

	<b>REPORT TO PLANNING &amp; DEVELOPMENT COMMITTEE</b>  <b>TO BE HELD ON THURSDAY, 6 July 2017</b>	
<b>APPLICATION REFERENCE NO:</b>  <b>17/00739/FL</b>	<b>TARGET DATE:</b>  <b>7 July 2017</b>	<b>GRID REF:</b>  <b>505020-483600</b>

## REPORT OF THE PLANNING SERVICES MANAGER – PSM/17/159

**SUBJECT: Erection of extensions to and refurbishment of the existing food production plant. Extension to the existing car park and construction of a temporary construction access road for McCain Foods (GB) Ltd (Mr Harry Bond) McCain Foods (GB) Ltd Havers Hill Eastfield Scarborough NORTH YORKSHIRE YO11 3BS**

### 1.0 THE PROPOSAL

1.1 McCain has a large food manufacturing plant situated along Haver's Hill, between Eastfield and Cayton. It is an area of mixed development, with warehousing and Pindar School to the West, housing and playing fields to the North, East and South.

1.2 The proposed development would be delivered in four phases.

#### Phase 1

1.3 The first phase will involve:

- A change of the existing cold stores to create new production lines in the north eastern part of the factory;
- A new loading bay extension with associated HGV access, parking and turning areas. The new HGV access would run from the top of Haver's Hill across the existing staff car park to the North of the plant into the existing playing field. The turning area and HGV loading bay would be situated on part of the playing field to the East of the plant. The loading bay extension would be 26m wide x 43m long x 13.3 metres high. With link sections, it would have a floor area of 1143 sq. m. It would be clad in green steel profile sheeting to match the existing. An extensive landscaping scheme would be provided to the east, also within the playing field.
- A platform with a louvre screen on the Northern elevation of the existing building.
- An additional fire water tank close to the existing fire water tank in the North western part of the plant close to Haver's Hill. This would be steel clad, with a floor area of 106 sq. m and the same dimensions as the existing one.
- A temporary construction compound area will be created immediately to the East of the existing staff car park within the playing field.
- A temporary access road would be constructed across the sports field. It would be reserved for traffic that cannot get access to the factory from Haver's Hill. Construction

traffic will be routed via Osgodby Lane using the existing entrance to the sports field. The temporary road would be positioned to ensure that existing sports pitches, as marked out, are not affected by the temporary development. The land used for the temporary construction access and site compound would be returned to its former state upon completion of the development.

## Phase 2

1.4 The second phase consists of two extensions to the south facing elevations of the factory, facing onto Cayton Low Road. They would measure 8.5m x 22m and 18m x 25m and 8m in height, with a combined floor area of 519 sq. m and clad in profiled steel sheet to match the existing. They would be small scale extensions relative to the overall size of the plant and are required to house improved potato receiving equipment.

## Phase 3

1.5 The third phase would be the erection of an extension in the centre of the existing factory complex to house new, improved manufacturing equipment for the proposed increase in production at the plant. This is contained within the main production facility, surrounded by existing buildings. It would measure 60m x 18m (1034 sq. m) with a similar height to the existing adjoining factory building. Again it would be clad in profiled sheeting to match the existing.

## Phase 4

1.6 The final phase would be the installation of anaerobic digester unit with three ancillary treatment tanks and the associated flare stack. This would also be centrally located within the existing factory site surrounded by existing buildings. The digester would be in the form of a cylindrical steel tank with a diameter of 21m and a height of 23 metres. The flare stack would be 12 metres in height.

1.7 The applicants have explained the context and need for the development:

"McCain Foods (GB) Ltd (McCain) is pursuing a major capital investment, the 'McCain Scarborough Production Facility Renewal Project'....

The Scarborough production facility provides a significant contribution to employment and the local economy, with McCain employing approximately 736 people in the production facility and headquarters building. The company has established strong, long term relationships with local suppliers, the local community and other strategic local partners in the Scarborough area.

McCain is the UK's largest purchaser of British potatoes, buying approximately 15% of the annual potato crop, thereby contributing a significant amount to the arable farming industry, which forms an important part of the local economy in North and East Yorkshire.

McCain is investing in the continued success and growth of the business and this planning application represents a significant investment in the renewal and continued use of the production facility to meet modern standards and sustain its future.

Many parts of the existing plant are ageing and need to be replaced with more sustainable and environmentally efficient production and waste treatment equipment.

The proposed development would reduce the energy consumption intensity, and significantly improve the way by-products are treated with the installation of the

anaerobic digester unit. The proposed development also involves the installation of new odour control equipment, to ensure that all frying odours are extracted and incinerated at a high temperature in a thermal oxidiser to remove all volatiles and smells."

