

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 13 August 2009  
**Ward:** Strensall  
**Parish:** Stockton-on-the-Forest  
Parish Council

**Reference:** 09/00845/FUL  
**Application at:** Warehouse And Premises Malton Road Stockton On The Forest  
York YO32 9TN  
**For:** Change of Use of Existing Agricultural Building into a Waste  
Sorting Station  
**By:** Mr Lea Barker  
**Application Type:** Full Application  
**Target Date:** 21 July 2009

### 1.0 PROPOSAL

1.1 This is an application for the change of use of an existing agricultural building into a waste sorting station at the above site. Members may be aware that a retrospective application for the use of an area of land to the east of this site was withdrawn in April 2009 following advice that the use of the site was unlikely to be acceptable in planning terms. The applicant is still operating from the unauthorised site pending the outcome of this planning application.

1.2 The site is located to the north-east of York. Parkers Pig Farm is located and accessed from the east side of Malton Road. The application site forms part of an area that is occupied by a number of buildings and uses, a range of buildings across the middle of the site having been granted permission for industrial use in January 2007. Some of the other uses of the land appear to be operating without the benefit of formal planning permissions.

1.3 The proposal is for a skip hire and waste sorting station. It involves the use of a redundant agricultural building, which has been more recently used for the production of bio-diesel, on the south side of the site. The building occupies an area of 1700 square metres and is large enough to accommodate approximately 20 to 30 skips allowing sufficient manoeuvring space for the transportation vehicles. The business involves the collection of full skips and the manual sorting of the skips into the various reclaimable waste types and transfer into receptacle skips ready for transportation to larger collection and recycling points and transfer stations. The waste consists of dry materials, mostly from construction trade but also some industrial and domestic non-hazardous and non-liquid wastes. Once sorted the materials are transported to larger collection and recycling points and transfer stations.

1.4 The former agricultural building is a steel framed structure which has been extended and altered. The building is clad with profiled sheet steel in dark green with a brick wall below standing to 1.7 metres. The main entrance to the building is a roller shutter door at the centre of the north east elevation.

## Planning History

1.5 The following applications are considered to be relevant to the current proposal and relate to developments granted within the former pig farm site:-

- Outline planning permission for employment development with associated access and parking was refused on the site in April 2003 and subsequently dismissed on appeal in June 2004.
- Change of use of redundant farm buildings to general industrial (Class B2) and storage/distribution (Class B8) use was approved in 2007 for a range of building located within the central part of the pig farm site.
- No objections were raised to the construction of an agricultural building under the AGNOT(Agricultural Notification) process in 2007.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGB3  
Reuse of buildings

CYGP11  
Accessibility

## 3.0 CONSULTATIONS

### INTERNAL

Highways Network Management - Point out that the bus service to the site is not regular - there is one bus four times a day. The verge crossings at the accesses are not laid out to a formal bonded construction and this has resulted in an uneven and potholed surface and some trafficking of loose materials onto the main carriageway of the trunk road. It is anticipated that the Highways Agency will seek to control these issues.

Environmental Protection - No objections. The hours of use proposed are unlikely to affect the amenity of nearby residents, the building is constructed of an inner wall of breeze blocks and an outer wall of bricks up to a height of approximately 1.5 metres with the upper part of a single skin cement sheet. Between the nearest resident and the building there is a single storey pig shed running continuously. The sorting will not happen all day every day I would recommend that the sorting of materials is done as near to the entrance as possible in order to give additional sound insulation from the nearest properties.

## EXTERNAL

Highways Agency - No objections in principle on the basis that the land use classification is formalised and that any intensification is applied for. The Highways Agency does not accept the assertions within the Design and Access Statement that the previous use of the site sets a precedent for this use.

## 4.0 APPRAISAL

### 4.1 Key Issues

- The principle of the development within the green belt
- Highways
- Impact on neighbouring amenity
- Drainage
- Other matters

4.2 Paragraph 3.7 of Planning Policy Guidance Note2 (PPG2) Green Belts (1995) states that with suitable safeguards, the re-use of buildings should not prejudice the openness of Green Belts, since the buildings are already there. It can help to secure the continuing stewardship of land, especially by assisting farmers in diversifying their enterprises, and may contribute to the objectives for the use of land in Green Belts. The alternative to re-use may be a building that is left vacant and prone to vandalism and dereliction.

