

## COMMITTEE REPORT

**Date:** 21 October 2010                      **Ward:** Rural West York  
**Team:** Major and Commercial      **Parish:** Askham Bryan Parish Council  
Team

**Reference:** 10/01663/FUL  
**Application at:** Os Field 0011, to the NW of Askham Bryan Lane Askham Bryan York  
**For:** Erection of farm shop and tea room with associated parking and landscaping (resubmission)  
**By:** AP And JE Sykes  
**Application Type:** Full Application  
**Target Date:** 22 September 2010  
**Recommendation:** Approve

### 1.0 PROPOSAL

#### APPLICATION SITE

1.1 The application site is a field to the NW side of Askham Bryan Lane, immediately SW of Lorrenger Lane. It is situated around 360m from the defined settlement limit (extent of built-up area as identified in the Local Plan) of Woodthorpe and around 750m Askham Bryan. The site is within the green belt. The land to the NW and SW of the site form part of the applicant's agricultural holding. There is woodland to the east of the site, which screens the outer ring road from the site. Askham Bryan Lane is slightly elevated in comparison to the application site and land to the NW. From the lane there are views looking NW across the open countryside. The land is generally flat, of agricultural fields bounded by hedgerows.

#### PROPOSALS

1.2 Planning permission is sought for a farm shop building and associated car parking spaces, service/deliveries area behind the building and landscaping. The proposed building would be 435 sq m in area and a new vehicle entrance to the site would be formed from Askham Bryan Lane.

1.3 The farm shop would sell fruit, vegetables and meats sourced from the applicant's farm and imported regional produce. It would also have a cafe area. The development would be located on the applicants agricultural holding. The main farm buildings lie around 1.2km to the north of the application site, and are accessed directly from the outer ring road. The farm presently is a mix of arable and livestock, it operates a pick your own operation, and also sells fruit and vegetables grown on the farm directly to the public. There is an element of wastage involved with the pick your own, which could be made into jams/chutneys to be sold in the proposed shop. It is envisaged the operation could employ 7 persons on a full-time basis and 13 part-time. It is also suggested there could be links with Askham Brian college. Their glasshouses can be used to grow produce, students could benefit from work experience in management of the shop, and their products could be sold to the

public. The latter would reduce waste and aid the development of students. It is also stated that the site could potentially provide an allotment for public use.

## SITE HISTORY

1.4 Planning permission was refused earlier in 2010 (application 10/00273/FUL) for a farm shop at this site. The grounds for refusal were:

- The shop would sell goods imported from elsewhere, the proposed location for such a retail premises was not sequentially preferable as the shop would be within the green belt, and not within an existing settlement. Contrary to PPS4 and of the Local Plan (DLP) policies SP6 and GB12.
- Because the site was in the green belt the type of development was inappropriate. It would also have a material detrimental impact on the openness of the green belt. As such the proposal was contrary to PPG2 and policies GB1, GB12, SP2, SP3 and SP6 of the DLP.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

CYSP1	General principles allowing permission
CYSP2	The York Green Belt
CYGB1	Development within the Green Belt
CYGB12	Shopping development outside settlement limits
CYSP6	Location strategy
CYGGP1	Design

## 3.0 CONSULTATIONS

City Development

3.1 Officers report that farm shops are generally encouraged in planning policy, provided they are ancillary to the main farm use. Officers request that no more than 15% of sales are due to imported goods, otherwise the premises would represent a convenience store in the green belt which would be inappropriate under planning policy. The 15% figure has been used at other sites in the city, and by other Local Authorities.

Design, Conservation and Sustainable Development

### Landscape Officers

3.2 There is a mature Oak tree near the service yard which it would be desirable to maintain. In order to do so, the development should not impact on the rooting zone of the tree, which will be quite far-reaching. Sections show that the ground level is slightly reduced to form a level for the building. It is requested there are no level changes immediately in front of the hedge, nor within the root protection zone of the

Oak and the service yard should be of porous construction, so that the ground conditions are not greatly changed within the area of influence for the hedge and trees.