1.8 The application has been accompanied by a comprehensive suite of technical supporting documents, as follows: Ecology Report; External Lighting Report; Transport Assessment; Air Quality and Odour Assessment; Flood Risk Assessment; Surface water Drainage Strategy; Ecology Preliminary Working Method Statement; Heritage Statement; Archaeology Trial Trenching Report; Tree Report; Land Contamination Assessment; Noise Assessment and Mitigation Strategy; Landscape, Townscape and Visual Impact Assessment; Hydrology Report; Statement of Community Involvement; Landscape Management Plan; Planning Statement; and, Design and Access Statement.

## 2.0 SCREENING OPINION REQUIRED?

2.1 Yes. This application was subject to a Screening Opinion. It was determined not to require an Environmental Impact Assessment.

## 3.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

3.1 Prior to submission of the application a public drop in session was held on one evening. This was publicised by direct invitations to neighbours, local radio announcements and press articles. It was attended by 25 to 30 people. McCain received eight direct questions following the open evening on March 9th 2017. The breakdown of enquiries covered the following points:

- Landscape choices and its ongoing management (c.25% of total enquiries);
- Construction disruption (c.20% of total enquiries);
- Details of the Company's investment decisions (c.15% of total enquiries);
- Letter drop management (c.15% of total enquiries); and
- General updates of the ongoing project (c.25% of total enquiries).

The applicants state that "From a local resident perspective, our neighbours welcomed the improvement of the equipment on site when the improvements to odour reduction were outlined. Similarly, there was an overall positive response to the commitment of McCain to continue to invest in Scarborough, as the largest private employer in the town."

3.2 Osgodby and Cayton Parish Councils welcomed the installation of improved technology on site to deliver odour reduction. Alongside discussions in relation to the sensory impact of the renewal locally (audio, visual, acoustic), an additional question regarding the possibility to consider flood management improvements for the benefit of the wider area was raised.

## 4.0 CONSULTATIONS AND COMMENTS

The following is a summary of the key and relevant comments received from consultees and interested parties. Their full comments and any accompanying documentation are available to view on the Council's website.

4.1 Cayton Parish Council - No objections. It is noted that there will be additional traffic, including construction traffic on Osgodby Lane/Church Lane during the construction period.

4.2 Eastfield Town Council - No response.

4.3 Osgodby Parish Council - No response.

4.4 Highways England - No objection.

4.5 Highway Authority - Following a review of the Transport Assessment submitted there are two issues on which further information is sought. A detailed check of the Havers Hill/Cayton Low Road junction should be provided, in particular the turning requirements of HGV traffic and provision for pedestrians. Further clarification and detail on the traffic impact related to the construction phase of the development and the impact on the suggested route for construction traffic.

4.6 Flood Risk Management (NYCC) - Make the following comments with regard to surface water management:

Run off Destinations.

The planning application states that surface water will be disposed of to mains sewer. Infiltration is discounted due to the presence of a Source Protection Zone. With respect to discharge to watercourse, watercourse, drain and sewer appear to be in essence the same asset on this site and ultimately discharge to watercourse.

Flood Risk.

The Surface Water Drainage Strategy proposes attenuation storage for up to the 1 in 100 year rainfall event to include for climate change.

Peak Flow Control

The Surface Water Drainage Strategy proposes restricting surface water discharge rate to 1.4l/s/ha.

Volume Control.

Whilst an increase in impermeable area will lead to an increased volume of surface water discharge from site, the Surface Water Drainage Strategy proposes additional attenuation for long term storage to mitigate this effect.

Pollution Control.

As it is proposed to discharge surface water to sewer, we defer to the comments of Yorkshire Water with respect to pollution control.

Designing for Exceedance.

Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

A plan showing exceedance flow routes is required.

Highway Drainage.

To be agreed with the Highway Authority.

Climate Change.

The Surface Water Drainage Strategy proposes an allowance of 30% for climate change.

Urban Creep.

Not applicable for these proposals.

Construction.

This has not been considered in the documents submitted with the application, however construction phase details can be required by condition.

Maintenance.

It is usual that SuDS such as those proposed are maintained by the site owner/operator, however as planning authorities are required to ensure that there are clear arrangements in place for ongoing maintenance over the lifetime of the development, the planning authority must satisfy itself that this is the case.

I recommend that the applicant attends to the issue of exceedance flows to the satisfaction of the planning authority prior to the commencement of any development and that the planning authority notes the maintenance requirements. Subject to comments from Yorkshire Water and the Vale of Pickering Internal Drainage Board, we would recommend a condition of any approval be the submission, approval and implementation of surface water drainage details and proposals for the future maintenance of the system.

