

## HARROGATE BOROUGH COUNCIL

### PLANNING AREA2 DC COMMITTEE – AGENDA ITEM 5: LIST OF PLANS.

DATE: 1 June 2004

<b>PLAN:</b> 05	<b>CASE NUMBER:</b> 04/00034/FUL
<b>APPLICATION NO.</b> 6.113.3.D.FUL	<b>GRID REF: EAST</b> 447865 <b>NORTH</b> 456030
	<b>DATE MADE VALID:</b> 09.01.2004
	<b>TARGET DATE:</b> 05.03.2004
	<b>WARD:</b> Ribston

**APPLICANT:** Ainsty Farms Direct

**AGENT:** M J F Architects

**PROPOSAL:** Erection of detached single storey building to be used as farm shop and distribution unit and associated car parking (revised scheme).

**LOCATION:** Land To The Rear Of The Former Little Chef York Road Green Hammerton York North Yorkshire

## REPORT

### SITE AND PROPOSAL

The site is located adjacent to the Skipbridge Petrol Filling Station, and to the rear of the former Little Chef, now trading as Sweet Basil Chinese Restaurant to the south of the A59, and to the east of the villages of Green Hammerton and Kirk Hammerton. The site lies in the open countryside. Access to the site is via the existing access to the petrol filling station and the existing restaurant.

The application proposes erection of a single storey building of 289sqm to be occupied by Ainsty Farms Direct as a farm shop and distribution unit. Ainsty Farms Direct (AFD) currently operate from a small unit on the opposite side of the A59, at Green Hammerton. This unit is rented from the owners of the adjacent car dealership and it is understood that once AFD have secured alternative premises the car dealership will subsume the unit for the ongoing expansion of their business. As well as sales from the premises itself, AFD have an increasing internet ordering business.

Staff car parking is proposed to the west of the proposed unit, and customer parking is proposed to be shared with the existing restaurant. The building is proposed in brick with a pan tile roof, and the internal layout is such that the majority of the floorspace is given over to food processing, packing and distribution of food, and only a small proportion of the floorspace is given over to public sales, approximately 15%.

The application is supported by an Assessment of Planning Issues which sets out the justification for the proposal, confirmation of Ainsty Farms Direct status as an agricultural holding, a letter from the Farm Retail association confirming their guidelines for farm shop

enterprises, and information about the proportion of current sales from local producers, proportion of sales from internet customers, and year on year sales figures.

### **MAIN ISSUES**

1. Principle/ Planning Policy Issues
2. Visual Amenity/Impact on Landscape
3. Environmental Health & Drainage Issues
4. Access and Parking

### **RELEVANT SITE HISTORY**

6.113.3.FUL - Forming an overnight caravan stop site at Skipbridge Service Station;  
Refused 23.10.1974

6.113.3.A.FUL - Establishing a residential and touring caravan site at Skipbridge Filling  
Station; 30.06.1976

6.113.3.B.OUT - Change of use to caravan park for residential static and touring caravans;  
Refused 21.09.1977

6.113.3.C.FUL - Erection of detached two storey building to be used as a farm shop and  
distribution unit with offices and associated parking; Withdrawn 23.04.2003

### **CONSULTATIONS/NOTIFICATIONS**

#### **Parish Council**

Kirk Hammerton

#### **Environment Agency**

No objection subject to conditions

#### **Environmental Health**

Comment on food hygiene requirements and suggest restricted hours of opening

#### **H.B.C Land Drainage**

Means of surface water drainage should be confirmed

#### **Highway Authority**

No objections subject to conditions

#### **Local Plans Policy**

Refer to assessment below

#### **Claro Internal Drainage Board**

Drainage methods to be confirmed

#### **Economic Development Officer**

Beneficial to rural economic base, likely to add value to the local economy

#### **AONB - Joint Advisory Committee**

Offers strong support for the proposal

#### APPLICATION PUBLICITY

**SITE NOTICE EXPIRY:** 23.02.2004

**PRESS NOTICE EXPIRY:** 13.02.2004

#### REPRESENTATIONS

**KIRK HAMMERTON PARISH COUNCIL** - The Parish Council does not object but makes the following comments:

"The Parish Council would like to see safeguards to ensure that the proposed premises is to be supplied by local suppliers and that this will not then be turn into a supermarket/retail outlet"

**OTHER REPRESENTATIONS** - One letter of objection has been received from agents acting on behalf of the owner of the Skipbridge Service station the letter sets out the following concerns:

- That the current Ainsty Farm Shop enterprise is not a farm shop but an ordinary A1 retail outlet.
- The proposal does not comply with PPG6
- The proposal is contrary to Structure and Local Plan Policy
- The proposal represents an opportunity to secure a new dwelling in the open countryside by conversion of the building in the future
- The proposal represents an unsustainable form of retail development that has the ability to undermine the vitality and viability of existing retail centres.

