

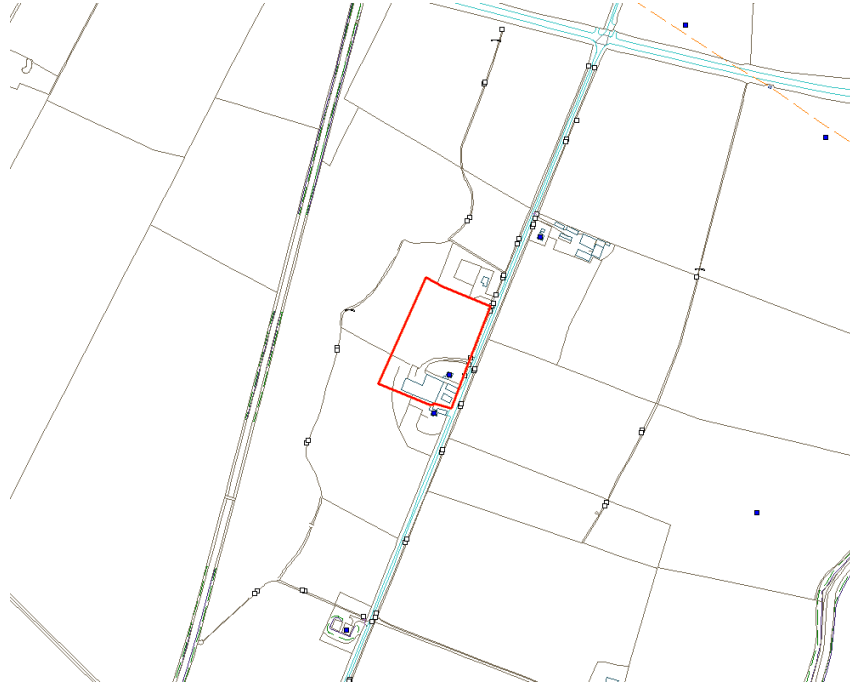
**Reference:** 14/00114/FUL

**Date submitted:** 10.02.2014

**Applicant:** Belvoir Fruit Farms Limited

**Location:** Vale View, Barkestone Lane, Bottesford

**Proposal:** Change of use of existing agricultural store to relocate existing agricultural process; also production unit including demolition of existing dwelling.



**Proposal :-**

**This application proposes the refurbishment and expansion of an existing agricultural building (grain store) to accommodate a production facility for Belvoir Fruit Farms and office.** It is intended to provide a new production facility for the fruit farm to relocate within the Vale of Belvoir and the existing premises would cease. The production unit is situated on the eastern edge of 260ha of arable agricultural land owned by the applicant. There is also an intention to increase the Elderflower Orchards to the land around the proposal site. The site is located within the open countryside to the south of the A52 along Barkestone Lane.

Members will recall a previous scheme on this site for a production facility. This application proposes amendments to the previous approval.

**It is considered that the main issues for consideration of the application are:-**

- **Planning policy for industrial development in this location**
- **Impact on the open countryside**
- **Impact on the adjoining properties**
- **Impact on highway safety**

The application is presented to Committee as a major development.

**Relevant History:-**

**12/00497/FUL** - Change of use of existing agricultural store to relocate existing process; also production unit including demolition of existing dwelling, permitted 21<sup>st</sup> February 2013.

89/741 – Proposed temporary storage use of an agricultural building for agricultural and horticultural netting of all types – refused 31/10/89

**Planning Policies:-**

**Melton Local Plan (saved policies):**

**Policy OS2** - states that permission will not be granted for development outside town and village envelopes with some exceptions for agriculture, employment, recreation and tourism.

**Policy BE1** - Siting and design of buildings: Allows for new buildings subject to criteria including the design harmonising with the surroundings, no adverse impact on neighbouring properties by loss of privacy or outlook, adequate space around and between buildings being provided and adequate access and parking arrangements being made.