4.7 Environment Agency - No response.

4.8 Yorkshire Water - No Response.

4.9 Coastal and Drainage Engineers (SBC) - No response.

4.10 Vale of Pickering Internal Drainage Board - In view of the fact that surface water is to be attenuated and the discharge will not exceed the agricultural rate of 1.4 litres/second/hectare, we have no further comments to add.

4.11 Environmental Health (SBC) - It is acknowledged that the site currently has an environmental permit issued and regulated by the Environment Agency and the Environment Agency therefore have primacy in respect of ensuring emissions in respect of noise or odour are suitably controlled from the site. I have the following comments:

Noise

The noise assessment indicates potential for an adverse impact during night-time hours at 52 Pindar Road. The assessment is based on both long and short-term noise surveys but only short-term noise surveys were conducted at the aforementioned noise sensitive receptor and therefore assumptions have been made in relation to prevailing night-time background noise levels. It has been suggested that a higher day-time background noise level at this same receptor may be due to road traffic noise but although possible, this has not been validated, and with such limited measurements, it also does not take into account the effect of activities over a 24 hour period at another nearby company

and any associated impact on noise levels. I would wish to see a more detailed noise survey at this location before fully commenting. In addition, the assessment does not appear to take into account potential noise from reversing alarms of vehicles using the new access route and I would wish to see greater clarification on traffic movements. There is no reference to existing traffic levels though the noise assessment refers to 6 HGV movements per hour on the new access road as a worst case scenario. The odour assessment submitted with this application indicates that the annual average daily traffic flow will increase by 118 heavy duty vehicles (HDV's). It is unclear what proportion of these HDV's will be HGV's, whether all of the additional traffic will be using the new access route and whether traffic levels will vary according to the time of day. This is particularly important given that the assessment indicates the dominant noise sources found to contribute to the excess noise levels at the noise receptor of concern were predicted to be from HGV movements approaching and leaving the new access road. It is acknowledged that noise mitigation measures will be needed to reduce noise levels at noise sensitive receptors including the use of acoustic louvres, a louvered screen enclosing the condensers and an acoustic fence adjacent to the HGV access road. In respect of the latter, the positioning of this will be critical to be of maximum benefit and I would wish to see some indication as to the exact location. Also, in respect of mitigation, if it is anticipated vehicles may need to keep engines running to power refrigeration units at busy times then consideration may also wish to be given to the installation of electrical hook up points. On a final note the noise assessment does not specifically detail noise from demolition/construction activities and I would wish to see this addressed in a Construction and Environmental Management Plan (CEMP) together with detail on mitigation of dust emissions.

#### Odour

The air quality and odour assessment indicates the possibility of slight adverse impact at a small number of sensitive receptors but furthermore indicates that this will have less of an impact than existing operations. A detailed air quality and odour impact assessment will need to be submitted to the Environment Agency as part of an application to vary the environmental permit and I have no additional comments to make regarding this aspect.

4.12 Sport England - It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years. The consultation with Sport England is therefore a statutory requirement. Sport England has considered the application in light of the National Planning Policy Framework and Sport England's Playing Fields Policy. Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply. Sport England has sought the views of the Football Association (The FA). The comments of the FA have been summarised as:

The FA believes this scheme is very different to the plans shared during pre-planning application advice as the scale is significantly larger and therefore more invasive to the playing field area. We recommend the landscaping is removed and the scheme is reduced to the original size, therefore minimising the impact on the overall site. This, together with a financial contribution of £50,000 to upgrade of the facilities at George Pindar School to 3G AGP would mitigate against the loss of a small area of playing field and improve local school and community facilities.

The plans submitted to Sport England at pre application stage differ significantly to those that have been submitted as part of this planning proposal. The current plans indicate large areas of landscaping that project well into the playing field. This significantly increases the amount of playing field taken by the proposal when compared to what was presented to Sport England at a pre application stage. This planning submission is therefore a different scheme to that shared at pre application stage. The FA also shares the views of Sport England. In light of the above, Sport England submits a holding objection to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with the NPPF. Sport England, in consultation with the FA, would be pleased to review the holding objection if the landscaping is omitted and the scheme is reduced to the original size shared at pre application stage, therefore minimising the impact on the overall site. This, together with a financial contribution of £50,000 to upgrade of the facilities at George Pindar School to 3G AGP would mitigate against the loss of a small area of playing field and improve local school and community facilities.

