

## PLANNING COMMITTEE

Tuesday 10 February 2015 at 6.00 pm

Council Chamber, Ryedale House, Malton

### Agenda

20 Late Observations

(Pages 2 - 26)

# Agenda Item 20

RYEDALE  
DISTRICT  
COUNCIL



Please Contact: Mrs Karen Hood  
Extension 386  
Email: karen.hood@ryedale.gov.uk

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All Members of the Planning Committee  
Council Solicitor  
Head of Planning & Housing  
Development Manager  
Managing Development Team Leader

Ref: Agendas/Planning/2014/2015

6<sup>th</sup> February 2015

Dear Councillor

**Meeting of the Planning Committee - 10th February 2015**

With reference to the above meeting I enclose for your attention the late observations received since despatch of the agenda.

Yours sincerely



Mrs Karen Hood  
Managing Development Team Leader

Enc

**APPLICATION NO:** 14/01207/MOUT

**PROPOSAL:** Demolition of 1 no. existing cow shed, erection of up to 73 no. residential dwellings (including up to 35% affordable housing), structural planting and landscaping, informal public open space, childrens play area, surface water attenuation, a vehicular access point from Sked Dale road and associated ancillary works (site area 3.16ha)

**LOCATION:** Land at Manor Farm, Sherburn, Malton

### UPDATE REPORT

This is an update report to the earlier committee report. When the earlier committee report was prepared there were three outstanding issues:

1. Confirmation was sought from the applicant regarding agreement of the owner (s) of Manor Farm not to use the buildings for housing livestock, as a covenant and secured by s106 agreement;
2. A response from the County Archaeologist regarding the on-site Trial Trenching; and
3. An updated Noise Assessment that can demonstrate 73 dwellings can be accommodated on-site in an acceptable manner.

The applicant has confirmed that the owner(s) of Manor Farm are prepared to enter into a s106 agreement to prevent the outbuildings being used for housing livestock.

The County archaeologist has confirmed that the Trial Trenching undertaken is acceptable, and now recommends a condition.

An addendum to the Noise Assessment has been submitted by the applicant. The Environmental Health Officer has raised concerns with report for the following reasons:

- Background noise levels from the Wards/Kingspan site to the northern side become elevated at approximately 3am;
- Whether it is possible for outdoor garden areas to have noise levels no higher than 50dB;
- The projected contour noise levels for night-time being too high, and be based on 45dB and not 50dB.
- Inaccurate plotting of buildings on the drawings;
- The use of mechanical ventilation in order for properties to achieve an acceptable level of internal noise with windows closed;
- The range of noise levels shown on the contours, from 50dB - 67dB.

It is noted that the Environmental Health Officer states that she is not able to make a final recommendation on the information currently submitted.

Furthermore, Officers are also concerned at the use of acoustic barriers along the northern boundary, which would be between 2.5m and 3.5m in height. The concern relates to their potential impact upon the visual amenity of the area. Members are asked to note that the application seeks planning permission for up to 73 dwellings. It is considered that the site can accommodate dwellings with an acceptable noise environment in some areas, particularly on the southern side. Although, currently it has not been demonstrated that up to 73 dwellings can be accommodated in an acceptable manner. The applicants have been made aware of the above concerns and further information is awaited which will be reported to the meeting.

A revised indicative plan has been received which shows an amended layout with a internal access road along the northern boundary to provide greater separation from the noise sources and the acoustic attenuation. This is yet to be modelled from a noise perspective. Officers have maintained that outside garden areas require noise levels no higher than 50db during daytime and 45 dB at night-time, and that windows should be capable of being at least partially opened without the need for mechanical ventilation to achieve the required noise levels. The applicant's have also been asked to carefully consider how acoustic barriers along the northern boundary could be designed sensitively on the edge of this rural area.

Members will be updated verbally at the meeting. If this noise issue remains unresolved and Members are minded to approved the application in all other respects, it is considered appropriate to delegate approval of the application to the Head of Planning & Housing subject to the detailed resolution of the noise issue.

**RECOMMENDATION: MADE AT THE MEETING**

**APPLICATION NO:** 14/01073/MFUL

**PROPOSAL:** Installation of an anaerobic digestion and combined heat and power plant to include 3 no. tanks, ancillary structures, silage dams and digestate storage lagoon (resubmission of application ref 14/00709/MFUL previously submitted)

**LOCATION:** Gravel Pit Farm, Sand Hutton

### UPDATE REPORT

Members of the Planning Committee are asked to read the following paragraphs as an addendum to the Committee Report and to be inserted after the final paragraph of the Policy section of the report.

