

**Parish: Skipton-on-Swale**

Ward: Thirsk

**7**

Committee Date :

24 November 2022

Officer dealing :

Mr Craig Allison

Target Date:

27 December 2021

Date of extension of time (if agreed): 8 August 2022

**21/02612/FUL**

**Retrospective application for the siting of external apparatus and soil bund and proposed application for siting of dust storage building**

**At: Sandholme Farm, Skipton on Swale, North Yorkshire, YO7 4SB**

**For: Mr D Sanderson**

**The proposal is presented to Planning Committee due to the development being contrary to the Development Plan**

## **1.0 Site, context and proposal**

- 1.1 The applicant seeks part retrospective and part proposed permission to seek to regularise the siting of all of the external apparatus which is in situ to the southern and eastern elevations of the main buildings at Sandholme Farm which was approved in 2008 as part of planning permission 08/02552/FUL. This application also seeks retrospective consent for the formation of a soil bund on the eastern side of the complex and proposes a new metal framed structure to cover the current dust collection trailers which are positioned to the south western corner of the main building.
- 1.2 The existing apparatus has been installed incrementally since 2012, however the application seeks to regularise the siting of all of the external apparatus currently in situ. The applicant has submitted an appropriate noise survey which has recommended various mitigations and recommendations to ensure that the noise produced by the units does not result in unacceptable impact on neighbouring amenity.
- 1.3 The soil bund was created in June 2021 with the sole aim of reducing the low level noise emanating for the external apparatus. It is proposed to landscape the bund to seek to enable it to assimilate into the rising landscape to the east.
- 1.4 The portal framed structure is proposed to provide coverage of the existing dust collection trailers and is proposed to be installed with the sole aim of limiting the instances of dust emissions. The structure would measure 9.4 metres by 20.9 metres and would extend to a total mono-pitch height of 7.5 metres. The building would be constructed of juniper green box profile clad roof and walls.
- 1.5 Planning permission was granted in 2008 (Reference: 08/02552/FUL) for "Construction of building for a mixed use agricultural storage and processing of straw for use as a bedding materials for the equestrian industry". No restrictive hours of operation were imposed. The complex is partly a working farm and partly a light industrial production facility.

- 1.6 When planning permission was granted in 2008 for a mixed use of the business for the processing of straw to be used for bedding materials for the equestrian industry, the business has diversified and developed into a successful business which needs the external apparatus equipment in order to successfully produce the straw. There is two types of bedding that is produced at the site; the first one being Equinola Horse bedding which is made from high quality precision chopped, screened and dust extracted oil seed rape straw. The oil seed rape straw is an ideal bedding materials as it is highly absorbent. The bedding is then treated with a lemon tea tree oil to give it an aroma. The second type of bedding produced at the site is two different types of poultry bedding; the first one is called Bedwell Ceres Soft which is screened and dust extracted wheat straw, and the second one called Bedwell Chickola which is screened and dust extracted oilseed rape straw. Therefore, the equipment installed is required in order to chop the straw up finely, process it, screen the straw and to remove all dust extract. This in turn will create a product that is suitable for the equestrian and poultry industries. The applicant has invested funding into sourcing the appropriate apparatus and following the noise survey has undertaken a number of mitigation measures to seek to reduce the noise as per the recommendations of the noise survey.
- 1.7 The application site is located to the northern periphery of Skipton on Swale. The site sits to the north of the Old Coach House, The Old Vicarage and the Church of St John the Evangelist. The agricultural and commercial premises are surrounding by agricultural land to the north, east and west.
- 1.8 The application site is accessed from the south from the public highway of the A61 which passes east-west through Skipton on Swale. The access serves the applicant's extensive agricultural land holding, businesses located on the former Skipton Airfield, the applicant's own dwelling and Sandlands House which is associated with Sandholme Farm. The access track is also a public bridleway providing a loop back to the A61 via Skipton Grange.
- 1.9 The application site is not located within a Conservation Area. The nearest Listed structure to the application site is located at the Church of St John the Evangelist which is Grade II Listed. The landscape is gently undulating with the land formation gently rising to the north, east and west from the position of the application site.

## **2.0 Relevant planning history**

- 2.1 08/02552/FUL - Construction of building for a mixed use agricultural storage and processing of straw for use as a bedding materials for the equestrian industry – Approved 4 December 2008.

