

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 5th December 2012

Subject: APPLICATION 12/03599/FU Refrigerated chiller extension with car parking area and landscaping, Low Green Farm 40 Leeds Road, Rawdon Leeds LS19 6NU

APPLICANT

J Penny and Sons Ltd

DATE VALID

30.8.12

TARGET DATE

25.10.12

Electoral Wards Affected:

Horsforth

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION: APPROVE planning permission, subject to the following conditions:

1. 3 year time limit
2. Development in accordance with approved plans
3. Sample materials
4. Hard and soft landscape works to be implemented in accordance with submitted details.
5. Timescale for landscape works
6. That part of the site shown to be used by vehicles, on the approved plans, has been laid out, drained, surfaced and sealed, as approved .
7. Cycles and motorcycle facilities to be provided.
8. Hours of delivery restricted to 0700 hours to 2100 hours Monday to Friday only with no such operations taking place on Saturdays, Sundays and Bank Holidays.
9. Close boarded acoustic fence to be constructed along the western boundary of the existing and proposed site area.
10. No plant and/or machinery shall be used on the premises, unless it is enclosed in sound-insulating material.
11. Noise from plant and machinery to be restricted to 5dB below background noise level at noise affected premises.
12. No development shall take place until details of the extract ventilation system provided.

- 13 Hours of construction restricted to 0800 to 1800 Monday to Friday and 0800 to 1300 Saturday. No work Sundays and Bank Holidays
- 14. Phase I Desk Study
- 15 Treatment of unexpected accommodation.
- 16 Verification report
- 17 Surface water drainage to be approved
- 18 Site investigation in accordance with submitted Coal Mining Report (relating to site stability)

Reasons for approval:

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the National Planning Policy Framework and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5: Development proposals should resolve detailed planning considerations.

N33: Development in the Green Belt.

N37: Development in Special Landscape Areas.

T2: Development proposals should ensure that no new transport and highway problems are created or existing ones exacerbated.

T24: Parking provision to reflect guidelines.

T7A: Provision of cycle parking.

T 7B: Provision of motorcycle parking.

Supplementary Planning Document:

LCC Street Design Guide SPD

The development is not of a type normally considered appropriate in the Green Belt but the City Council considers that the limited effect on the openness of the Green Belt and economic considerations outweigh the limited harm caused by this inappropriate development.

On balance, therefore, the City Council considers there are very special circumstances to justify this development in the Green Belt.

1.0 INTRODUCTION

- 1.1 The proposal was reported to Panel in November because it involves a departure from the development plan in that it extends the existing premises further into the Green Belt. Local members have expressed concern regarding vehicle movements and there are 9 objections from local residents. Members resolved to consider the application at the December Panel following a site visit.

2.0 PROPOSAL

- 2.1 The application is for full planning permission and proposes a chiller extension to the south of the existing abattoir and an extension of the curtilage of the abattoir into a field to the south for car and HGV parking.
- 2.2 The proposed chiller room extension adds a further 225m² and is a building of dimensions 15m x 15m with a maximum height of 12.8 metres. External roofs and walls will be clad with plastisol coated profile steel cladding to match the already permitted extensions. The gable end of the new extension would abut the existing southern boundary of the abattoir which is well defined by a retaining wall.
- 2.3 The proposed car park extension is located to the south of the retaining wall in an open field which slopes to the south. The submitted drawings indicate that this area will be used for car parking and an HGV "waiting area". The proposed extension to the yard into the adjacent field scales at 56 metres west/east and 14 metres north/south and is rectangular.
- 2.4 In order to enable access to this area from the existing yard the car park area will be raised by between 1 and 2 metres and retained on the southern boundary by a retaining wall shown as being 1.5 metres, the retaining element of which will be 1 metre. An Armco barrier the height of which is not specified will be erected on the yard side of the retaining wall. The new car park will have a concrete surface.
- 2.5 The proposed landscape drawing shows a sloping planting bed to the south of the retaining wall, and the existing effluent plant area, 84 metres long and a minimum of 7.5 metres from the south face of the wall. It is proposed that this area will be planted with trees and shrubs.

