

COMMITTEE REPORT

Committee: East Area
Date: 9 April 2009

Ward: Derwent
Parish: Holtby Parish Council

Reference: 08/01446/FULM
Application at: Former Piggeries Rear Of Willow Court Main Street Holtby York
For: Change of use and conversion of existing redundant buildings at former pig farm to class B8 (storage and distribution) along with associated access, landscaping and parking
By: Mr Chris England
Application Type: Major Full Application (13 weeks)
Target Date: 18 September 2008

1.0 PROPOSAL

1.1 The proposal is the change of use of dilapidated pig-rearing buildings to commercial storage (the industrial uses proposed initially have been deleted from the application). None of the buildings would be extended but they would all need building works to bring them up to the required standard. A communal toilet block would be constructed to serve the development. Other proposed works include new hardstandings, turning areas, parking spaces, accessways, fencing, external lighting, cycle parking, drainage and landscaping. The existing access from Holtby Lane would be improved. Some of the buildings on the site would be demolished, either because they are unsuitable for conversion or would have to be removed to provide adequate parking, loading and circulation space.

1.2 Planning History

The site was used for pig rearing from the 1970s until 2000. Since then the site has been vacant.

In July 2000 the council refused outline consent for redevelopment to provide 15 dwellings on the site, mainly because of conflict with green belt policy and the over-dependence of the location on the private car.

In August 2000 an application was submitted for the change of use of the buildings to general industrial, warehousing and storage. Following discussions with officers, who indicated they did not consider the buildings suitable for such uses, and receipt of consultation responses, the application was withdrawn.

In July 2001 planning permission was sought for the redevelopment of the site to provide eight 'work from home' units. Members were minded to grant planning permission for the proposal. The application was called in by the Secretary of State. The inquiry Inspector recommended refusal, mainly due to impact on the openness of the green belt. Other reasons included harm to the visual appearance of the site/area, limited employment benefits, high reliance on private motor vehicles, increase in traffic, poor location in terms of sustainability and very limited policy support at local or national level. The Secretary of State concurred with the

Inspector's recommendations and in November 2005 planning permission was refused.

In July 2003 (prior to the public inquiry into the 'work from home' units) outline consent was sought for redevelopment to provide four workplace homes and three affordable dwellings. Following an appeal against non-determination the council resolved to oppose the proposal, mainly due to conflict with green belt policy. In May 2005 the appeal was withdrawn.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYSP6
Location strategy

CYGP1
Design

CYGP4A
Sustainability

CGP15A
Development and Flood Risk

CYGP6
Contaminated land

CYGB1
Development within the Green Belt

CYGB3
Reuse of buildings

CYGB11
Employment devt outside settlement limits

CYNE6
Species protected by law

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - The site is in an unsustainable location with no conveniently located public transport routes, poor footways/lighting and few residential dwellings within 5km cycling distance. Traffic flows through the village are already significant. Intensification of use of the site by motor vehicles should be avoided. The volume of traffic for the B8/B1 uses initially proposed would be a 7-fold increase over the previous use as a pig farm. The re-use of buildings for storage (B8) is likely to be far more acceptable than light industrial (B1). Nevertheless the applicant should demonstrate that vehicle trips would not exceed the levels associated with the buildings former use as a pig farm. The level of car parking should also be markedly reduced. The applicant needs to provide further information about access, loading/unloading facilities and turning areas.

Property Services - The buildings are generally in a very poor state and will need extensive rebuilding work to bring them back into use. Many of the buildings have failed elements e.g. partially collapsed roofs and damaged blockwork walls. The proposed uses of the buildings need to be clarified with more detail being provided. The use will determine the standard and quality of the space required. The proposed extent of the alteration work will determine the parts where the Building Regulations apply and how that will affect the alteration required, final shape and appearance of the buildings. The submitted survey refers to the specific needs of tenants, such as the introduction of heating. This would require consequential improvements to meet the Building Regulations and lead to further alterations to the envelope of the buildings. Therefore assumptions need to be made at this stage to establish the extent of the works, the materials used and the final appearance of the buildings. More detailed information should be submitted to show the uses of each of the buildings and the extent of the work to each of them.

