Parish: Easingwold
Ward: Easingwold
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Committee Date: 10 November 2016
Officer dealing: Mr Andrew Thompson
Target Date: 8 November 2016
Date of extension of time (if agreed): 17 November 2016

16/02053/FUL

Amended application for the continued use of land and buildings for MOT and car sales (to include retention of an office building)(resubmission of application 16/00685/FUL)
At Longbridge House, Stillington Road, Easingwold
For Grants Pro-Agri Ltd.

1.0 APPLICATION SITE AND PROPOSAL

1.1 The application site is a series of buildings to the south of Stillington Road opposite Easingwold Football Club and to the rear of Easingwold fire station and training centre. There are a number of buildings on the site, a weighbridge and two silos. The site is accessed from Stillington Road and access to the site is via a barrier control system. The Oakland Way Redrow development to the west (Hurns Way) is visible from the site which is generally open in nature.

1.2 The proposal is for the conversion of several of the agricultural buildings into car sales and associated servicing and valeting of the vehicles. The wider site is also occupied by Grants Pro Agri Ltd., which services large agricultural holdings and commercial transport related to agriculture.

1.3 In response to the previous refusal of the scheme for reason of the potential pedestrian conflict with HGVs the scheme has been amended to delineate the west boundary of the car display area with a wire fence of 1.8m and move all visitor parking to the a dedicated area to the rear of the existing industrial building used for pre-delivery inspection. Visitors would then access the car compound form the rear of the building through a marked pathway. The elements of the proposal are:

- Use of an existing portal framed building for the MOT and servicing of motor vehicles;
- Use of an existing storage building for the storage, pre-delivery inspection, photography and valeting of motor vehicles;
- A dedicated area for visitor car parking;
- Use of an area of the yard for the display of motor vehicles; and
- Use of an existing office and staff room as a sales office.

1.4 The business operates primarily through internet trade which reduces the need for a forecourt operation. The applicant supplied the following details:

- The business employs 10 people with a possibility of a further 3 being created;
- There are approximately 80 cars on the site at any one time with approximately 15-20 cars being sold each week;
- A transporter delivers cars to the site approximately 2-3 times a week; and
- The site does not have an MOT licence (which requires planning permission as part of the licence) but does have plans to introduce such a facility should permission be successful.

1.5 The site is outside the Development Limits for Easingwold. The Development Limits follow the boundary of the Stillington Road Industrial Estate east of Oaklands Way. The use of the site for car preparation and sales commenced in March 2015.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 There has been extensive planning history relating to the site with the development starting at the front of the site and moving around to the rear of the fire station and training centre. Some diversification and complimentary uses have been permitted on the site (e.g. vets and general storage) whilst other proposals (e.g. MOT and caravans have been refused). Those relevant to this proposal are:

2.2 04/00133/FUL - Change of use of part of office block into a veterinary surgery; Granted 31 May 2005.

2.3 04/02303/FUL - Installation of liquid waste storage tank; Refused 31 May 2005.

2.4 05/01700/FUL - Change of use of two agricultural buildings to general storage; Granted 26 September 2005.

2.5 06/00029/FUL - Change of use of agricultural building to MOT test centre; Refused 16 June 2006 on the ground that "the large scale and commercial nature of the proposed use are considered inappropriate within this rural location and will fail to be supplementary to the existing agricultural enterprise".

2.6 06/00425/FUL - Construction of a two storey veterinary surgery; Withdrawn 19 December 2006.

2.7 06/02583/FUL - Retrospective application for alterations and change of use of existing agricultural building to form a storage and office building; Granted 10 January 2007.

2.8 07/00292/FUL - Revised application (to 06/00425/FUL) for the construction of a two storey veterinary surgery with associated facilities; Granted 17 April 2007.

2.9 08/00857/FUL - Revised application for the construction of a single storey veterinary surgery with associated facilities; Granted 27 May 2008.

2.10 10/02960/FUL - First floor extension to office building; Withdrawn 10 February 2011.

2.11 15/02666/FUL – Construction of an agricultural building – Under consideration

2.12 16/00685/FUL - Retrospective application for the use of land and buildings for the display and servicing of motor vehicles and the retention of an office building; Refused 2 June 2016.

