

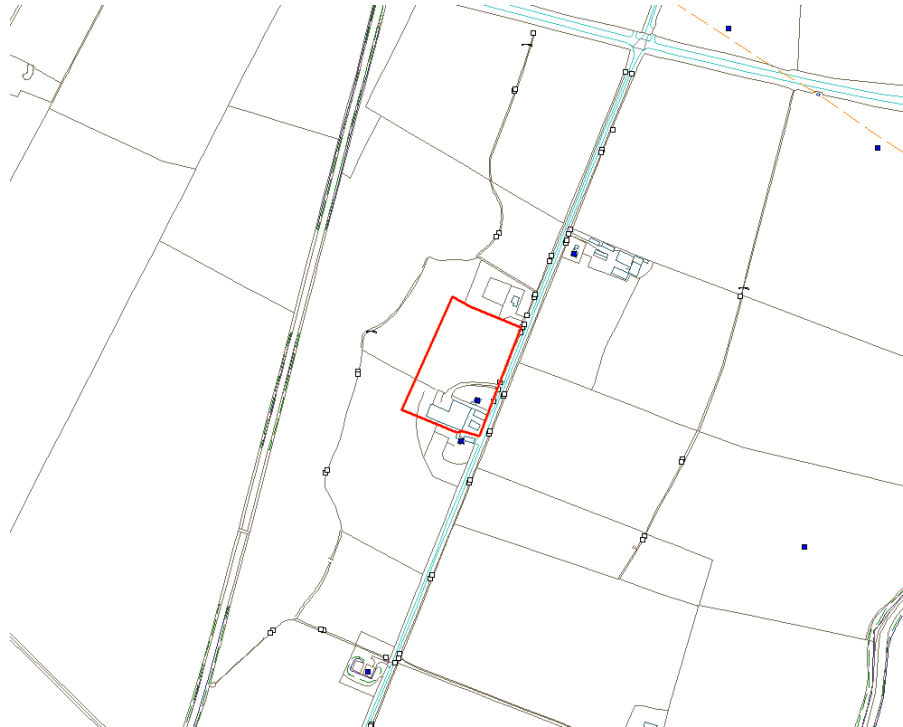
**Reference:** 12/00497/FUL

**Date submitted:** 11.07.2012

**Applicant:** Belvoir Fruit Farms Limited

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

**Proposal:** Change of use of existing agricultural store to relocate existing 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 the erection of a new office building.** 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.

**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:-**

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.

### **East Midlands Regional Plan**

**Policy 1** of the Regional Plan seeks to ensure that development within the east midlands is sustainable. It sets out Regional Core Objectives which should be met through LDFs and planning applications. The following parts of Policy 1 should be taken into account.

- e) - To improve accessibility to jobs, homes and services through the:
  - promotion and integration of opportunities for walking and cycling;
  - promotion of the use of high quality public transport; and
  - encouragement of patterns of new development that reduce the need to travel.
  
- h) - To reduce the causes of climate change by minimising emissions of CO<sub>2</sub> through:
  - maximising 'resource efficiency' and the level of
  - renewable energy generation;
  - making best use of existing infrastructure;
  - promoting sustainable design and construction; and
  - encouraging patterns of new development that reduce the need to travel.

**Policy 2** – promotes better design including design and construction that minimises energy use, uses sensitive lighting, improves water efficiency, reduces waste and pollution, incorporates renewable energy technologies and sustainably sourced materials wherever possible, and considers building orientation at the start of the design process. New development should also take account enhancement of biodiversity and landscape quality.

**Policy 3** of the regional plan sets the approach to distribution of new development across the East Midlands. It concentrates new development and economic activity in and adjoining existing urban areas. At the regional level this sees a major proportion of the new growth required being concentrated in and adjoining the three conurbations of Leicester, Nottingham and Derby. Development of a lesser scale is directed to Sub-Regional Centres such as Melton Mowbray, whilst other settlements should receive development to meet their need. In assessing the suitability of sites development priority should be given to making the best use of previously developed land and vacant or under-used buildings in urban or other sustainable locations.