3.0 SITE AND SURROUNDINGS

- 3.1 The abattoir is located on the south side of the Leeds Road between Horsforth and Rawdon, within the Green Belt and a special landscape area.
- 3.2 The site, despite its Green Belt status, is developed as an abattoir with the whole site covered either with buildings, or concrete or gravel surfacing. The main building occupies the centre and eastern part of the site. There are a number of ancillary buildings to the north, and between these and the Leeds Road are parking areas. In the north west corner of the site is a house, probably of Victorian origin, which has been subsequently converted to offices with planning permission. Formerly this property had a walled garden to the south but this has been greatly reduced in size in order to accommodate a 200 m² chiller extension and additional car parking.
- 3.3 Immediately to the north west is an area of three storey buildings which were originally in residential and industrial use but now also include offices. Immediately west the land is in residential use with properties fronting Low Green and Cliffe Lane to the west and with extensive gardens running to the western boundary of the application site. The nearest property, to the south west, is 20 metres from the south west corner of the site but the property and its garden are screened from the abattoir grounds by a tall coniferous hedgerow.
- 3.4 On the opposite side of Leeds Road the entire frontage is residential and there are two further dwellings on the same side of Leeds Road to the east. Land to the south and south east is in agricultural use.

- 3.5 Because the land on the south side of Leeds Road slopes quite steeply towards the Aire Valley, the buildings within the site other than those on the frontage are not prominent from Leeds Road. From the east there are views of the eastern edge of the site but it has the appearance of a group of farm buildings. From the south the area is visible from Rodley Lane, but the abattoir is seen against existing development. The proposed chiller room will also be seen against the existing buildings. The site cannot be seen from the west because of existing buildings and vegetation.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 There have been a number of recent applications for planning permission to extend the premises.
- 4.2 Application reference 09/00542/FU related to a retrospective extension with a floor area of approximately 200m² (a chiller room) and a new development to the south of this extension with a total floor area of approximately 625m² to include a dispatch area and a carcass chiller building. Approved 23.2.2010
- 4.3 Application 11/00414/FU again proposed similar extensions to those granted in 2010, extended slightly to the west, and also included an extension for a chiller room to the south of the existing building of 225m² and an extension to the north, incorporating an office and further chiller room of about 420m², giving a total new floor area nearly 1400m², excluding the floor area of the retrospectively approved building. In addition it proposed the change of use of an existing stone barn to offices and toilets. Approved 24.2.12
- 4.4 Application 12/01654/FU was for a refrigerated chiller extension identical to the present proposal as well as an extension to the parking and area and associated landscaping which included a larger area south of the existing abattoir. The application was refused on 7.6.12.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Application 12/01654/FU was refused for the following reasons:
- 1) In the opinion of the Local Planning Authority the proposed hardstanding constitutes inappropriate development in the Green Belt and will extend the operational area of the abattoir to the south into open countryside. The Local Planning Authority do not consider that the very special circumstances advanced by the applicant outweigh the harm from inappropriate development together with the detrimental impact that this large area of concrete and its use for parking of cars and HGVs will have on the openness and purposes of the Leeds Green Belt. In view of this the proposal is considered contrary to Policy N33 of the Leeds Unitary Development Plan (Review 2006) and to the advice on the control of development in the Green Belt set out in the National Planning Policy Framework, particularly at paragraphs 79,80,87,88 and 90.
 - 2) The large, concrete surfaced car and HGV parking area located in a field south of the existing abattoir will seriously harm the character and appearance of the Woodhall/Calverley/Cragg Wood/ Hunger Hills Special Landscape Area and is therefore contrary to policy N37 of the Leeds Unitary Development Plan (Review 2006).

- 3) The proposed car and HGV parking area will result in vehicles parking and manoeuvring in an area that is closer than the existing abattoir development to residential properties, particularly the property known as the Bungalow to the west of the site. It is considered that this will result in detriment to the residential amenities of the residents of this property as a result of noise and disturbance and in view of this the proposal is contrary to Policy GP5 of the Leeds Unitary Development Plan (Review 2006).