**NPPF**

**The National Planning Policy Framework was published 27<sup>th</sup> March and replaced the previous collection of PPS. It introduces a ‘presumption in favour of sustainable development’ meaning:**

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict the NPPF should prevail. It also offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- proactively support sustainable economic development to deliver business and industrial units,
- promoting sustainable transport
- Supporting a prosperous rural economy
- Effective use of brownfield land

**On Specific issues relevant to this application it advises:**

**Building a strong competitive economy**

- Planning should encourage growth, not prevent it and should plan proactively to encourage economic growth
- Significant weight should be given to the need to support economic growth

**Sustainable Transport:**

- Safe and suitable access to the site can be achieved for all people.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

**Prosperous Rural Economy**

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both new buildings and conversions.

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

**Consultations:-**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Highways Agency:</b> The proposed development is not expected to have a material impact on the closest strategic route, the A52. Therefore, under Article 25 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Highways Agency has no objections to the proposal.</p>	<p>Noted. The application site is located off the A52 trunk road via Barkestone Lane.</p> <p>The proposed development accessing the A52 has been considered by the Highways Agency who has raised <b>no objection</b> to the proposed development.</p>
<p><b>Highways Authority:</b> <b>No objection but recommends the imposition of conditions</b>, in respect of signage, prohibition of driving order, no gates/bollards, gradient, surface, management plan, routing and car parking.</p>	<p>Noted.</p> <p>The proposal intends to have three points of access from Barkestone Lane. Two of the accesses will create an entrance and exit traffic flow through the site and the other access will be to create a visitor and staff car park.</p> <p>The site currently has an agricultural building and a dwelling located to the south of the site. The building has been used as a grain store and currently is being used unlawfully as storage. There is no restriction on traffic movement to the site in its current form.</p> <p>The Highway Authority have acknowledged that the proposal would lead to an increase in traffic on Barkestone Lane. However, they are satisfied having considered the visibility and the provision of passing bays that the development would not lead to an increase in danger to highway users.</p> <p>NPPF advises that permissions should only be refused where the impact of residual impacts is 'severe'. Given the comments of the Highway Authority and the Highways Agency it is not considered that levels would be severe and as such refusal on this basis would not be sustainable.</p>

<p>There is a request from the County Council that the Travel Plan be monitored via I-TRACE, which will require the applicants to pay a £6000 monitoring fee.</p>	<p><b>Taking account of all of these issues it is not considered that a highway reason for refusal could be substantiated.</b></p> <p>Noted, there is an extant planning permission on this site for a production unit and there was no requirement for the travel plan to be monitored under the previous approval. The application does proposed an enlargement of the unit and has been accompanied by a Travel Plan. However, based on the extant approval and this application only seeking to vary the approval it is not considered reasonable or necessary to seek this payment through a legal agreement.</p> <p>The applicants have stated that a member of the on-site staff at the new factory will be nominated as Travel Plan Coordinator (TPC). As part of this role, TPC would seek to promote and administer a car sharing scheme where employees are invited to express their interest in car sharing. The TPC would then seek to match suitable sharers who would then themselves be responsible for arranging the details of the sharing arrangements (pick-up times, driver sharing, cost sharing, etc.), with advice/support from the TPC where required. The TPC would seek to monitor the take-up and continued participation in car sharing on a 6-monthly basis by maintaining a database of sharers and contacting them with a view to monitoring their experiences and future intentions. This information would be maintained and made available to Melton BC and the County Council as they might require.</p>
<p><b>Leicestershire County Council Ecology:</b> The ecological survey (Hillier Ecology Ltd, September 2012) is satisfactory, no protected species or ecological features of note were identified, and no further action is required. However, the applicant may wish to follow the enhancement recommended in the report.</p>	<p>Noted, no evidence of any protected species or ecological feature were identified.</p>
<p><b>Bottesford Parish Council:</b> no comments received to date.</p>	<p>Noted, updates will be made if comments are subsequently received.</p>
<p><b>Environmental Health – no objection</b></p> <p>Satisfied that the layout proposed in this application is an improvement on application 12/00497 as far as the protection of “Anthony Farm” from noise is concerned.</p> <p>The Design and Access Statement describes the production unit as operating from 05:30 to 16:00. It is understood from enquiries made in respect of the</p>	<p>The proposed production unit for Belvoir Fruit Farms would be in close proximity to a residential dwelling to the south of the site. Anthony’s Farm is located, at its closest point, only 0.25 metres from the side boundary of the agricultural barn. The concern with regards to this application is whether the use of the building as a bottling plant would have a detrimental impact on the living conditions of the occupiers of Anthony’s Farm. The primary concern is over noise particularly</p>

