

Parish: Topcliffe
Ward: Sowerby & Topcliffe
3

Committee Date : 9 January 2020
Officer dealing : Ann Scott
Target Date: 26 October 2019
Date of extension of time (if agreed): 24 January 2020

19/01626/FUL

Construction of agricultural feed mill, warehouse, access and parking arrangements and associated works.

At: OS Field 6717 Eldmire Lane Dalton North Yorkshire

For: I'Anson Bros Ltd.

This application is referred to Planning Committee as the proposed development is a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application seeks full planning permission for a new agricultural feed mill, warehouse, access and parking arrangements and associated works in addition to production facilities for a business that has been established for many years in Masham.
- 1.2 The application is supported by a suite of documents from which details are provided below, particular reference is made to detail in the planning statement and landscape and visual impact assessment.
- 1.3 The unit is proposed to support an existing enterprise sited at Masham which employs 80 people and this site is proposed to expand the existing business which is outgrowing its premises.
- 1.4 The site lies to the south side of Dalton Lane, Dalton in open countryside. The site is situated on agricultural land which is of Agricultural Land Classification grade 2 (very good quality). Part of the site is in Flood Zone 2 as defined on the Environment Agency Flood Map, the proposed factory building is not situated in the flood risk area. The flood map demonstrates zone 2 to the north boundary of the application site and zone 3 which affects parts of Dalton Lane, the access to the site between the new Cod Beck bridge that links the site to the A168 dual-carriageway is within flood zone 2.
- 1.5 The applicants' agent refers to an extant permission for an industrial building approved in 2009 under outline planning permission. The existing permission is extant as the access has been implemented that was approved under the outline planning permission and the conditions have been discharged. No other works have been commenced.
- 1.6 There is an access to the site lies via an existing track across the old airfield that links in to the estate road within the industrial estate to the south. In addition a new access road is proposed from Eldmire Lane.
- 1.7 The project involves the construction of an industrial production plant and associated works to include the following:-
 - 1) Production building with a plan area of approximately 1335m² Height approximately 34 metres.
 - 2) Warehouse building with a plan area of approximately 1050m² Height approximately 12.5 metres.
 - 3) External service yard with a plan area of approximately 12815m²

- 4) Vehicle washdown
 - 5) Weighbridge
 - 6) New site access off Dalton Lane consisting of a new access road, approximately surfaced 1540m² plan area.
 - 7) Fencing (as described in the Landscape and visual impact assessment (LVIA)) 2.4m high meshed palisade fence around the perimeter of the site, colour coated in dark grey, located on the inside of the woodland tree belts in order that the fencing would not be visible from Dalton Lane
 - 8) Installation of mains services
 - 9) New boundary planting on southern and western boundaries
- 1.8 Vegetation within the site comprises two mature woodland tree belts along northern and eastern boundaries which is up to 15m high in places. These woodland belts contain a mix of trees and understorey planting, which is generally densely planted, apart from a few small gaps to the north-eastern corner. Species within the tree belts are generally native and consist of willow, oak, field maple, ash, hazel, elder, aspen and hawthorn, amongst others. A mature oak is located to the north-eastern corner, which partly overhangs Dalton Lane

2.0 RELEVANT PLANING AND ENFORCMENT HISTORY

- 2.1 09/01546/OUT - Outline application for the construction of a new production and finishing building with associated external storage, access, parking and drainage attenuation pond. - Granted 07.08.2009

Condition 19

The development hereby approved shall not be used other than as an annex to the existing production and storage facilities on the south side of the Dalton Airfield Industrial Estate (as shown as existing facility and on the attached plan) and shall not be used other than by a single user.

- 2.2 10/00185/REM - Reserved matters application for the construction of a new production and finishing building with associated external storage, access, parking and drainage attenuation pond - Granted 18.03.2010.
- 2.3 10/00184/DIS - Proposed discharge of conditions 2, 3, 4, 5, 13, 14, 15, 16 & 17 - attached to planning application 09/01546/OUT - Granted 5/10/2010.

Related applications

- 2.4 2/01/163/0236 The landscaping which borders the site to the north and east was implemented as part of a S106 Agreement associated with the Wagg Foods Ltd development (approved under planning application ref 2/01/163/0236). The planting was then implemented as required.
- 2.5 19/01608/FUL - Construction of an access road - decision pending.