#### *Other Development Plan*

This application (14/01073/MFUL) is being considered on the basis that the proposal is for a ‘farm-scale’ AD facility. Therefore, it is the Ryedale Plan-Local Plan Strategy which has primacy in the decision taking process. North Yorkshire County Council are responsible for the consideration of applications which concern the treatment of waste. The North Yorkshire Waste Local Plan was adopted in 2006, and policies were saved under the 2004 Planning and Compulsory Act. It is these policies which are considered to be, in the case of this application, as a material consideration, because the application, despite being a District application does nevertheless involve the treatment of waste, albeit at a more localised scale. The Waste Local Plan was adopted in the absence of detailed policies on the consideration of AD schemes, because it states, they were in “developmental stages”, but that any such Energy Recovery scheme would be “judged on their merits taking account of the policies of the Plan”. Paragraph 5.46. Saved policy 4.1 of the Waste Local Plan requires that concerning waste management proposals:

#### *Policy 4/1 Waste Management Proposals*

Proposals for waste management facilities will be permitted provided that:-

- a) the siting and scale of the development is appropriate to the location of the proposal;
- b) the proposed method and scheme of working would minimise the impact of the proposal;
- c) there would not be an unacceptable environmental impact;
- d) there would not be an unacceptable cumulative impact on the local area;
- e) the landscaping and screening has been designed to effectively mitigate the impact of the proposal in a way that is sympathetic to local landscape character;
- f) where appropriate, adequate provision is made for the restoration, aftercare and management of the site to an agreed after use;
- g) the proposed transport links are adequate to serve the development; and
- h) other environmental and amenity safeguards would effectively mitigate the impact of the proposal:
- i) it can be demonstrated that the proposal represents the Best Practicable Environmental Option for dealing with the waste;
- j) the location is geographically well located to the source of the waste thereby according with the proximity principle

It is considered that the relevant policies of the Ryedale Local Plan Strategy, as outlined in the policy section of this report, allow the full consideration of these issues, insofar as is capable with this ‘farm-scale’ AD scheme. They are also National Planning Policy Framework-compliant, and they have full weight. Accordingly, the policies of the North Yorkshire Waste Local Plan, are a material consideration but do not have significant weight attributed to them in the decision taking process with this planning application.

## **Gravel Pit Farm - 14/00709/MFUL and 14/01073/MFUL**

*Members of the Planning Committee are asked to refer to the recent Planning Inspectors appeal decision from Devon relating to an Anaerobic Digester plant . The Inspector advocated a traffic management condition regarding HGV routing similar to the one which is proposed in the Officer report.*

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## Appeal Decision

Site visit made on 8 December 2014

**by Jessica Graham BA(Hons) PgDipL**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 15 January 2015**

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**Appeal Ref: APP/X1118/A/14/2226565**

**Great Hele Farm, Great Hele Lane, South Molton, Devon EX36 4LB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr W Reed against the decision of North Devon District Council.
  - The application Ref 56827, dated 23 December 2013, was refused by notice dated 4 August 2014.
  - The development proposed is a 1.3MW anaerobic digester with associated buildings and structures.
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### Decision

1. The appeal is allowed and planning permission is granted for a 1.3MW anaerobic digester with associated buildings and structures at Great Hele Farm, Great Hele Lane, South Molton, Devon EX36 4LB in accordance with the terms of the application Ref 56827, dated 23 December 2013, subject to the thirteen conditions set out in the schedule attached to this Decision Letter.

### Procedural matters

2. The description of development given on the planning application form included a detailed list of the buildings and structures associated with the anaerobic digester. In the interests of concision, I have adopted the abbreviated description used by the Council in its Refusal Notice.
3. An application for costs was made by the appellant against the Council. That application will be the subject of a separate Decision Letter.

### Main issues

4. The two main issues are
  - The proposed use to be made of existing agricultural land, and whether this would prejudice the agricultural operations of the farm; and
  - The effect that the proposed development would have on the character and appearance of the area.

### Reasons

5. Great Hele Farm is a predominantly arable farm, growing wheat and silage with some cattle and sheep finishing. It is located in open countryside approximately 1km to the south of South Molton. The anaerobic digester and

associated structures would be installed on land to the south of the farm, adjoining the existing collection of farm buildings. The total area of this land would be some 2.24 hectares, comprising part of the farmyard and part of an area used for arable farming. Access would be through the existing farmyard, via Great Hele Lane.

6. The anaerobic digester would treat an annual supply of 23,224 tonnes of feedstock, comprising 5,000 tonnes of slurry, farmyard manure and poultry manure, and 18,224 tonnes of maize silage, grass silage, beet and wheat.