4.13 Natural England - No Objection. This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment.

4.14 Ecologist (SBC) - No response.

4.15 Tree Officer (SBC) - No response.

4.16 Landscape Architect (SBC) - No response.

4.17 County Archaeologist - No objection. The applicant has carried out an archaeological desk based assessment along with a field evaluation in the form of a geophysical survey and trial trenching. The level of work is proportionate to the scale of the development and the documents meet the information requirements of the NPPF in regards to heritage assets. The reports conclude that the area has a limited archaeological potential and I agree with the conclusion.

4.18 Ministry of Defence - No safeguarding objections.

4.19 Northern Powergrid - Provided plans giving approximate location of known Northern Powergrid apparatus in the area.

4.20 Northern Gas Networks - No response.

4.21 Publicity - Consultation period expired on 25 May 2017.

## 5.0 RELEVANT SITE HISTORY

5.1 1974 onwards - Numerous applications have been submitted and approved for new buildings, plant and extensions to existing buildings within the McCain factory site.

5.2 1978 - Erection of sports pavilion and changing room approved.

5.3 1996 - 9 hole golf course approved

5.4 2010 - Change of use of part of sports pavilion to training centre approved; (changing rooms retained).

## 6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of The Town and Country Planning Act 1990 require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise (in the case of advertisement applications the Advertisement Regulations 2007 are applicable). Attention is drawn to the following Development Plan and other planning policies and guidance which are considered to be particularly relevant to the consideration of this application:-

### **Scarborough Borough Local Plan (Saved Policies)**

**E1** - Protection of Open Countryside

**E3** - Landscape between Settlements

**E11** - Protection of Water Resources

**E12** - Design of New Development

**E14** - Extensions and Alterations to Existing Buildings

**I5** - Employment Development within Settlements

**H10** - Protection of Residential Amenity

**C7** - Foul and Surface Water Disposal

### **Scarborough Borough Local Plan (Proposed Submission)**

(The Inspector issued his report on the Plan and has confirmed it to be sound subject to modifications)

**SD 1** - Presumption in Favour of Sustainable Development

**DEC 1** - Principles of Good Design

**DEC 4** - Protection of Amenity

**DEC 6** - Archaeology

**HC 15** - Open Space and Sports Facilities

**EG 1** - Supporting Industry and Business

**EG 6** - Expansion of Existing Business in the Countryside

**ENV 3** - Environmental Risk

**ENV 4** - Groundwater Protection

**ENV 6** - Development Affecting the Countryside

### **National Planning Policy Framework**

**NPPF1** - Building a strong, competitive economy

**NPPF8** - Promoting healthy communities

**NPPF10** - Meeting the challenge of climate change, flooding and coastal change

### **Scarborough Borough Supplementary Planning Documents**

None relevant

## Local Planning Policy Guidance

None relevant

### 7.0 ASSESSMENT

#### Development Plan Policy

7.1 The Policy section of this report and the Assessment makes reference to the policies of the existing Scarborough Borough Local Plan (1999) and the emerging Local Plan. However, the Council meets on 3 July to consider whether to adopt the new Local Plan. If they decide to do so, it will immediately supersede the existing Local Plan. In that situation, the policies of the old Local Plan will no longer be a material consideration and the Committee should rely on the policies of the newly adopted Local Plan to guide their decision making. Further advice will be given at the meeting.

#### Main Issues

7.2 This proposal raises a number of planning policy and technical issues which need to be assessed, but it is considered that the key issues are the loss of part of a playing field and the impact on residential amenity.

#### The Principle of Development

7.3 Much of the proposed development lies within the boundaries of the existing factory compound and within the Development Limits of Cayton. Therefore, subject to visual, amenity, and technical considerations being satisfied, those elements are felt to be acceptable in principle.

7.4 However, the proposed new loading area lies outside of the Development Limits, which in planning policy terms is within the open countryside. Policy E1 of the existing Local Plan only permits development within the open countryside where it is essential and no more suitable alternative exists.

7.5 The applicants have explained the need to expand into the playing field. "The existing site is densely developed to the curtilage boundary. In order to allow for the upgrading works and additional production from the change of use of the cold stores, the only space available to site the loading bay extension is on neighbouring recreational land which McCain own. Given the space that would be required, it would not be physically or reasonably possible for the proposed loading bay extension to be sited within the existing curtilage of the site. The area of recreational land required would be approximately 1.3ha (13,300 square meters)."

7.6 It is evident from both the submitted plans and on site that there is no space within the existing factory boundary for significant expansion. The location is fixed due to the existing plant and therefore if the modernisation, which the applicants state will involve £100m worth of investment, is to be accommodated, it is necessary that it be accommodated within the playing field area outside of the existing Development Limits. It is accepted that there is no practical alternative, taking into account the production processes within the factory. The applicants have explored alternative locations for the

extension, including the staff car park, but these are not feasible in terms of their manufacturing processes.