Structures and Drainage - There is potential for excessive surface water flow from new hardstandings and new connections to existing roofs. The developer has provided insufficient information to determine the impact on the existing drainage systems. Drainage calculations are required for the surface water system. Existing and proposed surfacing should be specified showing evidence and extent of existing piped surface water drainage system. A reduction in existing surface water discharge rates of 30% is expected over the proposed area together with a climate change allowance of 20% increase in rainfall, to comply with the spirit of Planning Policy Statement 25.

City Strategy - No policy objection to the principle of the change of use.

Environmental Protection Unit - Concerns about potential impact on existing dwellings and potential loss of amenity due to noise and lighting. Add standard demolition, noise, lighting and hours of use conditions.

Environmental Protection Unit (Contamination) - The geo-environmental investigation report submitted with the planning application confirms that contamination may be present on site. The report includes details of a site walkover and a desktop study. No soil sampling appears to have been undertaken, therefore the amount and type of contamination is not currently known. Due to the former use of the site as a pig farm, hydrocarbons, pathogens, metals and asbestos contamination may all be present. In accordance with advice contained within

Planning Policy Statement 23 refusal is recommended until sampling has been carried out and remedial measures have been identified.

Environment, Conservation, Sustainable Dev. (Countryside) - The site has some potential for newts but there is insufficient justification for a full newt survey. Attach a newt mitigation condition.

Environment, Conservation, Sustainable Development (Landscape) - These are not attractive buildings. There appears to be no aesthetic merit in restoring them. The proposed development would result in a slight change in character, in that the site would be 'tidier' and less agricultural but the visual impact on the landscape would be small. The most noticeable difference would be the presence of parked vehicles and vehicle movements, plus indoor and outdoor lighting and lamp columns. The site is partially screened by three existing houses and hedges along the boundaries. The development would provide some, albeit limited, opportunities for additional tree and hedge planting, which could be a positive addition to the landscape. The area of open space would provide sufficient amenity space for employees provided a suitable landscape scheme were implemented. The key consideration is the potential for change and greater visual impact in the future.

3.2 External

Holtby Parish Council - Objection. The proposal would give rise to a wide range of activities, which may be more intensive in terms of traffic, impact on the landscape, and impact on neighbour amenity. The location is unsustainable as the village has no shops, public transport, street lighting or continuous footpaths. The local road network is substandard. The increased traffic would be a danger to local residents including school children. Traffic figures for the pig farm use are exaggerated. The submitted highway statement is lacking in evidence and incorrect. The site would become an industrial estate, which would be out of keeping with the size and character of the village. The buildings are unsuitable for employment purposes. There is limited demand for such accommodation in this location. Commercial use of the site would be inappropriate in the green belt and harmful to the green belt. The buildings are not of substantial and permanent construction. They are not capable of conversion to commercial use as required by Planning Policy Guidance Note 2. The applicant has not demonstrated very special circumstances as required by green belt policy. Water run-off from the large areas of hardstanding could exacerbate local flooding. The proposals would cause light, noise and air pollution.

Warthill Parish Council - The site is in the green belt and outside Holtby's defined village boundary. It is a very large development for such a small village. It would have a major environmental impact on Warthill village. It is totally inappropriate for the area. There is no demand for industry and warehouse facilities in the area. Major traffic impact/danger on unclassified roads surrounding in Holtby and Warthill, including on parents and children at Warthill primary school.

Cllr Jenny Brooks - Out of keeping with character of the area. Traffic, light and general nuisance to nearby residents/neighbours. Traffic data not representative. Traffic impacts should be compared with existing movements, i.e. none. The use is inappropriate in this green belt location. Detrimental impact on village, residents and

green belt. Local flooding would be exacerbated. Pedestrian access and public transport are poor.

Cllr Clare Ward (NYCC) - The site is in the green belt, outside the defined village boundary. The development is too large and totally inappropriate for a small rural village. There is no demand for industry and warehouse facilities in the area. The development would adversely affect the openness, character and appearance of the countryside. Major traffic impact/danger on unclassified roads surrounding in Holtby and Warthill, including on parents and children at Warthill primary school. The appeal inspector made clear that site was not suitable for change of use to industrial or residential. The application offers no benefit to the local or wider community. The proposal would compromise the amenities of local residents.

Cllr Keith Knaggs (Leader of Ryedale District Council) - The scale of development is inappropriate and out of keeping with the character of the green belt. Proliferation of one-off conversions is harmful to the development/growth of existing industrial estates in more sustainable locations. Applicant's claimed past traffic figures are not credible. The application would put pressure on the poor-quality road network. The site has no public transport nor continuous footpaths. Traffic impact on the local primary school.

