

15/02213/FUL

Change of use of agricultural land, demolition of agricultural buildings, construction of new building for food production, warehouse and distribution purposes, change of use and extension of traditional building to provide visitor facility, staff gym and offices and construction of additional vehicular turning area for the relocation of the existing business

**at Leeming Lane Farm, Leeming Lane, Sinderby
for Thirsk Food Logistics Limited (Heck)**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located on the eastern side of the A6055 which runs parallel to the A1, and is close to the junction with the B6267 Masham Road. The site is currently a vacant farm covering an area of just over 1 hectare. The buildings on the site include the original farmhouse, which is currently unoccupied, and a group of traditional brick farm buildings located immediately adjacent to the roadside. More modern agricultural buildings, including former pig sheds, are located centrally within the farmyard area and along the northern and western edges of the site.
- 1.2 A dwelling that lies immediately to the south of the application site was originally associated with the farm but is now occupied independently by members of the applicant's family.
- 1.3 Access to the site is from the B6267, approximately 330m to the west of the roundabout at the junction. A tarmacked road runs parallel to the Masham Road and the A6055 before reaching the farmyard.
- 1.4 It is proposed to relocate an existing business to the farm; the proposal would include the removal of the modern agricultural buildings (covering an area of approximately 1,900 sq. m) and the construction of a food production building incorporating warehousing and distribution elements. The building would have a floor area of approximately 1,700 sq. m and a maximum height of 8.8m. Offices to be occupied in association with the business are proposed within the existing farmhouse.
- 1.5 It is also proposed to convert buildings adjacent to the farmhouse to form a visitor centre with classroom space, an education workshop, a refreshment area and an outdoor play and picnic area. Visitors to the site would be restricted to the site operation hours and subject to pre-arranged times.
- 1.6 The business has an existing facility (approx. 300 sq. m) in a starter unit at Leeming Bar Industrial Estate where a total of 21 staff are currently employed. The business has outgrown this facility. A secondary site near Wath is rented and used for storage and distribution, employing a further 17 staff. Further storage is undertaken at the applicant's farmstead near Kirklington.
- 1.7 The proposed scheme is to consolidate all existing parts of the business and allow for future expansion. A total of 70 staff would be employed in the longer term at the new production facility and visitor centre.
- 1.8 The planning application includes the following documents:

- Design, Access and Heritage Statement
- Travel Plan
- Transport Assessment
- Preliminary Assessment of Land Contamination

2.0 PLANNING & ENFORCEMENT HISTORY

2.1 None relevant

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 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 CP18 - Prudent use of natural resources
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policy DP1 - Protecting amenity
 Development Policy DP4 - Access for all
 Development Policy DP9 - Development outside Development Limits
 Development Policy DP25 - Rural employment
 Development Policy DP30 - Protecting the character and appearance of the countryside
 Development Policy DP32 - General design
 Development Policy DP34 - Sustainable energy
 Development Policy DP43 - Flooding and floodplains
 National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Kirklington with Sutton Howgrave Parish Council - approve the application.
- 4.2 Wath and Norton Conyers Parish Council - the proposed development appears to be at a site with good road links.
- 4.3 Highway Authority - the existing access onto the B6267 at Lime Lane is satisfactory for the proposed development; conditions are recommended.
- 4.4 Highways England - no objection.
- 4.5 Yorkshire Water - condition recommended.
- 4.6 Environment Agency - we have no objections in principle to the proposed discharge, subject to satisfactory results from percolation tests. The drainage field should be located more than 10m from drains or watercourses. The applicant should ensure that adequate oil and grease separation takes place prior to discharge to the drainage field. The package treatment plant and drainage field should be adequately sized in order to treat the effluent to a satisfactory standard.
- 4.7 Environmental Health Officer - no objections or recommendations to make. The site is adjacent to the A1, cafe/lorry park to south and caravan storage site to south west. I don't think that the residential accommodation associated with the Quernhow Café will be affected by noise from the development because of the already high noise

levels with being adjacent to the A1 and A6055. The Bungalow is closer and I agree more information about the bungalow's occupation would be useful but I believe the day and night time noise levels this property is currently exposed to because of road traffic noise will be up to and in excess over 60dB and I think it unlikely noise from the development will be discernible above the background noise.

