

Parish: Aiskew
Ward: Bedale
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Committee Date: 22 June 2017
Officer dealing: Mr T J Wood
Target Date: 30 June 2017

17/00829/FUL

Extension to soft drinks factory with associated loading docks and circulation space and landscaping

**At Cawingredients Limited, Caw House, Conygarth Way, Leeming Bar Business Park
For Cawingredients Ltd.**

This application is referred to the Planning Committee as the application is a major development that has the potential to have large scale impacts on the local community and economy of the District

1.0 SITE CONTEXT AND PROPOSAL

- 1.1 The site is within the Development Limits of Leeming Bar and lies on the west of the Leeming Bar Industrial Estate, accessed from Coneygarth Way, immediately adjacent to the southbound carriageway of the A1(M). The proposed development is at the south end of the applicants' property, between the factory building and the Wensleydale Railway, beyond which to the south is housing and a horticultural nursery.
- 1.2 The land upon which the factory extension is proposed is currently partly used in conjunction with the despatch of soft drinks from the factory, and partly open ground. There are no natural features of interest within the application site. An infiltration soakaway with the appearance of a pond is immediately adjacent to the southern boundary, this feature was created to handle the surface water from the factory site.
- 1.3 The factory produces soft drinks and the extension is to increase the production floor space. The ground levels would be altered to create a level site for the building, with a step down from the existing factory, providing a roadway to the south side of the proposed factory extension and the creation of a landscaped slope and bund between the attenuation pond and the south-east side of the extended factory.
- 1.4 The height of the parapet wall to the extended factory is shown to be 1.7m lower than the parapet wall of the existing factory. The gross floor area of the site is 10,535 sqm consisting of 8,050 sqm factory space, a 717 sqm transition zone connecting the extension to the existing factory and a 1,768sqm mezzanine. The mezzanine floor over part of the production facility is shown in a similar manner to the existing factory. Loading docks are shown on the north east elevation.
- 1.5 The extension to the factory is estimated to provide approximately 50 full time jobs, an increase from 160 to 210 employees at the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 13/02660/FUL - Automated warehouse; Granted 6 June 2014.

This was on the site of the proposed factory extension. At that time the development was considered to not cause harm to highway safety, residential amenity or the local landscape character and, it was concluded, would enable the expansion of the existing business and aid the local economy in accordance with the objectives and policy of the Local Development Framework. The conditional approval was also subject to a planning obligation to contribute towards the

provision of the Bedale Footpath and Cycleway. The consent lapsed on 6 June 2017 as a start had not been made on the site.

- 2.2 A public consultation event was held on 5th April 2017 to display the initial concept scheme, prior to the making of this application. Members of the public and Parish Council attended the event.

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
Allocations Document Policy BE1 - North West of Leeming Bar Industrial Estate, Leeming Bar - adopted 21 December 2010
Allocations Document Policy BC3 - Footpath and Cycleway Along the Wensleydale Railway Corridor Between Bedale and Leeming Bar - adopted 21 December 2010
Council Plan 2015-2019
Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009
National Planning Practice Guidance
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATION

- 4.1 Aiskew and Leeming Bar Parish Council – No observations.
- 4.2 Highway Authority – Advice awaited.
- 4.3 Highways England – Wishes to review the development in the light of the traffic generation and the potential impact of the development proposals on the A1(M) Junction 51 derived from site specific trip rates and distributions.
- 4.4 Ramblers Association – No objection.
- 4.5 Ministry of Defence Safeguarding – No objection subject to a condition relating to measures to control birds that may be attracted to the infiltration basin, which could be hazardous to aircraft. The controls sought such as avoiding persistent areas of

open water (or netting the areas), reducing berry bearing trees, avoid planting trees that provide roosting habitat and bird management measures on flat or low pitch roofs.

