

Parish: Shipton
Ward: Easingwold
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Committee date: 8 March 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 16 March 2018

17/02609/FUL

**Construction of a pulse processing facility with associated site office, weighbridges, hardstandings, parking areas and attenuation pond
At Shipton Grange, Shipton By Beningbrough
For Mr Ian Pears (Sheddon Farms Ltd)**

This application is referred to Planning Committee as the application is a departure from the Development Plan and is categorised as Major Development

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 Shipton Grange is an agricultural farmstead located to the west of the A19, approximately 1.2 kilometres to the north west of Shipton village. The site is bounded to the north by the Chapman's Lane and the west by the main East Coast railway line.
- 1.2 The site is located within the York Green Belt, Chapman's Lane marks the boundary to the Green Belt. Mature vegetation flanks the eastern boundary of the site with land in agricultural use to the northern, western and southern boundaries.
- 1.3 The applicant operates an agricultural business at the site based upon agricultural cropping, pig breeding, rearing and finishing. The applicant also operates a joint venture with Maviga Europe Ltd for the drying, packing and exportation of pulses. This currently takes place within a farm building at Shipton Grange.
- 1.4 The agent has stated that the enterprise has reached a scale whereby it can no longer be classified as solely agriculture and therefore planning permission is required for the continuation and expansion of the use at the site.
- 1.5 The proposal seeks the construction of a pulse processing facility with associated site office, weighbridges, hardstanding, parking areas and attenuation pond. This is following the demolition of the pig breeding buildings that are in a state of disrepair and are no longer fit for purpose.
- 1.6 The pulse processing building would measure a total of 91 metres in width, 43 metres in depth, 10 metres to the eaves and 15.68 metres to the ridge, with an attached drying house on the southern end measuring 10 metres in width and 10 metres in depth. The total floor space would be 4013 square metres. The gate house (weighbridge office) and general office building would measure 15 metres in width, 10 metres in depth, an eave height of 2.4 metres and a ridge height of 5.858 metres. The total office floor space would be 150 square metres.
- 1.7 The pulse processing building would be constructed from a steel portal frame, with profile sheeting in olive green above concrete panels. The roof material is proposed to be polyester coated panel with the colour to be decided. The office building would be constructed from red brick and a clay pantile roof. The hardstanding areas would be concrete for the site access and along the eastern side of the buildings, the remaining area of container and bulk lorry parking areas are proposed to be crushed stone. A proposed attenuation pond is shown to the south of the site.

- 1.8 The use of the proposed building would be for drying, conditioning and packaging of pulses. The building will include a grain dryer, floor storage and parking areas. Packing of pulses will include shipping containers and a bagging line.
- 1.9 Pulses will be delivered to the site by tractors, trailer and HGVs. The raw product is then dried and conditioned before being packed into either sacks or shipping containers ready for export across the world. The building has been designed for a maximum throughput of 30 000 tonnes per year. The existing site access will be utilised off Chapman's Lane.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 10/00316/APN - Prior Notification for an agricultural building; Prior approval not needed 9 March 2010.
- 2.2 12/00453/APN - Prior Notification for a Dutch barn to store straw; Prior approval not needed 26 March 2012.
- 2.3 13/02178/FUL - Siting of a 14 arrays of ground mounted solar PV systems; Granted 13 December 2013.
- 2.4 14/00156/FUL - Agricultural storage building; Granted 21 March 2014.
- 2.5 14/01893/APN - Prior Notification for extension of agricultural building; Prior approval not needed 17 September 2014.
- 2.6 17/00122/APN - Agricultural storage building; Prior approval not needed 13 February 2017.
- 2.7 17/00595/FUL - Agricultural storage building; Granted 6 June 2017.

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
Development Policy DP1 – Protecting amenity
Development Policy DP3 – Site accessibility
Development Policy DP9 – Development outside Development Limits
Development Policy DP26 – Agricultural issues
Development Policy DP30 – Protecting the character and appearance of the countryside
Development Policy DP32 General design
Development Policy DP33 Landscaping

4.0 CONSULTATIONS

- 4.1 Parish Council – No objection.
- 4.2 Highway Authority – No objection subject to a condition being imposed regarding the car parking spaces to be retained.