Revd Mary Willetts (Parishes of Stockton on the Forest, with Holtby and Warthill) - Increase in traffic, including heavy traffic. It is already extremely high, especially due to rat-running traffic. Traffic danger to school children at Warthill village, especially as the playing fields are on the opposite side of the road from the school.

Warthill Primary School - Traffic impact on residents and school. Traffic danger to schoolchildren in Warthill village, especially as the playing fields are on the opposite side of the road from the school. Traffic danger to children cycling to school along the surrounding country lanes.

Environment Agency - Objection. The site lies in an area of low flood risk (zone 1). However, the scale of development may cause flooding on site and/or elsewhere if surface water run-off is not effectively managed. A flood risk assessment is needed. This is sufficient reason for refusal of planning permission, as set out in PPS25

Foss IDB - Osbaldwick Beck is at capacity. Any discharge should not exceed 1.4 litres/second/hectare. Details needed of discharges and discharge points.

Country Land and Business Association - The application is in line with guidance within Planning Policy Statement 7, Planning Policy Guidance Note 2 and the Yorkshire and Humber Regional Spatial Strategy 2008 (which supports diversification of the rural economy and promotes re-use of redundant buildings) and the Draft Local Plan, which supports re-use of existing buildings in the green belt. The application also fits well with the association's objective of a more diversified rural economy. The application is for re-use so it will have no additional impact on the openness of the green belt. Indeed the demolition of 25% of the existing buildings and the intrusive, large, feed hoppers will all have a beneficial impact.

Public Consultation - The consultation period expired on 16 July 2008. Over 80 objections have been received raising the following planning issues:

IMPACT ON THE GREEN BELT: Contrary to green belt policy. The use (including the hardstandings, lighting, etc) is inappropriate in the green belt. No special circumstances have been demonstrated. The buildings are not capable of or suitable for industrial or commercial use. The applicant has previously said that the buildings are only suitable for demolition

TRAFFIC: The local road network is unsuitable for extra traffic, including HGVs. Traffic danger, including risk to parents and children at/going to Warthill primary school. Problems are exacerbated by narrow, winding roads and the absence of street lighting and continuous footpaths. The use would exacerbate existing traffic problems caused by rat-running. The access is unsuitable. Traffic data (of the pig farm business) submitted with the application is unsubstantiated and/or exaggerated

AMENITY: Traffic noise/nuisance. Operational noise (including vehicle movements, parking and general activity). The use is inappropriate in this village location and out of keeping its character. The proposal would industrialise the village. Light nuisance/pollution. The development would attract crime and anti-social behaviour.

SUSTAINABILITY: Public transport and local amenities are already inadequate. The location is not sustainable. The applicant has not demonstrated that the development would achieve a BREEAM standard. The buildings are poorly constructed and poorly insulated.

DRAINAGE: Drainage is inadequate. Osbaldwick Beck is a critical watercourse. Existing flood risk/problems at this end of the village would be exacerbated. The local sewage system is inadequate.

CONTAMINATION: Proposals must deal with the contaminated land. Investigation proposals are inadequate.

BIO-DIVERSITY: Consideration must be given to protected species and other wildlife, e.g. newts, bats and owls.

OTHER: The proposal has no significant benefits for the area, including employment, which would be very small. The proposal conflicts with the Holtby Village Design Statement. The application is being submitted on behalf of a volume house builder, Persimmon Homes. The application is really a plan to get residential development on the site. Converting the buildings would be uneconomic. There is no demand in the area for industrial units. Many industrial units in nearby settlements and industrial estates are vacant, e.g. at Dunnington and Murton. The site is an eyesore where no effort has been made to improve it. The council has consistently failed to take action under s.215 of the Town and Country Planning Act to improve the appearance of the site.

4.0 APPRAISAL

4.1 Key Issues

Impact on the green belt

Highway issues

Neighbour amenity

Visual appearance

Drainage

Contamination

Sustainability

Bio-diversity
Employment
Crime

4.2 Policy Context

Planning Policy Statement 1: Delivering Sustainable Development (PPS1)- Promotes sustainable development as well as mixed use development, offers guidance on the operation of the plan led system and considerations to be taken into account in determining planning applications.

