

COMMITTEE REPORT

Committee: East Area
Date: 10 April 2008

Ward: Haxby And Wigginton
Parish: Wigginton Parish Council

Reference: 07/00688/FULM
Application at: Land At Junction Of Corban Lane And Wigginton Road
Wigginton York
For: Erection of packing shed (150sqm) and horticultural glass house
(1080 sqm) (revised scheme)
By: Mr A Carby
Application Type: Major Full Application (13 weeks)
Target Date: 16 April 2008

1.0 PROPOSAL

1.1 The site lies within the York Green Belt outside any defined settlement. The application site abuts the settlement edge of Wigginton on its western edge.

1.2 This is a revised planning application to erect two buildings on 2.1 hectare site at Corban Lane, Wigginton. The site is currently in agricultural use and has a storage building in the south west corner. This building measures 12 metres by 18.5 metres. The site is level and is bounded by hedges.

1.3 Two buildings are proposed. The first building is of two storey brick construction to provide packing store, office, staff facilities and packing and loading area. The second is a commercial glass house extending to 36.0 metres by 30.0 metres. Their purpose is to facilitate the expansion of the existing flower and plant production on the site. Wrapping machines would be installed in the packing shed for packing cut flowers.

1.4 Access to the site is through an existing public bridleway to the south of the application site. The applicant states a total of three heavy goods vehicles would visit the site during a normal working day. The number of parking spaces on site would not be altered by virtue of the proposal. There are currently four parking spaces. There would be a maximum of four employees starting no earlier than 7:30am. Depending on the season, staff would normally vacate from the site no later than 5:00pm, although the hours of working would be extended to 7:00pm during the summer period.

Relevant Planning History:

1.5 04/01734/FUL: Erection of packing shed and commercial glass house. Application withdrawn in 2004.

1.6 05/00762/FUL: Erection of packing shed and commercial glass house (revised scheme). Planning permission was refused due to the following reason:

i. The proposed development, by virtue of the height and siting of the proposed packing shed is considered to be unnecessarily detrimental to the openness of the

Green Belt. As such the proposals are considered to be contrary to the aims of PPG2 and policy GB1 of the Draft City of York Local Plan.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYSP2

The York Green Belt

CYGB1

Development within the Green Belt

CYGP1

Design

CYGP4A

Sustainability

CYGP9

Landscaping

CYGP14

Agricultural land

CYT4

Cycle parking standards

3.0 CONSULTATIONS

EXTERNAL

3.1 Neighbours notified, site notice posted and press advertised, expired 20 February 2008. One letter of objection has been received. The following concerns were raised:

- the proposal would increase the traffic movements,
- the proposal would attract larger vehicles,
- the main B1363 road is already busy,
- access lane to the site itself does not have proper road surface. Hence the main road could get very muddy,
- the turn into and out of the lane may not be easy for larger vehicles due to the recent addition of a crossing point on the main road and may result in traffic delays.
- the proposed building work may increase flooding issues,
- the proposed metal roof would be unsightly,

-the size of the buildings is a concern,

3.2 Wiggington Parish Council consulted. Response received 18 February 2008. The following concerns were raised:

-Access to the site is to be made via a bridleway. Use by HGVs on a daily basis plus the additional traffic generated will be severely damaging. A suitable surface will need to be provided,

-there will be problems for HGV`s accessing and leaving the site.

-traffic speeds on the B1363 at this point would increase the likelihood of accidents/collisions,

-bus stops on both sides of B1363 are much used by children. Hence the delivering period for HGVs should be restricted.

-any future development of the site for retail purposes would not be appropriate in the green belt. This should be dealt with by condition.

3.3 Foss Internal Drainage Board consulted. Response received 8 February 2008. The board has no comments, but suggested that the Kyle and Upper Ouse Internal Drainage Board should be consulted.

3.4 Kyle and Upper Ouse Internal Drainage Board consulted. Response received 3 March 2008. No observations.

3.5 Environment Agency consulted. No response received 27 March 2008.

INTERNAL:

3.6 Environmental Protection Unit consulted. Response received 27 February 2008. No objections subject to conditions and informative.