7.7 Although policy E6 of the emerging Local Plan reflects policy E1, restricting development to that for which a countryside location is essential, it also includes policy EG6, which specifically supports the expansion of existing employment sites and premises into land outside of Development Limits where: the proposed development cannot physically and reasonably be accommodated within the curtilage of the existing site; there is a proven need for such development in terms of the operational requirements of the business; there is a proven need for the development to be located on the proposed site; the scale of development and associated activities is appropriate in the proposed location; and, there is no unacceptable impact on the character of the countryside or the landscape setting of the settlement. It is considered that this development satisfies all of those criteria. If the new local Plan is adopted by the time that the Committee determines the application, it is considered that this policy on its own would justify this development beyond the Development Limits of Cayton.

7.8 One of the key objectives of the NPPF is building a strong and competitive economy. "The Government is committed to securing economic growth in order to create jobs and prosperity...." Therefore, if the economic, employment, and environmental benefits of this scheme are to be realised it is considered that, even in the context of the existing Local Plan, the extension beyond Development Limits is justified.

#### Loss of Playing Field

7.9 A separate and distinct issue to development in the open countryside is the fact that the proposed loading bay extension would be situated on and would involve the loss of part of a recognised playing field. This is a major planning constraint and the matter demands careful consideration.

7.10 National and local planning policy is geared towards the protection of playing fields such as this. Sport England is a statutory consultee for any development which involves the loss of part of a playing field, and Councils are required to refer planning applications to the Secretary of State if they are minded to grant planning permission for such development in the face of an objection from Sport England. In simple terms, the Government expect playing fields to be protected unless there are exceptional circumstances and have put their own safeguards in place to achieve this objective.

7.10 As part of its objective of promoting healthy communities, the NPPF advises that existing playing fields should not be built on unless an assessment has clearly shown they are surplus to requirements or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. This advice is reflected in emerging Local Plan policy HC15. This states that the redevelopment of existing outdoor sports facilities will only be permitted where it does not contribute positively to the character and appearance of the area; there is an identified surplus for that type of sports provision and the site cannot be reused for sports where there is a deficit of provision; or, a replacement of equal or higher quality can be provided in a nearby accessible location.

7.11 The McCain sports field has not been identified as being surplus to requirements. It is in fact currently used by a number of local Sports Clubs. Two junior football clubs

use it for matches and training and senior cricket team host their matches there. Therefore, in order to justify this development in planning policy terms, alternative playing provision of a higher quality or equal quantity to mitigate for the loss of the 1.3 Ha of playing field must be provided.

7.12 By way of mitigation for the loss of playing field, The applicants have proposed to enter into a legal agreement to contribute £50k towards the upgrade of the all-weather pitch at Pindar Leisure Centre from the present carpet to a 3G synthetic grass surface, which is considered to be better for football. This would provide a superior playing area, accessible in all weathers and under floodlights, thereby giving improved access in the locality for football and other sports. This proposal emerged from pre-application discussions with Sport England and the Football Association and is supported by the Council's Indoor Leisure Provision Team who have responsibility for the Pindar Leisure Centre.

7.13 However, in response to the formal consultation, Sport England has objected to the application considering that the upgrade of the all-weather pitch does not provide adequate mitigation for the amount of playing field that will be lost; the area has increase due to the essential requirement for landscaping and acoustic barriers to protect the amenities of neighbouring housing. (Members are referred to their comments in paragraph 4.12 of this report, which are a significant material consideration).

7.14 Your Officers and Sport England are currently in negotiation with the applicants with a view to developing a mitigation package that would overcome the objection. This may result in a package that could include:

- The financial contribution towards the upgrade of the Pindar all-weather pitch;
- A Community Use Agreement, obligating McCain to make the pitches available to local sports clubs for at least 10 years;
- Providing access to the existing on-site changing rooms;
- Provision of covers for the cricket pitch.

7.15 The benefits of the all-weather pitch upgrade have been explained. At present there is no obligation for McCain as a private land owner to maintain the playing field and open it up for use by local sports clubs; the only protection is through planning policies that resist re-development and changes of use, but these cannot guarantee that the pitches are made available for use. Entering into a formal Community Use Agreement would better secure access to the playing pitches into the future. Since the conversion of part of the sports pavilion on the field to a conference and training centre, it is understood that access to the changing facilities may have been restricted for sports clubs. This is not ideal, so inclusion of an agreement that such access would be granted when requested would be beneficial to teams using the site. There are currently no covers available for the cricket square, meaning games are more likely to fall victim to the weather. Provision of covers means that more cricket could take place on the remainder site than at present, thereby increasing participation. A mitigation package with these measures would result in enhanced facilities and access both on site and in the immediate locality, albeit the size of the playing field would be reduced and thereby the potential for marked out playing pitches is reduced.