3.0 RELEVANT PLANNING POLICIES:

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

- 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 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 DP9 - Development outside Development Limits
 Development Policies DP16 - Specific measures to assist the economy and employment
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP32 - General design
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policies DP33 - Landscaping
 Development Policies DP43 - Flooding and floodplains
 National Planning Policy Framework
 National Design Guide 2019
 National Planning Practice Guidance

Emerging Local Plan

- 3.2 The Council are preparing a new Local Plan. The Hambleton Local Plan Publication Draft July 2019 has completed the 'Representations' period (30th July 2019 to 17th September 2019).
- 3.3 The Council are considering the representations made before submission of the new Local Plan to the Planning Inspectorate and subsequently there will be an Examination in Public.
- 3.4 The NPPF states at paragraph 48 how weight should be given to relevant policies in emerging plans, noting the more advanced the stage of the emerging plan the greater the weight that may be given, also the extent to which there are unresolved objection to the plan and the degree of consistency of the relevant policies of the emerging plan to the NPPF are relevant. As the Local Plan progresses it is expected that the Council will resolve to commence the use of the policies of the new Local Plan for "Development Management purposes", however until a specific resolution is made the new Local Plan will be given only "limited weight" and the Local Development Framework will remain the Development Plan for the District.
- 3.5 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan at this time is no more than a material consideration.
- 3.6 The site forms part of a wider 24.57ha employment allocation to the north of Dalton Airfield Industrial Estate within the emerging Local Plan, identified as 'DAI 1: Extension to Dalton Industrial Estate, Dalton'. However, case law states that no more than limited weight can be given to this policy document at this time.

4.0 CONSULTATIONS

- 4.1 Topcliffe Parish Council - support the application and wish to see it approved.

- 4.2 Dalton Parish Council – concerns have been expressed regarding the potential for traffic from the site to pass through the village and that the access should be relocated to remove this potential.
- 4.3 NYCC Highways - Comments have been received from recommending conditions in relation to discharge of surface water, access/verge crossing, visibility splays, control of mud on roads, parking/turning and storage, amendment of traffic order.
- 4.4 Ministry of defence - views awaited, further request for response made.
- 4.5 Yorkshire Water - recommend a condition in relation to construction works in the relevant areas of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.
- 4.6 Environment Agency -The proposed development falls partially within Flood Zone 2, which is land defined in the planning practice guidance as being at risk of flooding. Reference is made to the standing advice before making a decision on this application.
- 4.7 Yorkshire Wildlife Trust – Initially noted that there is no ecological assessment uploaded in its support, as a material consideration this should be done prior to determination of the application showing the development also proposes to achieve a net gain in biodiversity in accordance with NPPF.

Consideration must be given to the value of the grassland on site, which as an airfield may be subject to low levels of improvement resulting in uncommon grassland habitat being present. This area must also be considered for its value to farmland birds, waders and overwintering species, including lapwing and curlew. Particular consideration should be given to the protection of the hedgerows (likely a BAP and S41 habitat), in particular from lighting which in accordance with the provided lighting assessment may be anywhere between 0 and 49 lux. In accordance with BCT guidance we would wish to request confirmation of lux levels through a contour plan showing levels under 2lux, preferably 1 lux, for sensitive habitats for foraging bats such as established hedgerows as present on this site. Should this not be possible, full bat activity surveys will be required. We are nearing the end of the bat survey season this may result in significant delays.

Further response received to the submitted biodiversity report received on the 25th November 2019 consequently, the Trust has no objection to the proposals as long as the following mitigation measures listed in the Ecological Impact Assessment are implemented -

- o Vegetated landscape buffer zone strip
- o New hedgerows (300m on South and West boundaries)
- o Species rich wildflower area (with accompanying ecological management plan to avoid degeneration)
- o Tree planting on South side to compensate for loss of cover re access
- o Low level lighting scheme and implementation of bird and bat roost boxes in boundary woodland belts.

In conclusion, Yorkshire Wildlife Trust is content that this application poses no realistic adverse potential impact upon any protected species or for any loss of biodiversity. As such, the Trust has no objections to the proposals.

- 4.8 Natural England - no comments to make.
- 4.9 Environmental Health Service – no objection in principle to the above proposal. However I would make the following comments.

Noise

Initially I would advise that the Consultation Statement submitted with the application is incorrect in its assumption that all caravans on Dalton Bridge Caravan Park are for holiday purposes only. It is my understanding that there are a small number of residential caravans on this site as permitted by 1527A granted by Thirsk Rural District Council in 1963. There are also residential properties at Dalton Bridge House and Greystones, adjacent to the caravan site. No assessment is provided to indicate the effect of the vehicle movements, in particular HGVs, on these properties.

A number of elements in the Noise Impact Assessment, produced by Beechfield Design Consultancy Limited, assessing the impact of the Mill operations require clarification or further information.

