

COMMITTEE REPORT

Date: 16 May 2013 **Ward:** Osbaldwick
Team: Major and **Parish:** Murton Parish Council
Commercial Team

Reference: 13/00363/FULM
Application at: Beetle Bank Farm Moor Lane Murton York YO19 5XD
For: Use as a farm and a farm-based visitor attraction with erection of agricultural building, amenity building and associated car parking and facilities.
By: Ms Angela Serino
Application Type: Major Full Application (13 weeks)
Target Date: 28 May 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 Change of use of farm to a mixed use comprising a working farm and a farm-based visitor attraction with animal barn, single-storey amenity building, car park for 40 cars plus overflow parking area, two wildlife ponds, new field access, internal access roads and landscaping.

1.2 The animal barn would measure approximately 38m x 11m x 3.1m to the eaves and 4.6m to the ridge. Materials would comprise timber cladding for the walls and fibre cement sheeting for the roof. The amenity building would comprise reception, café, visitor centre and toilets. It would measure approximately 26m x 7.5m x 5m high. Materials would comprise timber cladding, render and large areas of glazing for the walls and profiled metal sheeting for the roof.

1.3 The buildings and parking would be located close to the existing house on the site, which would be occupied by the applicant. Access would be via an existing access from Moor Lane. A new agricultural field access would be created from Moor Lane. It would be used solely to access a hay field, which currently has no vehicular access, at the southern end of the site.

1.4 The farm would operate with approximately five full time staff and 4-6 part time staff. The applicant envisages that the farm would be open to the public 9am-7pm Monday to Friday and 9am-6pm on Saturdays, Sundays and Bank Holidays. Occasional educational farm conservation events could be held in the evening, approximately 30 per year, finishing no later than 9pm.

1.4 The applicant estimates that there would be up to 25,000 visitors per year ranging from 430 to 860 visitors per week. In support of the application the

applicant has submitted projected first year accounts for the business and an initial stock list.

1.5 The application is the result of pre-application discussions with officers.

RELEVANT PLANNING HISTORY

1.6 The application is a resubmission of 11/00002/FULM which was refused in 2011 for three reasons: (1) Some of the facilities in the 2-storey amenity building constituted inappropriate development in the green belt; (2) the amenity building would have had a harmful and irreversible impact on the open character and visual amenity of green belt; and (3) insufficient information had been provided to assess whether the scale of the development was proportionate to the size of the visitor attraction. The current application is a response to these reasons for refusal. In particular the size of the amenity building has been significantly reduced, further information about the proposed business has been provided and the layout is more compact.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGP1 -Design

CYGP4A - Sustainability

CYGP9 - Landscaping

CGP15A - Development and Flood Risk

CYV1 - Criteria for visitor related devt

CYNE7 - Habitat protection and creation

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No objections.

3.2 Integrated Strategy Unit - The principle of tourism-related development may be considered appropriate in this instance provided it meets the criteria set out in green belt and tourism policies in the local plan. Officers must be satisfied that the development will not detract from the open character of the green belt, conflict with the purposes of including land within it or prejudice York's special character and setting.

3.3 Environmental Protection Unit - No objections. In line with the council's low emission strategy we would like to see at least two parking spaces with provision for recharging electric vehicles. Add a demolition and construction informative. Add the revised proposals.

3.4 Flood Risk Management - No objections. The site is in low risk flood zone 1. Add a condition requiring drainage details to be submitted.

3.5 Environment and Conservation (Countryside) - No objections. The scheme includes enhancement in the form of new tree and hedgerow planting and the new ponds would be beneficial. The new hedges would mitigate the loss of short sections of existing hedgerow, e.g. to create the new field access. The proposals are unlikely to have a significant impact on Piker Thorn Beck or any water voles present. Add a suitable habitat enhancement condition.

