

COMMITTEE REPORT

Date: 25 June 2015 **Ward:** Osbaldwick And Derwent
Team: Major and **Parish:** Holtby Parish Council
 Commercial Team

Reference: 15/00871/FUL
Application at: R S Cockerill York Limited Stamford Bridge Road Dunnington York
 YO19 5AE
For: Erection of potato store
By: Providence Holdings Ltd
Application Type: Full Application
Target Date: 16 June 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to Cockerill's potato processing site located off Stamford Bridge Road in Holtby. The proposal is to construct a potato store within the existing enterprise.

1.2 Cockerill's Potato processing site consists of potato storage and processing buildings, offices, agricultural buildings and a dwelling set in an open area of countryside before the turn off to Holtby village on the Stamford Bridge Road.

1.3 The 465 sq.m proposed building is to be located on the north western corner of the site. Access is through the main complex of buildings which are served via a substantial access point from the Stamford Bridge Road. The Building is a typical agricultural design measuring 24 metres by 19 metres with a maximum height of just over 9.4 metres and constructed of composite sheeting with pitched composite sheet roof. The building is to be used for boxed potato storage. The temperature and ventilation within the building is controlled to minimise wastage.

PLANNING HISTORY

1.4 Permission was refused in 2004 for a two storey staff welfare and potato quality assessment. In refusing the application it was concluded that there were no very special circumstances to outweigh harm to the Green Belt. (04/03048/FUL)

1.5 Permission was refused in September 2008 for an extension to the farmhouse to provide employee's self contained accommodation. The development was considered to be harmful to the Green Belt. (08/01844/FUL)

1.6 Permission was granted in August 2008 for the erection of extension to pack house to provide additional potato washing facilities, grading, packing, storage, staff facilities and covered loading bay as well as additional manoeuvring space and the installation of waste water treatment plant. (08/00856/FULM)

1.7 Permission was granted in October 2011 for a 15 metre high wind turbine (11/02307/FUL). A non-material amendment relating to the siting of the turbine was granted in November 2011. (11/03060/NONMAT)

1.8 No objections were raised to the erection of an agricultural building being erected under permitted development in May 2012 (12/01528/AGNOT).

1.9 Objections were raised to a further agricultural building being erected under permitted development in March 2015 as the building was not considered to be reasonably necessary for the purposes of agriculture within the unit. (15/00299/AGNOT)

CYGB1 - Development within the Green Belt

CYGB11 - Employment devt outside settlement limits

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

Green Belt

2.2 Policies:

CYSP3 Safeguarding the Historic Character and Setting of York

CYGP1 Design

CYGP4A Sustainability

CYGP9 Landscaping

CGP15A Development and Flood Risk

CYGB1 Development within the Green Belt

CYGB11 Employment development outside settlement limits

3.0 CONSULTATIONS

EXTERNAL

3.1 HOLTBY PARISH COUNCIL - have concerns about the business continuing to grow and becoming more of an industrial operation rather than what would be considered to be agricultural. Concerns in particular relate to noise and light pollution, screening and of large numbers of potato boxes on site.

3.2 FOSS INTERNAL DRAINAGE BOARD - The applicant has stated that surface water will be disposed of via SUDS and an existing watercourse; in this case it would appear that the surface water is stored in a lagoon on site before discharging to Brownhills Dyke via a series of drainage ditches. According to the application statement the surface water is discharged from the storage lagoon at a controlled rate; at present the Board is unaware as to what rate surface water is being discharged at, or the capacity of the lagoon. The Board suggest that the applicant inform them of the current rate of discharge from the lagoon which should be based on the connected impermeable areas within the site. The application should be conditioned to ensure surface water drainage works are agreed.

4.0 APPRAISAL

4.1 Key Issues

- Green Belt
- Siting and Design
- Drainage

PLANNING POLICY

4.2 The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications. Paragraph 14 of the says that at the heart of the NPPF is a presumption in favour of sustainable development for decision taking this means that where the development plan is absent, silent or relevant policies are out-of-date granting planning permission unless specific policies in the framework indicate development should be restricted. (Foot note 9 indicates restrictions include Green Belt locations).

4.3 The core planning principles at paragraph 17 include the expectation that planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

4.4 Section 3 of the NPPF 'Supporting a prosperous rural economy' says planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote strong rural economy local plans should support, among other things, the sustainable growth and expansion of all types of business and enterprise in rural areas through conversion and well designed new buildings; promote the development and diversification of agriculture.

