

## HARROGATE BOROUGH COUNCIL

### PLANNING AREA2 DC COMMITTEE – AGENDA ITEM 5: LIST OF PLANS.

DATE: 1 June 2004

<b>PLAN:</b> 09	<b>CASE NUMBER:</b> 04/01739/FUL
<b>APPLICATION NO.</b> 6.64.528.D.FUL	<b>GRID REF: EAST</b> 439890 <b>NORTH</b> 464300
	<b>DATE MADE VALID:</b> 07.04.2004
	<b>TARGET DATE:</b> 02.06.2004
	<b>WARD:</b> Boroughbridge

**APPLICANT:** Mr & Mrs P Ellis

**AGENT:** Arch-Tech Design

**PROPOSAL:** Erection of detached building (Unit 5) for vehicle repairs/MOT servicing.

**LOCATION:** Windmill Farm Boroughbridge York North Yorkshire YO51 9JW

## REPORT

### SITE AND PROPOSAL

The application site is located at Windmill Farm Boroughbridge. Windmill Farm is a former farm with associated outbuildings that have been converted to form small industrial units (the farmhouse is retained as a residential unit). The site is accessed via the A168 and is located within an open countryside location. The site backs onto the A1(M) motorway.

The applicants seeks consent to construct a new building in the north western corner of the site. The building would be 13.5metres x 9 metres wide incorporating two entrance bays and would be 4.4metres to eaves (approx 5.5metres to ridge). The building would be constructed of brickwork to a height of 2.1metres with vertical metal sheeting above.

It is proposed that the building will be utilised for vehicle repairs and MOT services (Use Class B2).

The site was originally approved on the basis of Use Class B1 and B8 usage but a further permission granted under 6.64.528.B.COU allowed the change of use of Units 2/3 to form B2 use - see site history below).

The applicants have confirmed that they would be prepared to rescind the B2 usage on Units 2 and 3 if this consent is granted and move into the dwelling.

### MAIN ISSUES

1. Land Use
2. Highway Safety
3. Visual Impact

**RELEVANT SITE HISTORY**6.64.528.A.FUL - Conversion and extension, with demolition, of farm outbuildings to form 3 no cottage industry units with 6 no car parking spaces incorporating new treatment plant. PERMISSION GRANTED 07.08.2001

6.64.528.B.COU - Change of use of existing cottage industry units (Use Class B1 and B8) to include Use class B2. PERMISSION GRANTED 23.10.2003

6.64.528.C.DVCO - Deletion of Condition NO 4 of permission No 6.64.528.B.COU and Condition No 9 of permission No 6.64.528.A.FUL to allow separate ownership of the cottage industry units. PENDING CONSIDERATION.

## **CONSULTATIONS/NOTIFICATIONS**

### **Parish Council**

Boroughbridge

### **DOT - Highways Agency**

No objection

### **Environment Agency**

No objections

### **Environmental Health**

No objection but would recommend an hours of use condition

### **Highway Authority**

Recommend refusal on the grounds of lack of visibility

### **Local Plans Policy**

See Assessment

### **Economic Development Officer**

No comments received

## **APPLICATION PUBLICITY**

**SITE NOTICE EXPIRY:** 14.05.2004

**PRESS NOTICE EXPIRY:** 14.05.2004

## **REPRESENTATIONS**

**BOROUGHBRIDGE TOWN COUNCIL** - Object to the development on the following grounds:

The Town Council objects on the grounds that the existing industrial units are small 'cottage type' light industrial businesses. This current large unit would open the door for further large units along the A168 corridor, which is completely undesirable.

## **OTHER REPRESENTATIONS**

No other representations received

## **VOLUNTARY NEIGHBOUR NOTIFICATION -**

No properties notified.

## **RELEVANT PLANNING POLICY**

- PPG1 Planning Policy Guidance 1: General Policy and Principles
- PPG7 The Countryside: Environmental Quality and Economic and Social Development
- PPG13 Planning Policy Guidance 13: Transport
- SPE2 North Yorkshire County Structure Plan Policy E2
- LPE06 Harrogate District Local Plan Policy E6: Redevelopment and extension of industrial and business development
- LPE08 Harrogate District Local Plan Policy E8: New Industrial and Business Development in the countryside
- LPC15 Harrogate District Local Plan Policy C15: Conservation of Rural Areas not in Green Belt

## **ASSESSMENT OF MAIN ISSUES**

**1. LAND USE** - The proposed development is situated within a countryside location albeit situated between the A1 and A168 and is unrelated to an existing settlement. Although there is easy access to Boroughbridge and the A1, the site is located outside the development limit for the town. HDLP Policy C15 seeks to ensure that outside development limits, existing land uses are expected to remain for the most part undisturbed. The policy does however identify a number of circumstances for which new development would be acceptable. In this instance it is criteria 'B' which is considered relevant to the proposal. This criteria states that the new development should contribute to the rural economy and complies with inter alia policy E8 of the local plan.