7.16 The Committee will be updated about progress on those negotiations and any further comments from Sport England at the meeting.

7.17 It is hoped that those negotiations are fruitful and lead to Sport England withdrawing their objection. However, if it is maintained it will be for the Committee to weigh in the balance the disadvantages of loss of part of the sport pitch, and any other harmful effects of the development against the economic and other benefits of the scheme. However, if the Committee was minded to grant planning permission in the face of an objection from Sport England, the application has to be referred to the Secretary of State who may decide to call it in and take the decision out of the hands of the Council.

#### Visual Impact/Design

7.18 It is considered that most of the proposed development within the existing boundaries of the factory site will have minimal visual impact. They are of a scale commensurate with the existing large plant and will be clad in matching or similar materials and viewed in the context of the existing buildings. Some elements, such as the 'central extension' are surrounded by existing buildings and are unlikely to be visible outside of the plant. Other elements like the southern extensions, louvre screen platform to the North and additional water tank will be seen as part and parcel of the plant. The aerobic digester will be located within the centre of the plant but at 23m in height will be the tallest building on the site, approximately 10 m higher than the surrounding buildings and higher than any other buildings in the vicinity. Although it will be seen from outside the site, it will still appear as part and parcel of this substantial manufacturing plant and, as such, will not stand out as prominently as a more isolated tall building might and will not appear out of place within this industrial setting. The dark green colouring and rising land to the north will significantly mitigate its visual impact from long distance views where it will merge into the industrial surroundings. From residential properties to the east it will eventually be effectively screened by new planting. Initially the separation, location and scale will avoid any overbearing effect on the closest housing.

7.19 A 12m high flare stack will be erected in association with the aerobic digester, but will be lower than existing chimneys and flues on the site and will have an internal flare, so is not regarded as being significant in visual terms.

7.20 The loading bay extension will be set down approximately 2 metres below the existing level of the playing field (which will be excavated to accommodate it) to set it at the same floor level as the existing adjacent building. From the west it will be screened by the existing factory complex. Existing development and the landform from the east, North and West mean that it will not be particularly visible from more distant viewpoints. The main viewpoints will be from the playing field itself and from the housing to the east of the site. From here it will be viewed in the context of the existing plant and, as such not out of place. The boundaries of the closest residential properties are 63m to the South east and 105m to the East of the extension. Although it is a large utilitarian building, it will not be overbearing at these distances. The extension will also be screened from the south and east by an extensive landscaping scheme which includes an embankment, acoustic fence and substantial planting. This will include the use of some extra heavy standard trees for immediate effect. Photomontages supplied by the applicants illustrate that, if properly maintained and managed, this will effectively screen the extension and, in the longer term, help to soften the visual impact of the aerobic digester from the East.

7.21 In conclusion it is considered that subject to the full implementation and maintenance of the landscaping scheme, the visual impact of this development will not be unacceptable in the context of the wider landscape or when viewed from the closest residential properties.

## Noise

7.22 A development of this kind has the potential to create noise disturbance as a result of the plant itself and the movement of vehicles, especially HGVs. It is a 24/7, year round operation and the development would bring the factory premises and HGV movements closer to neighbouring residential properties and result in an increase in output and in vehicular movements.

7.23 A detailed Noise Assessment and Mitigation Strategy has been submitted as part of the application. The findings of this are summarised here:

"Initial predictions revealed that noise mitigation would be necessary to meet the required noise criteria at the NSRs (noise sensitive receptors, such as nearby houses). Noise mitigation measures considered were a louvered screen enclosing the external plant platform, a timber acoustic fence adjacent to the HGV access road, and the specification of acoustic louvres for the plant room. With the mitigation measures in place, the results of the plant noise assessment have shown that the impact during daytime hours is likely to have a low impact. With the exception of one location, the noise impact during night-time hours has also been predicted to be low. At 52 Pindar Road a potentially adverse impact has been predicted. The dominant noise sources found to contribute to a small excess (2dB) in noise levels were found to be from HGV movements on the new access road. However, with the implementation of the recommended acoustic mitigation strategy (acoustic barrier fence, condenser platform acoustic louvre, and acoustic louvres for the plant room), it is considered that the noise impact at all NSRs (nearby houses) will fall below an adverse impact as given in BS4142:2014 methodology (The British Standard for measuring noise impact). A separate road traffic assessment has been carried out for HGVs approaching and leaving the McCain production facility on Haver's Hill. The noise predictions show that there may be a slight exceedance (4 dB) from HGVs at NSR 1 (52 Pindar Road). However, given that a change of 3 dB (A) is generally considered as the minimum perceptible under typical conditions, this increase is considered to be of marginal significance and furthermore the modelling is based on worse-case assumptions."