EXTERNAL

3.6 Murton Parish Council - Objection. The resubmission does not address the parish council's concerns. Increased traffic on local lanes. The site is in an unsustainable location with no public transport. Large vehicles would damage the roads and erode the verges. Impact on the Yorkshire Museum of Farming. Increased risk of flooding local watercourses. Impact on the character of the area. Business case is over-optimistic and not evidenced. Failure of the business would result in redundant buildings/infrastructure in the green belt.

3.7 YNEP - The Panel would question the commercial viability of the scheme, given there is potential competition with the nearby Yorkshire Museum of Farming, a venture that itself has struggled in the past. If consent is granted the Panel would advocate that an agricultural restriction is attached to the site so that if the scheme fails the buildings are not converted to either commercial or residential use. The Panel support the enhancement of the natural environment and would advocate the creation of a beetle bank habitat in keeping with the farm's name.

3.8 Public Consultation - The consultation period expired on 16 April 2013. Six objections have been received raising the following planning issues:

- Increased traffic on narrow local lanes and through Murton village
- Inadequate /unsafe access

- Absence of public transport
- Impact on openness of the green belt
- Visual impact on rural landscape
- Obtrusive signage
- Lack of business case
- Result would be redundant buildings
- There are already similar attractions in the area
- Would compete with the farming museum
- Would exacerbate drainage/sewerage problems.

3.9 One letter of support has been received stating that it is pleasing to see investment in the area that will support tourism and provide employment particularly in this harsh economic climate.

4.0 APPRAISAL

4.1 KEY ISSUES:-

- Principle of Development
- Impact on the Green Belt
- Local Economy
- Highway Issues
- Drainage
- Bio-Diversity

APPLICATION SITE

4.2 Largely flat agricultural land (11ha.) laid to pasture in the green belt north of Murton village. The site includes a detached 2-storey house occupied by the applicant. Access is from Moor Lane, a narrow through road between Murton village and Stockton on the Forest. The application wraps around three sides of Moor Farm comprising an industrial/commercial enclave and a smallholding. The site is bounded by Moor Lane to the north and west and agricultural land in separate ownership to the south and east. The application site is in flood zone 1.

POLICY CONTEXT

4.3 The National Planning Policy Framework (General) - There is a presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan (paragraph 14). Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or (2) specific policies in the Framework indicate development should be restricted.

4.4 National Planning Policy Framework (Employment) - Planning should encourage and not impede sustainable growth therefore significant weight should be placed on the need to support economic growth through the planning system (paragraph 19).

4.5 National Planning Policy Framework (Rural Economy) - To promote a strong rural economy local and neighbourhood plans should: support the sustainable growth and expansion of all types of business and enterprise in rural areas; promote the diversification of agricultural and other land-based rural businesses; support sustainable rural tourism and leisure developments that benefit rural areas; promote the retention and development of local services and community facilities in villages (paragraph 28).

4.6 National Planning Policy Framework (Green Belts) - The fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of greenbelts are their openness and permanence (paragraph 79). The NPPF lists the types of development that are acceptable in the green belt. Other development is deemed inappropriate, which is by definition harmful to the green belt. Inappropriate development should not be approved except in very special circumstances that outweigh any harm to the green belt. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the green belt. Very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The construction of new buildings for agriculture is not inappropriate. Nor is provision of facilities for outdoor recreation as long as they preserve the openness of the green belt and do not conflict with the purposes of including land within it (paragraphs 87-92).

4.7 National guidance on tourism development is set out in the Good Practice Guide on Planning for Tourism (2006). It is supportive of sustainable tourism that adds to the local economy. Facilities should be accessible, ideally by a variety of means of transport, and not cause harm to a sensitive environment. New developments should be as sustainable as possible in transport terms but the guidance recognizes that there will be instances, some due to functional need, where the choice of location cannot meet this objective. Facilities should fit with their surroundings. Development should conserve and enhance local environmental qualities, whether that quality lies in the historic built environment, natural landscape or nature conservation.