**Policy 12** states that employment and housing development should be located within and adjoining settlements. Such development should be in scale with the size of those settlements, in locations that respect environmental constraints and the surrounding countryside, and where there are good public transport linkages.

Policy 19 focuses employment development on the areas of greatest identified need. The Policy priorities the Sub Regional Centres as the primary location for new economic development (Melton Mowbray) as says that development should be located in accordance with the urban concentration strategy as set out in Policy 3.

**The Melton LDF Core Strategy (Publication) Development Plan document:** 80% of total development needs will be delivered at Melton Mowbray by 2026. The DPD seeks to support small scale extensions to existing rural business. Policy CS7 relates to Employment and economic Growth and states that the Authority will provide opportunities for the food and drink industry to develop and expand in the Borough.

**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> The proposal will have an impact on the junction of Barkestone Lane and the A52 Trunk Road. This is an issue that the Highway Agency will need to consider. The County Councils observations are therefore contained to the possible impact the development would have on the local road network and not the strategic road network.</p> <p>The proposal is likely to lead to additional vehicular movements on Barkestone Lane, which is a single track road. The development does propose to install 4 passing bays between the site and the A52 which would help mitigate against the increased traffic. However the details of the passing bays shown by widening on one side of the carriageway only, may not be practical to install due to the highway ditches on either side of the verges, although it is believed that it is possible to provide passing bays by widening on each side of the road. Given the very good forward visibility along Barkestone Lane, the provision of passing bays should overcome any increased highway dangers resulting from the development. The proposed passing bays show widening of the carriageway by 2.5 metres, however given that Barkestone Lane already has farm traffic using it, and the proposal will generate goods vehicles, they would wish to see the passing bays have a minimum overall width of 6 metres and if possible at least 6.75 metres. Therefore notwithstanding the details submitted, amended details will be required for the provision of the passing bays showing increased width and widening on both sides. Where the bays are provided, the full width of the carriageway will need to be overlaid to prevent future damage along the joints of the new and old construction.</p> <p>The Traffic Assessment also refers to the reinforcement of the stopping up order of Barkestone Lane north of the A52, and refers to supporting the</p>	<p>Noted, the Highways Agency have been consulted and their comments are detailed above.</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 entrance to service the proposed offices and 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>Noted, this can be controlled by means of a condition.</p>

<p>Local Highway Authority in reinforcing this order. Given that the proposed development could lead to vehicles ignoring the current order and using Barkestone Lane to the north of the A52, it is important that the Stopping Up Order has been reinforced before development commences, to ensure both traffic associated with the development do not violate this order.</p> <p><b>No objection but recommends the imposition of conditions.</b></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><b>Leicestershire County Council Ecology:</b> The ecology survey submitted with the application (Hillier Ecology Ltd, June 2012) found no evidence of bats within the two grain barns. However, it is unclear from the report if the dwelling to be demolished has been surveyed for the presence of bats and nesting birds. The dwelling is adjacent to hedgerows, which would provide bat foraging opportunities, increasing the likelihood of bats being present.</p> <p>The updated 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.</p>	<p>Noted, an additional survey was requested and submitted. As a result no evidence of any protected species or ecological feature were identified.</p>
<p><b>Bottesford Parish Council: Concerns</b></p> <p>Barkestone Lane is a single track road is not fit or wide enough for large numbers of heavy vehicles, bridle path, quiet route for cyclists and walkers and a Sustrans route. A very dangerous place to have a junction onto the A52 for this amount of increased heavy traffic. Noisy industrial development on what is currently agricultural land. They are not against the development and expansion of this business but have grave concerns about the location and traffic impact as this business will continue to expand in the future. The transport assessment is inadequate as they can find no consultation with the highways agency about the impact of this development on the A52.</p>	<p>Noted.</p> <p>The Highways Authority and the Highways Agency have been consulted on the application and have raised no highway safety issues associated with the development. See commentary above.</p> <p>The impact on the countryside is assessed below in the report.</p>
<p><b>Environmental Health – no objection subject to the imposition of conditions.</b></p> <p>The Environmental Health Officer has taken readings which demonstrate that the noise created by the bottling plant adjacent to the ground floor extension of Anthony Farm, would be above the existing background noise levels of 35.8dB at certain times of the day (early morning).</p> <p>The Design and Access Statement describes 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 from the internal production unit and external</p>