- 5.2 Subsequent to this refusal the Planning Services Manager met the applicant and his agent on site to discuss the reasons for refusal. The main issues discussed were the impact of the development on the Green Belt and the Special Landscape Area.
- 5.3 The refused application differed from the present proposal in that the proposed parking area extended into the adjacent field by 20 metres, beyond the concrete base of the effluent treatment area and the landscape planting along the southern end of the new hardstanding extended only along the boundary of the proposed parking area (i.e. 56 metres). It was suggested by Officers that the visual impact of the proposal could be reduced by restricting the southern extent of the new hardstanding to 14 metres (to match the southern extent of the concrete base of the effluent treatment area) and planting could be extended along the whole of the proposed and existing southern boundary of the hardstanding (84 metres) so that it ran from the conifer hedge on the western boundary to the existing farm access east of the effluent treatment area.
- 5.4 The current application as submitted incorporated these suggestions. The Council's Principal Landscape Architect subsequently suggested that the area of planting to the south of the proposed development would be more effective if it had a more natural shape (i.e. it did not have a straight southern edge to the field); if the type and location of plant types was revised; and if the buffer planting was extended to the east of the site, along the eastern side of the farm access.
- 5.5 The applicant has subsequently amended the proposal to address these issues with the exception of the suggestion of planting on the east side of the access road.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 The application was advertised by site notices posted on 14 September 2012 in five locations in Leeds Road and Low Green.
- 6.2 Councillor Cleasby has asked whether a highways contribution could be sought from the applicant to compensate for the increase in traffic and its weight and size.
- 6.3 There have been 10 emails received from local residents and recorded on CAPS objecting to the proposal although one of these is a duplicate. There are therefore 9 individual objectors
- 6.4 The following comments have been made:
- Increases in traffic as the abattoir has grown.
 - Issues with smell from the development, including burning.
 - Proposals are contrary to policies for development in conservation area, green belt and special landscape area. (Various issues cited including

impact on views from the south, car parking and buildings should not be allowed.

- Noise nuisance including early morning and weekend use causing disturbance to families in adjacent residential properties. Engines revving, people shouting, alarms. Disturbance in early morning a particular issue.
- Question the validity of the applicant's noise report.
- Continuous expansion, piecemeal applications. Needs to relocate.

7.0 CONSULTATIONS RESPONSES

7.1 Statutory:

- Highways: No objections
- Flood Risk Management: No objection subject to conditions

7.2 Non-statutory:

- Contamination: No objection subject to conditions
- Neighbourhoods and Housing: Complaints received suggests that the hours of operation specified in the previous consents for this site are not being adhered to. On this basis would recommend refusal. If approval to be granted would recommend conditions relating to hours of operation, restriction of noise levels and construction of acoustic fence, as well as a condition to control working hours during construction.
- SDU Landscape: Reduction in hardstanding from refused scheme. This scheme shows development at its maximum extent to south to be acceptable. Comments made on amendments to landscape buffer in initial proposals have largely been addressed.

7.3 Other:

- Coal Authority: Recommend condition requiring intrusive site investigation.

8.0 PLANNING POLICIES:

Policies of the Leeds Unitary Development Plan (Review 2006)

GP5: Development proposals should resolve detailed planning considerations.

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T24: Parking provision to reflect guidelines.

9.0 MAIN ISSUES

Principle of Development in the Green Belt

Impact on the Special landscape Area.

Impact on residential amenity

Highway Issues

Impact on the Low Green Conservation Area

10.0 APPRAISAL

i Principle of development in the Green Belt

- 10.1 The site of the abattoir is located in the Leeds Green Belt.
- 10.2 Both the LUDPR and the NPPF state that within the Green Belt permission will only be granted, other than in very special circumstances, for a defined list of developments. The current proposal does not fall within the list of developments considered appropriate for a Green Belt Location and therefore it is incumbent on the applicant to demonstrate that there are very special circumstances.
- 10.3 The applicant has accepted that the development is contrary to the LUDPR and the NPPF, as it is inappropriate development in the Green Belt, but has argued that there are very special circumstances relating to the importance of the proposal to the UK meat supply industry. This is essentially the same argument that has been advanced as justification for previous proposals for the expansion of this business .
- 10.4 In relation to these previous proposals referred to above (applications 09/00542/FU and 11/00414/FU) the City Council took the view that the appropriate approach to Green Belt policy was to assess the impact of the inappropriate development and weigh this against the benefits of the proposals. In both cases it was concluded that the impact on openness was limited and that whilst the development was contrary to the development plan other material considerations, in particular the economic benefits, tipped the balance in favour of granting planning permission.
- 10.5 In relation to the previous proposal, reference 12/01654/FU, for the refrigerated chiller extension and car park, it was considered relevant that the proposal involved extending the operational area of the site into the adjacent field to the south and it was concluded that extending beyond this well-defined site boundary would have a much greater impact on the openness of the Green Belt than previous proposals within the existing operational area. It was also considered that the development would impact on the purposes of the Green Belt as defined in the LUDPR and at paragraph 80 of the NPPF, particularly the purpose of safeguarding the countryside from encroachment.

