

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Rural West York
Date: 12 February 2009 **Parish:** Askham Bryan Parish Council

Reference: 08/02767/FUL
Application at: Brackenhill Askham Bryan Lane Askham Bryan York YO23 3QY
For: Erection of a replacement building for repair of motor vehicles and storage.
By: Mr Richard Shipley
Application Type: Full Application
Target Date: 12 February 2009

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to land associated with Brackenhill which is located on the western side of Askham Lane. The site accommodates a single dwelling located around 35m back from the access lane at the northern end of the site. The land slopes down to the west, there are two buildings some 40m from the house, situated on the northern edge of the field, a building used for vehicle repairs and storage and a blockwork building which is used as a taxi radio control base. There is an access track at the south end of the site, it is of rubble and vegetation may grow through it. The track runs around 70m west into the site, then turns at 90 degrees and travels north towards the existing buildings.

PROPOSED DEVELOPMENT

1.2 Planning permission is sought for a building to replace the existing store/repair workshop. The building would be some 14m by 6m in footprint. It would have a pitched roof and be 3m high to eaves level, 3.8m to ridge level. The building would be clad in green coloured polyester coated sheeting.

SITE HISTORY

1.3 The building it is proposed to replace was granted planning permission in 1992 to be used as an agricultural machinery and car repair workshop. The permission granted was a personnel one, to a Mr Baker and subject to conditions as follows -

- Repairs etc only to occur within the building.
- No more than two vehicles to be stored outside the building at any time.
- No materials/equipment to be stored outside the building.
- Building to be noise insulated.
- Only permitted to operate between 07:00 and 19:00 (13:00 Saturdays).
- No deliveries outside hours of operation or on Sundays.

1.4 The applicant, Mr Shipley acquired the site in March 1996 and has since used the building to repair vehicles.

1.5 In 2007 a retrospective application was refused, and dismissed at appeal, for a freestanding building, part single/part two-storey. The building was located in the centre of the site, by the existing access track, it was of brick construction, 6m by 17m and a maximum height of 6m. At the appeal hearing the applicant advised it was intended to use that building to repair motor vehicles and it could replace the building proposed to be replaced in this application. The building has since been demolished.

1.5 The application is brought to committee at the request of Councillor Hudson, due to the planning history attached to this site. A site visit is required as approval is recommended and an objection has been made.

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:

CYGP1 Design
CYGB1 Development within the Green Belt

3.0 CONSULTATIONS

Highway Network Management

3.1 No objection.

Planning Panel

3.2 No objection. However question whether the building is excessively large for a domestic store building. Advise that the access track from the south side of the site should not be altered/improved for vehicle use, which was a condition of the inspector's decision in allowing the access track to remain in its extant form.

Publicity

3.3 The application was publicised by site notice and letters of neighbour notification. The deadline for comments will be 6.2.09. To date one objection has been made, on the following grounds -

- The only access to the site should be from the north of the entrance. The access from the south is un-surfaced and should not be made available for vehicle use. An access track at the south side of the site would affect the amenity of

neighbours due to its proximity to the boundary and as it would be used for a business use.

4.0 APPRAISAL

4.1 KEY ISSUES

- Proposed use
- Principle of development
- Openness of the green belt
- Impact on residential amenity

POLICY

PPG 2 Green Belts

4.2 PPG2 advises that the fundamental aim of green belt policy is to preserve openness. There is a presumption against inappropriate development, which is, by definition, harmful to the green belt. Such development should only be allowed in special circumstances. According to PPG2, development is inappropriate unless it is for -

- Agriculture and forestry
- Essential facilities for outdoor sport and recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt
- Limited extension, alteration or replacement of existing dwellings
- Limited infilling in existing villages
- Limited affordable housing for local community needs
- Limited infilling or redevelopment of major existing developed sites

Draft Local Plan

4.3 GB1 'Development in the Green Belt' states 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
- It would not prejudice the setting and special character of the city
- Is for a type of development listed as appropriate development (see 4.2).

4.4 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.

PROPOSED USE

4.5 The proposed replacement building is required to store domestic goods in association with the up-keep of the land and for vehicle repairs. Planning permission

would be required for works or alterations to the existing access track. There are no details of such contained in the application.

4.6 It was explained at the recent appeal hearing for a building at the application site that the applicant is involved with 3 taxi firms (ABC Travel, ABC Blue Circle and Beeline). Ownership of the vehicles is split between separate owner and company owned. At that time (July 2007) 14/15 of the vehicles were owned by the companies and maintained at the application site. There were around 32 other vehicles associated with the taxi companies, which would be maintained where their owners chose to do so.

PRINCIPLE OF THE DEVELOPMENT

4.7 Vehicle repairs have occurred at the site for sometime. A personal permission was granted in 1992, which expired when the present applicant acquired the site in 1996. The use has continued since, it is thus lawful in planning terms, as it has occurred in excess of 10 years. The applicant also owns some 2.4 ha of land at the site and space is required to store machinery in association with its upkeep.

4.8 The existing building is somewhat ramshackle in appearance. It is considered the replacement of the building is not in itself inappropriate development. The key issues are whether the replacement building or possible intensification of the use would have a material impact on the openness of the green belt and amenity.

OPENNESS OF THE GREEN BELT

4.9 The proposed building would be some 14 sq m larger in footprint in comparison to that which is existing (around 84 sq m in relation to 70 sq m), lower in maximum height by around 600mm but with a higher eaves level (by 1m).

4.10 The change in footprint equates to the building being around half a metre longer in width and length. The location would be as per the existing building, which is at a lower ground level in relation to Askham Lane to the east. Views of the building would be screened by trees from all directions, apart from the north, from which there is no nearby development or public views the would be affected. The building will be coloured green; this would help it blend in with its surrounds, and be an improvement in relation to the existing building which is of blockwork, brick and corrugated iron.

IMPACT ON RESIDENTIAL AMENITY

4.11 The proposed building is around 80m from the nearest neighbour, the nursery to the south. The gravel access track, in its extant form has been established for sometime, it was shown as the access to the garage in the 1992 application. There is no indication in the application that the track would be altered and the applicant can be reminded that its alteration would require planning permission. Should an application submitted; it would be considered regarding amenity and the impact on the green belt.

4.12 Given the increase in scale of the building and its location, it is considered that there would be no undue harm to amenity caused in terms of additional activity, noise, or overdominance and overbearing.

5.0 CONCLUSION

5.1 The proposed building is of similar scale to that which it is proposed to replace and its finish would assist in integrating it into its surrounds. As such there would be no visual harm to the appearance of the green belt. Due to the location of the building, it would not affect amenity.

5.2 The use has occurred for in excess of 10 years and is lawful. As such it would be unreasonable to attach conditions to the approval which relate to controlling the use, these are not relevant to the proposed building, but the use itself, which does not require permission.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 PLANS1 Approved plans - IP RS 03 and 05 date stamped 17.12.08.
- 2 TIME2 Development start within three years
- 3 The building hereby approved shall be coloured juniper green or similar and reasonably maintained as such.

Reason: In the interests of appearance.

7.0 INFORMATIVES:

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 openness of the green belt and amenity. As such the proposal complies with Policies GP1 and GB1 of the City of York Local Plan Deposit Draft.

ACCESS TRACK

You are reminded that any works or upgrading of the access track will require planning permission.

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