<p>previous application that the production line does not start until 07:00. The staff who arrive at 05:30hrs undertake preparatory work in relation to boilers and setting up the lines.</p> <p>Based on this and an objection to an increase in noise levels between the hours of 20:00 to 07:00, it is recommended that the application is conditioned not to start production before 7:00am.</p> <p>No objection to preparatory work being carried out before that time provided it does not impact by noise on the adjacent Anthony Farm.</p> <p>Weekend working is envisaged to be minimal apart from during a six week period for the harvesting of elderflower. The production line manager previously explained this weekend working is not production line/bottling plant working. It is to allow for the processing of elderflowers/production of syrup.</p> <p>In accordance with the information provided in the reports by Acoustics Associates and having regard to the noise readings taken, it is suggested:</p> <ul style="list-style-type: none"> <li>• This authority should seek to limit noise from the production unit from all fixed plant and machinery to 37dB LAeq (one hour) between the hours of 07:00 to 19:00hrs when measured between the factory building and Anthony Farm.</li> <li>• That no noise arising from any fixed plant and machinery or any aspect of the production line will produce any noise with a tonal character or irregular characteristic, as described in BS4142, audible in the space between the production unit and Anthony Farm.</li> <li>• Outside of production hours noise from fixed plant at the premises will not exceed 33dB LAeq (1 hour) when measured between the factory building and Anthony Farm.</li> </ul> <p>In the letter dated 5 February 2014 from Acoustics Associates, Phil Walsh confirms that based on his calculations noise from the factory would be no louder than 37dBA close to the boundary wall.</p> <p>Also in the letter of the 5 February the consultant explains he does not think noise from the factory would have a character as described in BS4142.</p>	<p>from the internal production unit and external vehicle movements.</p> <p>The application was submitted with an acoustic report and details of sound absorption/reduction materials which will be installed into the existing and proposed building. The application has also considered the location of the residential property and has positioned cooling towers/ boilers/ compressors away from the neighbouring property. This has been assessed by the Environmental Health Officer who is satisfied that the noise attenuation scheme is sufficient to avoid the possibility of the proposal impacting on the neighbouring property to an unacceptable degree as the noise emissions have been calculated so as to be within acceptable limits. The application proposes sound absorption.</p> <p><b>It is considered that subject to the imposition of conditions to ensure the noise attenuation is included in the building and restrictions to the external space that the proposal would not give rise to noise and disturbance to the detriment of the adjoining residential property.</b></p>
<p><b>Severn Trent Water –</b> No objection subject to the imposition of condition in relation to surface and foul drainage.</p>	<p>Noted.</p>

**Representations:**

A site notice was posted and neighbouring properties consulted. As a result no letters of objection have been received to date

**Other material considerations (not raised through consultation or representation)**

Consideration	Assessment of Head of Regulatory Services
<p><b>Application of the Development Plan and NPPF Policies.</b></p>	<p>The proposal is located within the open countryside and therefore OS2 is the applicable policy. The application proposes a large commercial building, offices and parking and therefore <b>it is not considered that the proposal complies with OS2 of the Local Plan.</b></p> <p>Therefore, it is not considered that the proposal accords with the Development Plan.</p> <p>The National Planning Policy Framework is a material consideration in the determination of this application that is considered to be of significant weight. The guidance also states that where the development plan is absent, silent or relevant policies are out-of-date, local planning authorities should grant planning permission unless <b>“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits”</b>.</p> <p>The NPPF supports economic development and states its commitment to securing sustainable economic growth, explaining that planning should do “everything it can” to facilitate this. Paragraph 28 of the NPPF relates to supporting a prosperous rural economy. It states that <b>local planning authorities should support the <u>sustainable growth and expansion of all types of business and enterprise in rural area</u></b>. The key to this policy is considered to be the consideration of <b>‘sustainable’</b>.</p> <p>The NPPF defines sustainable development as economic, social and environmental. The site proposed is located within the open countryside, some distance from any settlement and some distance from Melton Mowbray. The location of the proposal would mean that all employees and visitors would be reliant on the motorcar as there is limited public transport. The NPPF seeks to ensure that land is provided in the right places to support growth and innovation. This application proposes the relocation of an existing rural business and proposes to diversify and expand an existing agricultural unit. The application also proposes to increase the elderflower orchard surrounding the unit on the applicant’s arable land and will remove traffic movements associated with transporting raw materials to the production facility. It is considered that the unique nature of this business should be taken into consideration</p>

