

COMMITTEE REPORT

Committee: West/Centre Area
Date: 14 August 2008

Ward: Rural West York
Parish: Hessay Parish Council

Reference: 08/01220/FULM
Application at: Tancred House Main Street Hessay York YO26 8JR
For: 30m x 50m ménage including 6 no. floodlights and access road, and change of use of agricultural land to paddock
By: Mr Chris Digby
Application Type: Major Full Application (13 weeks)
Target Date: 15 September 2008

1.0 PROPOSAL

1.1 The application is for a 30 metre by 50 metre ménage set in the north west corner of Garth Ends Field. 6 floodlights on 5.48 metre high columns would light the ménage. The ménage would be separated from the rest of the field by a 1.5 metre high post and rail fence, and a new tarmac road would connect the ménage to the existing hardstanding.

1.2 The proposed ménage would be sited outside the Hessay settlement limit within the greenbelt. Hessay has despite recent housing developments in the village retained much of its rural and village character.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYSP2
The York Green Belt

CYGP1
Design

CYGP4A
Sustainability

CYGP14
Agricultural land

CYGP15
Protection from flooding

CYGB1
Development within the Green Belt

3.0 CONSULTATIONS

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 14/07/2008
Site Notice - Expires 16/07/2008
Press Advert - Expires 23/07/2008
Internal/External Consultations - Expires 13/08/2008

13 WEEK TARGET DATE 15/09/2008

3.2 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections

- There are no details of the construction of the proposed new access. The new access would not start until 60m into the site; it is considered therefore that, although there would be very little likelihood of carry over of surfacing materials onto the highway from this distance, its construction should be controlled by condition
- The ménage is intended to be floodlit. Noted that the street lighting engineer has been consulted as regards the floodlighting and he is satisfied that the lighting is appropriate for the use but should be shielded if subsequently spill was a problem. Hessay has a very low level of street lightning therefore there may be a problem of contrast between the two area therefore it is recommended that a standard glare condition be attached
- The Design and Access Statement includes "The ménage... is solely for personal use, this is in no way a commercial use" and "...the ménage will not affect existing pedestrian and vehicular access and no increase in traffic is expected..." The existing access arrangements are therefore considered adequate, however could this development be controlled by a personal permission to limit the possibility of commercial uses being introduced later?

STREET LIGHTING ENGINEER - The height and type of lantern seems perfectly acceptable as they are both low and of a "dark skies compliant" type. The total lighting on the site complies with the middle levels of the CIBSE guide and therefore does not seem over lit and light spill should be minimal in the surrounds. As the lighting is an arena and therefore will not be lit constantly in the hours of darkness do not feel there will be any undue nascence. Should any subsequent spill be found to be a problem then shields would be provided on the lanterns.

STRUCTURES AND DRAINAGE - No comments received at the time of the report being written

ENVIRONMENTAL PROTECTION UNIT - The Environmental Protection Unit has concerns with this application in respect to light spillage from the development onto neighbouring properties. Request further details of the vertical illuminance from the floodlights at a height of 1.8-2m at neighbouring properties is provided. The information is required to ensure that the residents of neighbouring properties are adequately protected from light pollution and loss of amenity.

LANDSCAPE ARCHITECT

- The rear fields are open and largely grazed, with cultivated fields beyond; many are bound by native hedgerows; some are simply delineated with timber post and rail/wire fencing. There are very few hedgerow trees. The open field pattern provides a pleasant aspect for all the properties on the south side of Hessay Main Street, a linear village. Noted that Garth Ends Field is currently used for grazing horses, as are the two neighbouring fields. There are four stables within the grounds of Tancred House and it is noted there are a few more to the rear of Fawcett House, accessible from Tancred House, i.e. the equestrian use of these rear fields is fairly intense. Noted however that the degree of existing hard standing and visual intrusion of the equestrian activities is currently fairly minimal.