4.3 Paragraph 3.8 continues by adding that the re-use of buildings inside a Green Belt is not inappropriate development providing:

(a) it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;

(b) strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it (e.g. because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing);

(c) the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and

(d) the form, bulk and general design of the buildings are in keeping with their surroundings (Conversion proposals may be more acceptable if they respect local building styles and materials, though the use of equivalent natural materials that are not local should not be ruled out).

4.4 Paragraph 3.9 continues by adding that even if these criteria are not met or there are other specific and convincing planning reasons for refusal (for example on environmental or traffic grounds), the local planning authority should not reject the proposal without considering whether, by imposing reasonable conditions, any objections could be overcome. It should not normally be necessary to consider whether the building is no longer needed for its present agricultural or other purposes.

4.5 Policy GB3 of the City of York Draft Local Plan (CYDLP) reflects the advice within PPG2

4.6 Central Government advice contained within Planning policy Statement 7 ("Sustainable Development in Rural Areas") (PPS7) recognises that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises. It states that Local Planning Authorities should set out in local development documents the criteria to be applied to planning applications for farm diversification, be supportive of well-conceived farm diversification schemes for business purposes that contribute to sustainable development objectives and help to sustain the agricultural enterprise, and are consistent in their scale with their rural location and where relevant, give favourable consideration to proposals for diversification in Green Belts where the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Where farm diversification proposals in the Green Belt would result in inappropriate development in terms of PPG2, any wider benefits of the diversification may contribute to the 'very special circumstances' required by PPG2 for a development to be granted planning permission. PPS7 goes on to say at Paragraph 31 that a supportive approach to farm diversification should not result in excessive expansion and encroachment of building development into the countryside. Planning authorities should:

- (i) encourage the re-use or replacement of existing buildings where feasible, having regard to paragraphs 17-21; and
- (ii) have regard to the amenity of any nearby residents or other rural businesses that may be adversely affected by new types of on-farm development.

4.7 Paragraph 17 sets out criteria to be considered when drawing up policies for LDF documents in relation to the re-use of rural buildings these are:-

- the potential impact on the countryside and landscapes and wildlife;
- specific local economic and social needs and opportunities;
- settlement patterns and accessibility to service centres, markets and housing;
- the suitability of different types of buildings, and of different scales, for re-use;
- the need to preserve, or the desirability of preserving, buildings of historic or architectural importance or interest, or which otherwise contribute to local character.

4.8 Policy GB11 of the CYDLP says that permission will only be granted for new industrial and business development outside defined settlement limits in the green belt and open countryside where it involves the re-use or adaptation of an existing building and it provides a direct benefit to the rural economy and the local residential workforce.

#### Principle of the Development

4.9 The proposal is to use the existing building to house all the skips and the skip wagons so that sorting of waste, emptying of skips, turning of vehicles and storage of waste is all undertaken within the building. In terms of the openness of the Green Belt the only visible element of the proposals will be the coming and going of vehicles to the site and the visitor parking which is located to the front of the building. The existing structure forms part of a cluster of buildings that have formerly been used for agriculture. The external areas of the former Parkers Pig Farm are very cluttered and there is much outside storage not associated with the application site but for which officers are unclear about whether there is any planning permission. It is important that the proposal is judged against the context of the existing structures, rather than other activities which officers are unclear about in terms of their lawfulness. On this basis it is considered that the principle of the development accords with the advice within PPG2, PPS7 and the CYDLP in that it will not have a materially greater impact than the present use on the openness of the Green Belt and it involves the re-use/adaptation of an existing building. Conditions will be necessary to ensure that the operation of the site is carried out inside the building.

#### Highways

4.10 The design and access statement supporting this application says that there will be in the region of 15 deliveries to the site per day. There will also be 3 people employed at the site. The site is served directly off the A64 trunk Road, and the highway authority for the site is therefore the Highways Agency. The Highways Agency has no objections to the principle of the development on the basis that any intensification of the use of the site is applied for separately. No conditions are suggested to control of the development or to require the upgrade of the entrance to the site from the trunk road. The Council's Highways officers make reference to the possible need to improve the existing verge crossing, however in the absence of a requirement from the Agency for such a condition it is not proposed to make this requirement of any planning permission. It is, however, proposed to limit the number of skips which can be kept at the site to 30 to ensure, in accordance with the Agency's requirements, that the use of the site is not intensified without further permission being sought.