- 10.6 The conclusion in relation to that application was that whilst the Council accepted the special circumstances to justify the previous proposals on this site, the harm to the Green Belt outweighed these special circumstances in relation to the previous application.
- 10.7 The approach to be adopted in relation to this application should be consistent with the above decisions. That is that the impact of this inappropriate development should be weighed against the very special circumstances.
- 10.8 The applicant's justification for additional chiller space is related to the process for maturing meat for sale. Following slaughter, fresh carcasses are stored in the fresh meat chiller for 24 hours after which they are moved to the carcass maturing chillers for a month. Following this the meat is cut, boned and vacuum packed in the cutting and boning room and the majority of meat is then moved in trays to the existing box chiller where it matures for a further month before dispatch.
- 10.9 At present there is inadequate chiller capacity. There is extant permission for three carcass chillers on the site and once these are implemented there will be sufficient capacity for this part of the process. However the existing box chiller is of inadequate size and as a result the meat is moved off site to chillers elsewhere in West Yorkshire. Extending the box chiller, as proposed in this application, will improve efficiency by ensuring that the whole process can take place on site and will obviate the need to transport boxed meat to other sites to complete the maturing process.
- 10.10 The applicant goes on to stress the economic benefits of the proposal and particularly the fact that the business supports economic growth. It is pointed out by the applicant that the government is committed to support the meat industry and that the proposal is important for production and supply by increasing efficiency as outlined above.
- 10.11 In addition it is argued that Penny's is an important local employer, with 65 staff working at Low Green, and also a significant supplier of high quality meat, particularly in Yorkshire. The proposal is also considered to be compliant with the objectives of Defra's Rural Development Programme for England which include "to improve the processing and marketing of primary agricultural products" by, inter alia, "investment in improved efficiency" to "improve the overall performance of the enterprise".
- 10.12 The NPPF states that planning should proactively drive and support sustainable economic development to encourage sustainable growth and that local planning authorities should look for solutions rather than problems. It states at paragraph 19 that significant weight should be placed on the need to support economic growth through the planning system.
- 10.13 In relation to the impact of the proposal on the Green Belt the extension to the box chiller takes existing buildings to the edge of the existing hardstanding. It is evident that if vehicles are to access the adjacent yard it will be necessary to extend the hardstanding beyond the current southern boundary of the site. However in terms of the issue of harm to the Green Belt, the revised scheme incorporates a number of amendments to the refused scheme. The following are relevant to the consideration of the proposal:

- The decrease in the width of the hardstanding to 14 metres as a result of which the distance to which it extends beyond the existing site boundary is reduced by 6 metres. This also brings the hardstanding in line with the southern edge of the effluent treatment area.
- The increased width and length of the landscape screen to the south of the proposed hardstanding. This screen has been extended along the whole boundary of the site with the adjacent field and has been remodeled to provide a more natural shape, rather than a straight boundary, and the amount and variety of planting increased.

- 10.14 It is considered that these amendments, resulting from the on-site discussions and accepted by the applicant mitigate the concerns raised in the first reason for refusal by reducing the impact of the development itself on the openness of the Green Belt and also helping to reduce the impact of the existing development.
- 10.15 It is the view of Officers that taking account of the very special circumstances advanced by the applicant, the advice in the NPPF, the differences between the present proposal and the refused application and the amendments made to the present application following submission, the proposal overcomes the first refusal reason from the previous application.

ii Impact on the Special Landscape Area

- 10.16 The site is also within a Special Landscape Area (Woodhall/Calverley/Cragg Wood/Hunger Hills) and Policy N37 of the UDPR applies. In relation to this policy, the test is whether the development proposed will seriously harm the character and appearance of the landscape.
- 10.17 It does not follow that because the development is considered to affect the openness of the Green Belt it will also seriously harm the character and appearance of the landscape, but in the case of the refused application the impact of a large (more than 1000m²) concrete apron and associated parking on the land to the south of the abattoir was considered to be seriously harmful to the landscape of this area.
- 10.18 The current proposal reduces the size of the hardstanding by 30%, whilst extending the landscape buffer along the whole southern edge of the site by 50%.
- 10.19 The development will clearly have some impact on the Special Landscape Area. However the policy test is whether the impact is seriously harmful to the character and appearance of the landscape on the SLA. Whilst the initial impact will undoubtedly be apparent, particularly from the south, the growth of the boundary planting will ultimately result in a reduction in the impact of the abattoir as whole on the SLA and it is considered that the reduction in the extent of the hardstanding coupled with the increased buffer planting will mitigate the impact to an extent which is acceptable.