## **3.0 Relevant planning policies**

- 3.1 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.

3.2 Relevant policies of the Development Plan and any supplementary planning policy advice are as follows;

- Local Plan Policy S1 – Sustainable Development Principles
- Local Plan Policy S5 – Development in the Countryside
- Local Plan Policy EG7 – Businesses in Rural Areas
- Local Plan Policy E1 – Design
- Local Plan Policy E2 – Amenity
- Local Plan Policy E5 – Heritage Assets
- Local Plan Policy E7 – Hambleton’s Landscapes

#### **4.0 Consultations**

4.1 The Ramblers Association have no objection to the principal of the development but requires the public bridleway to be kept free of passage.

4.2 Swale and Ure Drainage Board have raised no comment in regard to the application.

4.3 Environmental Health have no objection to the development subject to appropriate conditions being imposed. The application seeks retrospective permission for a number of items of external equipment, which have been subject of noise complaints to Environmental Health. Submitted noise assessments demonstrate that uncontrolled the items of plant subject of this application are likely to have an adverse impact on residential amenity. Since, the initial application was submitted, works have been carried out to reduce the noise emitted from these items of plant and it is acknowledged that the impact from the site is much reduced. It is clear that the items of plant require(d) mitigation and therefore it is necessary to ensure that the controls put in place to reduce the impact of the plant remain in place. Unless appropriate mitigation is conditioned the application should be refused.

4.4 No comments have been received from:

- Skipton on Swale Parish Council
- RAF Linton on Ouse
- North Yorkshire County Council (Footpaths)
- The British Horse Society
- Environment Agency
- Yorkshire Wildlife Trust
- Yorkshire Water

4.5 A site notice was posted and neighbours were consulted on the application. One letter of objection has been received in regard to this application with their comments summarised below:

- Noise is still an issue after all the mitigation and object to the external apparatus (fans, extractors, generator). The soil bund has worked to some degree and support the retention of this. If planning is granted further mitigation should be undertaken and future monitoring of the overall factory noise levels.

## 5.0 Analysis

- 5.1 The main issues to consider are; the principle of development, the impact of the development on the character and appearance of the area; and the impact of the development on neighbouring residential amenity.

Principle of development

- 5.2 In determining application's, the decisions should be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The development plan for Hambleton is the Hambleton Local Plan (Adopted February 2022), of which Policy S1 of the Local Plan states the Council will seek to ensure that development makes a positive contribution towards sustainability of communities, enhances the environment and adapts to and mitigates the impact of climate change.
- 5.3 The site is located outside of any defined settlement and therefore Policy S5 is applicable. The Policy states that development in the countryside will only be supported where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area in which it is located.
- 5.4 Policy EG7 of the Council's Local Plan is to promote a vibrant rural economy within the district's extensive countryside to support businesses with a genuine need to be located in the countryside and too, assist agricultural businesses to maintain their viability and to assist in other forms of development including farm diversification along with the Council's approach to proposals for other businesses in the countryside." The Policy goes further and states employment generating development will only be supported in locations outside the main built form of a defined settlement in the settlement hierarchy where it involves:
- a. the expansion of an existing business where it is demonstrated that there is an operational need for the proposal that cannot physically or reasonably be accommodated within the curtilage of the existing site; or
  - b. the re-use of an existing building of permanent, structurally sound construction that is capable of conversion without the need for substantial extension, alteration or reconstruction and can accommodate the functional needs of the proposed use including appropriate parking provision; or
  - c. a new building provided that it is well-related to an existing rural settlement and where it is demonstrated that the proposal cannot be located within the built form of a settlement or an identified employment location; or
  - d. other proposals specifically requiring a countryside location.
- 5.5 The principle of the use of the main building for a mixed use of agricultural storage and processing of straw for use as a bedding material for the equestrian industry was established by planning permission 08/02552/FUL. Part of the application seeks retrospective consent for the external apparatus which is directly attached to the building. Therefore as the principle of the use has already been established the development is for an extension to an existing business with the construction of external apparatus, soil bund and dust extraction building. This therefore complies with criteria c of Policy EG7 in that it is a new building/equipment which is well

associated with the existing building and cannot be located within an existing built form. Therefore the development complies with Policy EG7 criteria c. Furthermore the applicant has stated that without the equipment the business would not be able to operate. The cessation of the operation of the business would result in a number of other local businesses being affected. The business supplies bedding materials to the equestrian and poultry industry and also receives straw from local farmers. Therefore, the business ceasing to operate would affect a number of equestrian businesses and local farmers in the area.