Planning Policy Guidance Note 2: Green Belts (PPG2) - 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. The re-use of buildings is not inappropriate development providing: it does not have a materially greater impact than the present use on the green belt; strict control is exercised over extensions and associated uses of land surrounding the buildings; the buildings are of permanent construction and are capable of conversion without major or complete reconstruction; and the form, bulk and design are in keeping with their surroundings.

Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) - Supports the re-use of appropriately located and suitably constructed buildings in the countryside where this would meet sustainable development objections.

Planning Policy Guidance Note 13: Transport (PPG13)- Sets out the objectives to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

Planning Policy Statement 23: Planning and Pollution Control (PPS23)- Gives guidance on the relevance of pollution controls to the exercise of planning functions, including contaminated land and air quality.

Planning Policy Statement 25: Development and Flood Risk (PPS25)- Aims to ensure that flood risk is taken into account in the planning process to avoid inappropriate development in areas at risk of flooding and seeks to direct development away from areas at highest risk. Where new development is necessary in such areas, it aims to make it safe without increasing flood risk elsewhere and where possible, reducing flood risk overall. It sets out the importance the Government attaches to management and reduction of flood risk in the planning process.

Draft Local Plan policy SP6 - Development will be concentrated on brownfield land within the built up urban areas of the city and urban extensions followed by surrounding settlements and selected existing and proposed public to transport corridors. Outside defined settlement limits, planning permission will only be given for development appropriate to the green belt or the open countryside.

Policy GP1 - Development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and vegetation.

Policy GP4a - All proposals should have regard to the principles of sustainable development, including accessibility by means other than the private car.

Policy GP6 - Planning applications for development on sites that may have been contaminated should, as a minimum, include a desk study on the potential for contamination. Should the study indicate the potential for contamination a more

detailed site investigation should be submitted. It should assess risks to the environment and establish remediation objectives for the site.

Policy GP15a - Developers should ensure that the site can be developed, serviced and occupied safely and that discharges from new development should not exceed the capacity of existing/proposed sewers and watercourses.

Policy GB1 - Within the green belt, planning permission for development will only be granted where: (a) the scale, location and design would not detract from the open character of the green belt; (b) it would not conflict with the purposes of including land within the green belt; and (c) it would not prejudice the setting and special character of the City of York; AND it is for one of a limited number of particular purposes, including reuse of existing buildings. All other forms of development within the green belt are considered inappropriate. Very special circumstances will be required to justify instances where this presumption against development should not apply.

Policy GB3 - Outside defined settlement limits the reuse of buildings in the green belt will be granted provided: it does not have a materially greater impact than the present use on the openness of the green belt; the buildings are of permanent construction and are capable of conversion without major or complete reconstruction; the reuse will not require extensive alteration, rebuilding or extension; the form, bulk and design are in keeping with their surroundings; the buildings are not close to intensive livestock units or other uses that may result in a poor level of amenity for the occupiers; and there is a clearly defined curtilage.

Policy GB11 - Planning permission will only be granted for new industrial and business development outside defined settlement limits in the green belt where (a) it involves the re-use or adaptation of an existing building or is for a small-scale extension to an existing building; and (b) it provides a direct benefit to the rural economy and the local residential workforce.

Policy NE6 - Where a proposal may have a significant effect on protected species or habitats applicants will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures. Planning permission will only be granted that would not cause demonstrable harm to protected species.

The Application Site

4.3 The site is a former intensive pig farm that has been vacant and unused since the business ceased operation in 2000. The site contains approximately 30 buildings, most of which were erected under agricultural permitted development rights and for the specific needs of the pig rearing business. The buildings have become increasingly dilapidated since the pig farm ceased operating. The total footprint of buildings on the site is 4676sqm. The site does not constitute brownfield land as defined in PPS3.

4.4 The site lies to the north-west of Holtby village and is within the green belt. The site abuts the settlement limit of the village, which is washed over by the green belt. The south-west side of the site abuts three dwellings fronting Holtby Lane. The other three sides of the site abut open countryside.

Impact on the Green Belt

4.5 The main issue is the impact of the proposal on the openness of the green belt. The re-use of buildings inside the green belt is not inappropriate development (as defined in PPG2) providing a number of strict criteria are met. In this case the most

relevant test is whether 'the buildings are of permanent construction and are capable of conversion without major or complete reconstruction'.

