

COMMITTEE REPORT

Date: 15 November 2023 **Ward:** Osbaldwick And Derwent

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

Reference: 22/01683/FUL

Application at: OS Field 0040 Stamford Bridge Road Dunnington York

For: Erection of a general purpose agricultural building

By: Mr John Hooton

Application Type: Full Application

Target Date: 28 April 2023

Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought for an agricultural building. The walls would be precast concrete with olive green metal cladding above. The roof would be olive green metal sheeting. The footprint of the building would be 9.3 metres by 18.6 metres (173sqm). The maximum height of the dual pitched building would be 5.5 metres. The enclosed shed would have one vehicular access (to the northeast elevation) with a roller shutter door. The building would be used for the storing of machinery and implements, together with hay, straw and animal feed. The holding is 2.24ha. The applicant has provided a Country Parish Holding number. Access to the site would be from A166 Stamford Bridge Road.

1.2 The site is within the general extent of the green belt, the site is within Flood Zone 1. A public footpath (14/1/10) runs through the site. An archaeological monument – Roman road to Thornthorpe and Malton MY05098 runs along the line of the A166 to the north west boundary of the site. An archaeological monument – Derwent Valley Light Railway (MY03.508) runs along the southern boundary of the site. Another Roman Road archaeological Monument (MY03536) runs through southeast corner of the site.

1.3 During the application process further information has been submitted including the use of the building, drainage details, together with revised plans detailing the public right of way and revisions to the access with the A166

Committee Call-In request

1.4 The application has been called into committee at the request of Cllr. Warters for the following reasons: Potential intrusion into the Green Belt; the size of the plot of land and suggested uses do not justify the size of building; The use and number of

visits to the site do not justify the large access; Question security justification; No drainage arrangements have been proposed for the access track; concerns regarding the future use of the site.

1.5 RELEVANT PLANNING HISTORY

18/00480/FUL - Erection of stables and field shelter – application withdrawn.

An Enforcement Notice was issued in December 2020 requiring the removal of a static caravan and stable block. The applicant for the current application bought the site in March 2021. Enforcement Officers confirm that the structures were removed in September 2021.

2.0 POLICY CONTEXT

2.1 The Publication Draft York Local Plan (2018)

SS2 The Role of York's Green Belt

D1 Placemaking

D2 Landscape and Setting

GB1 Development in the Green Belt

ENV5 Sustainable Drainage

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 The amended drawings detailing the visibility splays are acceptable. Unable to allow the drainage of the surface water from the access onto the highway, this will have to be contained with the property.

Design, Conservation and Sustainable Development – City Archaeologist

3.2 Do not wish to impose any archaeological conditions on this scheme.

Flood Risk Management

3.3 The plan shows surface water generated from the new building and the road planning surfaced accessway road being discharged to a soakaway swale which has been designed in accordance with the results of the site specific infiltration testing we witnessed and therefore this plan is agreed.

3.4 With regards to Highway Team comments this plan shows a gully which intercepts any private surface water falling on areas within the site boundary and not onto the highway which is also connected to the soakaway swale, the levels shown on this plan also confirm this. However there is a very small area within the adopted highway verge/visibility splay that cannot be allowed to enter a private surface water system and for this reason this must drain via the highway drainage and not into the soakaway swale therefore all the drainage arrangements shown on this plan are agreed and the plan listed if planning permission was to be granted.

Public Protection

3.5 No objections.

Public Rights Of Way Team

3.6 No objections.

EXTERNAL CONSULTATIONS

Dunnington Parish Council

3.7 No comments received.

Foss Internal Drainage Board

3.8 The Board has assets in the wider area in the form of various watercourses. These watercourses are known to be subject to high flows during storm events. There may also be ordinary watercourse nearby which is not maintained by the Board and we assume remains with the riparian owner to maintain. The Board's consent is still required in certain instances.

3.9 The Board always recommends that soakaways are *first* considered in accordance with the Planning Practice Guidance hierarchy for the management of surface water and therefore welcomes the applicant's approach. Request surface water drainage scheme is sought via condition.