- 5.6 The soil bund that has been constructed is directly linked to the business and the external equipment that has been installed. The purpose of the soil bund is to seek to improve the compatibility of the acoustic output from Sandholme Farm with sensitive receptors in the locality. The acoustic reports that have been provided demonstrate that the bund is having a positive benefit on low level noise output and is considered in principle to be acceptable subject to other material planning considerations.
- 5.7 The non-retrospective part of the application refers to the erection of dust storage building which would provide coverage to the dust trailers which collect dust output from the production facility. The dust collection trailers are already in situ and have been since the permission was first granted in 2008, however the proposal of covering these trailers to limit the rare occurrence of dust spillage is a development which is clearly functionally linked to the existing business and in principle is justified subject to other material planning considerations.

#### Impact on the heritage assets

- 5.8 The development is not located within or adjacent to a Conservation Area, however is 135 metres away from a Grade II Listed Building known as the Church of St John the Evangelist and therefore the development could have the potential to impact the setting of the Grade II Listed Building.
- 5.9 Section 66 of the Planning (Listed Building 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 it possesses.
- 5.10 The National Planning Policy Framework at paragraphs 189, 190 and 192 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. In this case the development does not have any visual impact on the setting of the Listed Building due to existing buildings in front of where the development is located, however the noise generated from the units could impact the setting of the Listed Building.

- 5.11 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether the potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 of the Framework requires that any harm to significance including harm from development within the assets setting should require clear and convincing justification.
- 5.12 Policy E5 of the plan states that support will only be given to development which ensures those features that contribute to the special architectural or historic interest of a listed building, or its setting are preserved and where appropriate enhanced. It requires that any harm to the significance of a designated heritage asset has a clear and convincing justification and less than substantial harm to significance will only be supported where the harm is outweighed by the public benefits of the proposal.
- 5.13 It is considered that noise within the setting of the Listed Building has potential to be harmful to the ambience experienced within the setting of the Listed Building. However, as part of the application and during the lifetime of the application various mitigation measures such as silencers to the external equipment and soil bund have been implemented. Subsequently it is considered that these changes have enabled this harm to be mitigated and thus it is considered that no harm is being caused to the setting of the Listed Building. It is therefore considered that the development is in accordance with the overarching principles of the NPPF and the Council's Local Plan Policies.

#### Impact on the character of the surrounding area

- 5.14 Policy E1 of the Local Plan states that all developments should be of a high quality, integrating successfully with, its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place. All development should have regard to relevant national and local policies, advice or guidance that promotes high quality design, details the quality or character of the area or describes how the area should develop in the future.
- 5.15 The National Planning Policy Framework Planning supports this approach and, at paragraph 134, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.16 Policy E7 of the Local Plan states that the Council will protect and enhance the distinctive landscapes of the district. A proposal will be supported where it takes into consideration the degree of openness and special characteristics of Hambleton's landscapes; and takes account of areas that have been identified as being particularly sensitive to/or sensitive for certain forms of development.
- 5.17 The site is within Character Area 20 known as the Swale Floodplain, some of the key characteristics of this landscape area is a pattern of large irregular arable fields within the floodplain. There is a clear sense of being in a flat and low-lying landscape with openness of views dictated by vertical features such as a woodland, buildings, and berms.