<p>production unit as operating from 05:30 to 16:00, 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><b>Based on this and an objection to an increase in noise levels between the hours of 20:00 to 07:00, it is recommended the application is conditioned not to start production before 7:00am.</b></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>It is noted that in the Design and Access Statement, it is explained that deliveries are usually made between 07:00 and 09:00hrs. The applicant should endeavour to continue with this arrangements far as reasonably practical.</p> <p>Weekend working is minimal apart from during a six week period for the harvesting of elderflower. It is understood that weekend working is not production line/bottling plant working. It is to allow for the processing of elderflowers/production of syrup.</p> <p><b>Having regards to the noise which can be associated with the unloading of deliveries and the relocation within storage areas, it is recommended that the application is conditioned to prevent unloading of deliveries prior to 07:00hrs.</b></p> <p>The design features of the new production unit incorporating both layout and noise insulation measures could prevent the breakout of this noise.</p> <p><b>In accordance with the information provided in the reports by Acoustics Associates and having regard to the noise readings the Environmental Health Officer has taken, it is recommended that the application is conditioned.</b></p>	<p>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 to the walls and via a suspended ceiling to the elevation adjoining the neighbouring property.</p> <p>The applicant has also provided details of how the proposed production unit would operate and as such reduce the noise emitted from the site.</p> <p>The applicant has stated that; The main issues with regards to noise relevant to the adjoining farm are;</p> <ol style="list-style-type: none"> <li>1. delivery vehicles to goods in.</li> <li>2. noise issuing from bottle store</li> <li>3. noise issuing from start of bottling line</li> <li>4. noise from pasteuriser cooling fans</li> </ol> <p>These have been addressed as follows:-</p> <ol style="list-style-type: none"> <li>1. There will be a maximum of one vehicle per day delivering bottles direct to bottle store. The average at the moment is three vehicles per week. Deliveries will not take place before 7.00am. Bottles will be off loaded into the open fronted off load area which will be soundproofed to walls and roof. The open side of the off load area faces away from the adjacent dwelling.</li> <li>2. The bottles ,which are ,when delivered, palletted and wrapped, are off-loaded and taken into the bottle store. The bottle store will be sound proofed with Gyprtone Quattro 41/45 giving a very high absorption value. The existing concrete block dado wall adjacent to the next door dwelling also creates a very good sound barrier.</li> <li>3. The bottles then pass through to the bottling line through the UPVC strip curtain access points, where the pallets are unwrapped and the bottles fed onto the bottling line. This area will be sound proofed both on the walls and a suspended ceiling</li> </ol>
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	<p>again using Gyproc components with high value sound absorption qualities. This operation takes place within a sound proofed area between 30m and 60m away from the adjacent dwelling. The bottles then pass on to the rest of the process still within the envelope but now in the new section of the building, the bottling line is now between 60m and 100m away from the dwelling. Both the existing section and the new building will be re-clad in a composite steel leaf /insulation /steel leaf material which in itself will have further sound proof properties. Also, over the proposed sound proofing, a further surface is required to conform to food hygiene standards.</p> <p>4. The cooling fans to the pasteurisers will be positioned some 90m from the dwelling and their effect is totally masked by the mass of the proposed building. The “In-Out” system of vehicle movements on site will reduce the need for reverse warning systems to be heard and provide an the efficient movement of HGV visiting / leaving site. All car movements will be at the northern end of the site and will be via a separate entrance situated some 160m from the private dwelling to the south. The layout of the proposed building is such that normal daily movements of fork lift trucks will take place within the building envelope.</p> <p>The applicant has submitted details of all the acoustic materials to be used and addition of an enclosed delivery area. This will need to be conditioned to ensure that the building is built to this specification.</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>
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**Representations:**