- 1) Calculation of the specific noise appears to assume the façade of the building will act as a plane reflective surface when calculating the sound power level but subsequently treats it as point source when calculating the attenuation due distance. This requires clarification as if the façade is treated as a reflective surface the sound levels at the noise sensitive receptor may be 3dB higher which may result in noise from the Mill being more noticeable overnight. It is noted however that the background levels at the noise sensitive receptors maybe slightly higher than map location 3 used in the calculations.
- 2) The grinder is excluded from the assessment as it has already been identified that it will require additional acoustic screening. To ensure that noise levels from the grinder can be sufficiently controlled I would recommend that condition(s) be attached detailing the attenuation measures. There is currently insufficient detail to allow the formulation of a suitable condition. Similarly there is a recommendation that the stacks be fitted with attenuators both to reduce the sound level and remove tonal elements, and the calculations are made on the basis that these attenuators are in place, but no details of the attenuators are included. Again, when sufficient details are provided, I would recommend a condition specifying these control measures be installed and maintained.
- 3) The Noise Impact Assessment makes no comment on the likely presence or absence of low frequency noise which may be associated with the mill operations. It would be particularly useful to understand prior to determination of the application whether there are any significant low frequency components and how they may be controlled.

Odour

A statement has also been provided regarding the potential for the operation to release odours. This service does periodically receive complaint regarding unpleasant odours emanating from Dalton industrial Estate and there are a number of potential sources already present on the Estate. Establishing how likely this development is to increase the likelihood of odour complaint is important to assess at the planning stage. The details as submitted indicate that the site will operate under an environmental permit issued by the Environment Agency. I would recommend that the Environment Agency be consulted to ensure that the operations proposed are able to comply with the permit requirements.

- 4.10 Environmental Health Scientific Officer - Recommend contamination condition for unexpected contamination to be mitigated if found.
- 4.11 Publicity - letters of comment from third parties object to the proposal on the grounds of:
- Traffic generation,
 - Dalton Road is unsuitable
 - Traffic queueing caused by vehicles entering Cod Beck Blenders makes the site entrance unsafe.
 - The road between Greystones (dwelling) and Cod Beck Blenders floods.
 - Noise from the resulting traffic would adversely affect nearby properties.
 - The development would have a harmful impact on the holiday caravan business at Dalton Bridge Caravan Park.

5.0 OBSERVATIONS

Principle

- 5.1 Section 70 of the Town and Country Planning Act 1990 requires that applications should be determined in accordance with the Development Plan unless other material considerations indicate otherwise and in accordance with the provisions of Sections 91 and 92.
- 5.2 Section 38 of the National Planning Policy Framework relates to decision making and Local Planning Authorities should approach decisions in a positive and creative way, using the planning tools available and work with applications to secure development that will improve the economic, social and environmental conditions of the area, and seek to approve applications for sustainable development where possible.
- 5.3 Paragraph 7 of the National Planning Policy Framework 2019 relates to achieving sustainable development. The NPPF advises that achieving sustainable development means that there are three overarching objectives, economic, social and environmental. Paragraph 12 of the NPPF advises that the presumption in favour of sustainable development does not change the status of the development plan as the starting point for decision making.
- 5.4 The Development Plan is the Local Development Framework's documents, the following text sets out the main policy issues to be considered.
- 5.5 Local Development Framework Policy CP1 relates to Sustainable Development and informs that the use and development of land will be assessed against the community's economic and social requirements, protection of the natural and built environments and minimisation of energy consumption and the need to travel. Development that would harm the natural or built environment or that would generate an adverse traffic impact will not be supported. Proposals will be supported if they promote and encourage or protect and enhance the efficient use of land and infrastructure, conserve scarce resources, the health, economic and social well-being and amenity of the population. The quality of natural resources is to be protected, including water, air land and biodiversity, drainage, vitality, the character and quality of local landscapes and the wider countryside.
- 5.6 Policy CP11 relates to the distribution of new employment development, whilst CP12 relates to priorities for employment provision and seeks to ensure that support will be given to developing and sustaining the economy of Hambleton and priority will be given to sustaining the development of key economic sectors. This development is proposed in the proximity of the Dalton Industrial Estate. The proposal is well related

to the industrial estate and with close links to major trunk routes through the district including accessibility to the wider highway network.