3.7 Highway Network Management consulted. Response received 20 February 2008. The following comments were made:

-no highway objections;

-based upon the information supplied by the applicant relating to the proposal any traffic generation would be minimal;

-the track serving the application site is a bridleway and as such is surfaced to a level commensurate with its use/status;

-the applicant will be liable for any damage caused to the bridleway by vehicles. It is therefore recommended that the surface be improved, following consultation with the Council's Public Rights of Way team.

-conditions recommended.

3.8 City Development Unit consulted. Response received 21 February 2008. The following comments were made:

-the site lies within green belt. As such policy GB1 applies,

-buildings constructed for agricultural including horticultural buildings and buildings erected for uses ancillary to horticulture are an exception to the general presumption against new buildings in green belt areas,

-whilst the proposed use is deemed acceptable in the green belt, the open character and purpose of the green belt should not be compromised by the scale and design of the buildings,
-no policy objections.

3.9 City Development Unit: Further response received on 19 March 2008 following officers' request for comments on sustainability:

-it should be ensured that a sustainability statement has been submitted in line with policy GP4a as the proposal is considered to be commercial.
-after considerable consultation with the Building Research Establishment (BRE) and Sustainable Development specialists within the region, it was felt that it would be unreasonable to request a full BREEAM assessment for this type of use.
-it should be ensured that the applicant has adequately address the issues of energy and water in depth.
-it is unlikely that this request would materially change the overall appearance of the scheme.

4.0 APPRAISAL

4.1 The main issues to be considered are as follows:

- i. Green Belt Policy
- ii. Openness of York Green Belt, Scale and External Appearance
- iii. Sustainability
- iv. Access/Highway safety
- v. Other considerations

GREEN BELT DEVELOPMENT:

4.2 Central Government advice in paragraph 3.4 of Planning Policy Guidance (PPG) no.2 "Green Belts" sets out a list of development purposes which are appropriate inside a Green Belt, one of which is "agriculture and forestry". Policy P2 of the Regional Spatial Strategy for Yorkshire and the Humber (2004) defines the purposes of Green Belts in Yorkshire, which are to support urban renaissance and conserve the countryside. Policy E8 of the North Yorkshire County Structure Plan 1995 defines the parameter of Green Belts in North Yorkshire, and Policy GB1 "Development in the Green Belt" of the City of York Local Plan Draft 2005 states that agricultural and forestry is acceptable. However, the applicant must still comply with criterion a - c of the policy. The decision turns upon whether the proposed impact on the Green Belt would be detrimental to its openness.

4.3 The purpose of the proposed development is to facilitate/expand the existing horticultural business. As horticultural use falls within the definition of agriculture (according to Section 336 of the Town and Country Planning Act 1990), it is considered that the proposed glass house and packing shed would not be inappropriate within the Green Belt. Conditions have been recommended to limit the use of the proposed buildings.

4.4 Criteria a - c of the Local Plan Draft policy GB1 will be considered under the sub-heading "Openness of York Green Belt, Scale and External Appearance" below.

OPENNESS OF YORK GREEN BELT, SCALE AND EXTERNAL APPEARANCE

4.5 The previous planning application was refused by virtue of the proposed packing shed, which was considered to be unnecessarily detrimental to the openness of the Green Belt. Compared with the original (refused) scheme, the revised application shows:

- i. the packing shed has been repositioned towards the west boundary by 17.0m;
 - ii. the glass house has been repositioned towards the west boundary by 6.5m;
 - iii. the height of the proposed packing shed has been reduced by 500mm;
 - iv. a gable roof is proposed instead of a hipped roof on the proposed packing shed;
- and
- v. additional planting to screen the development from public view.

4.6 Overall, the revised scheme is considered to be an improvement. The reduction in the physical separation between buildings would reduce the proliferation of buildings across the site. This would help to minimise the visual impact of the proposal upon the open character and appearance of York Green Belt. It is considered that this, together with the proposed height reduction of the packing shed, would address the reason for refusing the previous planning application. The proposed landscaping would provide an element of screening from the B1363 to the east and could be secured by condition.