- A greenbelt and open countryside objective relevant to this application is 'to safeguard the surrounding countryside from further encroachment'; with the aim 'to retain attractive landscapes, and enhance landscapes, near to where people live'; and 'to retain land in agricultural, forestry related uses.' The ménage does not appear to fall within any of the acceptable uses of development in the greenbelt under GB1 unless it is considered an essential facility for outdoor recreation. It is recognised that this would be a good facility given the existing stables and grazing use. Would the introduction of a ménage constitute a change of use from agricultural to equestrian?

- The proposed flood lighting causes some concern, especially given the proposed lighting column height of 10m. (We also need to have a drawing of the lamp and column). Furthermore, the lighting will be in greatest demand in the winter months when the deciduous vegetation that provides screening during the summer months will be bare, (with the exception of the conifers along the western boundary - in neighbours ownership). Understand the logic in placing the ménage in the north west corner of the field, because it minimises interruption of the field; retains the very attractive openness of the rear garden of Tancred House; and utilises the screening effect of the conifers. But subsequently it impinges on the rear aspect of Doon Court House. And is pushed tight against the garden boundary of Wheatsheaf House. The majority of the length of the border with Wheatsheaf House consists of a line of conifers, which would provide year-round screening of the ménage activity, but not necessarily the floodlights. Similarly there is a coniferous hedge along the boundary with the public right of way to the west within the rear of Croft Farm. Nonetheless some of the lighting columns will be visible all year round, over the deciduous hedgerows from the public right of way further south. Further planting within the field to screen the ménage would be inappropriate, as it would reduce the open character of the fields. Certainly additional conifers would be unwelcome.

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

HESSAY PARISH COUNCIL - No objection

- Concerns regarding the lighting. Recommend that the lights should be governed by a timer and be turned off no later than 21:00
- The lights should be of a design that does not allow light to shine up to the sky
- The Ménage should be for the private use of the owner and not be used for commercial purposes

YORKSHIRE WATER - No comments

YORKSHIRE NATURAL ENVIRONMENT PANEL

- Visually intrusive, inappropriate development into greenbelt totally unsuited to the village setting. A facility of this kind seems unlikely to always be used for domestic use and will often lead to a commercial use.
- The floodlighting is the main objection, given its likely detriment to the character of the area plus that it will likely alter the natural behaviour of wildlife. If minded to approve the paddock there should be no flood lighting, failing which for low-level, low-intensity lighting only, with ample screen planting to reduce light pollution.

3 LETTERS OF OBJECTION (2 from same objector)

- Sited too close to dwellings and gardens
- Less intrusive if sited further to the south of Garth Ends Fields
- Floodlights will cause light pollution in a quiet and dark rural situation
- Would not be personal use. The equestrian facilities at Tancred House are used by other people living in Hessay, the ménage would be an expansion of this commercial activity

4.0 APPRAISAL

RELEVANT SITE HISTORY

01/00447/FUL - Erection of pitched roof detached garage/workroom block with storage and play room in roof space - Approved

01/00355/FUL - Erection of part pitched part pitched part flat roofed rear extension - Approved

ADDITIONAL PLANNING POLICY

Planning Policy Guidance 2 - Green Belts

Planning Policy Statement 7 - Sustainable Development in Rural Areas

KEY ISSUES

1. Impact on the greenbelt
2. Impact on neighbouring property

ASSESSMENT

PLANNING POLICY

4.1 Policy SP2 'The York Green Belt' in the City of York Council Development Control Local Plan (2005) states that the primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York.

4.2 Policy GP1 'Design' of the City of York Council Development Control Local Plan includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.3 Policy GP14 'Agricultural Land' of the City of York Council Development Control Local Plan states that planning permission will only be granted for development that would result in the loss of the best and most versatile agricultural land (defined as grades 1, 2, and 3a) if an applicant can clearly demonstrate that very special circumstances exist which determine that the proposal can not be located elsewhere.