2.13 The previous application was refused on the grounds that the proposal introduces a level of pedestrian and customer activity that would be in conflict with agricultural vehicle movements and large-scale commercial vehicles and HGV movement that are present on approved operations on the site. The access to the site relies on a narrow point in the site and the car display area is open in nature which gives rise to public safety concerns relating to customers and children who could be on the site coming into conflict with traffic. Such conflicts could result in harm to the viability and future the operations of the large scale agricultural and commercial enterprises. As such, the site is unsuitable for the use as car sales and given the retrospective nature of the site there is no opportunity to appropriately limit or mitigate the harm.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access
Core Strategy Policy CP3 - Community assets
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP12 - Priorities for employment development
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP16 - Specific measures to assist the economy and employment
Development Policies DP24 - Other retail (and non-retail commercial) issues
Development Policies DP25 - Rural employment
Development Policies DP26 - Agricultural issues
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP42 - Hazardous and environmentally sensitive operations
Development Policies DP44 - Very noisy activities
National Planning Policy Framework - published 27 March 2012
Written Ministerial Statement 31 August 2015 – Intentional Unauthorised Development

4.0 CONSULTATIONS

4.1 Town Council – Wish to see the application approved.

4.2 Highway Authority – Consideration has been given to the layout of the site and the safety of all users and raise no objection. A condition relating to the retention of parking and turning areas is proposed.

4.3 Environmental Health Officer - No objection. The business employs more than 5 staff and so should have a documented risk assessment covering workplace transport – this is a legal requirement. They seem to have addressed the concerns regarding vehicle sales customers, looks like visitors will drive into site then access a segregated area to view the cars. Any outstanding issues can be addressed through Health and Safety legislation.

4.4 Public comment - One letter of objection stating that the additional agricultural building proposed in application 15/02666/FUL would not be required if this application is refused.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to (i) the principle of development in this location alongside the relationship to 15/02666/FUL; (ii) the impact on neighbour amenity; and (iii) and the impact on highway safety.

<u>Principle of development</u>

5.2 The site has a complex and long planning history with a range of uses approved on the site. In the Written Ministerial Statement the Government expressed concern about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is little or no opportunity to appropriately limit or mitigate the harm that has already taken place.

5.3 In this case, the proposal would use existing buildings that are well screened from neighbouring residential properties being approximately 170m from new dwellings at Nine Acres, Stillington Road and 250m from homes on Hurns Way. Whilst outside the Development Limits of Easingwold the application site is well related to the commercial development on Oaklands Way and therefore the impact on the openness and character of the area is limited. The re-use of the building is also supported by Policy CP4iv in that it would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy.

5.4 The proposal includes a building that was permitted as a vets' surgery and other floor space that could be utilised for agricultural enterprise purposes. The total amount of floor space lost to agriculture and veterinary services would be 758sqm. The building proposed under application reference 15/02666/FUL would be 54.8m by 30.4m (1,665sqm) and therefore would be larger than any building lost to agriculture as a result of this proposal. It is important to note that the floor space of the building proposed in application 15/02666/FUL is substantially greater than is lost through the conversion of the agricultural and vet buildings in this application. The existing buildings would also be awkward in relation to the operation of the site and the weighbridge due to their respective position with the weighbridge located to the rear of the site and the buildings the subject of this application principally located either to the front or side of the site.

5.5 It is noted that an MOT test station was refused in 2006 for the reason that the large scale and commercial nature of the proposed use were inappropriate within this rural location and was not supplementary to the agricultural enterprise. However since that time significant development has occurred on the site and in the vicinity of the application site. As a result of residential and commercial development in the area there has been a significant change in the character of the area since that refusal. The adoption of the Core Strategy in April 2007 marked a change in local policy because policy CP4 does not require commercial re-use of a rural building to be supplementary to an agricultural enterprise. Further the NPPF recommends support for economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development, support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings; and promote the development and diversification of agricultural and other land-based rural businesses. The application is supported by Policy CP4iv and is well located and related to the existing settlement of Easingwold, with the Development Limits wrapping around the northern and western boundaries, uses existing buildings and proximity to services and public transport are all positive considerations.

5.6 It is therefore considered that on balance, having regard to the positive economic benefits of job creation and other positive benefits including the effective re-use of existing buildings, the close physical relationship of the site to Easingwold, the planning history including diversification of the existing buildings, and the layout of the site and the relationship to the development boundaries, the proposal can in principle be supported.

<u>The Character and Appearance of the area</u>

5.7 The proposal would re-use buildings which appear akin to large commercial buildings and as such can be, and are being, used without change to the external fabric of the building. There are also HGV movements and other commercial activities occurring elsewhere on the farm complex. Therefore the principal visual impact and change in the character of the area is from the parked cars for sale.