4.0 REPRESENTATIONS

4.1 No representations received.

5.0 APPRAISAL

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. Policies YH9(C) and Y1 (C1 and C2) of the Yorkshire and Humber Regional Spatial Strategy (RSS) relate to the general extent of the York Green Belt. 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. The RSS defines the outer boundary of the Green Belt as being "about six miles" (10km) from York city centre. The site is approximately 5 km from the city centre.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

5.2 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February and September 2023 following full examination. The Plan is expected to be adopted in the first quarter of 2024. The draft Local Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.3 The planning policies of the National Planning Policy Framework as published are a material consideration in the determination of planning applications. The presumption in favour of sustainable development set out at paragraph 11 of the NPPF does not apply when the application of policies relating to Green Belt indicate that permission should be refused.

OPENNESS AND PURPOSES OF THE GREEN BELT

5.4 The NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence. The Green Belt serves 5 purposes:

- o to check the unrestricted sprawl of large built-up areas;
- o to prevent neighbouring towns merging into one another;
- o to assist in safeguarding the countryside from encroachment;
- o to preserve the setting and special character of historic towns;
- o and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.5 In line with the decision of the Court in *Wedgwood v City of York Council*[2020], and in advance of the adoption of a Local Plan, decisions on whether to treat land as falling within the Green Belt for development management purposes should take into account the RSS general extent of the Green Belt, the 2005 DCLP, the 2018 Draft Plan, insofar as can be considered against paragraph 48 of the NPPF (2019) and site specific features in deciding whether land should be regarded as Green Belt.

5.6 In addition to the saved policies YH9(C) and Y1 (C1 and C2) of the Regional Spatial Strategy which relate to York's Green Belt the site is identified as falling within greenbelt in the proposals maps of the Draft Local Plan (2018).

5.7 When the site is assessed on its merits it is concluded that whilst the York Green Belt has not yet been fully defined, the site falls within the general extent of the Green Belt and serves a Green Belt purpose. As such, the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF.

5.8 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. NPPF paragraph 149 (a)states exceptions include buildings for agriculture and forestry. Paragraph 150 allows for engineering operations (b) providing they preserve its openness and do not conflict with the purposes of including land within it.

5.9 There are no other buildings on site that are used in association with the holding. The proposed shed would be used for agricultural storage, the design of the building precludes it from being used for livestock accommodation. The supporting information states that the holding is approx. 5.9acres/2.4 hectares. It is considered that the proposed shed falls within the exception in paragraph 149(a). it is considered necessary to condition that the building is used for agricultural purposes only and for no other use.

5.10 The proposal plans show the existing access with the A166 being hardsurfaced, and the existing access track resurfaced with compacted sub core base with road planings (or similar) on top. As the works appear to be maintaining something that already exists it is considered that these engineering works do not impact further on the openness of the green belt and do not conflict with the purposes of including land within the green belt. In addition it is noted that these works can be undertaken under agricultural permitted development rights where it is reasonably necessary for the purposes of agriculture within the unit.

HIGHWAYS

5.11 The NPPF encourages development that is sustainably located and accessible. Paragraph 110 requires that all development achieves safe and suitable access for all users. It advises at paragraph 111 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Further, paragraph 112 requires development to, inter alia, give priority first to pedestrians and cycle movements and create places that are safe, secure and attractive thereby minimising the scope for conflicts between pedestrians, cyclists and vehicles. Policy T1 of the 2018 D Local Plan supports the approach of the NPPF in that it seeks the safe and appropriate access to the adjacent adopted highway, giving priority to pedestrians and cyclists.

5.12 The access to this field is not altering in location but would be hard surfaced the rest of the access road would be road planings, it is not considered that there would be a material increase in traffic to the site.

5.13 Revised plans have been submitted acknowledging the position of the public right of way. The position of the PROW would be unaffected by the proposed building. The PROW team have withdrawn their objection to the proposed development.

VISUAL AMENITY AND CHARACTER

5.14 Chapter 12 of the NPPF gives advice on design, placing great importance to that design of the built environment. In particular, paragraph 130 of the NPPF states that planning decisions should ensure that development, inter alia, will add to the overall quality of the area, be visually attractive, sympathetic to local character and history and have a high standard of amenity for existing and future users. This advice is reflected in Policies D1 and D2 of the 2018 Draft Local Plan and, therefore, these policies can be given weight.