4.4 Planning Policy Guidance note 2 'Green Belts' sets out the purposes of including land within Green Belts and establishes specific categories of development that are appropriate within Green Belts. All other development is deemed inappropriate and therefore harmful to the Green Belt. For such development to be acceptable in Green Belts very special circumstances must be demonstrated to show that the harm is outweighed by other considerations. The boundaries of the Green Belt are detailed on the Proposals Map of the City of York Council Development Control Local Plan (CYCDCLP) and this site clearly falls within the Green Belt. Policy GB1'Development in the Green Belt' of the CYCDCLP follows the advice contained in PPG2 in stating that permission for development will only be granted where: the scale, location and design 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 not prejudice the setting and special character of the City, and is for a type of development listed as appropriate development. All other forms of development are considered to be inappropriate and very special circumstances would be required to justify where the presumption against development should not apply.

4.5 PPS7 states that planning authorities should aim to secure environmental improvements and maximise a range of beneficial uses of this land, whilst reducing potential conflicts between neighbouring land uses.

4.6 Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development. Development should: provide details setting out the accessibility of the site by means other than the car and, where the type and size of development requires, be within 400 metres walk of a frequent

public transport route and easily accessible for pedestrians and cyclists; contribute towards meeting the social needs of communities within the City of York and to safe and socially inclusive environments; maintain and increase the economic prosperity and diversity of the City of York and maximize employment opportunities; be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City; minimize the use of non-renewable resources, re-use materials already on the development site, and seek to make use of grey water systems both during construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be considered; minimize pollution, including that relating to air, water, land, light and noise; conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife area and room for trees to reach full growth; maximize the use of renewable resources on development sites and seek to make use of renewable energy sources; and make adequate provision for the storage and collection of refuse and recycling.

IMPACT ON GREENBELT AND NEIGHBOURING DWELLINGS

4.7 Hessay is one of the remoter villages within the York Green Belt. The proposed ménage would be sited outside the Hessay settlement envelope within the greenbelt.

4.8 The land is defined as grade 2 agricultural land. No special circumstances have been submitted for development on agricultural land graded 1, 2, and 3a, and no information has been submitted showing that the development could not be located elsewhere and therefore is contrary to Policy GP14.

- Ménage

4.9 The ménage would measure 30 metres by 50 metres. Although it is shown smaller on the submitted plans - The site plan and block plan show it as 19 metres by 38 metres. The proposal would protrude further into the greenbelt than any of the dwelling or gardens on the south side of Main Street.

4.10 The application form states that the ménage would require 0.153 metres of equestrian prop silica sand as a base, a synthetic stabiliser containing a rubber crum will be sown through the sand to act as a jump stabiliser and all weather fibres will be laid on the top to prevent freezing in the winter. The plans specify a base of 0.15 metres of clean stone followed by a non-woven membrane with a 0.025 metres of all weather surface and 0.125 metres of riding surface.

4.11 The fencing would be 1.5 metres in height above ground with large concrete bases for each fence post. The proposed fence would be higher than the average agricultural post and rail fence. The materials of the fence have not been specified.

4.12 The ménage does not fit into any of the purposes stated in Policy GB1 and PPG2. Whilst the keeping of horses is considered to be an acceptable use within the greenbelt a ménage is not considered to be an essential facility for outdoor sport and outdoor recreation. No special circumstances have been submitted by the applicant/agent as to why the presumption against development in the green belt

should not apply. The scale and location of the ménage together with the associated works such as access road, floodlighting, fencing, the materials of the ménage surface within the greenbelt, and the proximity to neighbouring dwellings would detract from the character of the greenbelt and conflicts with the purposes of including land within the green belt. As set out in PPG2 the greenbelt should be protected from further encroachment.

- Access Road

4.13 The access road within the field would have a tarmac finish creating an urban appearance that would jar with the rural surroundings and the visual amenity of the greenbelt, and therefore would be an unduly harmful feature. Together with the other issues already mentioned above and the floodlighting the proposal would have a rather commercial appearance.

- Lighting

4.14 The flood lighting proposed for the ménage would be attached to 6 x 5.48 metre high columns. No details/elevations of the appearance of the lighting have been submitted.