- 4.3 Lead Local Flood Authority – The submitted drainage proposals appear to be incorrect/incomplete in their current form and a number of issues need to be addressed before an informed decision can be made:

As the site is greater than 1ha in size, a Flood Risk Assessment appropriate to the development should be submitted to the Local Planning Authority for consideration.

- 4.4 RAF Linton on Ouse – No safeguarding objection.
- 4.5 Natural England – The application has been assessed using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Strensall Common Site of Special Scientific Interest (SSSI) has been notified. Therefore the SSSI does not represent a constraint in determining this application.
- 4.6 Yorkshire Wildlife Trust - The recommendations on page 10 of the Bat survey should be conditioned. It would also be possible for bird nesting opportunities to be provided in the new buildings as there will be a loss of nest sites due to the demolition of the existing buildings.
- 4.7 Yorkshire Water – No response received to date.
- 4.8 Environmental Health Officer - based on the information in the Noise Impact Assessment provided at part of the application and no history of noise complaints associated with the site, the service considers there will be no significant impact on the local amenity and therefore the Environmental Health Service has no objections, subject to the equipment and measures specified in the Noise Impact Assessment being secured by planning condition.
- 4.9 Public comments – None received to date.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development, with particular reference to the York Green Belt; (ii) impact upon the character and appearance of the countryside; (iii) neighbour amenity; (iv) highway safety; and (v) ecology.

Principle

- 5.2 The application site is located within the York Green Belt and outside any settlement Development Limits. The proposed development is considered to be commercial development and not agricultural.

The Local Development Policy DP9 (Development outside Development Limits) states:

“DP9 Permission will only be granted for development outside Development Limits in exceptional circumstances having regard to the provisions of Core Policy CP4, or where it constitutes replacement of a building, where that replacement would achieve a more acceptable and sustainable development than would be achieved by conversion.

Within the area designated on the Proposals Map as the York Green Belt, only development acceptable within the terms of national policy will be permitted”

- 5.3 Subsequently, Paragraph 89 of the NPPF states:

“A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”

5.4 The agent has stated that the applicant owns land to the north of Chapman’s Lane that is located outside of the Green Belt and locating the development on a green field site that is isolated and remote from other development would overcome the policy conflict with the Green Belt.

5.5 However, the applicant considers that there are benefits of siting the development on the former pig unit these include: i) the provision of a new use for an existing ageing pig breeding unit that avoids the area becoming redundant, ii) the use of existing infrastructure, iii) the use of existing retained buildings and iv) existing woodland screening, v) the visual grouping of the proposed facility and vi) the use of existing utility connections.

5.6 Paragraphs 87 and 88 of the NPPF state:

“As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.

5.7 It is considered that this form of commercial development and with reference to the ‘benefits’ identified by the applicant does not substantiate very special circumstances and is not outweighed by other considerations. It is therefore considered that the development cannot be supported in this location as it is contrary to the policy requirements of national planning policy and is by default contrary to the LDF policies. Resolution of approval of a site in the Green Belt contrary to the provisions of the NPPF requires referral to the Secretary of State to allow for consideration of the scheme at a ‘call-in’ inquiry.

5.8 The LDF policies CP15 and DP25 supports development in rural areas. CP15 gives general support for the expansion of appropriate businesses outside of the Service Centres and Service Villages, it gives support for the diversification of the agricultural economy. DP25 sets detailed advice and gives support to business development including sites beyond Development Limits where it meets all the 5 criteria that can

be summarised as: i) small in scale, ii) conversion or reuse and extension of rural buildings and uses, iii) is not capable of being within Development Limits, iv) a business case demonstrates to the support to the local economy and v) not to impact adversely on the economy of the Service Centres.

- 5.9 The proposal is not small in scale (criterion i), and does not convert or re-use buildings (criterion ii). Consequently the proposal cannot meet the requirements of LDF Policy DP25.