- 4.6 Environmental Health Officer – No objection, noting that the site is within an industrial estate and adjacent to the A1(M) and therefore will not noticeably impact on the existing noise environment or impact on residential amenity.
- 4.7 SABIC (Trans-Pennine ethylene pipeline operator) – No observations, as at 310m from the development site the proposal will not affect pipeline apparatus.
- 4.8 Public comments – None received.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are (i) the principle of additional employment generating development on the site; (ii) highway capacity and safety; (iii) the design, massing, scale of the building; (iv) amenity of neighbours, (v) the economic impact of the development; and (vi) the bird strike concerns raised by the MoD and (vii) Bedale footway and cycleway.
- 5.2 The policy framework now is unchanged from the time of the approval of the automated warehouse proposal on the same land, approved in 2014. The site for the building is not allocated for any form of development in the Local Development Framework (LDF) but as noted above lies within the Development Limits of Leeming Bar. In such locations LDF policies allows for new commercial development provided that it achieves the requirements of the Core Strategy (particularly CP11, which identifies Leeming Bar as an appropriate location for new employment development, and CP12) and Development Plan policies (particularly DP16). The NPPF similarly supports new commercial development provided it does not result in significant harm.
- 5.3 An industrial estate location is preferred by LDF policies as the location for large scale job creation and for new industrial buildings as they have the available infrastructure, are located close to centres of populations, have good access links and, amongst other things, large buildings will be more readily assimilated within the landscape.
- 5.4 The Council Plan and policy for investment at Leeming Bar Industrial Estate has emphasised the development of a “food cluster”, i.e. co-location of businesses producing foods. The extension of the soft drinks business would accord with this, although the economic benefits non-food businesses are equally welcome.
- 5.5 The infrastructure requirements of the business are significant and it is important to assess whether this proposal can be accommodated by the existing or planned infrastructure, key amongst these is highway capacity.

Highway capacity and safety

- 5.6 The application is supported by a Transport Assessment (TA). It concludes that the factory provides an additional 50% production capacity, would continue to achieve HGV access by Conygarth Way to Leases Road, that the road is physically suitable to carry the loads, and that there are footways and public transport available for employee use.
- 5.7 Assessment of the operational network capacity within the TA indicates that all the road junctions in the vicinity would continue to work well within their capacity as far ahead as 2027. The TA concludes there are no transport reasons why planning approval should be withheld.

- 5.8 Highways England (HE) has appointed consultants to consider the detail of the TA and their response is awaited. As a precautionary measure HE has recommended that no decision is made until 23 November 2017 (or until the information has been provided and the impact fully assessed, whichever is sooner) in order that the impact of the development can be considered in relation to the operation of the A1(M) junction 51. Unlike previous arrangements, this is a recommendation, not a direction, but if the Council wishes to grant permission against the HE's advice, it would be necessary to consult the Secretary of State for Transport first.
- 5.9 No concerns have been raised regarding the safety of the operation of the pedestrian, cycle or vehicular access arrangements that continue via Tutin Road and Portland Way.

Design, massing and scale of the building

- 5.10 At the time of the consideration of the application for the automated warehouse detailed assessment work was undertaken of the potential for the visual impact of the building to cause harm to the amenity of neighbours or the wide landscape and reviews were undertaken of the proposal from a range of vantage points. The detailed Landscape Appraisal has not been resubmitted with this application but is a useful reference point as the proposed building would occupy largely the same footprint as the previously approved automated warehouse but would be 1.7m lower in height. The report on the warehouse extension concluded:

“The design of the building that repeats much of the design detailing of the factory achieves a degree of conformity with the existing built environment. It does not cause harm through a loss of openness or harm the character of the settlement of Leeming Bar and thereby meets the requirements of LDF Policy CP16”,

- 5.11 The impact of the proposed extension on the views from surrounding locations would be broadly similar to the warehouse building and it can therefore be concluded that the current proposal also meets the LDF Policy CP16 requirements.

Amenity of neighbours

- 5.12 The main impacts upon neighbours are anticipated to be associated with the potential levels of noise from the operation of the factory and vehicle movements associated with the despatch of products from the site. The detailed design of the building places loading bays and HGV turning spaces on the east and west sides of the building. The activity associated with the loading areas is anticipated to create noise; however there are no neighbours on adjoining property or in the vicinity that are noted to be noise sensitive and there is no reason to conclude that the development would give rise to harm due to the layout of the site.
- 5.13 The size of the building and proximity to homes on Potlands, south of the site, has been considered. The intervening space between the rear of dwellings on Potlands, the width of the Wensleydale Railway Line land, SuDS pond and landscaping are significant resulting in a building to building separation distance of 127m.
- 5.14 The intervening space is shown to be landscaped with a variety of trees and shrubs on a bank, though the range of species may be influenced by the need to reduce the potential of bird strike (see MoD response) the impact of the building is reduced by the landscape features as well as the overall distance.
- 5.15 On the experience from the operation of the factory to date there is no reason to conclude that noise from the use of the extended factory would be likely to create any significant levels of noise that could cause harm to the neighbours of the site. The continued use of Conygarth Way as the sole vehicular access and the use of the

Bedale bypass as a route to the primary road network would avoid impact upon residents on Leases Road. The increased movement of HCVs between the factory and the warehouses on the northern part of the site would create noise but that is within the context of the noise from vehicles on the elevated section of the A1(M) and using the industrial estate. It is considered that the noise level from the use including HCV movements and noise from the A1(M) would not be harmful or unduly intrusive, indeed the findings of the applicant's consultants at the time of the automated warehouse application in 2013-14 was that the noise from the development would be negligible. There is no reason to conclude differently in this case.