4.5 Section 7 of the NPPF requires good design. Paragraph 56 says good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

4.6 Section 9 'Protecting Green Belt Land' says that the essential characteristics of Green Belts are their permanence and openness (paragraph 79). Paragraph 80 sets out the purposes of Green Belt. These are to check unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns and to assist in urban regeneration. Paragraph 88 says that 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. With regard to new buildings paragraph 89 says that the construction of new buildings is inappropriate exceptions to this include buildings for agriculture and forestry and limited infilling or the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purposes of including land in it than the existing development.

4.7 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the retained policies of the Yorkshire and Humber Regional Spatial Strategy (RSS). These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

4.8 Policies in the Development Control Local Plan (DCLP) which was approved for Development Management purposes in April 2005 are considered to be of limited weight in determining planning applications except where they are in accordance with the NPPF. Policies considered to be compatible with the aims of the NPPF and most relevant to the development are GP1 'Design' GB1 'Development in the Green Belt'. The thrust of this policy is the same as that set out in section 9 of the NPPF. GB11 'Employment development outside settlement limits' which is supportive of development at existing rural businesses where the development is small scale and relates to an existing building and provides a direct benefit to the rural economy and the local residential workforce.

4.9 At this stage, policies in the Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF)

Principle of the Development

4.10 Whilst the RSS has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates the general extent of the Green Belt around York. These policies comprise the development plan for York. The site falls within the general extent of the Green Belt located between Dunnington and Holtby. Although paragraph 14 of the NPPF sets out a presumption in favour of sustainable development, in accordance with the footnote referenced within paragraph 14 of the NPPF the presumption in favour of sustainable development does not apply in Green Belt locations.

4.11 Paragraph 89 of the NPPF establishes that the construction of new buildings is inappropriate in the Green Belt subject to a number of exceptions which do not apply to this development. All other forms of development within the Green Belt are considered inappropriate. The submitted information with the application does not argue that any of the exceptions set out in paragraph 89 apply to the site.

4.12 The NPPF states at paragraph 87 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 says substantial weight should be 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.

HARM TO OPENNESS AND PURPOSES OF THE GREEN BELT

4.13 The approach to the site from the west is relatively open, fields are large and boundaries are low. In this context the Cockerill's site is very visible. The amount of built development on the enterprise is significant and the external storage of potato packing boxes is high. Trees have been placed on the western boundary of the site and these are starting to reduce visibility, at a lower level, into the site. The proposed building, although sited adjacent to the western boundary, the location is well back from the road frontage and adjacent to existing structures and so will be seen in the context of the farm complex. Paragraph 79 of the NPPF indicates that openness and permanence are essential characteristics of Green Belt. The proposed development will introduce built development on to a currently open area of land and thus openness would be reduced. However the siting of the structure within the complex of the whole farm/industrial enterprise means in officers' opinion that the harm caused by the loss of openness would be limited.

4.14 The purposes of Green Belt are to check unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns and to assist in urban regeneration (paragraph 80 NPPF). Given the building location within the complex of existing structures and boundary treatment that make up the farming and industrial operation none of the purposes of Green Belt are considered to be undermined by the proposal and there would be no harm to the Green Belt in this respect.

4.15 The proposal gives rise to harm to the Green Belt by reason of inappropriateness. The proposal would also have a limited harm on the openness of the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

OTHER CONSIDERATIONS

Very Special Circumstances

4.16 The other considerations put forward by the applicant as very special circumstances are as follows:-

- The site is established potato storage, packing and distribution business - the applicant explains that following planning permission being granted in 2008 for the extension of the packaging and distribution business a grant was given for the development of the site based on the through put of potato being increased significantly. The business has exceeded the target set and now needs additional space to store potatoes and maintain the viability of the business.
- The existing use is an integral part of the rural economy providing a link between growers and customer - the site provides a central place where farms can send their produce to be stored washed and graded for packaging and selling on to the retailer. Farmers would be unable to invest in the necessary temperature controlled buildings; this central location supports their businesses and supports retail businesses that require wide variety of potatoes at short notice. The building will provide extra storage to maintain the demands placed on it by retailers and farmers.
- The building will not create any more jobs but will maintain the viability and therefore security of the existing workforce.
- The building will be heavily insulated and energy efficient.