A site notice was posted and neighbouring properties consulted. As a result 2 letters of objection have been received to date commenting on the following;

Representation	Assessment of Head of Regulatory Services
<p><b>Impact on the open countryside</b></p> <p>To convert the buildings to industrial would seriously impact on the rural location.</p> <p>The factory would be of an industrial nature and not conducive to the rural location of Barkestone Lane.</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>This type of complex would be better suited to an industrial estate.</p> <p>The development will be a large factory development probably the largest in Bottesford and there are already many vacant buildings suitable for factory/business premises in areas designated for this type of activity.</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 application also proposes the erection of an office building to the north east corner of the site. The site would also accommodate a car park for staff and visitor parking 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 upon highways:</b></p> <p>The amount of traffic generated would be far too much for the single track road. Barkestone Lane is only metalled for ¾ of a mile and was not meant for HGV’s of 40 tonnes plus gross laden weight.</p> <p>Barkestone Lane is a narrow single track lane with a deep ditch on either side. It is frequently busy with vehicles which cut through from the Vale of Belvoir, farm vehicles and livestock, walkers and cyclist as this is an official Sustrans route.</p> <p>The fact that the application is leaving room for further expansion would be a further increase in traffic.</p> <p>The junction with the A52 would be wholly inadequate as no refuge is available for the traffic travelling east, turning off the A52.</p> <p>Two people have been killed at this junction.</p> <p>It is a junction with a 60mph speed limit and it is often difficult to exit during daylight hours.</p> <p>During the summer there will be additional traffic due to people bringing elderflowers to the factory.</p>	<p>Noted, the proposal would generate traffic in the area. The application has been assessed by the Highway Authority and the Highways Agency who have not identified any Highway Safety impact as a result of the proposed development.</p> <p><b>It is considered that there is insufficient evidence to substantiate a reason for refusal based upon Highway Safety.</b></p>



<p>There are plans for two further developments further up the lane, one for an equestrian centre and one for a storage business all trying to exit Barkestone Lane onto the A52.</p>	
<p><b>Impact on adjoining properties;</b></p> <p>The adjoining house is only 6 feet away and the development would be dominant and oppressive.</p> <p>The noise from the factory and lorries/vans will be excessive.</p> <p>Loss of privacy due to the number of people working in close proximity to the adjoining house.</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. It is not considered that the proposal would give rise to any overlooking or privacy issues to the detriment of this property.</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>Other matters</b></p> <p>It would set a precedent if approved</p> <p>Does not comply with the village structure plan which designated where and which particular development are sited in residential or industrial.</p> <p>The applicant has claimed it will generate of</p>	<p>Every application should be determined on its own merits.</p> <p>An assessment of the relevant polices is contained below in the report.</p> <p>Noted. The application proposes the relocation of</p>

<p>employment but the workers will transfer from the current site two miles away. Many of these are from Grantham and Sleaford. Workers cannot travel by bicycle, bus or train as the station is 2 miles away and an infrequent service. The nearest bus stop is 1 mile away.</p> <p>Farming area and there will be difficulties related to livestock movements and farm traffic.</p> <p>The buildings have been used illegally in the past and in the present by the Clay Pigeon Company.</p>	<p>an existing business within the Vale of Belvoir. The new premises would allow for the growth of this business and therefore an increase in the number of employees.</p> <p>Noted, an assessment on highways is contained in the report.</p> <p>Noted, the Council is aware of the unauthorised use. This application if successful would remove this use, however, if not successful then enforcement action will be pursued.</p>
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**Other material considerations (not raised through consultation or representation)**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<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>The East Midlands Regional Plan supports economic development but states that it should be promoted in sustainable locations and concentrates new development and economic activity in and adjoining existing urban areas. The application site is some distance from any sustainable settlement and therefore <b>it is not considered that the proposal complies with the requirements of the Regional Plan.</b></p> <p>Therefore, it is not considered that the proposal accords with the Development Plan.</p> <p>The Core Strategy supports small scale economic development, this proposal is not considered to be small scale. However, the Core Strategy does recognise that the food and drink industry is important in Melton employment and economic growth. Policy CS7 states the Authority will encourage employment and economic development by providing opportunities for the food and drink industry to develop and expand in the Borough. The application is for Belvoir Fruit farms and who wish to relocate within the Vale of Belvoir as their existing site can no longer accommodate their business needs.</p> <p>The National Planning Policy Framework is a material consideration in the determination of this</p>