4.15 There is very little street lighting in Hessay, the two new developments within Hessay - The Fold (74 metres away at nearest point) and Roecliffe Court off New Lane have a small element of street lighting which has created a slight urban appearance at odds with the surrounding. There is only one streetlight on Main Street, 280 metres away from the proposal. The lack of external lighting is one of the elements that helps to retain its rural character of the village.

4.16 By virtue of the height of lighting columns (5.48 metres) and the light created by the floodlights, the proposed development would be prominent from a significant distance including the neighbouring dwellings and gardens, surrounding greenbelt, and the public right of way to the west. The lighting would not be directly seen from Main Street. Despite the lighting being aimed at the ménage the height of the lighting would create an element of disturbance as external lighting is not a typical feature of Hessay.

4.17 The perimeter of the field is marked by deciduous hedges and post and rail fencing. There is a line of conifers to the west of the proposed ménage. However it is considered that the trees and hedging would provide little in the way of screening of the proposal to the nearby dwellings and the wider greenbelt and would be unlikely to protect the dwellings from lighting especially during the winter months, when the floodlighting would presumably be used more. Whilst the lighting could be conditioned for certain times of the day, it is likely that there would be more light disturbance during winter by virtue of the shorter days. The conditioning of times of lighting does not overcome the issue that floodlights are not a typical feature within the greenbelt or rural areas.

OTHER ISSUES

4.18 There is no planning history for the stable block, which appears to be a recent development.

4.19 No sustainability statement has been submitted.

4.20 The agent has stated that the ménage is for personal use only and if approval was granted this could be conditioned. Highways Network Management has requested a personal condition for a ménage on this site. An objector has stated that the present equestrian use is not for the personal use only of the occupants of Tancard House, this has not been verified.

5.0 CONCLUSION

5.1 The proposed ménage and associated works do not fulfil any of the allowed purposes set out in Policy GB1 and PPG2 and as such is considered to be an inappropriate form of development within the greenbelt and would impact on the open character of the greenbelt.

5.2 The negative impact on the openness of the greenbelt is further compounded by the floodlighting and the visual impact and disturbance this would create. The light disturbance would result in harm to the residential amenity to the occupants of the neighbouring dwellings. The floodlights and the light created would also be visible from the public right of way to the west of the site. External lighting is not a usual feature of Hessay, or this part of the greenbelt.

5.3 The proposed tarmac access road would have an urban appearance and would be detrimental to the setting of the greenbelt and would jar with the rural appearance of the greenbelt and Hessay. This is also compounded by the height of the proposed fencing, which is considered to be excessive and would further impact on the openness of the greenbelt

5.4 The submitted plans have portrayed the ménage smaller than proposed.

5.5 No sustainability statement was submitted.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed ménage, floodlighting and access road by virtue of its scale, lighting, siting, and urban appearance of the proposed access road would constitute inappropriate development that would have a harmful impact on and detract from the open character of the Green Belt and 'washed over' Green Belt. Furthermore, the scheme would set a precedent for future inappropriate development which would cumulatively undermine the character of the Green Belt. As a consequence the proposal is contrary to parts Policy GP1, GP14 and GB1 of the City or York

Development Control Local Plan (2005); and national planning guidance Planning Policy Guidance 2 'Green Belts'.

2 The proposed floodlighting for the ménage would be contrary to the character of the rural village character of Hessay where external lighting is not a common feature. Furthermore the proposed floodlighting would cause an element light disturbance to the occupants of the nearby dwellings and gardens, the public right of way to the west of the site, and the greenbelt and therefore is contrary to Policies GP1 and GB1 of the City of York Development Control Local Plan (2005); and national planning guidance Planning Policy Guidance 2 'Green Belts'.

3 No sustainability statement has been submitted, furthermore no details have been submitted regarding how the proposal satisfies points (a) to (i) of the policy GP4a. Policy GP4a requires the submission of a sustainability statement with every planning application. Without this document the Council cannot judge the sustainability of the scheme against this policy or the requirements of policy GP1 (j) which requires applications to accord with sustainable design principles.

7.0 INFORMATIVES:

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