4.7 The design and appearance of the buildings are broadly in keeping with the rural character and appearance of the locality. The scale of the proposed buildings are considered to be in proportion with the size of the business and the area of land that the flower and plant production business occupies. Furthermore, the proposed buildings would be over 60.0m away from the nearest properties to the west of the application site (Home Farm Cottages) and over 150.0m away from the residential properties along the opposite side of B1363. Hence on balance it is unlikely that the proposed packing shed and glass house would be unacceptably overbearing and dominating.

4.8 With regard to the use of materials, the revised plans received 14 March 2008 show the roof of the packing shed would be constructed of re-claimed clay tiles (instead of profiled metal as originally proposed). It is considered that the proposed choice of building materials as shown in the revised scheme would be more in keeping with the rural character and appearance of the open countryside.

SUSTAINABILITY

4.9 In accordance with policy GP4a of the City of York Draft Local Plan 2005, the principle of sustainable development has been incorporated as part of the scheme. It is intended to incorporate energy conservation measures in the construction of the shed with insulated walls and roof; heating will be restricted to staff facilities only. To achieve the desired appearance and to minimise the use of non-renewable resources, recovered bricks and clay tiles would be used to construct the packing shed. In order to reduce the requirement for transport in servicing the business, plant materials resulting from cut flowers and plants will be recycled to form new compost. Other items which cannot be composted, such as waste from packing materials will be removed from the site by a licensed contractor. To reduce the impact of the business in respect of water usage, roof water from both the shed and the

glasshouse will be collected and retained for use on site for watering the plants and flowers.

4.10 In addition to the above, the proposed expansion of the flower and plant production operations would increase productivity on site. This would in turn enhance the local economic prosperity and employment opportunity by increasing the existing workforce time on site. Overall, subject to a condition requiring the developer to demonstrate in detail how the scheme would reduce demands for water and energy, it is considered that the proposal would accord with policy GP4a of the City of York draft local plan 2005.

4.11 Having consulted the Building Research Establishment (BRE) and Sustainable Development Specialists within the region, it was considered by the City Development team that it would be unreasonable to request a full BREEAM assessment for this type of development.

ACCESS/HIGHWAY SAFETY:

4.12 Concerns were raised regarding the suitability of the bridleway for the proposed use, and the potential damage additional traffic would have on this existing access. During the recent amendment to bus stops/pedestrian facilities along B1363 a vehicle swept path analysis was carried out by the Council to ensure satisfactory use of the bridleway could continue. The analysis indicated no problems with vehicles associated with the application site. Furthermore, given that the traffic generation associated with the development is regarded as relatively small (3 heavy goods vehicles will be visiting the site during a normal working day), there is no firm evidence to suggest that the proposal will cause unacceptable damage to the bridleway or would be detrimental to highway safety.

4.13 According to the Council's Public Rights of Way team other (non-planning) legislation does exist to prosecute person(s) (or in this case the applicant) liable for any damage caused to the bridleway.

4.14 As the applicant/occupier of the development has a right of access onto the public bridleway and other public highways, it is unlikely that a condition restricting the delivery time of the HGV's on highway grounds would be reasonable. Subject to conditions no objections were raised by the Highway Network Management team.

OTHER MATERIAL CONSIDERATIONS:

4.15 No objections were raised by the Council's Environmental Protection unit. Nevertheless, as there is a potential that noise from the proposed wrapping machinery could harm the living conditions of the nearby residents, a noise mitigation condition has been recommended. A condition to restrict the hours of operation has also been recommended.

4.16 Impact on flooding: The application site falls outside the defined flood zones. Furthermore, the drainage boards have been consulted and have raised no objections. The proposed buildings would be sited more than 60.0m away from the nearest residential properties; it is surrounded by permeable fields. As such it is unlikely that any surface water increase by virtue of the development would cause

flooding to nearby properties. In order to ensure that the site would be properly drained a condition requiring drainage details to be agreed prior to the commencement of work is recommended.

4.17 Change of use: this application seeks permission to erect the buildings for agricultural use only. A separate planning application is required should any part of the building be used for purposes other than agriculture.