	<p>The applicant considers it essential to stay in the area of “Belvoir” and the proposal facility would be more compact and more efficient than the existing unit near Belvoir. The existing site is located within an isolated rural location and the new unit would be in fact closer to its raw material source, major transport networks, more efficient and incorporating sustainable features to lower their carbon footprint.</p> <p>The application is also considered to be farm diversification. Paragraph 28 of the NPPF supports a prosperous rural economy by;</p> <ul style="list-style-type: none"> <li>• Support the sustainable growth and expansion of all types of business and enterprise in the rural areas, both through conversion of existing buildings and well designed new buildings; Promote the development and diversification of agricultural and other land-based rural businesses;</li> </ul> <p>It is considered that this application meets these tests of the NPPF.</p> <p><b>This application represents a conflict between the Development Plan and the NPPF. A balance of the issues is required when making a judgement on this application. Whilst not small scale nor in an entirely sustainable location the proposal does proposed the expansion and retention of a local brand in Melton. The site is considered to be <i>more sustainable</i> than its current location and represents economic growth in the rural area. The application also represents agricultural diversification and the adjoining Elderflower Orchard will make the production considerable more sustainable and efficient than the current production unit. It is these material considerations that make the application acceptable in this location and is considered to comply with the NPPF.</b></p>
<p><b>Impact on the open countryside</b></p>	<p>The application site lies within the designated open countryside.</p> <p>The existing site has a large agricultural building to the south east corner and a detached dwelling. There is hard standing to the north and the rest of the site is agricultural.</p> <p>The application proposes to demolish the existing dwelling and extend the agricultural building to the north to form a larger unit for the production of fruit cordials. The previous approval included</p>

	<p>the erection of an office building to the north east corner of the site. This has now been incorporated into the main unit which extends further into the site. The site would also accommodate a car park for staff and visitor parking which has been repositioned to the south east of the site and hardstanding for goods deliveries and collection. To the west of the building will be an area for storage of waste collection and skips.</p> <p>The proposed production unit would be a large building which would be constructed from materials used in agricultural buildings, metal sheets and roof cladding, and therefore would be viewed as a large agricultural building rather than an “industrial” unit. The buildings have been designed to reflect an agricultural building. The proposed development is considered to have the appearance of an agricultural building and as such is not considered out of keeping in this rural environment. Taking into account the existing building and the proposed design as agricultural building <b>it is not considered that a refusal on the grounds of a detrimental impact on the open countryside could be substantiated.</b></p>
<p><b>Impact on adjoining properties;</b></p>	<p>The application site is located on Barkestone Lane in a relatively undeveloped area. To the north of the site is a substation and open countryside and to the west is open countryside. To the south is a residential property known as Anthony’s Farm and to the east is open countryside.</p> <p>There is another property to the north east of the application site which is some distance from the proposed development.</p> <p>The only property that is likely to be impact on as a result of the development is the property to the south. This property is in close proximity to the proposed production unit, with the corner of the building being on 0.25 metres from an extension to this dwelling which includes habitable rooms (a bedroom, study and bathroom).</p> <p>An assessment on noise and disturbance from the proposed development is contained above in the report. It is considered that with suitable conditions the development would not give rise to noise and disturbance.</p> <p>The proposed production unit would have no opening adjacent to this property and there is a proposed attenuation fence to the front of the site along the side of the drive to Anthony’s Farm separating the dwelling from the proposed visitor</p>