- 5.18 The equipment that has been installed to the side of the existing building is of a stainless-steel finish currently. There is a public bridleway running alongside the building and thus the equipment is visible in the public domain. The equipment is stark in nature and detracts from the overall countryside setting. The equipment that has been installed is more akin to be located within an urban environment rather than in a rural setting. It is considered that the equipment is harmful to the character and appearance of the countryside and is contrary to the Council's Local Plan Policies. It is noted that there is the ability to seek to reduce the harm caused by the equipment through the use of conditions to limit the visual impact of these by housing of painting the equipment.
- 5.19 The soil bund that has been erected has been engineered with the sole purpose to provide a barrier acoustically from the external apparatus that has been installed. The bund is highly visible in its current form and is visible from the public footpaths in the locality. As defined within the Character Assessment the locality of this area is a flat and low-lying landscape with openness of views across the landscape. The soil bund represents an anomaly feature within this landscape area and fails to respect or reflect the local characteristics of the area. Currently the bund that has been constructed is not in a complete state and it is considered that the imposition of a suitably worded condition can improve its visual appearance. However, it is considered that the construction of the bund creates an anomaly within the landscape of the area which is considered to cause harm on the character and appearance of the area and is contrary to the Council's Local Plan Policies.
- 5.20 It is considered that the dust storage building proposed to be located within the centre of the complex of Sandholme Farm (an extension to the existing building) would cause no harm on the character and appearance of the area and would not be visible from any public vantage points given its siting. It is therefore considered that this aspect of the proposal is in accordance with the Council's Local Plan Policies.

#### Impact on residential amenity

- 5.21 Policy E2 of the Council's Local Plan states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers including both future occupants and users of the proposed development as well as existing occupants and user of neighbouring land and buildings. A proposal must ensure that there are no significant adverse impacts in terms of noise, odour and obtrusive light pollution.
- 5.22 It is important to note that the acoustic output and activity associated with Sandholme Farm in general is consented as part of the previous permissions and is not for consideration as part of this application. Consideration is to be had to the impact that the external apparatus, soil bund, and proposed dust storage building is having and would have on neighbouring amenity.

- 5.23 As part of the application two noise assessments have been submitted. The first being submitted on 9 November 2021. This report was reviewed by the Council's Environmental Health Team who were not satisfied with the report and required further details to be provided in regard to the type of equipment installed and the proposed mitigation to be undertaken.
- 5.24 The applicant then commissioned a further Noise Survey and this was provided on the 2 February 2022. This report has been considered by the Environmental Health Team.
- 5.25 The Noise Report demonstrates that the predicted sound rating levels would be above the background noise level at Skipton Grange Farm and Sandland House (the owner of Bedwell Bedding's house). The assessment has shown that prediction sound rating levels are above the measured background noise levels at Sandland House (+6Db) indicating that mitigation measures are required to reduce the sound rating level to as near to the background noise level as possible.
- 5.26 During the life of the planning application further mitigation has already taken place. The applicant employed Beechfield Acoustics to install noise control equipment, specifically silencers to the air hammer (air pulse system) on the 'red' plant and to the fan and air hammers on the 'white' plant. The silencers give a reduction of approximately 25dB and 20dB to the source levels produced by the plant respectively.
- 5.27 It is also understood that a silencer is to fitted to the large generator which will give an overall reduction of at approximately 4dB to the noise level produced by the generator. However, it should be noted that plans are progressing, with deposits paid, for mains power to be installed within the main production building leading to the removal of the generators from the site following commissioning of the mains power supply which will remove the sources completely. Therefore, it is appropriate to impose a suitable condition should planning permission be granted to ensure that the generators are removed from site within the next six months to ensure this noise aspect is removed from site.
- 5.28 However, even with this proposed and implemented mitigation (with the retention of the generator) the level of noise from the equipment would remain above background noise level by 4dB and therefore further mitigation is required and proposed.
- 5.29 It was suggested therefore that a proposed barrier be installed such as a soil bund which would provide a screen to the noise. This was initially suggested by the noise engineer but the applicant undertook these works without the benefit of planning permission and therefore the soil bund is now subsequently included within this application for consideration. The installation of the soil bund ensures that the noise levels would be level with the background noise of 44dB.
- 5.30 It is considered that in totality; the proposed future mitigation of removing the generators from the site and the mitigation measures as recommended by the noise consultant (i.e. the soil bund and equipment silencers) would result in the level of the noise being 4dB below background noise level. Therefore subsequently it is



considered that the development could operate without adverse impact at the nearest residential receptors.

- 5.31 The Environmental Health team have been consulted on the application and have considered the noise reports submitted. The submitted noise assessments demonstrate that uncontrolled the items of plant subject of this application are likely to have an adverse impact on residential amenity. Since the initial application was submitted, works have been carried out to reduce the noise emitted from these items of plant and it is acknowledged that the impact from the site is much reduced. It is clear that the items of plant require mitigation and therefore it is necessary to ensure that the controls put in place to reduce the impact of the plant remain in place. Therefore subject to appropriate conditions and control over the equipment it is considered that the development is in accordance with the Council's Local Plan Policies.