Assessment of the applicant's claim for very special circumstances

4.17 The NPPF says that there are three dimensions to sustainable development economic, social and environmental. An economic role in contributing to building a strong, responsive and competitive economy by ensuring that sufficient land is available to support growth and innovation; a social role in supporting vibrant and health communities and an environmental role in contributing to protecting and enhancing the environment. One of the core principles is to seek to proactive drive and support sustainable economic development. This site is an established potato packaging plant and has been invested in following permission for substantial extension in 2008. It also continues as a farming enterprise. It has an important role in the local community providing jobs and services to the local farmers, as well as a facility for produce from further afield. Officers accept that such sites will need to grow and adapt and that some alterations or further developments within sites will be required to facilitate this. The proposed building is being provided within the established confines of the business, it does not necessitate additional access or ancillary facilities these are already within the site. Without the building, potatoes would have to be stored elsewhere but then brought back to the site for processing and packaging. Clearly this would be unsustainable in terms of transport movements. In addition it would be inefficient from the business perspective. The storage building would carefully regulate the temperature of the potatoes for optimum quality such that transporting them back away and then back to the site would disrupt this control. There appears to be clear locational needs for the building to be sited within the rest of the complex, albeit in the Green Belt. The building is considered to conform to a very important element of Government's policy which is to diversify and grow the rural economy and this is reflected in planning policy.

Design and Siting

4.18 The buildings design, materials and massing are those typical of an agricultural building and in this respect the design reflects other buildings at the packaging site. The siting relates well to the farm and industrial enterprise at the site. Although the building will be visible on the edge of the curtilage of the site it is seen in the context of boundary tree cover. Officers are satisfied that the location of the building will not detract from the character and appearance of the countryside and would not attribute any harm to the siting or design of the building.

Drainage

4.19 The site is located within flood zone 1 (low risk) and should not suffer from river flooding. The Foss Internal Drainage Board (IDB) are however concerned that the surface water from the site eventually drains in to Brownhills Dyke and that it is unknown what the current rate of discharge is from the site. Discharge is via a lagoon and then via a series of ditches in to the dyke. The dyke is part of the Osbaldwick Beck network and is running at capacity. Further information has been submitted which says that discharge to the lagoon is on reflection not feasible. The

use of soakaways is not appropriate because of ground conditions the applicant therefore proposes to store the water and discharge the water to the ditch at agricultural run off rates. The IDB will be consulted on the amended proposals and their comments reported to committee. In officers opinion it is likely that there is a technical solution for the discharge of surface water drainage and that the details of a scheme can be conditioned. No harm is attributable to the drainage proposals which, subject to the further comments of the IDB, can be conditioned.

Other matters

4.20 The Parish Council is concerned about the growth of this business and in particular noise pollution, light pollution, screening and the presence of large numbers of potato boxes. However this application relates only to the erection of a building within the site. It is not possible within this application to secure matters by the use of conditions that are not directly related to this development proposal, as the need for a condition must be justified by the nature or impact of the development permitted. A condition cannot be imposed in order to remedy a pre-existing problem or issue not created by the proposed development. Much of the additional activity at the site has come about through the permission granted in 2008. In Officers' opinion there are no conditions attached to the 2008 permission that would address the matters which concern the Parish Council. Equally it is not considered the effects of this development would lead to such an intensification of the use or increase in impact to justify seeking to control the existing impacts through conditions attached to this application. Matters in relation to any pre-existing noise and light pollution will need to be dealt with through environmental protection legislation.

5.0 CONCLUSION

5.1 The application site is within the general extent of the Green Belt. The proposal constitutes inappropriate development for the purposes of paragraph 88 of the NPPF, and by definition causes harm to the Green Belt. Because of its location the proposed development would result in some limited harm to the openness of the Green Belt but is not considered to conflict with the purposes of green belt set out at paragraph 80 to the NPPF. Planning policy dictates that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations.

5.2 It is considered that the other considerations put forward by the applicant, particularly in relation to the operational need and efficiency for the store at this particular location and the sustainability benefits of siting the building within the existing complex, together with the mitigation of other harm through the design and layout of the proposal and planning conditions, clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm, and thereby amount

to very special circumstances to allow the inappropriate development in the York Green Belt, even when substantial weight is given to any harm to the Green Belt.

5.3 Referral of proposed development in the Green Belt to the Secretary of State applies to development involving:-

(a) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or

(b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

5.4 It is not considered that these criteria apply to this development, and so referral is not required should Members be minded to approve the application.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing no. P5567-01 Rev B

Drawing no. 1112-1 Rev B

Drawing no. 1112-2

Drawing no. 1112-3

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

3 The materials to be used externally shall be those described within the application form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve a visually acceptable form of development in the Green Belt.

4 No development shall take place until details the external lighting of the hereby approved building have been submitted to and been approved in writing by the Local Planning Authority.

Reason: To achieve a visually acceptable form of development in the Green Belt.

5 The premises shall be used for potato storage in connection with the existing business the site and for no other purpose, including any other purpose in Class B in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

Reason: To achieve a visually acceptable form of development in the Green Belt.

7.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Discussion with applicant about the very special circumstances and the drainage of the site resulting in additional information being submitted.

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