3.3 The site is located within the greenbelt. The proposed farm shop is set back from the road. It has been revised since the last scheme, to form an L shape. This reduces its visual impact from the road due to the reduced length. The building has a low profile with metal roofing and the façade includes vertical timber board cladding, thus making references to agricultural barns. Provided the timber is not stained, it will weather and tone down to a silver-grey which will not look out of place in this agricultural landscape, especially against the backdrop of existing trees. Thus the design and scale of the building is suitable for a greenbelt situation.

3.4 The overall development would have a slight bearing on the open character of the greenbelt because it introduces a building, signage, lighting, hard surfacing, and cars into a pleasant stretch of rural agriculture close to the edge of the city where there are currently none within the intervening open landscape between Askham Bryan village and Askham Lane roundabout. There is an increase in the illustrated vegetation between the road and the overflow parking, which will provide greater screening (although reduce the openness of the site).

#### Countryside Officers

3.5 It is recommended that existing trees, which provide habitats and opportunities for bats foraging, be protected. If the hedgerow along Askham Bryan Lane is to be replanted, the new hedge should be of species rich hedgerows common to the area. If there is going to be a wider verge here as a result of moving the hedge back, then the verge could also be reseeded with a wildflower mix. This would help to further enhance the biodiversity value of the area. Should permission be granted the lighting levels/location would need to be controlled.

#### Highway Network Management

3.6 Consider that the scheme would not have a material impact on highway management. However it has been requested that sightlines at the customer entrance are 4.5m by 90m to the NE and 160m to the SW. In order to achieve this, the hedge could be relocated further away from the lane. Any vegetation in the subsequent area between the hedge and lane would need to be kept below 1m high.

#### Foss Drainage Board

3.7 As it is proposed to deal with surface water run-off via soakaways it is asked that soakaways be demonstrated to work, to BRE standards, and if not an alternative solution be implemented that ensures there is no increase in surface water run-off.

#### York Natural Environment Panel

3.8 The panel supports the diversification of farms to support the farm income and hence would support a convincing rural farm shop selling farm and local produce only. However the panel would not support an 'out of town' shop that sells farm produce as an excuse to have it in that location, i.e. it would have no merit above

other out of town shops. The panel are not convinced such a development would be an asset, rather an intrusion due to the paraphernalia that accompanies the shop/café/play, including lighting, signs, and big parking areas.

Askham Bryan Parish Council

3.9 No objection, but consider there should not be a material impact on traffic through the village.

Publicity

3.10 Four objections from other farm shops/similar shops have been received, from Bubwith, Green Hammerton, Colton and a farm in Acaster Malbis which sells fruit/vegetables. The concern being that due to the scale of this premises, it would have an adverse impact on other businesses. In particular it would be detrimental to farm shops which only sell their own produce, as customers would favour the proposed shop which would offer a wider mix of goods, by importing goods from elsewhere.

3.11 Two letters in support have been received on the grounds that such a business would be welcome in the area.

#### **4.0 APPRAISAL**

##### **4.1 KEY ISSUES**

- The principle of the proposed development
- The openness of the green belt
- Whether special circumstances can be demonstrated
- Sustainable construction
- Highway safety

#### **RELEVANT NATIONAL AND REGIONAL PLANNING POLICY**

PPG2: Green Belts

4.2 PPG2 Establishes the purposes of green belts, advises what type of development is acceptable, and maintains a presumption against inappropriate development.

PPS4: Planning For Sustainable Economic Growth

4.3 PPS4 establishes planning policies for economic development. The overarching objective is to achieve sustainable growth.

PPS7 Sustainable Development in Rural Areas

4.4 The policy has in part been replaced by PPS4. The remaining text of the farm diversification section (paragraph 31) advises a supportive approach to farm diversification where it would not result in excessive expansion and encroachment of built development into the countryside.