	<p>and staff parking. It is not considered that the proposal would give rise to any overlooking or privacy issues to the detriment of this property.</p> <p>The internal layout of the building has been redesigned from the extant approval. Adjoining the boundary to the neighbouring property is the office and label store, the bottle store has been moved further away.</p> <p>Despite the close proximity it is considered that measures can be put in place to mitigate any impact on the residential amenities of Anthony's Farm. <b>It is not considered that the proposal would have a detrimental impact on any residential amenities to warrant a refusal of the application.</b></p>
<p><b>Layout</b></p>	<p>The application proposes the extension of a farm building to create a new production facility and office for Belvoir Fruit Farms Ltd in order that they may relocate their existing production unit. There is also a proposal to increase the Elderflower Orchards to the land around the proposal.</p> <p>The layout of the proposal is for the extended production unit to the north of the site and the car park to the south east. The production unit will be set approximately 26 metres from the road at the closest point and sited along the western boundary. There will be an in/out traffic route to the eastern boundary of the site. To the south of the site will be a separate entrance with parking for staff and visitors. The application also includes a storages area to the west of the site. The main building is to accommodate the whole production line, office, laboratory and canteen.</p> <p><b>The layout of the proposal is considered to be acceptable.</b></p>
<p><b>Design</b></p>	<p>The application proposes a production unit and office block.</p> <p>The appearance of the production unit has been detailed above and assessed in relation to the impact on the open countryside. The building would be agricultural in appearance. The existing building has some 1500m<sup>2</sup> of usable floor area and the proposal relates to an additional 5500 m<sup>2</sup> having an overall gross internal floorspace of approximately 7000m<sup>2</sup>. The previous application granted consent for an additional 3600m<sup>2</sup> of floor area, therefore this application proposes an increase of 1900m<sup>2</sup>. The unit would be 3600m<sup>2</sup> larger than the existing production unit at Belvoir</p>

	<p>allowing for expansion of the business. The unit would be 9 m high with a sloping roof.</p> <p>The building is considered to be of significant scale and would be prominent in this location. However, given the existing building on the site and in relation to the rural area it is located in, it is not considered that a commercial building in this location would be unacceptable.</p> <p>This application removes the previously approved office block which has now been incorporated into the main building.</p> <p>The extension to the existing building has been pulled forward to match the front building line but does not extend to the west boundary as much as the previous approval and therefore the width of the extension remains the same. The length of the proposed production unit has increased from approximately 62 metres to approximately 103 metres, an increase of approximately 41 metres. However, the previously approved separate office block (approximately 9m x 23m) has been removed.</p> <p><b>The proposed design of the production unit and office unit is considered to be acceptable.</b></p>
<b>Employment</b>	<p>Whilst the proposal represents an increase in size of the production unit building the details submitted with the application show that the number of employees remains the same. The application amends the previously approved scheme to allow for a more efficient production line which will allow for expansion in the future.</p>

**Conclusion**

The application site lies in the designated open countryside and as such there is no presumption in favour of development under policies OS1 and BE1. The application has been submitted with supporting information which states that the proposal would be to relocate a successful local business, provide local employment and would be of economic benefit. The proposal is not considered to have a detrimental impact on the character and appearance of the open countryside or highway safety. There are concern with regards to the proposal and the close proximity of the adjoining residential property. However, this has been thoroughly assessed and it is considered that the proposed sound mitigation measures proposed, which can be suitably conditioned, would ensure that the residential amenities of this property are not unduly affected.

The NPPF post-dates the Development Plan and supported rural economic growth. This application represents a conflict between the Development Plan and the NPPF. A balance of these issues is required when making a judgement on this application. Whilst not small scale nor in an entirely sustainable location the proposal does proposed the expansion and retention of a local brand in Melton. The site is considered to be more sustainable than its current location and represent economic growth in the rural area. The application also represent agricultural diversification and the adjoining Elderflower Orchard will make the production considerable more sustainable and efficient than the current production unit. It is these material

considerations that make the application acceptable in this location and is considered to comply with the NPPF and accordingly is recommended for approval.