Main planning issues

- 5.7 The main issues arising from the proposal are: i) the location of the site with regard to the policies of the LDF, ii) the proposed access arrangements, and iii) the visual impact of the height and massing of the proposed building, other matters are also to be considered.
- 5.8 The LDF policies seeks to concentrate new employment development in the service centre and the allocated employment sites unless land cannot be identified to meet the needs of existing businesses.
- 5.9 An extract of CP11 states that:
- “In the Thirsk area, most development will be encouraged to locate in the Thirsk Service Centre, but if land cannot be identified in Thirsk, some development will also be supported at Dalton Airfield as will development to meet the needs of existing business.”
- 5.10 The site is not within an allocated site and is not within the service centres. The proposal cannot benefit from the broad LDF policy presumptions to support employment development. However, as noted above CP11 allows an exception for existing businesses. Whilst the application is for a business that is not currently occupying land within Hambleton District it is a business that has a long history within Masham and the policy does not require the business to have been at Dalton Airfield or within the district.
- 5.11 CP11 requires that development must comply with the other Policies of the LDF and in particular should be sustainable in design, in conformity with Policies CP1, CP17, and address the objectives of Policy CP18 in relation to protecting and minimising the loss of natural resources.
- 5.12 Although the previous approval for a steel fabrication production building is extant the consent is limited by condition 19 (as set out in the history at paragraph 2.1 above) to be an annex to the existing production and storage facilities on the south side of the Dalton Airfield Industrial Estate.

Heritage

- 5.13 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.14 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 5.15 The National Planning Policy Framework requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building. Great

weight and importance is required to be given to the assets conservation, any harm should require clear and convincing justification.

- 5.16 The LVIA sets out the details of the designated heritage assets within the vicinity of the application site. The assessment is considered to be appropriate and helpful in

4.27 Topcliffe Conservation Area, which is located 1.4km to the west of the site, contains a concentration of listed buildings and structures. There is no visual relationship between the conservation area and the site.

4.28 A cluster of listed buildings are also located within Asenby, to the south of Topcliffe. There is no visual relationship between these buildings and the site.

4.29 The Church of St. John the Evangelist is a Grade II* listed church located on the eastern side of Dalton. As the church is located to the east of the village, visual relationship is restricted by intervening built form within Dalton, as well as local landform.

4.30 Two scheduled monuments lie in proximity to the site, namely Maiden Bower and Cock Lodge scheduled monument to the south-west and a medieval moated site to the south. The scheduled monuments are in private ownership and not accessible to the public, however, due to their elevation in comparison to the relatively flat surrounding landscape, there is potential for a visual relationship with the site. However, any view of the site would be over 1km away with a number of intervening large-scale industrial buildings visible in the foreground.

4.31 Baldersby Park lies to the west of Topcliffe village, approximately 2.5km west of the site. Although not designated, the park contains a number of listed structures and features, as well as Baldersby Park House, a Grade I listed building. There is no visual relationship between these listed structures and the site.

- 5.17 It is considered that the development will have an impact upon the setting of the scheduled monuments to the south west of the site at Maiden Bower and Cock Lodge. The landscape form, the intervening distance and structures are such that the impact of the development including consideration of the height of the building, the form and scale, and the scale of the operations upon the significance of the heritage assets would be harmful and that the harm would be less than substantial. Any impact on the Topcliffe Conservation Area or the setting of the Listed Buildings are considered to not be harmful. Public benefits will result from the development that will support the local, particularly agricultural, economy. The Public Benefit is considered outweigh the less than substantial harm to the scheduled monuments.

Access

- 5.18 The proposal includes the creation of a new access from Dalton Lane, in addition to the use of a track across to the developed area of Dalton Airfield Industrial Estate. The route from the A168 dual-carriageway, which is expected to be the access route for most journeys, utilises the newly completed all-weather access road and bridge. The route continues along the Dalton Lane which as noted is partially within flood zone 3 and much is within flood zone 2. The distance of the highway on Dalton Lane that is shown to be liable to flooding is about 310m from Greystones east to the access to the site. From the site access east to the Cod Beck Blenders entrance is a further 100m is within flood zone 2.

- 5.19 Concerns have been expressed about the number of vehicle movements and the disturbance that may be caused to neighbours through the increased number of heavy vehicle movements along Dalton Lane. It is estimated in the transport assessment that there will be 37 HGV trips per day both arrivals and departures and the vehicular movements from the site are likely to be during the hours 07:00 to 18:00 with occasional later shifts when demand requires this.
- 5.20 Staff trips are likely to be approximately 36 per day from mill employees. The applicant is examining ways in which it could avoid vehicles having to pass through Dalton village to reduce the likely impact of the development on nearby residential properties.
- 5.21 The Highway Authority has no objections to the proposal. Comments have been received from NYCC Highways who recommend conditions in relation to discharge of surface water, access/verge crossing, visibility splays, and control of mud on roads, parking/turning and storage in accordance with Policies CP2 Access and DP3 Site accessibility of the Hambleton Local Development Framework. As noted above the proposal can utilise an existing access through the industrial estate but also a separate application proposes a new access from Dalton Lane. The development could however be implemented using the existing access which runs through the existing industrial site and towards the application site.
- 5.22 In the light of concerns regarding:
- i) the flood risk of the Dalton Lane,
 - ii) the neighbour impacts of additional movements on Dalton Lane,
 - iii) the potential for conflict with stationary traffic on Dalton Lane,
 - iv) the loss of landscape features (established through the requirements of a planning obligation regarding the development of the airfield as an industrial estate and
 - v) the increased visibility of the site due to the proposed removal of trees