The character and appearance of the countryside

- 5.10 The application has been accompanied by a Landscape and Visual Impact Assessment. The proposed development would be sited on the footprint of an existing pig building. The site falls within the National Character Area 28: The Vale of York, with the key characteristics including a large open, flat and low lying landscape, predominantly in agricultural land use.
- 5.11 The site falls into the Farmed Lowland and Valley Landscapes type and under this as primary landscape unit Vale Farmland with Plantation Woodland and Heathland. The key characteristic of this primary unit are a patch work of low lying arable fields.
- 5.12 The conclusions of the Landscape and Visual Impact Assessment state that the site has medium character sensitivity. The scale and nature of the development and its juxtaposition to other agricultural development will produce a small magnitude of change. Therefore, resulting in a significance of landscape effect of “minor” i.e. not significant. The visual effects are limited due in most part to dense interceding vegetation between the viewer and site and the similar setting of the proposed scheme.
- 5.13 Mitigation measures are also suggested which include:
- Native tree and hedgerow planting to the site boundaries; specifically along the boundary to Chapman’s Lane and the western boundary of the site;
 - Management and maintenance of existing surrounding hedgerow and trees;
 - The use of materials for the external envelope of the buildings which minimise potential visual intrusion and follow the local vernacular to aid visual blending, for example grey metal sheeting.
- 5.14 Despite the scale of the buildings proposed, subject to the mitigation measures being carried out in full, the proposal will not be detrimental to the character and appearance of the countryside.

Neighbour amenity

- 5.15 The application site is isolated from other residential properties that are not within the ownership of the applicant. On this basis, it is considered that there will not be a material adverse impact upon neighbouring amenity, subject to the conditions suggested by the Environmental Health Officer.

Highway safety

- 5.16 The application has been accompanied by a Transport Assessment. The site is accessed via the existing access from Chapman’s Lane which leads to the A19 trunk road to the east. The Transport Statement concludes that there are no existing road safety issues that would warrant mitigation measures as a result of the current proposals and the intensification of the site will not result in a detrimental impact upon the operation or safety of the existing highway network.

- 5.17 The Highway Authority has raised no objection to the proposal and it is considered that the proposal will not be detrimental to highway safety.

Ecology

- 5.18 The application has been accompanied by a Preliminary Bat Roost Assessment Report (dated September 2017). Recommendations have been made that state as a precautionary measure all roof stripping works on the existing pig unit should be undertaken by hand and an ecologist should be on call should any bats be discovered. In the event that a roosting bat is found in the existing pig unit during the demolition works, all work must stop immediately and Natural England contacted for their advice. The report notes it is possible that some bird species will be nesting in the existing pig unit throughout the bird breeding season. Appropriate and pragmatic measures should be taken to avoid committing the offence of killing or injuring a wild bird or damaging or destroying an active nest (all birds, their nests and eggs are protected by the Wildlife & Countryside Act of 1981).

- 5.19 Subject to these recommendations being conditioned, it is considered that the proposal will not be detriment to the protected species.

Flood risk

- 5.20 There are a number of outstanding matters regarding the drainage following comments made by the Lead Local Flood Authority. As the site is larger than 1 hectare a flood risk assessment is required, in the absence of a flood risk assessment the details relating to flood risk are inadequate.

Planning balance

- 5.21 The development would generate additional investment that would produce benefits to the economy and would be likely to generate additional jobs and support the agricultural sector. The proposal would result in additional commercial development in the York Green Belt. Any economic and social benefits of the investment and jobs are not quantified and do allow a conclusion that these would outweigh the environmental harm of additional development in a Green Belt that does not meet the exceptional tests set by the NPPF policy.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:

1. The construction of a pulse processing facility with associated site office, weighbridges, hardstanding, parking areas and attenuation pond is classified as commercial development in the Green Belt. The development does not provide evidence of very special circumstances and is not outweighed by other considerations. It is therefore considered that the development cannot be supported in this location as it is contrary to the Green Belt policy requirements of both local and national planning policy.
2. The proposal is contrary to the Local Development Framework Policy DP25 as the proposal is not for a small scale development or one that reuses or replaces of existing rural buildings of sound construction which are otherwise acceptable in terms of the other LDF policies CP4 as there is no evidence to show that the use needs to be in the countryside beyond Development Limits and DP9 as the proposal in the York Green Belt and conflicts with NPPF.

3. The submitted drainage information is inadequate and in the absence of a flood risk assessment fails to meet the requirements of Local Development Framework Policies CP21 and DP43.