## THE PRINCIPLE OF THE PROPOSED DEVELOPMENT

4.5 The site is within the green belt. PPG2 lists the types of development that are acceptable in the green belt (these are re-iterated in policy GB1 in the Draft Local Plan - DCLP). Other development is deemed inappropriate, which is by definition harmful to the green belt. Inappropriate development may only be approved when the applicant can demonstrate 'very special circumstances', that outweigh the harm to the green belt. Whilst buildings for agricultural use can be appropriate development, a shop would not necessarily fall under this criteria. Shops can be ancillary to agriculture when they sell unprocessed goods originating from the farm. Development is inappropriate when imported produce and processed packaged goods sold mean the ancillary element is lost. In such cases, the scale of any new building from which even home-grown produce is sold, and its impact on the openness of the green belt, is a material factor.

4.6 Policy EC6 of PPS4 advises that in rural areas economic development in the open countryside should be strictly controlled. New development should be within, or at the edge of settlements. EC6 advises farm diversification schemes can be supported where their scale and environmental impact are acceptable. Part EC13 of the PPS goes on to state that farm shops should be supported where they meet a demand for local produce in a sustainable way.

4.7 Policy GP12 of the DCLP refers to shopping developments (including farm shops) in the green belt. It states that such developments will only be acceptable when it can be demonstrated that potential locations in existing centres have been assessed and the development is also - small in scale and ancillary to an existing use (such as agriculture), it involves the re-use of existing buildings and when it would not undermine the vitality and viability of the city centre and local centres. This is broadly in-line with national policy in PPS4. In this case it is undesirable to use an existing building at the farm. There would be safety issues, as access is from the outer ring road, and customer movements onsite would conflict with the day to day operations of the farm.

4.8 The proposed shop (and the cafe) would sell goods from the host farm and processed goods that are created and packaged onsite, and where the predominant ingredient is primary to the farm. However it is also the applicants intention to sell imported goods. The application is made on the basis that the applicants propose that no more than 15% of their sales would be from the sale of imported goods. The figure of 15% is deemed necessary to ensure the farm shop is primarily an outlet for produce originating from the agricultural holding, and is not a shop which sells a significant amount of imported goods, as the latter would be deemed inappropriate on policy grounds (see reasons for refusal of previous scheme in 1.4). Through the use of a planning condition, the type and amount of goods that would be sold can be controlled, and records made available for scrutiny if this were queried in future. Provided the predominant amount of sales, i.e. at least 85%, were of produce of the farm, the proposed use in principle would not be inappropriate development in the green belt.

4.9 Whilst the applicants agree to the 85% figure, it is proposed to sell goods such as bread and cakes. It will take 2 years, to allow for crop rotation, before these items

can be produced at the holding without importing the primary ingredients. As such, and because it is commercially desirable that if the shop were to open, it would have a wide a range of products as possible, the applicants ask that a 2 year lead-in time be allowed, to enable, during the 2 year period, processed goods (where the process occurs at the holding) to be sold as part of the 85% figure. Whilst it is accepted this would assist in the viability of the premises, the resultant practice would be tantamount to a retail operation, which is not in planning terms an appropriate use in the green belt, with sequentially preferable sites being preferred.

## THE OPENNESS OF THE GREEN BELT

4.10 PPG2 advises that the fundamental aim of green belt policy, and including land in defined green belts, is to keep land permanently open. Openness is the most important attribute of green belts.

4.11 In relation to the previous application, the floorspace of the premises has been reduced to around 420 sq m (internal) from 476 sq m. The proposed building would be single storey and located against the backdrop of trees that line Lorrenger Lane. It would be externally clad in timber boarding and have a metal roof, the intention being to give the building the appearance of an agricultural building. It is considered due to the location, materials, shape and design of the building, it would not appear unduly prominent and not detract from the openness of the green belt.

4.12 The previous scheme was refused due to the visual impact on the green belt. It was not necessarily the proposed building that would effect the openness of the green belt, rather the potential urbanisation of what is presently an open field as a consequence of the associated car parking areas, hardstanding and servicing areas. The amount of car parking has been amended and its location re-configured to mitigate the visual impact. Previously there were 35 spaces on an area of hardstanding, in this application there would be 8 spaces on hardstanding, with extra parking for 35 cars on reinforced grass. Predominantly the 35 spaces would be confined to the edge of the field, concealed by the hedgerow that runs along the edge of the field, so to an extent the apparent openness of the field, when viewed from Askham Bryan Lane, would be maintained. The area of the service yard has also been reduced in area. The means of enclosure, a green coloured herras type fence, would maintain views through, and through a planning condition it can be required that goods are not stored in this area. The landscaping plan (required by condition) is expected to reduce the prominence of the patio area. Overall officers consider there would not be an undue impact on the openness of the green belt.

