

Parish: Aiskew

Ward: Bedale

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Committee date: 7 February 2019

Officer dealing: Aisling O'Driscoll

Target date: 4 March 2019

18/02584/FUL

Change of use of former agricultural land to facilitate extension to warehouse, with associated HGV parking, landscaping and formation of infiltration pit. at Land North Of Cawingredients Conygarth Way Leeming Bar Business Park Leeming Bar for Mr Andrew Cawthray - Cawingredients Limited.

This application is referred to Planning Committee as the application is a major application part of which falls outside development limits.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located to the north end of the Leeming Bar industrial estate, to the east of the A1 motorway and south of the A684 and the motorway service stop at Junction 51. Currently the application site is vacant.
- 1.2 The majority of the site is within the defined development limits. However, the most northern part, encompassing the HGV parking, access and infiltration pit, is outside development limits.
- 1.3 The application is for an extension to the existing warehouse and distribution facility. Just under 9,000 sqm of use class B8 (storage and distribution) accommodation is proposed along with ancillary office and welfare space. To the north of the application site a new access road, turning points and HGV parking are proposed. Landscaping is to be provided to the north, east and south of the proposed building. The building is to be accessed via Conygarth Way passing to the west of the existing warehouse.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 07/02106/FUL - Construction of a factory, stores, offices, associated car parking and formation of a new vehicular access

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 CP4 - Settlement hierarchy
 - Core Strategy Policy CP11 - Distribution of new employment development
 - Core Strategy Policy CP12 - Priorities for employment development
 - Core Strategy Policy CP17 - Promoting high quality design
 - Core Strategy Policy CP18 - Prudent use of natural resources
 - Core Strategy Policy CP21 - Safe response to natural and other forces
 - Development Policies DP1 - Protecting amenity
 - Development Policies DP2 - Securing developer contributions
 - Development Policies DP3 - Site accessibility
 - Development Policies DP4 - Access for all
 - Development Policies DP6 - Utilities and infrastructure
 - Development Policies DP16 - Specific measures to assist the economy and employment
 - Development Policies DP29 – Archaeology
 - Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP32 - General design
Development Policies DP33 – Landscaping
Development Policies DP34 - Sustainable energy
Development Policies DP36 – Waste
National Planning Practice Guidance
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – No response at time of writing
- 4.2 Highways Authority – No objection subject to conditions
- 4.3 Highways Agency – No objection
- 4.4 Yorkshire Water – Recommends conditions
- 4.5 Economic Development – Supports the application
- 4.6 SABIC – Indicates that approval is required for work within 50 metres of the Major Accident Hazard Pipeline.
- 4.7 Ministry of Defence – No objection
- 4.8 Environmental Health Officer – No Objection
- 4.9 Environment Agency – No response at time of writing

5.0 OBSERVATIONS

- 5.1 The main issues to consider in this application are; (i) the principle of development in this location; (ii) design; (iii) the impact on landscape character; (iv) highways impact; (v) economic impacts and; (vi) amenity of neighbours

Principle of development

- 5.2 The site is mainly within Development Limits where DP8 states that permission for development will be granted within the settlement Development Limits as defined on the Proposals Map, provided that it is consistent with other LDF policies.
- 5.3 The site lies in part outside the Development Limits of any settlement and therefore an exceptional case must be made for development in this location. LDF Policy CP4 states that development outside of Development Limits will not be supported unless an exception can be demonstrated.
- 5.4 Paragraph 83 of the National Planning Policy Framework (NPPF) encourages support for a prosperous rural economy requiring planning policies to take a positive approach to sustainable new development. It also requires planning policies to support the sustainable growth and expansion of all types of business and enterprise in rural areas and to promote the development and diversification of agricultural and other land based rural business.
- 5.5 The Council has strategic objectives (adopted within the Core Strategy) based on the principles of sustainability. Strategic objective number 1 is to ensure that all development is sustainable, in the interests of existing and future population, and number 2 is to reduce the need for travel. These are key to the policy framework.
- 5.6 The Strategic Spatial Policy, adopted to meet the needs of local development sustainably, includes Policy CP1, which underpins the whole Plan. It includes as its main aims, together

with community's housing economic and social requirements and protection of the environment, the minimisation of energy consumption and the need to travel.

- 5.7 Policy CP2 is very specific that development should be located to minimise the need to travel, and convenient access should be available to sustainable means of transport.
- 5.8 Local Policy CP11 states that most employment development "will be encouraged to locate within the development limits of the Service Centres of the District. As exceptions to this principle, in the Bedale area most development will be encouraged to locate in Leeming Bar rather than the Bedale Service Centre".
- 5.9 The majority of the site is located within Leeming Bar development limits. It is therefore considered that the principle of development in this area is acceptable.
- 5.10 The applicant has sited the proposed building entirely within the development limits. The remaining land outside of the development limit is required to provide HGV parking and access roads. It is considered that the use of this small area of land outside of the development limit can be justified under policy CP4 which states that development outside of development limits "will only be supported when an exceptional case can be made for the proposals in terms of Policies CP1 and CP2, and where: i. it is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy".
- 5.11 In addition to this the NPPF (published July 2018) states that "planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations". Policy for Leeming Bar Industrial Estate has emphasised the development of the "food cluster". The extension of this soft drinks business assists in concentrating the commercial development on this sector.