4.18 Having taken the above into account, it is considered that the proposed development accords with the national planning policies and the policies set out in Regional Spatial Strategy (2004) and the City of York Draft Local Plan (2005). Hence, this application is recommended for approval.

5.0 CONCLUSION

By virtue of the above this application is recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

02/06/04 and 01/06/04B as received by the City of York Council on 14 March 2008

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

3 VISQ8 Samples of exterior materials to be app

4 DRAIN1 Drainage details to be agreed

5 Before the commencement of and during building operations, adequate measures shall be taken to protect the existing boundary hedge on this site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works. Thereafter none of the existing hedge shown to be retained shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority. Any species removed without such consent or dying or being severely damaged or becoming seriously diseased before the end of that period shall be replaced with species of such size as may be agreed in writing with the Local Planning Authority.

Reason: The existing planting is considered to provide effective screening to the development hereby approved from public view and contribute significantly to the

amenities of the area.

6 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 and shrubs. 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 The packing shed hereby approved shall not be used other than for purposes ancillary to the agricultural use of the application site.

Reason: The packing shed is deemed acceptable within an area of Green Belt only in association with the agricultural use of the site.

8 Details of all machinery, plant and equipment to be installed in or located on the site hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum (L_{Amax}(f)) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the nearby residential properties.

9 Prior to the buildings being first occupied a statement setting out the hours of working shall be submitted to and approved in writing by the Local Planning Authority. Once approved the use of the buildings hereby approved shall be confined to the hours specified at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of the nearby residential properties.

10 Unless otherwise agreed in writing by the Local Planning Authority, all demolition and construction works and ancillary operations, including deliveries to and dispatch 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.	

Reason: To protect the amenity of the nearby residential properties.

11 The buildings shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

12 HWAY21 Internal turning areas to be provided

13 HWAY18 Cycle parking details to be agreed

14 The turning circle as shown on the approved plan shall be used for loading and unloading and the turning of vehicles at all times and shall not be used for any other purposes unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

15 The development shall not be commenced until a statement outlining in detail how the development intends to reduce demands for water and energy has been submitted to and approved in writing by the Local Planning Authority, and the approved environmental standards shall be implemented and maintained thereafter.

Reason: To ensure that the development is sustainable and accords with Planning Policy Statement no.1 (2005) "Delivering Sustainable Development", policy GP4a of the City of York Draft Local Plan 2005, and City of York Interim Planning Statement on Sustainable Design and Construction (2007).

INFORMATIVE:

The above condition could be satisfied by outlining in detail the following:

i. To reduce demand for water, the applicant should demonstrate how opportunities have been maximised to re-use and recycle materials through, for example, the use of rainwater harvesting systems, grey water systems and sustainable urban drainage systems (SUDs).

ii. To reduce carbon emissions and demand for energy, an energy assessment demonstrating the following order of preference is required:

- a) reduce demand for energy by avoiding or reducing heating/cooling requirements;
- b) more efficient use of energy to meet demand. This can be achieved by, for example, the use of community combined heat and power (CCHP) and tri-generation and district heating;
- c) incorporating on-site renewable energy equipment such as, for example, heat exchangers and photovoltaic cells.

The assessment should also acknowledge the changing climate through the lifetime of the proposed development.

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 green belt policy, scale and external appearance, sustainability, highway safety and environmental protection. As such the proposal complies with Planning Policy Guidance (1995) "Green Belts", Planning Policy Statement no.1 (2005) "Delivering Sustainable Development", Planning Policy Statement no.7 (2004) "Sustainable Development in Rural Areas", policy P2 of the Regional Spatial Strategy for Yorkshire and Humber (2004), policy E8 of the North Yorkshire County Structure Plan 1995, and Policies SP2, GB1, GP1, GP4a, GP9, GP14 and T4 of the City of York Local Plan Deposit Draft 2005.

2. If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

3. The developer's attention should also be 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 attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

i. 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".

ii. 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.

iii. 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.

iv. 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.

v. There shall be no bonfires on the site

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