4.8 HDC Senior Scientific Officer - The applicant has submitted a Preliminary Assessment of Land Contamination form which does not identify any potential fuels or chemicals, waste disposal or burning having ever taken place on the site. However, given the long established agricultural use it is possible that some contamination exists which may not be apparent from a visual inspection. There are numerous buildings which may also contain asbestos materials, and therefore I would recommend a condition to investigate and, where necessary, remediate any contamination that poses a risk to human health or the wider environment.

4.9 HDC Economic Development - supports the application for a number of reasons:

- The business was established in Hambleton and is out-growing their current premises.
- The application site is within Hambleton, therefore it is envisaged that all of the jobs that have so far been created will remain in the District
- In addition the business is looking to grow and create further employment in a variety of different roles.
- The education centre supports a valuable role in promoting the food industry as a whole and helping to demonstrate the variety and scope of employment options on offer to a new generation of employees. It will also promote local food production of which there are many fine examples in Hambleton.
- The company spends a lot of time and money investing in innovative equipment and product development in order to be at the forefront of its industry and is a business that we would hope to retain in the District
- It will be helpful to see some proposals on if/how the site can cope with parking for additional traffic should it be required

4.10 Site notice/local residents - A letter has been submitted on behalf of Kirklington Estates (owners) in support of the application, which is summarised as follows:

- This is an opportunity to bring a positive new use to the site which is subject to dilapidation and a need for positive investment
- The scheme will reinforce the applicants' local association in terms of their agricultural activities
- The applicants' ingenuity and business initiative should be encouraged with the diversification of their farming business bringing a notable benefit to the local rural economy both in terms of local employment (on a direct basis) and also in the wider supply network
- The Estate will benefit, with sale proceedings helping to finance the Estate's activities, many of which include significant heritage assets and also which provide affordable local housing to rent.

5.0 OBSERVATIONS

5.1 The issues to be considered include the principle of the development in this location; the loss of agricultural land; the effect of the new buildings on the character and appearance of the rural landscape; the impact on residential amenity; and highway safety.

Principle of development

- 5.2 The site lies outside the Development Limits of any settlement. LDF Policy CP4 states that development outside of Development Limits will not be supported unless an exception can be demonstrated.
- 5.3 Paragraph 28 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 businesses.
- 5.4 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 populations, and number 2 is to reduce the need for travel. These are key to the policy framework.
- 5.5 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 the community's housing, economic and social requirements and protection of the environment, the minimisation of energy consumption and the need to travel.
- 5.6 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. A travel plan has been submitted with the application with the aim of minimising the number of vehicle trips made by staff.
- 5.7 Consideration of alternative locations has been given by the applicant, including sites outside of the District. The potential for relocating within the Leeming Bar Industrial Estate has also been considered. A search over an extended period of time for a site close to the A1 corridor and within a radius likely to allow retention of existing staff, has taken place. Other options were discounted for various reasons including the timescale for site availability and the size of sites available. Existing allocated land at Leeming Bar would be inadequate for their purposes and the time frame for future allocations of land would not fit within their now urgent requirements.
- 5.8 The proposed visitor centre would be provided within the existing buildings at the site including the farmhouse. Policy CP4 is generally supportive of re-using existing buildings for purposes that would help to support a sustainable rural economy. It is also recognised that a rural location rather than an industrial estate is the aspiration of the applicant in order to retain a farm-based focus to the business. In this respect the proposed development is in accordance with Policy CP4 but the visitor/education centre is a secondary part of the proposal, the major part of the scheme being the proposed food production factory.
- 5.9 Criterion ii of LDF Policy CP4 allows development to be approved exceptionally where it is "necessary to secure a significant improvement to the environment". The existing site is clearly visible from the surrounding roads although existing landform and hedgerows do reduce the impact from longer range views. The site is currently poor in terms of its visual appearance, particularly due to the vacancy of the traditional farm buildings on the roadside. The proposed development would upgrade and formalise the area and, as a result, improve the appearance of the site. The development would be more visible and more prominent in the landscape but would be viewed against the existing adjacent development and the existing tree screen to the rear. The proposed development is therefore considered to be an improvement to the local environment. Criterion vi of CP4 also provides some support for the

proposal as it permits exceptions to the normal control of development where a proposal would support the social and economic regeneration of rural areas.