5.8 It is considered that the two businesses could therefore use the site without an alteration to the character of the area. The car sales area is well contained and surrounded by other buildings which reduces the visual impact on the countryside.

5.9 Whilst there has been an intensification of the use of the site, it is not considered that it has resulted in a material adverse impact on the character of the area. The proposal is therefore considered acceptable in this regard.

Neighbour amenity

5.10 As previously stated the nearest unrelated residential properties at Nine Acres and on Hurns Way are a significant distance from the application site. The intervening commercial operations would reduce the impact on neighbouring properties further and there is good screening to Longbridge House. Areas of open display could be controlled by condition meaning that external operations (e.g. valeting and preparation of cars) would be limited.

5.11 In addition it is noted that no objections have been received citing loss of amenity from the current operation of the MOT and car sales business. The proposal is therefore considered not to have a material impact on nearby residents and is considered acceptable.

Highway safety and Health and Safety

5.12 The application site benefits from a wide access onto Stillington Road with good visibility. There are no proposed changes to the access. The comments of the Highways Authority are noted and considered.

5.13 The comments of Environmental Health Officer with regard to the previous concerns of the Committee and the submitted scheme are noted. The revised scheme has addressed the concerns regarding vehicle sales customers who would now be separated from the other uses, HGVs and activity. Any outstanding issues can be addressed through Health and Safety legislation. The previous reason for refusal is therefore overcome.

5.14 The visitor parking is located on a portion of the site which is away from existing main operations of the site, it is considered by Officers that the layout does not compromise the use of the weighbridge or interfere with the movements around the site associated with the agricultural operations as it will be fenced off under the new proposals. The Highway Authority have confirmed that there is no concern regarding the safety of the internal layout.

5.15 Overall it is considered that there is no significant or material harm to the highway network and the safe movement of people within the site has also been satisfactorily dealt with under the amended scheme.

The Planning Balance

5.16 The application has been carefully considered against the balance of sustainable development, the significant case history and the impact of the proposal. The

retrospective nature is a material consideration against the application, however physical mitigation, boundary treatment, orientation of buildings such that harm has been designed out, has already been delivered through the development of the buildings and as such further physical mitigation is not required. It is also noted that general storage and alternative uses such as vets have been considered acceptable on the site.

5.17 Overall the positive economic benefits of job creation outweigh any limited harm to the character of the area and the proposal is considered acceptable. As part of the permission conditions are required to ensure that the development continues to cause no harm to the other uses on the site or cause conflict with HGVs and to ensure that car sales or storage do not encroach further into the countryside. Restrictions on the areas of sale and operation of the cars as shown on the plan are also proposed alongside restrictions on external music, valeting and servicing.

6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the details on the approved plans submitted to the Local Planning Authority on 13 September 2016 with the revised visitor car parking layout being shown on drawing PB16/29 being implemented within two months of the date of this permission and retained thereafter.

2. There shall be no external car sales or storage of vehicles outside the area shown as the Open Display Area hatched on the approved drawing PB16/29 submitted to the Local Planning Authority on 13 September 2016.

3. There shall be no external valeting or servicing of motor vehicles.

4. All deliveries and collections by car transporter shall take place in the area shown as the Open Delivery Area and shall only take place between the hours of 08.00 to 18.00 weekdays and Saturdays and not at all on Sundays or Public Holidays.

5. No speakers or public address facilities shall be installed externally.

6. No external lighting for security or other purposes shall be installed until full details have been submitted to and approved in writing by the local planning authority. The details shall include the number, position, height, main beam angle, spill shield details and the intensity of all lights. Lighting shall not be installed other than as approved.

The reasons are:

1. In order to ensure that the development is operated satisfactorily from the site and satisfactory appearance of the site.

2. To ensure that the storage of cars do not encroach onto agricultural operations, cause unnecessary conflict with HGV movements, result in operations encroaching into the open countryside and to ensure that the character of the area is not adversely affected.

3. To safeguard the amenities of nearby residents and to ensure the satisfactory appearance of the site

4. To ensure that the storage of cars do not encroach onto agricultural operations, cause unnecessary conflict with HGV movements, result in operations encroaching into the open countryside and to ensure that the character of the area is not adversely affected.

5. To safeguard the amenities of nearby residents

6. Having regard to the rural nature of the area, the impact of new lighting on light pollution and the amenities of nearby residential occupiers.