the applicant has been asked to consider the potential for the construction of an access road across the land to the west of the application site to Eldmire Lane. An update on this matter will be given to the Committee.

Landscape and Visual Impact

- 5.23 The scale of proposals in terms of height of building, massing and the scale of operations are significant. The building proposed is substantially higher than any other building in the district and about 10m higher than any building on the Dalton Airfield Industrial Estate. The landscape and visual impacts of the proposal were acknowledged by the applicant at an early stage. The application has been accompanied by a landscape and visual impact assessment to assist in consideration of the impact of the proposal.
- 5.24 Other tools to assist in assessment of the impact of the proposal are available including the Hambleton Landscape Character Assessment and Sensitivity Study. This identifies 26 landscape character areas across the district. The site falls within Character Area 21: Topcliffe Floodplain.

The landscape sensitivity assessment of Character Area 21: Topcliffe Floodplain states:

‘This open, flat landscape is sensitive to large scale development, particularly of tall buildings or structures that would be widely visible within the landscape, from large numbers of receptors who pass through the key routes in this landscape.

Development of lower height would be screened by the dispersed trees, and there are few elevated locations with views across the landscape. Airfield landscapes are likely to be a focus for development, though the impact of this should be considered in the same way as development elsewhere in this character area...'

Some detracting elements are the variety of building styles, and infrastructure, including highways, crossing the landscape.

5.25 The LVIA finds that

Landscape Character

10.6 The most notable effects on landscape character relate to the character of the immediate site and the immediate landscape beyond its boundaries.

10.7 For reasons stated above, the development proposals would give rise to a Moderate adverse long-term effect upon the landscape character of the site itself. The effect upon the surrounding landscape character would reduce as a result of the containment provided by the retention of existing woodland, however, due to the size and scale of the gravity driven feed mill, there would be adverse effects upon the character of the surrounding landscape.

5.26 In consideration of the effects on Visual Amenity the LVIA finds that

Effects on Visual Amenity

10.8 The proposed layout has sought to integrate and minimise harmful visual effects through retention of boundary vegetation, introduction of new planting, sensitive placement of fencing and the use of appropriate building materials and colours.

10.9 As an inevitable consequence of the change in land use from rough grassland to an industrial site and as a result of the size and scale of the gravity driven feed mill, a number of visual receptors would experience Moderate adverse visual effects. However, these effects would be limited to residential properties along Dalton Lane close to the site, scattered farmlands to the south-west, residential properties adjacent to the A168 and a public right of way (10.36/1/1) north of Dalton. Due to the size of the visual effect [of the] gravity driven feed mill, these adverse visual effects would be long-term, however, effects would potentially reduce as existing and proposed planting matures.

10.10 Whilst some adverse visual effects would arise as a result of the proposed development, most views in the local area would be seen in context of the adjacent Dalton airfield industrial estate, located to the south of the site.

5.27 In order to reach the conclusions stated above the following observations are made in the LVIA:

8.6 The proposed development would represent a change to the current land use from a field to a new industrial development. As such the magnitude of change is assessed as high, resulting in a Moderate level of effect to current land use during all phases of the development. Effects would be direct, long term and permanent and are considered by default to be adverse.

8.13 The landscape effects upon vegetation would be direct, long term and permanent. The magnitude of change is assessed as medium during construction, resulting in a moderate adverse level of effect, however, following

new planting at Year 1, this adverse effect would reduce to low and a minor adverse effect.

8.28 For reasons stated above, the development proposals would give rise to a Moderate adverse long-term effect upon the landscape character of the site itself. The effect upon the surrounding landscape character would reduce as a result of the containment provided by the retention of existing woodland, however, due to the size and scale of the gravity driven feed mill, there would be adverse effects upon the character of the surrounding landscape. Over time, these effects would reduce as existing and proposed planting matures.