iii Residential Amenity

- 10.20 The third refusal reason in relation to the previous application stated that there would be a detrimental impact on the residential amenities of adjacent properties, in particular the bungalow to the west, as a result of vehicle movements in the extended yard area.
- 10.21 No representations were received in relation to the previous scheme. The present proposal has resulted in 9 representations, however, primarily on the grounds of

amenity impacts of the abattoir, in particular existing noise, smell and levels of traffic.

- 10.22 In relation to noise, the objectors refer, in the main, to late night/early morning and weekend noise. However, the existing development is the subject of conditions, attached to the previous approvals, that specifically exclude delivery to and from the premises, together with loading and unloading within the premises shall be restricted to 0700 hours to 2100 hours Monday to Friday only with no such operations taking place on Saturdays, Sundays and Bank Holidays. The present application also states that the hours of opening are 0700 hours to 2100 hours.
- 10.23 Residents have suggested that the applicant has told them that the movement of vehicles within the area of the abattoir is related to the use of the premises for agriculture. However it is quite clear from the current submission that all of the buildings are used for the purposes of the abattoir.
- 10.24 It is accepted that the use of these premises outside the approved hours would be likely to cause disturbance to adjacent properties and for that reason it is recommended that the time restriction condition should be reiterated on this application. Such use, if proven, would represent a breach of existing conditions (one of the applications was in part retrospective and has therefore been implemented). This matter is being investigated by Environmental Protection and Planning Compliance and necessary action will be taken if it is found that the time limit conditions are being breached.
- 10.25 It is not considered that the current application is likely to result in any increase in traffic or lead to a need to work outside the approved hours since it is intended to increase storage space at the site. Indeed, given that the additional chiller will, according to the applicant, mean that off site storage facilities do not need to be used it could lead to a reduction in traffic.
- 10.26 Taking all these issues into account it is concluded that the current proposal will not cause an increase in noise and will not therefore have any additional impact on residential amenity in this respect.
- 10.27 With regard to smells from the premises, this is again not likely to be an issue in relation to the current proposal as the principle element of the development is a meat chiller and it is other processes at the abattoir that lead to possible odour issues. In any event such matters are covered by other legislation and the Council's Environmental Protection Team monitor this issue and take action as necessary to address the problem.
- 10.28 It is therefore concluded that if the conditions applied to this and other permissions are adhered to and if necessary enforced the amenities of local residents will not be adversely affected.

iv Highway Issues

- 10.29 The proposal is acceptable in highway terms and the Highway Authority does not object to the proposal. Councillor Cleasby has requested that a highway contribution be sought from the applicant and the advice of Highways Development Control has been sought on this issue.
- 10.30 In response it has been stated that the submitted information indicates that the proposals are for a storage extension only which is unlikely to generate additional

staff increases on the site and the applicant has stated that there will be similar traffic movements from the site as existing. The applicant is proposing formalising parking within the side and rear yards but these are already used by staff for overspill parking.

- 10.31 The extension on the site does not generate any formal highway contributions (i.e. public transport and travel plan etc.) taking into account SPD thresholds. The proposals are also not considered to require any highway improvements at the site access or on the local highway i.e. the existing network can accommodate the proposals safely.
- 10.32 Taking into account the above issues, it would be difficult to sustain a request for highway contributions in relation to this application.

v Impact on the Low Green Conservation Area

- 10.33 The recent review of the Conservation Area boundary in this area has taken the majority of the site out of the Conservation Area with only a limited area on the Leeds Road frontage now included. The development, when considered in the context of other development in the area, previous planning permissions and the proximity of the Conservation Area, is not considered to be harmful to the character of the Conservation Area.