Economic impact

- 5.16 The Community's economic requirements are an important planning consideration and Policy CP1 commits the Council to taking them into account when considering development proposals. The proposal would have positive employment impact as it would allow a significant number of skilled jobs to be created by freeing space within the factory for greater production. This would lead to an increase in the workforce to about 210.

Bird strike

- 5.17 The MOD raise concern regarding the potential for the design of the scheme to give rise to an increased incidence of bird strike on aircraft operating at RAF Leeming. The applicant's agent has been requested to give attention to the design of the scheme and the measures sought to reduce the potential for bird strike. It is noted that the site already has trees and shrub landscaping and a water attenuation area and that these are features retained in the proposed scheme but also in part are the cause for concern for the MOD. A planning condition can be used to secure a suitable scheme to address the concern of the MOD.

Bedale cycleway and footway contribution

- 5.18 Previously the consent for the automated warehouse was subject to a Planning Obligation to make a payment towards the cost of forming the Leeming Bar to Bedale Footway and cycleway. The CIL Regulation 123 list does not include the Bedale footway and cycleway however under the CIL Regulations 2010 from April 2015 the Council cannot pool more than 5 contributions from separate developments towards a single item of infrastructure. As more than 5 contributions have been received no further contributions can be secured by this means

Conclusion and Planning Balance

- 5.19 This report has been prepared in anticipation that the HE will accept that the development will not give to objection that requires significant amendment. However if the HE recommend refusal or seek significant amendments to the proposal the application may need further consideration by the Planning Committee.
- 5.20 The 'Planning Balance' in this case includes the provision of new jobs to allow the growth of a significant employer in the District that is investing in infrastructure (both high levels of technology and in buildings and facilities), the development includes a large building but one that will not cause harm to the location on the Leeming Bar industrial estate. The developer has engaged with the local community prior to making the application and no objection has been received from that community to suggest that there is any harm to the 'social' strand of sustainable development, noting the 'economic' benefits and lack of any 'environmental' and the benefits of providing landscaped grounds to the factory it is considered that the balance falls towards supporting the proposal.

RECOMMENDATION

6.1 That subject to any outstanding consultations and the removal of the objection from Highways England or the agreement of the Secretary of State to the approval of the scheme that the application be **GRANTED** subject to the following conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development 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.
3. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the landscaping plan received by Hambleton District Council on 13 April 2017 numbered MR17-031/101 has been carried out. 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. The development shall be undertaken in accordance with the details of levels shown on drawing 7977 (000)05 or alternatively 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 of 7977 (000)05 or the later approval and thereafter be retained in the approved form.
5. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
6. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 5 above.
7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.
8. The existing access to the site from Tutin Way shall remain open to pedestrian and cycle traffic at all time during the construction and use of the proposed development.

9. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
10. 10% of the energy load of the building is to be met by renewable energy sources or alternative equivalent energy saving measures that have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented and retained to achieve the minimum requirements of the approved scheme.
11. A bird management plan for the site, shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground work. The bird management plan shall include the following design requirements:
 - a) Any attenuation pond should be designed to remain dry. After extreme rainfall the attenuation pond(s) should then drain within 48 hours to ensure open water does not remain on site affording habitat opportunities for hazardous birds.
 - b) Any areas of open water should be designed to have steep/vertical bank sides and to be as deep as possible to both minimise the surface area of water bodies and the nutritive value of the water.
 - c) Any areas of open water should be planted with long grass flood meadow mix on the banks, with continuous cover of willow and alder scrub in the base in order to reduce the open water aspect. Alternatively it should be netted to exclude hazardous birds.
 - d) The design of buildings and landscaping shall reduce the potential to provide suitable nesting and roosting habitat for large gull species and if required include the netting of areas if other measures are found to be ineffective.
12. Other highways conditions as may be required

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 assist in the assimilation of the development in the landscape and reduce the visual impact of the development on the occupiers of neighbouring land in accordance with the LDF Policies CP1, CP16, DP30 and DP32.
4. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
6. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
7. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

8. To provide convenient pedestrian and cycle access to the site in accordance with LDF Policies CP1, CP2, DP3 and DP4.
9. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP1 and DP1.
10. In accordance with the objectives of the LDF Policy DP34.
11. In the interests of aviation safety and the Local Development Framework Policy CP1.