4.8 The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF. The following local plan policies are still applicable:

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4.9 GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

4.10 GP4a - Proposals for all development should have regard to the principles of sustainable development.

4.11 GP9 - Where appropriate, development proposals should incorporate a suitable landscaping scheme that is an integral part of the proposals; includes an appropriate range of species, reflects the character of the area; enhances the attractiveness of key transport corridors; and includes a planting specification where appropriate.

4.12 GP15a - Discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long-term run-off from development sites should always be less than the level of pre-development rainfall run-off.

4.13 NE7 - Development proposals will be required to retain important natural habitats and, where possible, include measures to enhance or supplement them. New developments should include measures to encourage new habitats.

4.14 V1 - Visitor related development will be encouraged. In determining applications account will be taken of whether the proposal has made adequate servicing arrangements, is accessible to public transport routes, will result in increased traffic, is likely to improve the prosperity of the tourism industry and the city's economy, will adversely impact on the reasonable use and enjoyment of adjacent buildings and land or adversely impact on the countryside setting of the city.

4.15 Murton Village Design Statement (adopted by the council in 2005) - Developments should enhance rather than detract from the rural character of the village; No development should be permitted that prejudices the farming activity of village farms; surface water run-off should be managed so as not to increase the risk of flooding; New development should retain and if possible add to open spaces and aspects.

PRINCIPLE OF THE DEVELOPMENT

4.16 The current use of the land is agriculture, which does not require planning permission and is an acceptable use of the green belt. This use would continue, albeit as part of a mixed use including visitor attraction (open farm). Provision of

facilities for outdoor recreation is acceptable in the green belt as long as they preserve the openness of the green belt and would not conflict with the purposes of including land within it. The principle of the proposed use is therefore acceptable, subject to the above proviso.

IMPACT ON THE GREEN BELT

4.17 Whilst the animal building would be prominent it would have a principally agricultural purpose, character and appearance. It would not look out of keeping with the predominantly agricultural character of its surroundings nor with the scale of the holding. The amenity building would not have a directly agricultural purpose, character or appearance. Whilst it has been much reduced since the previous application was refused - and is now in keeping with the size of the holding and its purpose as an ancillary building - it does not preserve the openness of the green belt and would conflict with the purposes of including land within it. The capacity of the proposed car park has been reduced from 62 spaces in the previous application to approximately 40 spaces. The car park would be surfaced in gravel to soften its appearance in the countryside. Additional spaces would be available in an overflow car park but this area would be used principally as a paddock and would have a grassed surface to minimise its visual impact.

4.18 In summary, the amenity building, car park and general activity at the site would not preserve the openness of the green belt and would conflict with the purposes of including land within it. Whilst the impact on the green belt would not be significant the development would be inappropriate, which is by definition harmful to the green belt, unless very special circumstances exist to outweigh the harm.

LOCAL ECONOMY

4.19 National planning policy supports development in rural areas including diversification of agricultural businesses, new leisure developments and rural tourism that benefits rural areas. The proposal is expected to employ approximately five full time staff and 4-6 part time staff. The proposal is also likely to have knock-on benefits for other local businesses e.g. in the supply and tourism sectors. The proposal would therefore directly support the local economy - in accordance with national planning policy - as well as providing an additional leisure attraction for the people of York. On balance officers consider that these benefits constitute very special circumstances that outweigh any likely harm to the green belt.

HIGHWAY ISSUES

4.20 Access is from Moor Lane, which has a 60 mph speed limit in the vicinity of the site. A bend north of the site restricts vehicle speed in the vicinity of the site therefore visibility splays based on a 50mph design speed are acceptable and can

be achieved by trimming the site's boundary hedge. This should be made a condition of approval.

4.21 The proposal is expected to generate 60 two-way movements (30 in, 30 out) in peak periods. This level of extra traffic can be accommodated on the adjacent highway network without detriment to highway safety or the free flow of traffic. There are no recorded accidents within the vicinity of the site or on the main access route to it.