- 5.10 Other LDF Policies, such as Policy CP15, are supportive of the retention or expansion of local rural businesses and the diversification of the rural economy outside of defined Development Limits but only in respect of small scale development. The proposed factory and production enterprise is large in scale and would not comply with these Policy requirements. However, it is recognised that the business is a well-established local business and employer that has outgrown its existing premises. The business requires a site in which to consolidate its activities and has investigated several options including alternative premises at Leeming Bar.
- 5.11 On balance it is considered that, subject to the economic, social and environmental benefits to be examined in the following section, the development of this site outside Development Limits may be justified as a Departure from the Development Plan.

Economic Impact

- 5.12 Paragraphs 18 to 22 of the NPPF explain the Government's commitment to securing economic growth in order to create jobs and prosperity and meeting the twin challenges of global competition and of a low carbon future. The Government wants to ensure that the planning system does everything it can to support this objective. Paragraph 28 of the NPPF requires Local Plan policies to support economic growth in rural areas.
- 5.13 There is no doubt, as expressed by the Council's Economic Development Officer, that the proposed development would give rise to local economic benefits. The business is a well-established company that is rapidly expanding and has outgrown its existing premises at Leeming Bar.
- 5.14 It is considered that the contribution towards sustaining the economic benefits of the existing business is in accordance with the NPPF although due to its scale and remote location the main part of the proposal (food production) would not meet the terms of the LDF Policies CP1 and CP2 and the criteria set out in policy CP4.
- 5.15 The proposed development would result in the loss of an agricultural use. However, the farm buildings have clearly not been used for several years and are in a state of decay, so a significant amount of investment would be required to re-use the site. Only a small additional area of agricultural land would be incorporated into the proposed development. Appropriate weight needs to be given to the loss of the agricultural land balanced against the benefits of the scheme; in this case the economic, social and environmental benefits of the proposed development.

Landscape and Visual Impact

- 5.16 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..."

- 5.17 The site is currently a disused farmyard with a range of deteriorating farm buildings. The site is close to the road with landscape features including a well-established roadside hedge; trees adjacent to the southern boundary and a tree screen to the west. The site is not prominent from the B6267 due to the rising landform but is visible from stretches of the A6055. Such a large building would be clearly visible from this road and from the A1M but would appear as part of an established group of buildings and would not be overly dominant. The site does not lie within an area of special landscape designation.
- 5.18 It is considered the proposed development would not detract from the rural character and appearance of the landscape and is in accordance the advice within the NPPF and LDF Policies CP16 and DP30.

Design

- 5.19 The proposed development includes the replacement of a large number of existing agricultural buildings with a single building providing the processing, storage and staff facilities.
- 5.20 Most of the existing buildings are much lower in height than the proposed building, but are similar in layout to the existing arrangement. The proposed building has different sections at different heights. This would break up the bulk of the building and reduce its prominence.
- 5.21 The building would be a large industrial style building, finished in galvanised steel cladding and green composite wall panels. An element of brickwork is also proposed. The design is functional and reflects the agricultural characteristics of the site.
- 5.22 Policy DP34 requires all developments above 1,000 sq. m to show that they have addressed sustainable energy issues, by reference to accredited assessment schemes and in the case of commercial developments must undertake an energy assessment and consider the feasibility of incorporating Combined Heat and Power schemes. Additionally there is a requirement that at least 10% of their energy requirements are from onsite renewable energy generation or otherwise demonstrate similar energy savings through design measures. The application includes solar and sustainable drainage and it is recommended that a suitably worded condition be applied in order to ensure that a suitable scheme is implemented should consent for the development be granted.