4.6 Whether or not the buildings can satisfy this requirement will partly depend on the type of storage proposed and the standard the applicant intends to provide. Most of the buildings are in very poor condition. The application is supported by a building alteration schedule. Whilst it lists the repairs/alterations that would be required for each building it appears cursory and does not specify the type/standard of building the applicant is intending to provide or a typical occupier profile. The applicant argues that he cannot provide further details because the units would be speculative and therefore he does not know, at this stage, who would occupy them. Officers consider that the Council cannot judge whether the buildings are 'capable of conversion without major or complete reconstruction' without further information about the nature of the proposed use and/or the end user, particularly bearing in mind the very poor condition of the buildings.

4.7 Officers are not yet convinced that any of the buildings are capable of being used at all, other than for the most basic types of storage. This conclusion has been reached partly from site visits (including with the applicant's building surveyor) and partly from the appeal Inspector's findings in 2005. At para 32 et seq of her report she paraphrases the applicant's own case made at the inquiry. She says (para 35):

'The relatively small individual size of many of the buildings, their poor condition after nearly 5 years of non-use [as at 2005], their generally restricted heights, their type of construction, and the cost of repair, alterations and improvements, including the provision of modern services, would make their use for a commercial purpose inappropriate and uneconomic.'

4.8 The Inspector goes on to say, again paraphrasing the applicant (para 48):

'There is no reasonable prospect that the existing building complex can be re-used for an agricultural purpose or converted for other uses.'

4.9 Since the applicant made that case in 2005 there appears to have been no effort made to protect the buildings or to prevent further deterioration. In the conclusions to her report the Inspector states (para 124):

'Apart from the large pole barn (building 29) and, possibly, the adjoining large dry sow yards (buildings 27 & 28) there is very little, if any, possibility of an alternative agricultural use, and in the case of these buildings probably only low-grade storage. The size, form, layout and condition of the other buildings and structures make their re-use for any other purpose negligible.'

4.10 Officers agree with the Inspector's conclusions that the buildings (except possibly nos 27, 28 and 29) are realistically incapable of re-use. The application therefore fails the criteria in para 3.8 of PPG 2 and constitutes inappropriate development which, by definition, is harmful to the green belt.

4.11 The applicant disagrees with this position. Further he argues that, irrespective of the Inspector's conclusions, information about the works required to bring the

buildings up to standard is unnecessary because the buildings could not be demolished and redeveloped without further consent being granted by the local planning authority. This view is considered to be too simplistic. If the application were approved, and the buildings were subsequently found to be unsuitable for re-use, the Council would have difficulty resisting pressure to demolish and rebuild, despite such a course being contrary to green belt policy. Officers consider that the Council would therefore be remiss if it granted planning permission without being satisfied that the proposals were sufficiently detailed to ensure that the buildings were indeed capable of conversion, for the proposed use, without major or complete reconstruction, as required by PPG2.

4.12 PPG2 states that inappropriate development should only be approved in very special circumstances. In the case of the current application the applicant argues that the proposal would remove a local eyesore that has become a major detractor to the setting of the village. This argument was made by the applicant at the 2005 inquiry into the 'work from home' units. It was also the main reason why the North East Area Sub-Committee was minded to approve the scheme prior to it being called in by the Secretary of State. Following their consideration of the application Members resolved:

'That given the potential for enhancing the derelict appearance of the site which would result from redevelopment, the application be approved subject to approval from the Secretary of State and to conditions to be agreed by Members at the next meeting of the Sub-Committee'.

4.13 The inquiry Inspector took a different view. She concludes (para 125):

'Realistically, if the application were to be refused the most likely outcome would be little change to the appearance and condition of the site, the slow deterioration of the built structures, the possible agricultural storage use of the large barn and adjoining buildings and the growth of rough grasses and invasive scrub in the remaining open areas. It is quite possible that the site would be the scene of fly-tipping and other anti-social behaviour, but this likelihood and risk is faced by all owners of unused sites, in rural or urban areas. Equally the risks to the environment and public health of the remaining slurry pits and other possibly polluting materials are a responsibility of the site owner. In my view their removal can be given little weight in assessing the public benefits of the proposal.'

4.14 The Secretary of State agreed with the inspector's view and found that such consequences did not amount to very special circumstances that would outweigh the presumption against inappropriate development in the green belt. It is considered that the Secretary of State's conclusions in this respect are equally applicable to the current application.