4.22 Based upon the anticipated visitor and staffing levels the 36 laid out parking spaces are likely to be adequate on a typical day. During peak periods a further 30 or so spaces overspill spaces would be available. Highway officers do not considered that there is any risk of car parking being displaced onto the public highway.

4.23 The main routes to the site (Murton Lane, Moor Lane and Bad Bargain Lane) vary in width between 4.5m and 7.2m. Moor Lane is generally 4.9m wide in the vicinity of the site. Whilst in some places this may feel restrictive national guidance advises that the minimum required for two-way traffic flow is 4.1m. The access routes to the site are therefore adequate. In order for visitors to get to the attraction as efficiently as possible and use main promoted routes the destination should be signed with brown tourist signs from the main highway network. This should be secured by condition and provided at the applicant's cost.

4.24 The new access from Moor Lane would be used only to access the adjacent hay field. It would therefore get vey limited use and is acceptable.

4.25 The proposal includes cycle parking facilities, which will encourage sustainable travel, particularly as the site is close to a quite cycle rout into York (Bad Bargain Lane).

4.26 The site is not served by public transport so most journeys would inevitably be by car, contrary to national and local sustainability objectives. National guidance on tourism development acknowledges that there will be instances, some due to functional need, where a particular location cannot meet these objectives. Officers consider that the current application, being farm based, is such a case and that the benefits of the application outweigh the disbenefits due to the absence of public transport.

DRAINAGE

4.27 The development is in low risk Flood Zone 1 and should not suffer from river flooding. The application includes a flood risk assessment, which sets out how surface water would be properly attenuated. Submission of details should be made a condition of approval.

BIO-DIVERSITY

4.28 The scheme includes environmental enhancement in the form of new tree and hedgerow planting and new ponds. The new hedges would mitigate the loss of short sections of existing hedgerow, e.g. to create the new field access. The proposals are unlikely to have a significant impact on Piker Thorn Beck, along the south-eastern boundary, or any water voles present. A suitable habitat enhancement condition should be attached to any planning approval.

SUSTAINABILITY

4.29 The proposed new floorspace would total approximately 610sqm (418 sq.m for the animal barn and 195 sq.m for the amenity building). This is well below the threshold of 1000sqm for requiring the building to achieve a BREEAM rating of very good. It is also well below the threshold for requiring 10% of energy demand to be from renewable sources. Applications below these thresholds are still encouraged to meet the council's sustainability criteria in policy GP4A and the Interim Planning Statement on Sustainable Design and Construction. The submitted sustainability statement sets out various sustainability measures that may be included in the development (e.g. rainwater butts and solar panels) but no commitment is made to their provision. In mitigation the development, by its nature, has an agricultural character which limits the scale of benefits through sustainable design and construction. Whilst there is no public transport nearby the site is just 0.6 miles from Murton and 1.5 miles from the suburban edge of York. Some separation from urban areas is inevitable due to the nature of the application. The relative proximity of York will go some way to minimising the miles travelled by car as a consequence of the development.

OTHER MATTERS

4.29 Some objectors are concerned that the proposal would conflict with other visitor attractions in the area, especially the Yorkshire Museum of Farming, and that if the application business failed it would result in redundant buildings in the countryside. The two attractions may have some similar features, e.g. some types of livestock. Nevertheless, commercial competition is not a planning issue that the local planning authority can take into account when determining applications.

4.30 Some objectors are concerned that the application does not include a business case and that the development would fail, resulting in redundant buildings in the green belt. The council would not normally require applicants to provide a business case - it is not a planning matter. The application does include projected annual accounts and officers are satisfied that the application is bona fide. If the farm was to be turned into a visitor attraction - and it subsequently failed - any

alternative use would need planning permission such that control would be retained over future uses.

4.31 The application does not include a statement of community involvement. However, the applicant has discussed the proposals with the neighbouring owners/occupiers on all sides prior to submission.