- 5.28 The landscape impacts are captured on page 38, Table 8.1 of the LVIA and the summary of visual effects is recorded on page 49 at Table 9.1 part of that table is reproduced below.

Table 9.1 - Summary of visual effects

Receptor	Sensitivity	Development Phase	Magnitude of change*	Level of Effect*
Residential receptors				
Properties along Dalton Lane (north-east of site)	High	Construction	Medium	Moderate adverse
		Year 1	Medium	Moderate adverse
		Year 15	Medium	Moderate adverse
Properties at Dalton Lane/ Eldmire Lane junction	High	Construction	Low	Minor adverse
		Year 1	Low	Minor adverse
		Year 15	Very Low	Minor adverse

- 5.29 Members of the Planning Committee during the site visit will have had opportunity to view the site including from the vantage point on Dalton Lane to consider the visual effects from the vantage points used in the LVIA.
- 5.30 It is therefore found that the development proposals would give rise to a moderate adverse long-term effect upon the landscape character of the site itself. The effect upon the surrounding landscape character would reduce as a result of the containment provided by the retention of existing woodland, however, due to the size and scale of the gravity driven feed mill, there would be some adverse effect on the character of the surrounding landscape. This would be because of the introduction of a building in an existing open area of countryside. It is noted that the proposed building is significantly higher than any other buildings on the industrial estate. However the design and size of the building is related to the needs of the type of process to be undertaken at the site and the form of the building, design and materials all reflect the function as a modern mill. The appearance of the building follows its function, but it can only be acceptable if appropriate mitigation is provided to reduce the impacts of the development.
- 5.31 Mitigation measures identified in the LVIA as follows:

7.3 The principal aims of the landscape and visual mitigation are shown on Figure 4 –illustrative landscape masterplan included at Appendix 2, and are as follows:

- To retain, maintain and enhance existing woodland tree belts to minimise visual effects and augment with new planting where appropriate, to infill any gaps in the tree belts;

- To provide new native woodland, tree and hedgerow planting to define southern and western boundaries and integrate the development with the surrounding land uses;
- To ensure trees are adequately protected when the new access road is constructed, with any additional trees planted either side of the road to ensure that the perception of a wooded boundary adjacent to Dalton Lane is retained as much as possible;
- To provide additional woodland planting to the north-west corner of the site to enhance visual enclosure from Dalton Lane; and
- To provide long term management of existing and proposed vegetation to ensure visual mitigation remains and provide benefit for local wildlife.

7.4 The gravity driven feed mill would be clad in various shades of grey steel, with lightest shades at the highest points, and darkest at lowest points. The lighter colour at highest part of the building would better integrate with colours of the sky, where the building would be seen above existing woodland tree belts. All building colours would be non-reflective to prevent glare. In addition, the massing of the building would be broken up with various heights introduced within the building, with the aim to minimise heights wherever possible.

7.5 The proposed 2.4m high perimeter fence would be located behind existing woodland tree belts within the site, so it would not become an urbanising feature whilst travelling along Dalton Lane.

- 5.32 The proposed design is considered to of a shape and colouring that would seek to minimise the impact on the landscape and reflect similar materials and colouring used on other premises on the Dalton Airfield Industrial Estate.
- 5.33 The buildings on the site will largely be screened from Dalton Lane by the existing belt of landscaping and this is demonstrated in the submitted supporting information. Notwithstanding the height which is approximately in 34 metres for the production building and lower for the warehouse which is approximately 12.5 metres in height the screening of hedgerows and tree belts is effective in blocking many views.
- 5.34 It would not be possible to completely screen a building of this size and it is considered that the new building will be read with other significantly sized buildings on the Dalton Airfield Industrial Estate. Given the nature of the former use of the industrial estate for an airfield which is dominated by large scale industries and stock storage it is expected that significantly sized buildings would be located here. The assessment of the proposal must acknowledge the scale of the building and the context of Policies DP30 as they relate to protection of local landscape qualities and DP32 General Design. The proposal by taking account of the qualities of the local landscape and they key features including the adjacent landscape belt to the north boundary seek to ensure that many close range landscape and visual impacts are moderated.
- 5.35 Policy CP17 and DP32 both seek to ensure that design of all developments are of the highest quality. The design of the buildings proposed are of a detail and quality appropriate to their setting and purposes and the building offers features on the elevations which offer visual interest from the differencing heights of elements of the building, rather than one large rectangular building, which makes the building more attractive in visual terms.
- 5.36 Mitigation measures are identified in the LVIA and can be made the subject of conditions to reduce the longer terms impacts and aid integration of the development within the locality in accordance with Policy DP30 and DP33 of the Hambleton Local Development Framework.