## SUSTAINABLE CONSTRUCTION

4.13 The application has considered the reduction and re-use of water, the use of renewable energy and sustainable construction techniques involving natural light gain, insulation and use of materials. This element of the scheme is very much welcomed and accords with national policy, in particular PPS1 and policy GP4 of the DLP.

## HIGHWAY SAFETY

4.14 By re-planting the hedgerow along Askham Bryan Lane further in the site, the sight lines requested by highway network management officers can be achieved. There are no other highway safety concerns.

## 5.0 CONCLUSION

5.1 It is considered that provided at least 85% of sales would be from produce originating from the farm the scheme would be acceptable in principle. There would not be an undue impact on the openness of the green belt. As such the scheme would not contradict national policy in PPS2, PSS4 and PSS7 and is consistent with the local plan policies listed in section 2.2. The sale of goods, the use of the overall site and layout, and control of any future extensions to the building can be controlled through conditions.

## 6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans - 09004 - 001, 002D, 003D

3 At least 85% of the annual turnover of the farm shop hereby approved shall derive from sales of produce that has been grown/reared at the agricultural holding and Askham Bryan College. The 85% requirement only includes processed and produced goods where this process has occurred at the holding and the primary ingredient(s) are grown/reared at the holding. A record of sales shall be kept and made available for the scrutiny of the Local Planning Authority should the type/amount of goods sold need clarification at any future date.

*For clarification purposes, the range of meat, fruit and vegetables reared/grown at the holding/the college are listed in the applicants supporting statement (to be supplied).*

Reason: As a shop not selling goods that predominantly originate from the holding would be contrary to policies PPS2: Green Belts and PPS4: Planning For Sustainable Economic Growth.

- 4 No packaged goods shall be stored outside the building.

Reason: To protect the openness of the green belt, in accordance with PPG2: Green Belts.

5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Schedule 2 Parts 2 (minor operations) and 42 (extensions/alterations) of that Order shall not be erected or constructed.

Reason: To protect the openness of the green belt, in accordance with PPG2: Green Belts.

6 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate hard and soft surfacing, and include the relocated hedgerow, the number, species, height and position of trees and shrubs to be planted and any external lighting.

This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority. The hedgerow that would run parallel to Askham Bryan Lane shall be retained at a height of at least 1.2m high at all times

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site and in the interests of visual amenity.

7 Samples of materials to be supplied for approval

8 Prior to the development coming into use 4.5m by 90m to the NE and 4.5m by 160m to the SW; highway visibility splays shall be provided at the customer vehicle entrance, free of all obstructions which exceed the height of the adjacent carriageway by more than 600mm and shall thereafter be so maintained.

Reason: In the interests of road safety.

9 The building shall not be brought into use until the areas shown on the approved plans for parking of cycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: To ensure adequate space for such storage, and to promote sustainable modes of transport in accordance with policies T4 of the City of York Draft Local Plan and PPG13: Transport.

10 The development shall provide at least 5% of its energy requirements from on-site renewable resources.

Reason: To ensure that the development is sustainable and accords with Policy GP4a of the Draft City of York Local Plan and the City of York Interim Planning Statement on Sustainable Design and Construction.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. REASON FOR APPROVAL**

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of the proposed development, the openness of the green belt and highway safety. As such the proposal complies with Policies SP1 General principles, SP2 The York Green Belt, GB1 Development within the Green Belt, GB12 Shopping development outside settlement limits and SP6 Location strategy, of the City of York Development Control Local Plan and national policies PPG2: Green Belts, PPS4: Planning For Sustainable Economic Growth, PPS7: Sustainable Development in Rural Areas.

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