Residential amenity

- 5.23 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.
- 5.24 The site lies adjacent to a dwelling that originally formed part of the farmstead but is now separate. There could be a potential for some disturbance due to the proximity of this dwelling to the proposed use but there is already a significant degree of background noise due to the proximity of the A1 and A6055 and access is currently through the (disused pig) farm. It is not anticipated that any noise arising from the proposed use would be discernible above the noise levels of the adjacent roads, or that any odours resulting from the development would give rise to a greater impact on amenity.
- 5.25 It is not anticipated that the proposed use would have an adverse impact on the amenity of local residents that would be contrary to LDF Policy DP1.

Highway matters

- 5.26 The proposed development would utilise the existing access that serves the farm, which is direct from the B6267. A total of 51 parking spaces are proposed on site adjacent to the existing and proposed buildings for staff and visitors, together with adequate turning facilities for delivery vehicles.
- 5.27 A transport assessment has been submitted with the application and concludes that the impact of the development would not be severe and would not be expected to have a detrimental impact on road safety.
- 5.28 The Highway Authority has no objections to the use of the existing access to serve the development subject to conditions. Highways England, responsible for the A1(M), has no objection.

Summary

- 5.29 The proposed development would support the development of an existing business, which has explored several options for alternative more sustainable locations for new development. Any impact on highway capacity, highway safety, residential amenity and the rural landscape would not be significant and the development would be acceptable as a Departure from the requirements of the Local Development Framework.

6.0 RECOMMENDATION

- 6.1 It is recommended that subject to prior advertisement of the application as a departure from the development plan and the consideration of any further representations and any outstanding consultations, the Executive Director is authorised to **GRANT** planning permission subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 3. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
 4. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

5. No development shall take place until works have been carried out to provide facilities for the delivery of an adequate water supply.
6. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the Local Planning Authority. A scheme for the remediation of any contamination shall be submitted and approved by the Local Planning Authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.
7. Prior to the development commencing, a detailed scheme to incorporate energy efficiency and/or renewable energy measures within the design-build which meet 10 percent of the buildings energy demand shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented and retained in accordance with the approved details.
8. The details within the submitted Travel Plan shall be implemented and thereafter retained unless with the prior written approval of the Local Planning Authority.
9. There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at the B6267 Lime Lane. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.
10. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference J3738-B-203). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
11. All doors and windows on elevations of the buildings adjacent to the existing highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.
12. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The Statement shall provide for the following in respect of the phase: a. the parking of vehicles of site operatives and visitors; b. loading and unloading of plant and materials used in constructing the development; c. storage of plant and materials used in constructing the development d. erection of hoardings, security fencing and scaffolding adjacent to the public highway; e. wheel washing facilities ; f. measures to control the emission of dust and dirt during construction; g. HGV routing; h. protection of users of the adjacent highway at all times during demolition and construction.
13. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered (J3738-B) -201B, -202, -203, -204, -400 and -401 received by Hambleton District Council on 29 September and 12 October 2015 unless otherwise approved in writing by the Local Planning Authority.

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. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP30.
4. To ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, CP16, CP17, DP1, DP30 and DP32 of the Hambleton Local Development Framework.
5. In order to protect the existing mains infrastructure and ensure that the site has an adequate supply of water in accordance with LDF Policies CP21 and DP43.
6. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework Policy CP21.
7. In order to minimise energy demand, improve energy efficiency and promote energy generated from renewable resources in accordance with policy DP34 of the Hambleton Local Development Framework.
8. In the interests of sustainable travel in accordance with LDF Policies CP1 and CP2.
9. In the interests of both vehicle and pedestrian safety and the visual amenity of the area in accordance with LDF Policies CP2 and DP4.
10. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
11. To protect pedestrians and other highway users in accordance with LDF Policies CP2 and DP4.
12. In the interests of highway safety in accordance with LDF Policies CP2 and DP4.
13. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.