**RECOMMENDATION:-** Permit subject to the following conditions :-

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development shall be carried out in accordance with plan drawing nos. BFF/RNS/14/001, BFF/RNS/14/002, BFF/RNS/14/003, BFF/RNS/14/004, and BFF/RNS/14/005 deposited on the 10<sup>th</sup> February 2014.
3. No development shall start on site until all materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.
4. The landscaping hereby approved on drawing no. BFF/RNS/14/005 shall be carried out in accordance with the approved details and carried out at the next available planting season following commencement of development unless otherwise agreed in writing.
5. No development shall commence on site until the Prohibition of Driving Order on Barkestone Lane to the north of the A52 has been implemented, so as to prevent vehicles entering and leaving that section of Barkestone Lane on to A52.
6. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 15 metres behind the edge of the carriageway of Barkestone Lane and shall be hung so as to open inwards only.
7. The gradient of the access roads shall not exceed 1:12 for the first 15 metres behind the highway boundary.
8. Before the development commences, details of the routing of construction traffic shall be submitted to and approved by the Local Planning Authority (LPA) in consultation with the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.
9. The car parking, servicing facilities and turning facilities shown serving the proposed development shall be provided, hard surfaced and made available for use before the development is first brought into use and shall thereafter be permanently so maintained.
10. Before first use of the development hereby permitted the vehicular access drives and servicing areas be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary (back of verge) and shall be so maintained at all times.
11. Before the proposed development is first brought into use, signage shall have been provided at each of the vehicular accesses shown serving the site, to advise all motorised vehicles to turn left out of the site, in accordance with details that shall first have been submitted to and been approved by the Local Planning Authority. These signs once provided, shall therefore permanently remain in place.
12. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

13. The proposed Travel Plan shall be implemented when the development is first brought into use.
14. The sound attenuation scheme and sound proofing of the building shall be completed in accordance with acoustic reports submitted on the 10<sup>th</sup> February 2014 before any use of the building as approved commences.
15. Deliveries to and the dispatch of products from the premises shall take place between the hours of 07:00 and 18:00 hours Monday to Friday and 08:00 and 12:00 hours on a Saturday only. There shall be no deliveries and dispatch of goods or materials outside of those hours, nor on Sundays or recognised bank holidays.
16. Movement of goods or materials about the application site which are carried out outside of the buildings shall take place between the hours of 07:00 and 18:00 hours Monday to Friday and 08:00 and 12:00 hours on a Saturday only. There shall be no movement of goods or materials about the application site carried out outside of the buildings outside of those hours, nor on Sundays or recognised bank holidays.
17. The noise from the production unit, from all fixed plant and machinery, shall not exceed 37dB LAeq (one hour) between the hours of 07:00 to 19:00hrs when measured between the factory building and Anthony Farm.
18. Any fixed plant and machinery or any aspect of the production line shall not produce any noise with a tonal character or irregular characteristic, as described in BS4142, audible in the space between the production unit and Anthony Farm.
19. Outside of production hours noise from fixed plant at the premises shall not exceed 33dB LAeq (1 hour) when measured between the factory building and Anthony Farm.
20. The use of the building shall remain in strict accordance with the plans and use hereby approved. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987 and Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 or any other orders replacing or re-enacting these orders, there shall be no other use of the building, including any other use falling within Class B2 of Town and Country Planning (Uses Classes) Order 1987.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt; the initial proposals being considered unsatisfactory.
3. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.
4. To ensure satisfactory landscaping is provided within a reasonable period.
5. In the interests of highway safety.
6. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
7. To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.
8. To ensure that construction traffic associated with the development does not use unsatisfactory

- roads to and from the site.
9. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
  10. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
  11. To ensure that vehicles do not travel south from the site along a bridleway, in the interests of highway safety.
  12. To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.
  13. To encourage sustainable travel to and from the site.
- 14 - 20 To ensure that the use remains compatible with the surrounding area and so not to have a detrimental impact on residential amenity.

**Officer to contact: Mrs J Wallis**

**Date: 2<sup>nd</sup> April 2014**