Four letters of support have been received; one from an organic food supplier, one from Green Hammerton Parish Council, and two from local residents.

Over twenty letters of support were submitted with the previous application from existing local suppliers which the applicant has asked to be taken into account of in consideration of this application.

A petition of 224 signatures of customers of the shop stating "I am writing to pledge my support for Ainsty Farms Direct in their bid to build a larger farm shop as this will enable me to access an extended range of fresh, local produce and will be of great importance to the local economy" was submitted with the application.

This application is a resubmission of an earlier application which was withdrawn, the previous application had proposed a much larger building, with far more retail floorspace, and the application did not include sufficient information on the nature of the existing operation.

**VOLUNTARY NEIGHBOUR NOTIFICATION** - None undertaken.

## RELEVANT PLANNING POLICY

- PPG1 Planning Policy Guidance 1: General Policy and Principles
- PPG6 Town Centres and Retail Developments
- PPG7 The Countryside: Environmental Quality and Economic and Social Development
- PPG13 Planning Policy Guidance 13: Transport
- LPS01 Harrogate District Local Plan Policy S1: New Shopping Development
- LPS04 Harrogate District Local Plan Policy S4: Shopping in the Countryside
- LPC13 Harrogate District Local Plan Policy C13: Agricultural and Forestry Development
- LPC14 Harrogate District Local Plan Policy C14: Farm Diversification
- LPC15 Harrogate District Local Plan Policy C15: Conservation of Rural Areas not in Green Belt
- LPC02 Harrogate District Local Plan Policy C2: Landscape Character
- LPE08 Harrogate District Local Plan Policy E8: New Industrial and Business Development in the countryside
- LPA01 Harrogate District Local Plan Policy A1: Impact on the Environment and Amenity
- LPHD20 Harrogate District Local Plan Policy HD20: Design of New Development and Redevelopment

## ASSESSMENT OF MAIN ISSUES

**1. PRINCIPLE/PLANNING POLICY ISSUES** - A large amount of supporting information has been supplied with this application which confirms Ainsty Farms Direct's status as an agricultural holding, and details the percentage of food sold from local producers. PPG7 refers to farm diversification as including proposals such as farm shops, farm based food processing, and farm based food packing, and this can include processing and packing of produce from other farms. The application explains that AFD is a registered agricultural holding (no. 48/768/0026) with land at Skipbridge and is registered with DEFRA. All livestock grazed and fattened on holding is processed through the farm shop in addition to the produce sourced from local farmsteads. In other words, AFD is an existing farm, it is therefore reasonable to describe AFD as a farm diversification scheme. Policy C14 of the Local Plan is supportive of farm diversification and permissive of new buildings, where it is not possible to reuse an existing building and where they comply with Policy C13 regarding agricultural development. The proposal is considered to comply with Policies C14 and C13.

Policy S4 is also relevant to consideration of the proposal, referring to shopping in the countryside. New shopping development in the countryside is only permitted where it is ancillary to an existing established production or manufacturing activity, subject to satisfying a number of criteria. The plans indicate that only 15% of the floorspace of the building is to be retail floorspace, and this is considered to be ancillary to the main processing/packing/distribution use, and therefore complies with Policy S4 in this regard. Policy S4 also requires that where a proposal is for a farm shop selling a significant amount of imported produce the site be closely related to an existing community. In this case the proposed site is in close proximity to Kirk Hammerton and to a lesser extent Green Hammerton and Nun Monkton. It is evident from the supporting information provided that a large proportion of the existing customer base is from these villages. The proposal is compliant with Policy S4 and as such Policy S1 is not relevant to the proposal.

Policy E8 is relevant to the proposal for a food processing/packing and distribution unit in the countryside. Policy E8 is permissive of such proposals where certain criteria are met. In

this case it is accepted that the proposal is farm diversification, and therefore it complies with criterion A(i) of the policy and it is considered that the proposal also complies with criteria B and C of the policy being well related to the classified road network, and not having a significant adverse effect on the character appearance or general amenity of the area. It is therefore considered that the proposal accords with Policy E8.