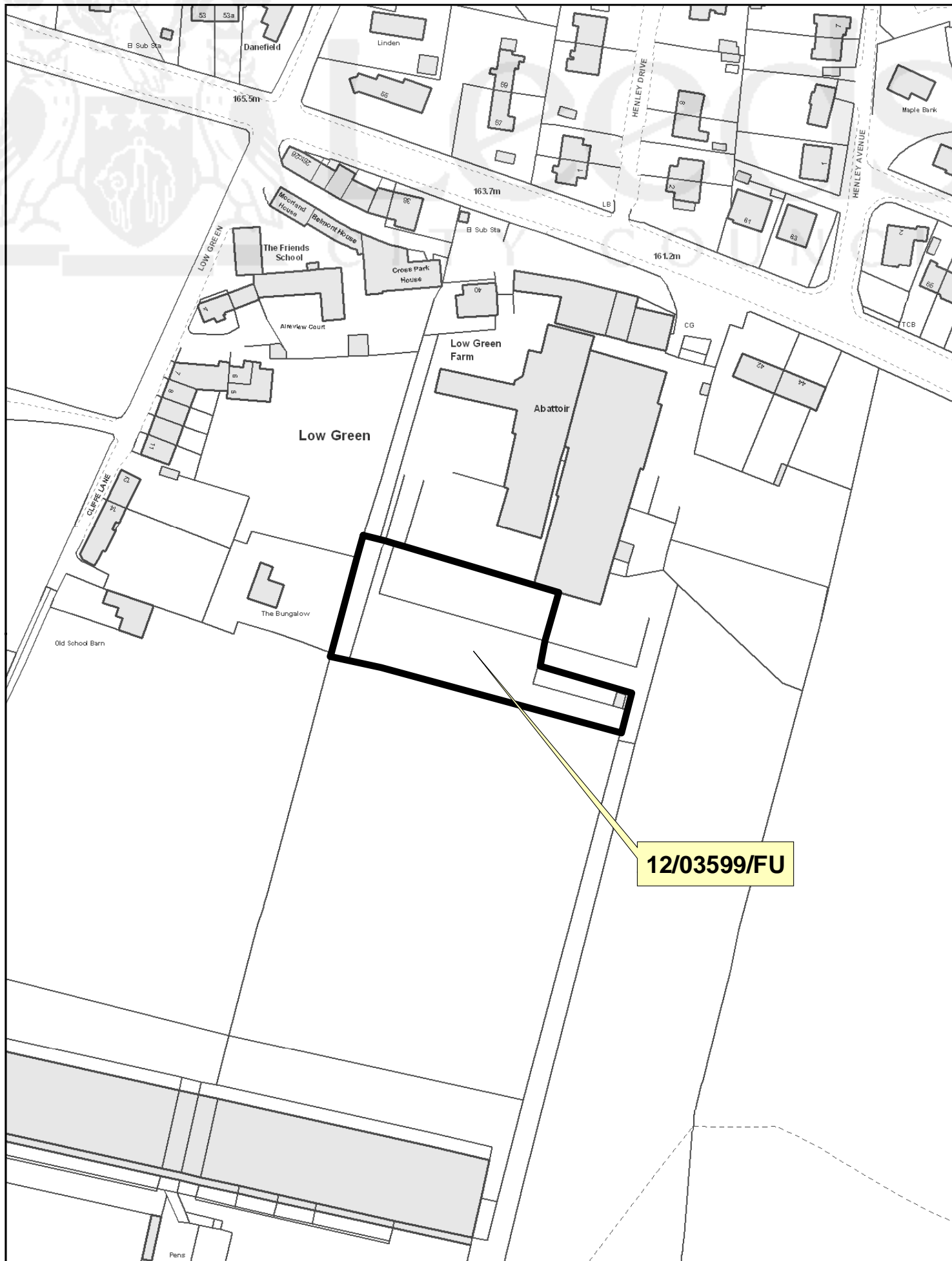
11.0 CONCLUSION

- 11.1 In light of the above it is recommended that planning permission is granted. Whilst the proposal is inappropriate development in the Green Belt there are very special circumstances of sufficient weight to overcome the impact of the proposal on the openness of the Green Belt. The development would not cause significant harm to the landscape of the Special Landscape Area and would not result in detriment to the residential amenities of adjacent properties provided the conditions are adhered to and enforced.

Background papers:

Application file: 12/03599/FU

Certificate of Ownership: Certificate A submitted



SOUTH AND WEST PLANS PANEL