Residential amenity

- 5.37 The development proposal is in close proximity to Dalton Village, which is about 1km to the east and other residential properties along Eldmire Lane that are within 350m of the site.
- 5.38 The applicant has provided information on the likely access arrangements which include a new access to the North of the site opposite the 'Cod Beck Blenders' vehicular access. The impact on amenity of neighbouring properties from additional traffic generation is proposed to be limited due to the route traffic is to take to and from the site to avoid going through Dalton Village. [Attention is drawn to the on-going discussion regarding the position of the proposed access noted earlier in this report.] This is set out in the submitted transport assessment accompanying the application, and a condition is proposed to ensure that the development is carried out in accordance with the submitted transport assessment. The new access is also the subject of a separate application which is under consideration and is also included in this proposal along with access proposed via Eldmire Lane through the existing industrial estate.
- 5.39 Policy DP1 Protecting amenities requires that all development proposals must have regard to privacy, security, noise and disturbance, pollution, odour and daylight. New development must not unacceptably affect the amenity of residents.
- 5.40 The proposed development is to be sited approximately 500m from the nearest residential property to the west and about 300m to the nearest residential property to the east. There are ongoing assessments of noise and odour controls by the applicants agents following observations from the Environmental Health Service.
- 5.41 Any further views received will be reported. A condition requiring the submission of details to address issues of noise and odour from the resulting development could be attached to an approval subject to the tests for conditions. If suitable conditions can be attached to meet the tests of CP1 and DP1 to protect amenity the scheme could be in accordance with the requirements of the Local Development Framework.

Public rights of way

- 5.42 There are no public rights of way within the application site or directly affected by the proposal.

Drainage and flood risk

- 5.43 The site for the building lies in Flood Zone 1 and the majority of the site is at the least risk of flooding. The flood risk assessment (FRA) confirms that runoff from the site will be managed and that the external ground levels are designed to ensure that surface water exceedance flows are diverted away from any buildings. The FRA advises that a flood evacuation plan should be prepared and this includes posting notices on the site that inform the safest route in an extreme flood event. Due to the siting of the building the FRA finds that there are no other specific flood mitigation measures required from the resulting development. In the event of an extreme flood event the access road to the north would be likely to be impassable. An alternative route across the industrial estate to the south and via the newly completed Dalton Bridge and raised roadway to give access back to the A168 and the village of Topcliffe would allow safe access.
- 5.44 A condition can be imposed to ensure that the mitigation measures set out in the submitted FRA are implemented and to require the surface water drainage/storage

are provided. The proposed new access is intended to be adopted and drainage system to have a separate flow control and excess water storage from the development for the Feed Mill Buildings. The proposed development is considered to accord with Policy DP43 Flooding and Floodplains of the Hambleton Local Development Framework.

Odour

- 5.45 In relation to odour the likely raw materials to be used in the process of generating the feed are vegetable oils, molasses and plant based raw materials. The supporting information advises that the installation has a slight potential for causing odorous emissions primarily through various stages of the process such as receipt and cooling. All potential odorous liquid materials used in the tanks process are stored in appropriate sealed containers, such as bulk storage prior to incorporation into the product. While these tanks are fitted with breathing vents (to facilitate material receipt / discharge) it is understood that the applicants do not believe that the operation of these facilities will result in the emission of offensive odours beyond the site perimeter as the fill pipes and breathers will be internal to the building. During the feed manufacturing process all materials are transferred and/or processed within enclosed conveying systems. It is recognised that low levels of odours can be emitted from certain point source emissions from the process, such as the pellet coolers.
- 5.46 As note in respect of noise impacts there are ongoing assessments regarding odour controls by the applicants agents following observations from the Environmental Health Service. Any further views received will be reported. A condition requiring the submission of details to address issues of odour from the resulting development could be attached to an approval subject to the tests for conditions.

Contamination

- 5.47 The development site is presently used for agricultural purposes. The Environmental Health Scientific Officer advises that a condition to secure mitigation to deal with any unexpected land contamination on the site should be attached to a planning permission.

Lighting

- 5.48 The site is proposed to be illuminated by external lighting to the perimeter of the building as demonstrated on drawing number C7518/E/801 received on the 12th November. The proposal for lighting spread is within the remit of the site and subject to the lux levels being controlled to ensure the spread of lighting is in accordance with the submitted information and does not spread onto the nearby highway or other sites the lighting scheme is considered acceptable in principle and is not considered to adversely affect the amenity of the locality in accordance with Policy DP1 Protecting Amenity of the Hambleton Local Development Framework.

