the openness of the Green Belt nor the purposes of including land within it.

4.13 As such, the proposal is considered to be appropriate in Green Belt policy terms and there is no harm identified to the Green Belt.

SETTING OF DESIGNATED HERITAGE ASSET

4.14 In addition to the legislative requirements of Section 66 of the 1990 Act, Section 12 of the NPPF advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 131, in particular, states that local planning authorities should take account of the desirability of sustaining and enhancing an asset's significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness. Paragraph 132

establishes the great weight that should be given to a designated heritage asset's conservation with a clear and convincing justification being provided to justify any harm or loss. In accordance with the legislative requirements of the 1990 Act, if harm is identified to a heritage asset the presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply.

4.15 The existing farm house to the north of the application site is Grade II listed. It is separated from the proposed agricultural building by the farm yard and the complex of agricultural buildings that comprise the holding. The proposed agricultural building would be read in the context of the farm and would be of improved appearance replacing the collection of three dated buildings. It would be of similar appearance to the agricultural building to north of farmhouse and that approved earlier in March 2018, though would retain some Yorkshire boarding to the western and part of the southern external walls, which are viewed along the public highway with the listed farm house. As such, it would bring visual unity to the farm holding as well as longevity to the farm buildings. Overall, the proposal would have a positive impact on the setting of the listed farm house.

4.16 In light of the above, the proposal would preserve the setting of the listed building and its special architectural and historic interest, as required by section 66(1) of the 1990 Act. The proposal, therefore, complies with national and local planning policies in respect of the historic environment.

CHARACTER AND APPEARANCE

4.17 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development that is indivisible from good planning and should contribute positively to making places better for people.

4.18 The Design and Access Statement explains that the existing buildings are dated and inefficient - it is understood that they are not sufficiently secure for storage of agricultural produce and materials. Therefore, the proposed building would provide improved facilities for an established agricultural holding. It is appropriate in its design and materials of construction for its use and location on an established agricultural holding. Whilst larger than the existing agricultural buildings, due to its increased height for its entire length and projection closer to the western site boundary with the public highway, it would be viewed against the backdrop of the holding. The proposal can be supported in terms of design and visual amenity grounds.

ECOLOGY

4.19 Chapter 11 of the NPPF states that the planning system should contribute to and enhance the natural environment by, amongst other things, minimising impacts on biodiversity and providing net gains in biodiversity where possible as well as preventing adverse affects on pollution and land instability. Paragraph 118 of this

chapter requires LPAs to aim to conserve and enhance biodiversity, including the refusal of planning applications where significant harm cannot be avoided or adequately mitigated and where development would adversely affect Sites of Special Scientific Interest (SSSI), ancient woodland and European protected sites. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss.

4.20 There are no designated or protected habitats that would be adversely affected by the proposal. A preliminary bat roost assessment was undertaken of the existing buildings in January 2018, which concluded that no further bat surveys were required as the buildings have negligible potential to support bats. The Council's Countryside and Ecology Officer concurs with this conclusion, though requests a condition regarding breeding birds. Therefore, there is no harm identified to biodiversity subject to condition.

RESIDENTIAL AMENITY

4.21 One of the core principles of the planning system outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants. Further, paragraph 120 of the NPPF also states that new development should be appropriate for its location to prevent unacceptable risks from pollution and land instability, with the responsibility for securing a safe development resting with the developer.

4.22 The building is sufficiently removed from other residential properties that are not part of the holding so as not to result in any adverse impacts on the living conditions of the occupants. Public Protection has raised no objections to the proposal. Therefore, the scheme can be supported on amenity grounds.

FLOOD RISK AND DRAINAGE

4.23 Paragraph 103 of the NPPF states that development should be directed to the areas of low flood risk and that development should not result in an increase of flood risk within the site or elsewhere. Local planning policies in the Draft Local Plans supports the aims of the NPPF.

4.24 The proposal replaces an existing collection of buildings, with a similar though extended footprint. There is no intention to connect to the foul drainage system. Surface water run-off is proposed to be discharged to a soakaway. The Internal Drainage Board seek conditions regarding drainage provisions to ensure that there is effective discharge from the site. Therefore, subject to condition, no harm is identified to flood risk.

HIGHWAY SAFETY

4.25 The proposal would not alter the existing access arrangements to the holding. Whilst the proposed building would project slightly closer to the site boundary with the public highway, this would not interfere with visibility for exiting vehicles, given the space that would still be retained between the building and the site boundary and the straight nature of Elvington Lane at this point. Therefore, there is unlikely to be any harm in terms of highway safety.

5.0 CONCLUSION

5.1 The proposal involves the erection of an agricultural storage building to replace a collection of three attached buildings situated on an established arable and livestock farm holding. The application explains that the existing buildings are dated and inefficient for modern agricultural use. The replacement agricultural building is appropriate in Green Belt policy terms and would preserve the setting of the Grade II listed farm house. The building would be viewed in the context of the farm holding and against the backdrop of the other farm buildings. There would be no harm to protected species, though a condition is requested relating to breeding birds. No unrelated residential properties would be adversely affected by the replacement building, nor would there be harm to land contamination. Further details are required of surface water drainage. The proposal would utilise the existing access arrangements and would not hinder safe access and egress from the site. In light of the above, the proposal is considered to be acceptable and is recommended for approval, subject to conditions.

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 no. IP/CEH/02 'Location Plan' dated Jan 18;
- Drawing no. IP/CEH/03 'Site Layout Plan' dated Jan 18;
- Drawing no. IP/CEH/04A 'Elevations and Floor Plan' dated Feb 18;

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

3 No 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 competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

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 Section 1 of the Wildlife and Countryside Act 1981, as amended.

4 Construction shall not begin until details of surface water drainage works 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.

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:

- Revised external materials to include Yorkshire boarding to western and part southern elevations;
- Imposition of conditions regarding breeding birds and drainage.

Contact details:

Author: Hannah Blackburn Development Management Officer

Tel No: 01904 551325