7.24 The noise assessment has been considered by the Council's Environmental Health Officer, who has requested further information prior to offering full comments (Paragraph 4.11). This information has been submitted and her advice on the likely noise impact of the proposal is awaited. This will be reported at the meeting.

## Odour

7.25 At times in the past odour from the factory has been a cause for concern for some local residents. The Air quality and Odour Assessment submitted with the application reaches the following conclusions:

"Existing air quality within the study area is good.....A qualitative assessment of odour emissions indicates that the operations will result in only a very minor perception of odour once the new odour control processes are in operation.... The overall effect of

vehicles associated with the proposed facility during the operational phase on local air quality is considered to be negligible and not significant....Although existing operations may lead to moderate adverse odour impacts at some downwind sensitive receptor locations, the improvements to the site reduces the potential impact to a slight adverse....Reconfiguration of the site and installation of equipment including a new odour control unit as part of the Production Facility Renewal Project should provide effective odour control particularly from frying odours, resulting in an overall reduction in odour emissions from mid-2019 when the new equipment would be operational."

7.25 The Environmental Health Officer has explained that the Environment Agency has primary responsibility for ensuring that odour emissions from the site are suitably controlled and that a detailed impact assessment will need to be submitted to them to vary the environmental permit for the site. Unfortunately no comments have been received from the Environment Agency to date. However, given they have primary responsibility for odour control through their legislation, the EHO has not raised any concerns and on the basis of the submitted Odour Assessment your Officers are satisfied that from a planning perspective odour arising from this proposal should not be of concern and is expected to be reduced.

### Traffic and Highways

7.26 Operationally the factory will continue to be accessed via Havers Hill. Goods in will continue to access the site through the existing entrance mid-way along Haver's Hill. A new access route for finished product will be formed at the Northern end of Havers Hill, crossing the existing staff car park. The applicants have stated that this will reduce the need for lorries to park on Havers Hill itself, improving traffic flow along the road.

7.27 A temporary access for construction purposes only will be installed across the playing field. This will only be used to access the site when it is not possible from Havers Hill. It will avoid the existing playing pitches within the field, so these will continue to be useable throughout the construction work.

7.28 The Transport Assessment submitted with the application advises that there will be no increase in vehicular movements associated with staff and visitors. However at peak periods the number of HGV vehicles travelling to and from the site will increase from 8 to 14 per hour (one additional vehicle every 10 minutes). This equates 12 additional traffic movements (either in or out) and 28 in total each hour.

7.29 The Highway Authority have requested further information about the adequacy of the Cayton Low Road/Havers Hill junction for HGVs turning and provision for pedestrians (although this junction is already used, it will be subject to significantly more use as a result of the development) and also the traffic impact of the construction access. This information has been provided and the comments of the Highway are awaited.

7.30 The increase in around the clock HGV activity has the potential to impact on the amenity of nearby residents. The new finished goods access and manoeuvring area is closer to residential neighbours than existing. The noise assessment has taken account of noise from vehicles, but further information regarding this has been requested by the Environmental Health Officer. This information has been submitted and is being assessed by Environmental Health. Their response will be reported at the meeting.

## Residential Amenity

7.31 Local Plan Policy H10 and emerging policy DEC4 aim to protect the amenities of residents from the adverse impacts of development. As previously stated, this is considered to be a key issue in assessing this development because it will bring the factory and associated increase in activity significantly closer to residential property.

7.32 It is considered that the development will not result in any loss of privacy or be overbearing on any residential neighbour. Albeit it is closer, the proposed landscaping scheme will, as it matures, improve the outlook for nearby residents compared with the existing situation. Similarly, the improvements to air quality and odour control will improve that aspect of residents' amenity. With regard to noise from the plant and traffic associated with the development, the further advice of the Environmental Health Officer about this critical issue is awaited.

7.33 Notwithstanding the policy requirement on the Council to protect the amenities of nearby residents, it is notable that, despite widespread publicity, no objections have been received from Members of the public.

## Flood Risk /Drainage/ Groundwater Protection

7.34 The Flood Risk Assessment identifies the risk of surface water and sewer flooding arising from the development as being moderate to high if no mitigation is put in place. An accompanying Drainage Strategy recognises the need for on-site attenuation of surface water and discounts methods of drainage involving infiltration to ground in order to prevent groundwater pollution. No detailed drainage proposals have been provided. However the Lead Local Flood Authority has not objected, but has requested some further detailed technical information and recommended a condition requiring submission and approval of drainage details prior to development commencing.