#### Planning balance

- 5.32 The application is part retrospective i.e. the soil bund and the external apparatus that has been installed. The non-retrospective element of the proposal being the dust storage building. It is considered that the soil bund and the visual appearance of the external apparatus is in conflict with the Council's Local Plan due to them having an adverse impact on the character and appearance of the area. However the bund that has been constructed is part of the mitigation measures required to reduce the noise levels from the external apparatus that has been installed.
- 5.33 Planning permission was granted in 2008 for the use of the barn for the processing of straw to supply the equestrian and poultry industries. The external apparatus that has been installed is an integral part of the business and this equipment is required for the business to operate. However various mitigation measures are required to ensure that noise levels from the equipment is below background noise levels. The noise engineer and the Council's Environmental Health team have stated that the soil bund does contribute to reducing the noise levels below background noise levels. It is acknowledged that there is an adverse impact caused to the character and appearance of the area by the equipment and bund. However, it is considered that support to local business in the interest of the local economy, the ability to minimise the noise impact and the ability to reduce the visual harm caused by the equipment and bund through the use of landscaping and painting/hosing of equipment can, on balance, outweigh the visual harm being caused on the surrounding countryside. It is therefore considered that the development is acceptable on balance subject to the imposition of conditions.

## 6.0 Recommendation

That subject to any outstanding consultations the application be **GRANTED** for the following reason(s):

1. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered Location Plan received by Hambleton District Council on the 14 December 2021; and Photos of the Elevation of the building; received by Hambleton District Council on 20

January 2022; unless otherwise approved in writing by the Local Planning Authority.

2. No fixed plant other than those shown in drawing HDC/1330/05 Revision A shall be installed on the site.
3. The fixed plant identified in drawing HDC/1330/05 Revision A shall not be operated outside the hours of 06:30 to 19:00 Monday to Friday and 07:00 to 13:00 on Saturday and at no time on a Sunday or Bank Holidays.
4. The fixed plant identified in drawing HDC/1330/05 Revision A shall not be operated unless a soil bund of no less than 3 metres in height is located as shown in plan HDC/1330/04A.
5. The Cream Reverse Jet Filter model number SO56630RD0G3 as identified within an Elevation Plan submitted to the Local Planning Authority on the 2 August 2022 shall not be operated unless fitted with a splitter attenuator on the filter discharge as described within the Noise Survey submitted on the 2 February 2022.
6. The Red Reverse Jet Filter model number 90692101 as identified within an Elevation Plan submitted to the Local Planning Authority on the 2 August 2022 shall not be operated unless fitted with a pad attenuator, installed on the solenoid exhausts, as described within the Noise Survey submitted on the 2 February 2022 and the wooden encasement shown in photograph submitted to the Local Planning Authority on the 5 October 2022.
7. The Green reverse jet filter model number SA000099 as identified within an Elevation Plan submitted to the Local Planning Authority on the 2 August 2022 shall not be operated unless fitted with a silencer as described within the Noise Survey submitted on the 2 February 2022.
8. The two external generators shall be removed from the site within six months of the date of this permission.
9. There shall be no modifications to the plant shown in HDC/1330/05 Revision A without approval from the Local Planning Authority.
10. Within two months of the date of this decision a scheme for the painting and maintenance thereafter of the external apparatus shown in drawing HDC/1330/05 Revision A shall be submitted in writing to the Local Planning Authority. Once approved the external apparatus shall be painted in accordance with the approved details within one month of the decision and maintained in accordance with the approved maintenance schedule thereafter.
11. Within two months of the date of this decision a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping

scheme, unless the approved scheme has been completed. Any trees or plants which, within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

Reasons:

1. 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 Local Plan(ies) S51 and S5
2. In order to control the external apparatus of the site to ensure that the development does not cause any impact on neighbouring residential amenity in accordance with Policy E2 and EG7.
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10. In order to ensure that the external apparatus has an acceptable finish so it does not impact on the character and appearance of the area in accordance with Policy E1.
11. In order to ensure that a suitable landscape scheme is provided to ensure that the development does not become a further anomaly on the landscape in accordance with Policy E7.