#### Impact on Neighbouring Amenity

4.11 Adjacent to the site is a cluster of residential dwellings which are or have formally been associated with the agricultural use of the surrounding area. The nearest dwelling is a detached bungalow known as 'Gardenia'. This property is located to the west of the site approximately 35 metres away. The Environmental Protection Officer considers that because of the position of intervening buildings between the bungalow and the application site there will be no adverse impact on

the amenity of the occupiers of the bungalow. Initially the Environmental Protection Officer requested a condition which would require skips to be sorted near to the front of the building. Such a condition would be difficult to enforce and further clarification has been sought as to whether without this condition they would still support the application. Environmental Protection have subsequently confirmed that they are confident that noise from the proposed business will not affect the amenity of the nearest residential property but ask that an informative be attached advising that sorting of materials should be carried out towards the front of the building. Officers consider that a condition controlling the times of operation of the business within the building will be the more effective in preventing disturbance to neighbours.

## Drainage

4.12 The Environment Agency have not raising any objections to the proposal subject to a condition which requires details of how the disposal of foul drainage will be addressed. The Foss Internal Drainage Board recommend conditions to control surface water drainage; however the proposal does not involve any new hard surfaces and therefore surface water drainage will not be affected by the proposals.

## Other Matters

4.13 The site is currently operating from a compound located on an open site on the east side of the Parkers pig farm site. There is no planning permission for the current operation and the site has no licence to operate from the Environment Agency. It is necessary to ensure that the existing use ceases to operate because the site is located within the Green Belt and the waste transfer station is considered to conflict with Green Belt policies. The removal of the compound will need to be secured through formal enforcement action unless this application is successful and the compound is removed from the site following its implementation. An informative has been included requiring the existing compound be removed within two months of the date of the permission, failing which formal enforcement action will be considered.

## **5.0 CONCLUSION**

5.1 Judging the proposal against the context of the existing structures, it is considered that the principle of the development accords with Central Government advice contained within PPG2 and PPG7 and Policies GB3 and GB11 of the CYDLP in that it will not have a materially greater impact than the present use on the openness of the Green Belt, and it involves the re-use/adaptation of an existing building.

5.2 Conditions are proposed to ensure, among other things, that the operation of the site is carried out inside the building, that the hours of the use are controlled and that a maximum of 30 skips are stored within the building. With these conditions it is considered that the proposal can be operated without impact on the adjacent highway network or without detriment to adjacent residential properties.

## 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 and other submitted details:-

Drawing No.BAR-162-01-02 rev A dated May 2008  
Design and Access Statement dated 8th May 2009

or any plans or details subsequently agreed in writing by the Local Planning Authority as an 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 No parts, containers, waste materials or equipment connected with any process undertaken on the premises shall be placed or stored on any part of the site other than within a building.

Reason: To protect the openness of the Green Belt and the appearance of the site.

4 No more than 30 skips shall be kept within the building at any one time.

Reason: In order to restrict the scale and intensity of the use in the interests of highway safety

5 The hours of operation of this approved use shall be confined to 0800 hours to 1700 hours Mondays to Fridays, 0800 hours to 1200 hours Saturdays, with no working on Sundays and Bank Holidays.

Reason: To safeguard the amenities of adjoining occupants.

6 The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved in accordance with a timescale to be agreed as part of the submitted scheme.

Reason: To protect the surface and ground water quality from pollutants and to accord with the advice contained within Planning Policy Statement 23: Planning and Pollution Control.

### 7.0 INFORMATIVES: Notes to Applicant

## 1. EXISTING SITE COMPOUND TO THE EAST OF PARKERS PIG FARM

You are advised that unless the existing compound from which the site currently operates is vacated and cleared of all materials, fencing and surfacing associated with the use within 2 months of the date of this permission, formal enforcement action will be considered to secure the cessation of the use.

## 2. 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 impact upon the openness of the Green Belt, highway considerations, and the impact on residential amenity. The application relates to the re-use of an existing building, and no objections are raised by the Highways Agency or by the Council's Environmental Protection Unit. As such the proposal complies with Policies GB3 and GB11 of the City of York Development Control Local Plan.

### **Contact details:**

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