5.0 CONCLUSION

5.1 A balance has to be struck between supporting the local economy and protecting the openness of the green belt. Officers consider that whilst some elements of the proposals represent inappropriate development, the harm caused to the green belt would not be significant and that very special circumstances exist to outweigh this harm. On balance the application accords with relevant policies of the NPPF and the Development Control Local Plan policies and is acceptable.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 The development shall be carried out in accordance with the following approved plans:

Site Location Plan numbered 10026-001 received 22 February 2013;
Proposed Elevations and Layout for a Timber Framed American Barn received 22 February 2013;
Sketch Plan of Amenity Building numbered Sheet No.1 received 22 February 2013;
Sketch Elevations of Amenity Building numbered Sheet No.2 received 22 February 2013;
Sketch Elevations of Amenity Building numbered Sheet No.3 received 22 February 2013;
Proposed Site Plan and Section A-A numbered 10026-002 Rev J received 25 April 2013

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 VISQ8 Samples of exterior materials to be app -

4 Prior to the development coming into use the areas shown on the approved plans for parking and manoeuvring of vehicles and cycles shall be constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

5 HWAY23 Vehicular sight lines protected -

6 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same:

Provision of brown tourist destination signs to the satisfaction of the local planning authority.

Reason: In the interests of the safe and efficient passage of traffic destined for the development.

7 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details. Details to include:

a. Full drainage layout and cross sections to information quoted in the submitted Flood Risk Assessment by AHH Planning Consultants Ref: ENV/0305/10FRA dated January 2013.

b. Site specific details of the flow control device manhole limiting the surface water to the 0.9 lit/sec.

c. Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.

d. Proposed ground and finished floor and pavement levels to Ordnance Datum shall be shown on plans. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

e. Details of the future management / maintenance of the proposed drainage scheme.

Peak surface water run-off from the proposed development shall be restricted to that of existing Greenfield rate and to a maximum 0.9 lit/sec.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

8 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, stock size, planting details and position of trees, shrubs and other plants. This scheme shall be implemented within a period of six months of the commencement of the use hereby approved. 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 the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species as compensation for loss of trees.

9 The area to be used as a tea room/cafe, including display, preparation area and servery, shall not exceed 76 sqm as shown on approved sketch plan of amenity building numbered Sheet No.1 received 22 February 2013.

Reason: To preserve the openness of the green belt by preventing inappropriate development that would conflict with the purposes of including land within it, contrary to national planning policy guidance in the National Planning Policy Framework.

10 The premises shall not be used for retail sales other than agricultural produce produced on the applicant's holding at Beetle Bank Farm.

Reason: To preserve the openness of the green belt by preventing inappropriate development that would conflict with the purposes of including land within it and to control the nature and extent of retail activities to ensure the protection of the vitality and viability of York city and district centres, in accordance with national planning policy guidance in the National Planning Policy Framework

11. No development shall take place until details have been submitted to the local planning authority and approved in writing of measures to be provided within the farm landscape to enhance the biodiversity of the area. The scheme shall be implemented in accordance with the approved details within six months of commencement of the use hereby approved.

Reason - To take account of and enhance the habitat and biodiversity of the development and to offset any losses that may occur as a result of the changing land use.

INFORMATIVE: Features suitable for incorporation include measures for species that use buildings such as bats and birds, the enhancement of the ditch for water vole, pond and wetland creation, hedgerow, tree and shrub planting and wildflower meadow creation.

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 local economy, impact on the green belt, visual appearance, sustainability, neighbour amenity, drainage, landscaping, access and nature conservation. As such the proposal complies with the National Planning Policy Framework and policies GP1, GP4A, GP9, GP15A, V1 and NE7 of the City of York Local Plan Deposit Draft.

2. CONTROL OF POLLUTION

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00
Saturday 09.00 to 13.00
Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers' instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site.

3. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application the local planning authority implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) by seeking solutions to problems identified during the processing of the application. In order to achieve an acceptable outcome the local planning authority: negotiated, at the pre-application stage, a scheme that had an acceptable impact on the openness on the green belt and the character of the area; sought more information from the applicant; and attached conditions to the consent.

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