4.15 Despite the intensive character of the previous use, the agricultural activity would have appeared low-key and intermittent. Whilst the current proposal would improve the appearance of the buildings and tidy up the site the proposal would bring with it other uses including car parking, lighting, external storage, refuse facilities, signage and security measures such as entry gates, boundary fencing and CCTV. So whilst the appearance of the buildings would improve, the associated

uses would give the site a more commercial character thereby reducing the perceived openness of the site, to the detriment of the green belt.

Highway Issues

4.16 The site is in an unsustainable location with no public transport within 750m of the site, poor footways/lighting, no shops within the village and few residential dwellings within 5km cycling distance. Traffic flows in the area are already significant and the site is surrounded by narrow, winding local roads, which are already hazardous and subject to rat-running between the A166 and the A64. Bearing in mind these constraints the council would not wish traffic levels generated by any new use to exceed the traffic levels generated by the pig farm. Traffic associated with the proposal appears to be the greatest concern of local residents.

4.17 The applicant has carried out a highway assessment of the traffic likely to be generated by the re-use of the site. It compares these movements with those of the previous use as a pig farm. However, the assessment as currently submitted is unsatisfactory in a number of respects. Whilst the applicant has said that the number of pigs on the site at full operation was 6000, the highway statement assumes 10000-15000. Notwithstanding this discrepancy, the traffic movements assumed in the assessment and given by the applicant appear very high and have been dismissed as unrepresentative by a number of local residents who recall the previous use. The applicant has been asked to revisit his calculations and assumptions about the pig operation. The applicant's response is that he will not be commenting further because he feels that the documentation submitted to date is clear.

4.18 Notwithstanding these shortcomings, the assessment shows that the volume of traffic expected would result in a 6 to 7 fold increase over the previous use. PPG13 encourages local planning authorities to promote employment in rural areas. Nevertheless, in the absence of realistic sustainable alternatives to the motor car, permitting the proposed use is likely to add to the volumes of traffic passing through the village and along the narrow/winding rural roads. The proposal is at odds with the council's transport strategy, which seeks to promote development in areas where alternative sustainable transport choices are readily available.

4.19 The use the buildings for goods storage only is likely to be more acceptable in terms of traffic than the mixed use initially proposed. Nevertheless the applicant should still demonstrate that forecast vehicle trips would not exceed the levels associated with the former use as a pig farm, particularly as the highway statement was based on an element of light industrial use. Moreover, the level of car parking would need to be markedly reduced and the applicant would need to provide further information about access, loading/unloading facilities and turning areas. The applicant has made no response to the request for further information about the traffic movements associated with the proposed use.

Visual Appearance

4.20 The buildings are closely spaced, generally low in height and of typical agricultural appearance. Despite the intensive character of the previous use the agricultural activity is likely to have appeared, from outside the site, low-key and intermittent. The current proposal would improve the appearance of the buildings

and tidy up the site. Nevertheless, the visual impact of these improvements would not be significant from outside the site (other than removal of feed hoppers) because most of the site is well screened from surrounding public viewpoints (This is why the council has not used its statutory powers under section 215 to improve the site's appearance).

4.21 However, the proposal would bring with it other uses including car parking, lighting, external storage, refuse facilities, signage and security measures such as entry gates, boundary fencing and possibly CCTV. Furthermore, non-agricultural storage within the pole barn (the most prominent building on the site) would be easily visible from adjacent highways. So whilst the appearance of the buildings would improve, the associated uses would give the site a more commercial character that would be out of keeping with the character and appearance of the village and surrounding area.

Drainage

4.22 Whilst the risk of river flooding is low (the site is in zone 1) the ground includes sandy/silty clay and is likely to be unsuitable for soakaways. Currently there are no surface water sewers within the site but it is understood that surface water discharges to a watercourse on the south side of the site. Residents refer to localised flooding in the area. A flood risk strategy has been submitted which states that a drainage survey would be undertaken and that surface water would discharge to a watercourse at no more than 1.4 litres/second/hectare. This rate of discharge is acceptable. However, Osbaldwick Beck is at capacity. The scale of development may cause or exacerbate flooding if surface water run-off is not effectively managed. Insufficient information has been submitted to determine the potential impact the proposals may have on the existing drainage systems. A flood risk assessment is therefore needed but none has been submitted, contrary to national guidance in PPS25.