Biodiversity

- 5.49 A biodiversity report submitted after the submission of the application and reviewed by the Yorkshire Wildlife Trust raises no objections provided that the mitigation measures set out in the accompanying report are satisfied.

Planning balance

- 5.50 The site is found to be in a location that is relatively close to the settlements of Dalton and Topcliffe and accessible to by a road network with capacity to accommodate the

additional traffic. The development would enable the growth of a local business, creating additional jobs in the business and supporting the agricultural economy. The buildings will cause some landscape and visual impacts due to the height and massing the structure and the additional traffic on the highway network has the potential to cause additional noise and pollution to properties near to the site. This impact could be reduced by the creation of an access linking to Eldmire Lane in place of the proposed access to Dalton Lane. The impacts upon the landscape and ecology can be mitigated through the use of an access to Eldmire Lane and so avoiding the removal of trees that provide important screening for short range views of the site.

- 5.51 The proposal is considered to accord with the Development Plan Policies and is therefore recommended for approval subject to conditions in relation to the submitted plans and information, materials, landscaping, lighting plan, and mitigation measures and should be carried out in accordance with the submitted flood risk assessment and ecology assessment.

6.0 RECOMMENDATION:

6.1 That subject to resolution of matters relating to i) the location of the principle vehicular access, ii) any noise attenuation that may be necessary and, iii) any odour attenuation that may be necessary and receipt of any outstanding consultations, notably from the Ministry of Defence Safeguarding, 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. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) Location Plan 1:5000 PP01, PP03 Proposed Site Plan, PP04 Fence Elevations, PP06 Mill Building Plans, PP07 Mill Building Plans, PP08 Mill Building elevations and/or details received by Hambleton District Council on the 26th July 2019 and the drawing numbers C7518/E/801 Lighting Plan external, Thornley and Lumb Partnership Lighting Impact Report, Beechfield Design Consultancy Ltd Noise Assessment dated 15th July 2019, Transport Assessment Brian G Hall Dated July 2019, Wel Ecological Impact Assessment, received on the 12th November 2019 unless otherwise agreed in writing by the Local Planning Authority.
[But, as may be required to be amended in the light of amended details of access, noise and odour attenuation.]
3. The materials to be used on the external surfaces of the development hereby approved shall be those as set out in drawing number PP08 Mill Building Elevations Received on the 26th July 2019.
4. The development hereby approved shall be carried out in accordance with the submitted drainage and flood risk information Report by Alan Wood and Partners received on the 26th July 2019 and thereafter be maintained in accordance with the approved details.
5. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be the subject of any form of tree surgery other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any works to a tree shall be carried out in accordance with British Standard 3998 (Tree Work). If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted

at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

6. If contamination is found or suspected at any time during development, all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further development shall be undertaken until a detailed site investigation and risk assessment, having regard to current best practice, has been carried out. Where remediation is necessary a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority before any further development occurs.

7. A detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, shall be submitted and approved by the Local Planning Authority before the beginning of the first planting season following the issue of this decision. 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.

8. Prior to development commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels shall relate to an identified fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

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. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to and approved by the Local Planning Authority.

11. Implementation of ecology and biodiversity measures and any other conditions that may be required in response to matters relating to i) the location of the principle vehicular access, ii) any noise attenuation that may be necessary and, iii) any odour attenuation that may be necessary and receipt of any outstanding consultations, notably from the Ministry of Defence Safeguarding.

The reasons 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. 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 CP1, CP1, DP1, DP3, NPPF 2019.

3. This condition is imposed for the avoidance of doubt to ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole and in accordance with Policies DP30 and DP32 of the Hambleton Local Development Framework.
4. This condition is imposed for the avoidance of doubt and in accordance with National Planning Policy Framework 2019, and Policies DP6 Utilities and infrastructure and DP43 Flooding and Floodplains of the Hambleton Local Development Framework.
5. The trees are of important local amenity value and protection of the trees is appropriate in accordance with Hambleton Local Development Framework Policy CP16, CP17, DP28 and DP30.
6. This condition is imposed 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 Hambleton Local Development Framework Policy DP1.
7. This condition is imposed for the avoidance of doubt to help integrate the proposed development into the locality and in the interest of the visual amenities of the open countryside in accordance with Policies DP30 and DP33 of the Hambleton Local Development Framework.
8. To ensure that the development is appropriate to landscape context in accordance with the Hambleton Local Development Framework Policies CP1, CP4, CP16 and DP30.
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. To ensure that the development is appropriate to landscape context in accordance with the Hambleton Local Development Framework Policies CP1, CP4, CP16 and DP30.