5.15 The applicant states that the proposed building would be used for agricultural storage. The proposed stand-alone steel framed building is typical for its intended purpose and would be viewed in the context of the agricultural land it would serve. It was noted that at the site visit that there are other agricultural stand-alone buildings in the area. The proposed building is of an agricultural appearance and character, and in the context would not be unduly harmful in a countryside setting. The works to the access and access road would create a more formal appearance than the existing. The hard surfacing of access points and the use of road planings for access tracks is a relatively typical agricultural practise and is not considered to result in undue visual harm.

RESIDENTIAL AMENITY

5.16 The NPPF seeks a good standard of amenity for all existing and future occupants, and that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are sympathetic to local character and history, including the surrounding built environment and landscape setting. Policies D1 and ENV2 of the 2018 Draft Local Plan seek to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from overbearing structures.

5.17 The closest dwelling is 33 metres from the proposed site. The sealed design of the proposed building means that the building cannot be used for the housing of livestock. As such it is not considered that the proposed building will result in harm to the residential amenity of the nearby dwellings.

DRAINAGE

5.18 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Publication Draft York Local Plan (2018) Policy ENV5 Sustainable Drainage) advise discharge from new developments should not exceed the capacity of receptors and water run-off should, in relation to existing runoff rates, be reduced. The CYC Flood Risk Engineer considers the submitted surface water drainage scheme is acceptable and compliance with the submitted scheme can be sought via condition (detailed in Condition 2).

ARCHAEOLOGY

5.19 Para 203 of the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Policy D7 of the Draft Local Plan (2018) sets out that Development which would remove, harm or undermine the significance of such assets, or their contribution to the character of a place, will only be permitted where the benefits of the development outweigh the harm having regard to the scale of the harm and significance of the heritage asset.

5.20 An archaeological monument – Roman road to Thornthorpe and Malton MY05098 runs along the line of the A166 to the north west boundary of the site. An archaeological monument – Derwent Valley Light Railway (MY03.508) runs along the southern boundary of the site. Another Roman Road archaeological Monument (MY03536) runs though southeast corner of the site. The proposal would be set

away from the linear monuments. The Council's Archaeologist has been consulted and confirmed they do not have an objection to the proposals and do not wish to impose any conditions.

6.0 CONCLUSION

6.1 The application site is located within the general extent of the York Green Belt and serves a Green Belt purpose. The proposal is not considered to further impact on openness and the purpose of including land in the Green Belt and proposed development is considered to fall within exception at NPPF paragraph 149 (a) and 150 (b).

6.2 Subject to conditions the development would accord with the NPPF and the Draft Local Plan 2018. It is considered that the proposal complies with the overall objectives of national and local planning policy.

7.0 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 Number DR-C-0100 Revision P2 'Drainage Strategy' received 21 July 2023;

Drawing Number NDS22/SP1 Revision A 'Site Plan as Proposed' received 24 October 2022;

Drawing Number NDS22/BP1 'Floor Plan' received 05 August 2022;

Drawing Number NDS22/BP2 'Elevations/Section' received 05 August 2022;

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 approved shall only be used for agricultural purposes and no other purpose.

Reason: To ensure that the development complies with green belt policy. By virtue of the planning history of the site to ensure that it is only used for agricultural purposes.

8.0 INFORMATIVES: Notes to Applicant

Application Reference Number: 22/01683/FUL

Item No: 4g

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) 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:

- Requested additional information
- Requested revised plans
- Use of conditions

2. Internal Drainage Board Informative

Under the Land Drainage Act 1991 and the Boards' byelaws, the Board's prior written consent (outside of the planning process) is needed for:-

- a. any connection into a Board maintained watercourse, or any ordinary watercourse in the Board's district.
- b. any discharge, or change in the rate of discharge, into a Board maintained watercourse, or any ordinary watercourse in the Board's district. This applies whether the discharge enters the watercourse either directly or indirectly (i.e. via a third party asset such as a mains sewer).
- c. works within or over a Board maintained watercourse, or any ordinary watercourse in the Board's district - for example, land drainage, an outfall structure, bridges, culverting etc.

Please note that the Board does not, generally, own any watercourses and the requirement for you to obtain the Board's consent is in addition to you obtaining consent from any land owner or other authority to carry out the relevant works.

Full details of the Consent process can be found on our website:-

<http://www.yorkconsort.gov.uk>

Contact details:

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