Contamination

4.23 The geoenvironmental investigation report submitted with the planning application confirms that contamination may be present on the site. The report includes details of a site walkover and a desktop study. No soil sampling appears to have been undertaken, therefore the amount and type of contamination is not currently known. Due to the former use of the site as a pig farm, hydrocarbons, pathogens, metals and asbestos contamination may all be present. PPS23 recommends refusal in such cases until sampling has been carried out and remedial measures have been identified. However, the Inspector at the 2005 appeal considered that contamination at the site could be dealt with as a condition of approval. Therefore, the lack of information supplied with the application is not among the recommended reasons for refusal. If members are minded to grant consent for the current application it should be subject to the council's standard contamination conditions.

Sustainability

4.24 The site is in an unsustainable location as described above. Whilst in some cases reuse of buildings can be the most sustainable development option, in this case the buildings are in very poor condition. Depending on the proposed use the works to the buildings may need consent under the Building Regulations, which

would bring about improvements in insulation and energy use. But to date the applicant has not submitted sufficient information about the proposed uses or users to assess the site's environmental performance.

Bio-Diversity

4.25 The site is within 300m of a pond in which great crested newts have been recorded. The site itself has possible habitat features. Whilst there is insufficient justification for a full newt survey a newt mitigation condition should be attached if members are minded to grant planning permission. Such a condition would ensure that any potential impact on newts is minimised

Employment

4.26 PPS7 supports the re-use of appropriately located and suitably constructed buildings in the countryside where this would meet sustainable development objections. Re-use for economic development purposes is usually preferable. The storage use would create some employment but it is likely to be very small and outweighed by the impacts on the green belt. On balance, the benefits of the proposal on the local economy are not sufficient to justify approval.

Crime

4.27 There is no evidence to support the argument that re-use of the buildings would materially increase the incidence of crime in the local area.

Persimmon Homes

4.28 Whilst the applicant is the long-time owner of the site the design and access statement says that the proposal would provide an industrial estate for Persimmon Homes. The applicant says that the authors of the statement made a mistake in referring to Persimmon. The identity of the applicant and any persons with interest in the site is irrelevant to the determination of the application.

5.0 CONCLUSION

5.1 The application site is in the green belt where there is a strong presumption against inappropriate development. The proposal is considered to constitute inappropriate development in the green belt contrary to PPG2 and relevant policies of the Draft Local Plan. Furthermore, insufficient information has been submitted regarding traffic impact, sustainability and drainage.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 It is considered that the nature and scale of the proposed development and the associated uses of the land, together with the prominent location of the site, would give the site an overtly commercial character, out of keeping with the rural character of Holtby village and the surrounding area, contrary to national planning advice contained within Planning Policy Statement 1 ("Delivering Sustainable Development") and policy GP1 of the Draft City of York Local Plan.

2 It is considered that the nature and scale of the proposed development and the associated uses of land, together with the prominent location of the site, would have a materially greater impact than the present use on the openness of the Green Belt. The proposal therefore constitutes inappropriate development in the Green Belt, contrary to national planning advice contained within Planning Policy Guidance Note 2 ("Green Belts") and policies SP6, GB1 and GB3 of the Draft City of York Local Plan.

3 The applicant has not demonstrated to the satisfaction of the Local Planning Authority that the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction. The proposal therefore constitutes inappropriate development in the Green Belt, contrary to national planning advice contained within Planning Policy Guidance Note 2 ("Green Belts") and policies SP6, GB1 and GB3 of the Draft City of York Local Plan.

4 The site is in a remote location with inadequate cycle and pedestrian facilities within the adjacent public highway network and lack of convenient public transport connections. Bearing in mind these local constraints the applicant has not demonstrated that the proposal constitutes a sustainable form of development in accordance with national planning advice contained within Planning Policy Guidance Note 13 ("Transport") and policy GP4a of the Draft City of York Local Plan.

5 The site is directly served by a derestricted and unlit road with no dedicated cycle and pedestrian facilities. Bearing in mind these local constraints the applicant has not demonstrated that the proposal is suitable in terms of highway safety and security, having particular regard to its year-round use with associated traffic movements into/out of the site during the hours of darkness.

6 Insufficient drainage details have been submitted to show how foul and surface water generated by the proposal would be properly attenuated and how flood risk from all sources to the development itself and to others will be managed. The application therefore conflicts with the national planning advice contained within Planning Policy Statement 25, policy GP15a of the Draft Local Plan and the council's adopted Strategic Flood Risk Assessment.

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