7.35 Neither Yorkshire Water nor the Council's drainage Engineers have commented on the planning application. The Internal Drainage Board have no objections.

7.36 The site lies entirely within Source Protection Zone 1, the most vulnerable area for the protection of the groundwater aquifer which provides most of Scarborough's drinking water and also the water supply for the factory. The application has been accompanied by a Hydrogeology Report that the risk to groundwater from the development is low to negligible, except for moderate risk to the on-site borehole during the construction phase. The applicants propose the implementation of a Construction Environmental Management Plan and daily monitoring and sampling of water supplies. It is as much in their own interests to protect the quality of the water supply as production at the factory relies on this and is necessary to maintain their Environmental Permit. Unfortunately neither Yorkshire Water Nor the Environment Agency have comment on the application, but your Officers are satisfied that the proposals set out in the Hydrogeology Report will provide adequate measures to minimise risk to groundwater quality in accordance with Local Plan policy E11 and emerging policy ENV4.

## Archaeology

7.37 The site has been subject to an archaeological investigation including a geophysical survey and trial trenching. It concluded that the site has limited potential for

archaeological features or deposits. The County Archaeologist is satisfied with the investigation and recommends that no further work is necessary.

### Ecology and Landscaping

7.38 An ecological survey of the site identified limited ecological interest. There is negligible to low potential for roosting bats within existing buildings and no evidence of them roosting, but high levels of bat activity adjacent to the hedgerow on the eastern boundary of the site. The report recommends various precautionary measures to avoid harm to breeding birds and badgers, further bat surveys and sensitive lighting. It is considered that with these measures the proposal will not have a significant adverse effect on ecological interests. Natural England has recognised that the development provides an opportunity to enhance the habitat value of the site. This involves relatively simple measures and can be dealt with by condition.

7.38 An extensive landscaping scheme has been proposed around the new loading bay and manoeuvring area. This will be sited on and utilise a significant part of the playing field. This is considered to be an essential part of the development in order to provide an effective visual screen and an acoustic barrier for residents. It is considered to be a carefully designed and well thought out planting scheme that with proper maintenance should become very effective. A photo montage of the factory provided by the applicants indicates that in 15 years little more than the aerobic digester and various chimney stacks will be visible from the east. Indeed the factory as a whole will be better screened than it is presently from the East. This landscaping scheme is considered to be an essential element of the scheme and, in your Officer's view, should remain in full as part of the proposal in spite of Sport England's concerns about the amount of playing field that it will utilise.

### Conclusions and Outstanding Matters

7.39 In principle this proposal is considered to acceptable and justifiable development within the open countryside. The economic, employment and environmental benefits that will accrue are considered, in principle, to justify the loss of part of a valuable playing field, provided that an adequate mitigation package to compensate for that loss is forthcoming and secured by a legal agreement. It is accepted that there is no alternative site on which this development can be accommodated.

7.40 However, at the time of writing there are three key issues that need to be satisfactorily resolved to render the development acceptable:

1. Mitigation for the loss of playing field and in the light of the Sport England objection (a resolution to grant planning permission in the face of an extant objection would trigger referral of the application to the Secretary of State);
2. Assurance that the development will not cause unacceptable harm to the amenities of nearby residents as a result of noise disturbance.
3. Confirmation from the Highway Authority that the junction of Cayton Low Road and Haver's Hill is suitable for the increase in HGV traffic that will occur and, in particular, will not represent a danger to pedestrians (This a walking route to Pindar School).

In view of the significance of these issues and the need for further advice from the relevant technical consultees, your Officers are not, at the time of writing, in a position to make a firm recommendation, but expect to be in a position to do so at the meeting. If the three outstanding issues are satisfactorily resolved, it is anticipated that a favourable recommendation would be forthcoming.

## **POSITIVE & PROACTIVE STATEMENT**

The following steps were taken in an effort to achieve a positive outcome to this application.

At an early stage the applicants entered into detailed and extensive pre-application discussions with the Local Planning Authority and key consultees. This allowed a number of potential technical problems to be addressed prior to submission of the planning application. Issues that arose during the processing of the application were subject to further discussion, the submission of further information and amendments to the proposal with a view to reaching a positive outcome.

## **RECOMMENDATION AT MEETING**

*David Walker*

### **Background Papers:**

Those documents referred to in this report.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT MR N READ ON 01723 232483 email [nick.read@scarborough.gov.uk](mailto:nick.read@scarborough.gov.uk)



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