	<p>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 ‘sustainable’.</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</li></ul>
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	<p>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;</p> <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 <u>more sustainable</u> 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>Layout</b></p>	<p>The application proposes a new office building, extension of a farm building to create a new production facility 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 site of the site and the office and car park to the north. The production unit will be set approximately 18 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 north of the site will be the office block and parking with the proposed Offices sited east/west to the highway. The application also includes a storages area to the west of the site. The main building is to accommodate the whole production line.</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 3500m<sup>2</sup> of floor area. The unit would be 1600m<sup>2</sup> larger than the existing production unit at Belvoir allowing for expansion of the business. The unit would be 8.6 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>The application also includes the erection of an office block. The applicant has stated that the office needs to represent the headquarters of Belvoir Fruit Farms and enhance the lines of communication and increase the efficiency of the company.</p> <p>The Office has been designed by taking details from existing barns within the area and includes a “bonnet hip” roof, threshing doors, arrow slit ventilation openings and brick soldier arches. The office has been designed to be traditional in appearance. The office would be 274m<sup>2</sup> with a 38m rest area. The building would be approximately 8.4 m in height. It is considered that the office has been designed sympathetically and would be acceptable in this location.</p> <p><b>The proposed design of the production unit and office unit is considered to be acceptable.</b></p>
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**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 has been 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/NS1/12/001/REV B, BFF/NS1/12/012, BFF/NS1/12/013, BFF/NS1/12/102/REVA and BFF/NS1/12/0L1 deposited on the 22<sup>nd</sup> October 2012 and plan drawing BFF/NS1/12/101 deposited on the 11<sup>th</sup> July 2012.
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/NS1/12/0L1 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. Notwithstanding the details submitted, no development shall take place until such time as a series of passing bays have been provided on Barkestone Lane, between the site and the A52, in accordance with details that shall first have been submitted to and approved by the Local Planning Authority.
7. 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.
8. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.
9. For the period of the construction, the applicant shall take measures to ensure that the highway is kept free of mud, water, stones etc, in accordance with details that shall have first been approved in writing by the Local Planning Authority.
10. For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
11. Before the development hereby permitted is first used, the off-street car parking/lorry parking and servicing provision shown within the site shall have been provided, hard surfaced and made available for use. Once provided these facilities shall thereafter be permanently so maintained.
12. 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.

13. 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.
14. Before the development commences, details of the routing of construction traffic shall be submitted to and approved by the Local Planning Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.
15. The proposed Travel Plan shall be implemented when the development is first brought into use.
16. The sound attenuation scheme and sound proofing of the building shall be completed in accordance with drawing no. .BFF/NS1/13/002 and the accompanying specification received on 30.01.13 before any use of the building as approved commences.
17. 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.
18. 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.
19. 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.
20. Prior to the commencement of development a plan detailing the location of the two fans shall be submitted to and approved in writing by the Local Planning Authority. The development shall be positioned in accordance with the approved plan.

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. In the interests of highway safety and to ensure that the road can cater for the additional traffic generated
  7. 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.
  8. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.
  9. To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users
  10. To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction.
  11. 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.
  12. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
  13. To ensure that vehicles do not travel south from the site along a bridleway, in the interests of highway safety.
  14. To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.
  15. To encourage sustainable travel to and from the site.
- 16-20 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: 6<sup>th</sup> February 2013**