It is recognised that the existing operation of AFD does support farms in the local area by providing them with an outlet through which to sell their products both through the farm shop on site, and their growing internet sales business (approximately 50% of the shops sales are from AFD's farm or farms within local Parishes, and a further 31% of sales are from elsewhere in North Yorkshire) The business therefore helps to diversify the rural economy reflecting the aims of PPG7, draft PPS7 and the Harrogate District Local Plan. The proposal has strong support from the Council's Rural Strategy Officer and it is reasonable to assume that allowing its expansion into new premises will help it further to contribute to the rural economy provided it is properly controlled. It is therefore proposed that a S106 agreement be used to control the operation in the following way:

- to restrict to the % floorspace of the building which can be used for retail sales, to ensure that this element of the operation remains ancillary, and does not become a function in its own right
- to restrict the use of the building to that of a farm shop operating under the national guidelines of the Farm Retail Association, with at least 40% of goods sourced from AFD and local farms, at least 40% from the rest of North Yorkshire, and the remainder from elsewhere.
- to restrict the goods which can be sold from the premises to food goods only

**2. VISUAL AMENITY/IMPACT ON LANDSCAPE** - The application proposes erection of a new building within the open countryside. As such the impact of the landscape is an important consideration. The proposal is much improved on the previous application being a smaller single storey building, better related to the existing buildings on the southern side of the A59. Additional car parking is kept to a minimum by sharing the existing restaurant car park. Revised plans have been requested which incorporate a reduced ridge height to the building reducing its impact on the landscape. Whilst the new building will undoubtedly have some impact on the landscape it is considered that the proposed design and location of the building, in a position which is well related to the existing buildings, minimises that impact, subject to the revised drawings being received. A condition is proposed to require the reinforcement of the existing hedgerows, which will help to screen the development from longer distance views.

**3. ENVIRONMENTAL HEALTH & DRAINAGE ISSUES** - The environmental health department have provided comments relating to food hygiene. They have also recommended that the hours of operation be restricted to 08.00 to 18.00 Mondays to Fridays and 08.00 to 17.30 Saturdays with nothing on Sundays or Bank Holidays, it is considered however that to impose such restrictions would be unreasonable as the restaurant and petrol filling station adjacent do not have such restrictions imposed on their opening hours, nor are there any residential properties in the immediate vicinity. The existing business is understood to operate outside of these hours. It is therefore not proposed to restrict the hours of use/opening. Clarification of the surface water drainage proposals have been sought in response to comments of the HBC drainage officer, and the internal drainage board, this is expected to be available for the meeting.

**4. ACCESS AND PARKING** - The application proposes to utilise the existing restaurant car parking as a shared facility for customers and in addition 4 staff car parking spaces are proposed to the west of the new building. The existing access from the A59 will be utilised. The Highway Authority have no objections to the proposals subject to a condition requiring the proposed parking turning and manoeuvring to be provided and retained.

**CONCLUSION** - The proposal is considered to be beneficial to the rural economy, and represents a form of farm diversification, and therefore the application is recommended for approval subject to a S106 agreement to control the use of the building.

**CASE OFFICER:** Ms Sara Purvis

#### RECOMMENDATION

That the application be DEFERRED and HOPS be authorised to APPROVE the application subject to the following conditions and such other conditions HOPS considers to be necessary and following the completion of a S106 Agreement requiring:

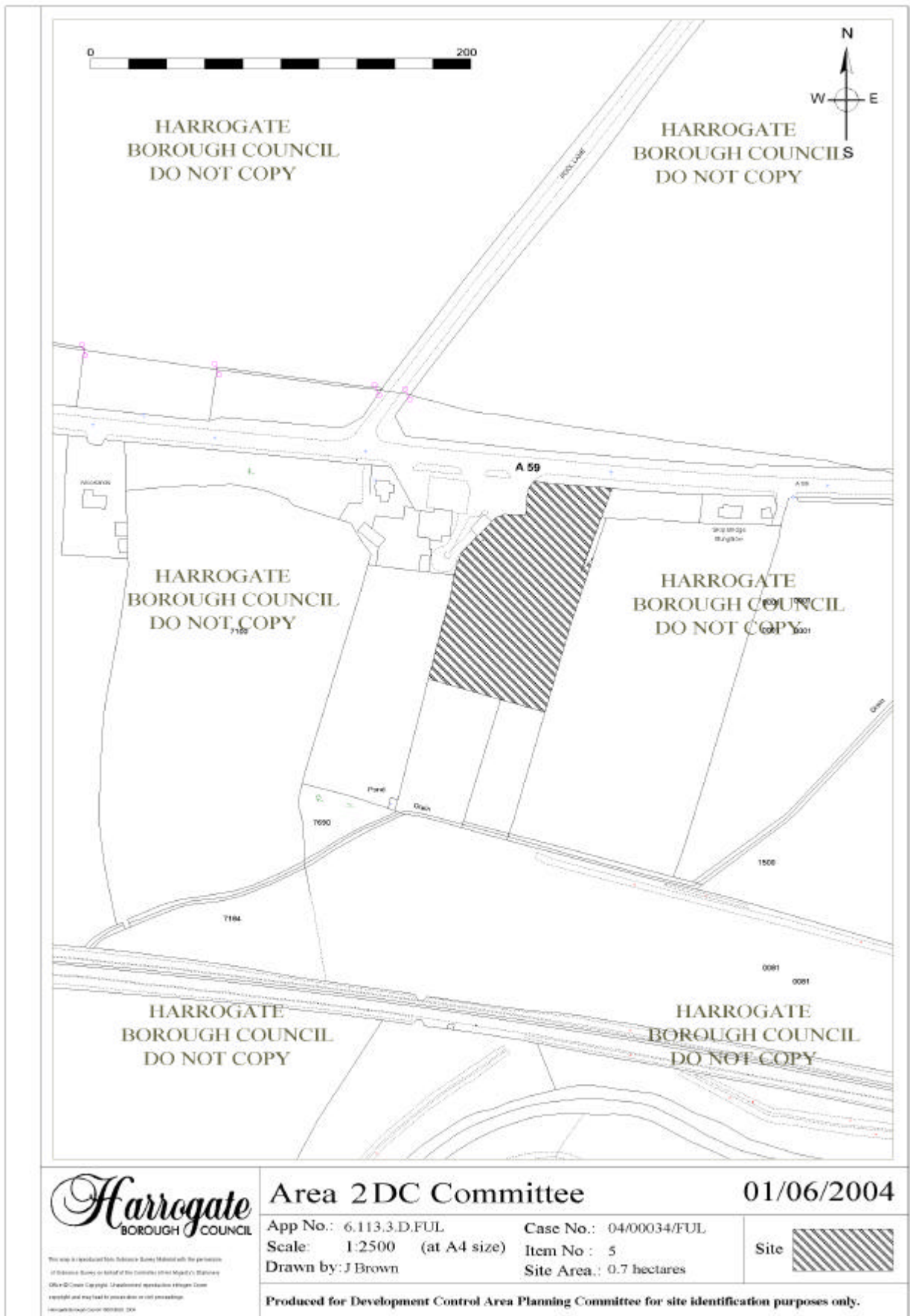
- restriction of the % floorspace of the building which can be used for retail sales, to ensure that this element of the operation remains ancillary, and does not become a function in its own right
- 
- restriction of the use of the building to that of a farm shop operating under the national guidelines of the Farm Retail Association, with at least 40% of goods sourced from AFD and local farms, at least 40% from the rest of North Yorkshire, and the remainder from elsewhere
- 
- restriction of the goods which can be sold from the premises to food goods only.

#### PROPOSED CONDITIONS:

- 1 CA05 DEVELOPMENT SHALL BE BEGUN BEFORE
- 2 CC01 AMENDED DRAWINGS/LETTERS RECEIVED
- 3 CD03 SAMPLES OF MATERIALS TO BE APPROVED
- 4 CD13 WINDOW FRAME MATERIALS ... timber
- 5 HW18 PROV'N OF APP'VD PARKING/MANOEUVR'G/TURN ... ref: 621-03
- 6 CB13 S W DRAINAGE WORKS TO BE APPROVED
- 7 CB17X SITE DRAINAGE, OIL INTERCEPTOR
- 8 A detailed scheme for landscaping, including the planting of trees and/or shrubs, the reinforcement of the existing hedgerows and the use of surface materials shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a landscaping scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and the timing of implementation of the scheme, including any earthworks required.
- 9 CL04 REPLANTING IF ANY TREES/SHRUBS DIE

Reasons for Conditions:-

- 1 CA05R TO COMPLY WITH SECTIONS 91-94
- 2 CC01R ACCORDANCE WITH DRAWINGS
- 3 CD03R MATERIALS TO CONFORM TO AMENITY REQR'MTS
- 4 CD13R VISUAL AMENITY
- 5 HW18R ROAD SAFETY REQUIREMENTS
  
- 6 CB13R TO PREVENT INCREASED RISK OF FLOODING
- 7 CB17XR TO PREVENT POLLUTION OF WATER ENVIRONMNT
- 8 CL02R SAFEGUARD RIGHTS OF CONTROL/AMENITY
- 9 CL04R SAFEGUARD RIGHTS OF CONTROL/AMENITY



**Harrogate**  
BOROUGH COUNCIL

This map is reproduced from Ordnance Survey data licensed to the Corporation of Harrogate under the Ordnance Survey Act 2003. It is reproduced here for information only. It is not to be used for any other purpose. Ordnance Survey is not responsible for any errors or omissions. Harrogate Borough Council 2004

**Area 2 DC Committee**

**01/06/2004**

App No.: 6.113.3.D.FUL

Case No.: 04/00034/FUL

Scale: 1:2500 (at A4 size)

Item No: 5

Drawn by: J Brown

Site Area: 0.7 hectares

Site 

Produced for Development Control Area Planning Committee for site identification purposes only.