HDLP Policy E6 is permissive towards the expansion of existing industrial/business sites for industrial/business uses provided that this would not cause unacceptable planning problems.

Clearly the site is located within the existing industrial complex approved under 6.64.528.A.FUL but represents a new build structure rather than the conversion of the existing former agricultural buildings that formerly occupied the site.

Policy E6 offers support for the expansion of existing firms provided that there is no adverse impact upon the character and appearance of the area or on residential amenity. The proposal because of its location to the rear of the complex and adjacent to the A1 would not in the opinion of your officer have an adverse impact upon the character of the locality. Any vantage point of the site, which is partially screened as a consequence of local topography, is seen against the backdrop of the existing units. Similarly Units 2 and 3 have a Use Class B2 consent and given that the dwelling to the front of the site is conditioned to be within the same ownership of the site as a whole, there is no detrimental impact upon residential amenity.

The proposal is however for a new business unit and should primarily be assessed against

HDLP Policy E8. This policy is permissive towards new industrial development in the countryside subject to meeting three criteria. In this respect the proposal is clearly well related to the classified road and would not have a significant adverse effect on the character, appearance or general amenity of the area.

The development would not however comply with criteria A of the policy in that the proposal is not for re-use of an existing buildings or a development requiring a countryside location for operational reasons. The site is also not adjacent to a rural settlement. The development could however reduce the need for increased car commuting to urban centres as required by the policy and is located within an existing rural commercial site.

**2. HIGHWAY SAFETY** - The site has an access onto the A168 and is already served by existing commercial enterprises. The Highway Authority have concern that adequate visibility cannot be provided in a southerly direction. In this respect it is advised that visibility of 2m x 215m would be required and only 2m x 140m can be achieved. No objection was received in consideration of the initial application to convert the units into commercial premises and members must consider whether the intensification of the use , which it is stated would employ 2 people with approximately 10 commercial vehicle movement per day would be prejudicial to highway safety.

**3. VISUAL IMPACT** - The site although located in a countryside location forms part of an existing commercial enterprise that is located between the A168 and A1(M). Views of the building, which would be of approx dimensions 13.5m x 9m x 4.4 m high to eaves (5.5m to ridge) would be restricted by local topography with glimpses seen against the backdrop of both the existing buildings and motorway. The building itself would be constructed of brick and metal sheeting and would not in the opinion of your officer have an adverse visual impact upon the character of the locality.

**CONCLUSION** - The site is located within an existing commercial complex that was granted consent under 6.64.528.A.FUL. The site is well related to the existing classified road network and would not have an adverse impact upon the character, appearance or general amenity of the area. The scheme fails to comply with policy E8 in that the development is for new build on a site located outside of a rural settlement. The development can however help reduce the need for increased car commuting to urban centres. On this basis it is your officers opinion that consent could be granted for the development contrary to policy E8.

The comments of the Highway Authority have been noted and whilst further clarification is currently being sought in respect of the visibility, members should consider whether the intensification of the access would be detrimental to road safety. Given the level of the existing use your officer considers that this would be difficult to substantiate and on balance approval of the application is recommended.

**CASE OFFICER:** Mr A Hough

## RECOMMENDATION

That the application be APPROVED subject to the following conditions:-

- 1 CA01 OUTLINE ... 5yrs
- 2 CC03 DEV IN ACCORD WITH DRAWINGS/CONDITIONS
- 3 CD03 SAMPLES OF MATERIALS TO BE APPROVED
- 4 CD09 ASBESTOS COLOURING

Reasons for Conditions:-

- 1 CA01R SAFEGUARD RIGHTS OF CONTROL
- 2 CC03R TO SECURE SATISFACTORY IMPLEMENTATION
- 3 CD03R MATERIALS TO CONFORM TO AMENITY REQR'MTS
- 4 CD09R VISUAL AMENITY