Design

- 5.12 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.13 The National Planning Policy Framework supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.14 The design of the building reflects that of previous developments by the applicant which visually tie the proposed development to the existing structures in the near vicinity. The proposed design is considered to be of good quality and is considered to be satisfactory in the context of other, large industrial buildings.

Impact on the landscape

- 5.15 Policy DP30 (Protecting the character and appearance of the countryside) of the Development Policies DPD states that "the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced...Throughout the District, the design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views. The design of buildings, and the acceptability of development, will need to take full account of the nature and distinctive

qualities of the local landscape... Where possible opportunities should be taken to add appropriate character and distinctiveness through the contribution of new landscape features..."

- 5.16 In support of the application a Landscape & Visual Appraisal has been submitted. A range of views were considered as part of the appraisal including close and long range views. Long range views included those from nearby settlements such as Langthorne and Crakehall. The report goes into detail about the range of impacts and the relationship of the site to the local context of the industrial estate and the wider context of the surrounding countryside.
- 5.17 The report submitted indicates that the main views of the proposal will be from infrastructure locations for example to the immediate north west of the site along the A1 and newly upgraded junction 51. In such situations users are often travelling at speed. Given the location and surrounding character of the Leeming Bar industrial estate this type of development is typically expected within the landscape and will be seen in the context of the wider industrial development of Leeming Bar.
- 5.18 With regard to the HGV parking near to the northern boundary, edge of site screening will be provided which will, over time, screen views of parked HGVs within the site.
- 5.19 The proposal requires the removal of a number of trees and existing landscaping. Alternative landscaping has been proposed around the proposed building and application site. The existing trees are not protected by a tree preservation order nor is the site within a conservation area and it is considered that the proposals are acceptable.
- 5.20 The proposed building will be visible in the landscape. However, it is considered that it will be viewed against the backdrop of the existing industrial estate and that the impact on the landscape character will not be significant. It is considered that the proposal complies with Policy DP30 which states that "the design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views".

Highways Impact

- 5.21 Both the Highways Agency and the local Highways Authority were consulted. The Highways Agency has no objections to the application. Similarly the Highways Authority has no objections subject to conditions relating to retention of parking spaces, onsite parking and storage during construction, and an updated Travel Plan. All of the proposed conditions are considered reasonable and it is recommended that they are included in the decision.

Economic Impact

- 5.22 Paragraphs 80 to 82 of the NPPF explain the Government's commitment to securing economic growth in order to create jobs and prosperity and create conditions where businesses can invest, expand and adapt. The Government wants to ensure that the planning system does everything it can to support this objective. Paragraph 83 of the NPPF requires Local Plan policies to support economic growth in rural areas.
- 5.23 The community's economic requirements are an important planning consideration and Polies CP1 and DP16 commit the Council to taking them into account when considering development proposals. The proposal itself would have positive employment impact as it would generate 45 jobs directly and assist in the growth of the business of Caw Ingredients. Caw Ingredients is a well-established business at Leeming Bar and the proposed development will allow for the sustainable expansion of the business on this site.

Amenity of neighbours

- 5.24 LDF Policy DP1 (Protecting Amenity) stipulates that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.
- 5.25 The nearest residential neighbours are on the west side of the A1(M) and whilst the building would be readily visible in the landscape, neither the building or use would have a significant or direct impact upon the amenity of neighbours in terms of either visual impact or noise.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 8145 P(0)03_C, 8145 P(0)05, 8145 P(0)07, and 8145 P(0)08; received by Hambleton District Council on 03.12.2019; drawing numbered 8145 (400) 01A received by Hambleton District Council on 10.12.2018 and drawing numbered 8145 P(0)09 received by Hambleton District Council on 22.01.2019 unless otherwise approved in writing by the Local Planning Authority.
 3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 4. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing Number P (0) 09 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
 5. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
 - a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway.
 - b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
 - c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
 6. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:
 - a. the appointment of a travel co-ordinator
 - b. a partnership approach to influence travel behaviour
 - c. measures to encourage the use of alternative modes of transport other than the private car by persons associated with the sited. provision of up-to-date details of public transport services

- e. continual appraisal of travel patterns and measures provided through the travel plan
- f. improved safety for vulnerable road users
- g. a reduction in all vehicle trips and mileage
- h. a programme for the implementation of such measures and any proposed physical works
- i. procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance

The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

7. The development, hereby approved, shall be constructed in full accordance with the Flood Risk Assessment and drawing number 18369-C-50 received by Hambleton District Council on 03.12.2018.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interest of proper planning.
3. In the interest of visual amenity
4. To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.
5. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
6. To establish measures to encourage more sustainable non-car modes of transport.
7. To ensure adequate drainage is provided.