*The use of the land*

7. The supporting text to Policy ECN6 of the North Devon Local Plan 1995 – 2011 explains that due to the decline in agriculture, encouragement will be given to diversification schemes to help protect farm incomes. It goes on to note that farm diversification enterprises are varied, and can include the growing of a wide range of crops and plants other than foodstuffs, for uses such as energy. Policy ECN6 itself sets out the four criteria that farm diversification schemes must satisfy in order to be permitted. The Council's view is that the current proposal would not comply with Criterion A, which requires the scheme not to prejudice existing agricultural operations on the farm.
8. It is important to bear in mind that the use of land for agricultural purposes does not constitute "development", such that changes to the types of crops grown on the land in question do not require planning permission. It would therefore be open to any farmer, should he or she choose, to use farmland for the sole purpose of growing feedstock for a biomass plant or anaerobic digestion facility, without the need to obtain planning permission for that change of use.
9. In this particular case, the feedstock that would be grown on the holding would be grass and maize silage, and beet fodder. Wheat would also be used, but this would be provided by other local farms. Beet, grass and maize are traditional agricultural crops, which would not look out of place within this rural landscape, and would require no significant changes to existing arable operations at the farm. Further, the anaerobic digester would process the farm's own farmyard manure, producing liquid and solid digestates which would be used on the farmland as an organic fertiliser and a soil conditioner, thereby reducing the existing need to import fertiliser, and improving the quality of the soil. Heat produced during the process of anaerobic digestion would be used to heat the farmhouse, control cabin and digester, and the conversion of biogas to electricity would provide a source of discounted power for the farm.
10. Taking all of this into account, I consider that the proposed development would be likely to complement, rather than prejudice, agricultural operations at Great Hele Farm. It would not therefore conflict with Criterion A of Local Plan Policy ECN6.
11. I note the Council's concern that an area of land that could otherwise be used for food production would be lost purely to feed the anaerobic digester. Policy ENV7 of the Local Plan does provide the Council with some degree of control over the uses that may be made of high-quality agricultural land within the district. It provides that development proposals not associated with agriculture will only be permitted on the best and most versatile agricultural land (defined



as grades 1, 2 and 3a of the Agricultural Land Classification) in certain specified circumstances.

12. However the evidence of the appellant, which the Council does not dispute, is that the quality of the area of land on which the proposed development would be installed is grade 3b. It would not, therefore, fall within the remit of Policy ENV7. Changing the use of agricultural land from growing edible crops to growing feedstock for an anaerobic digester does not constitute "development", and so does not fall within the remit of this policy either. Even if it did, there is evidence that all but 7% of the associated farmland on which feedstock will be grown at Great Hele Farm is graded 3b, or poorer.
13. Other interested parties have also expressed concern, in the light of projected population growth and the acknowledged need for more housing, that using farmland to grow feedstock results in the "loss" of land that could potentially be used for growing food. However, the planting of feedstock crops does not result in the land being "lost" in the sense that it would be if houses, or other permanent structures, were built upon it. It is a temporary, and very easily reversible, use. Should national or local government determine, at any point, that the need for food crops outweighed the need for feedstock, it would be open to them to incentivise the former through the payment of subsidies, or to require it through the introduction of policies.

*The character and appearance of the area*

14. The appeal site lies within countryside identified in the Devon Landscape Character Assessment as "South Molton Farmland". The fields and lanes of this undulating, pastoral landscape are generally bound by thick, mature hedgerows; some scattered copses and farmsteads lie outside the settlements. Great Hele Farm is clearly identifiable as one such farmstead, due to the presence of a collection of outbuildings, large barns, and two grain silos more than 20m high. The proposed development would introduce a variety of new structures alongside these existing buildings. The proposed silage clamps would form a large part of the new development, and these would not look out of place in the context of the existing farm.
15. However other elements of the scheme, such as the 45m diameter digester tank, and the digestate storage tank with a 7m gas collection dome above it, would appear out of keeping with the character of the adjoining agricultural development, and the surrounding rural landscape. The visual impact would be mitigated to some degree by the proposed bund, screen planting, and the careful choice of recessive colours and finishes for the plant and buildings, all of which could be secured by condition. Nevertheless, the proposal would increase the amount of built development at Great Hele Farm, extending its footprint into the surrounding open countryside, and this would be apparent from a number of public viewpoints.
16. I find that the proposed development would, therefore, result in some harm to the character and appearance of the area. While relatively limited, for the reasons set out above, this would nevertheless conflict with Criterion C of Local Plan Policy ENV1, Criterion B of Local Plan Policy ECN4 and Criterion 1A of Local Plan Policy ECN15. These seek to prevent development that would fail to protect or enhance the character or beauty of the countryside, or that would adversely affect the visual character of its surroundings.

*Other matters*

17. The active promotion of renewable energy projects, and tackling the effects of climate change, are not only key Government objectives but statutory requirements. One of the core principles set out in paragraph 17 of the NPPF is the need to support the transition to a low carbon future in a changing climate, and encourage the use of renewable resources. Paragraph 98 explains that applications should be approved if the project's impacts are (or can be made) acceptable.
18. The Government's *Anaerobic Digestion Strategy and Action Plan* sets out a commitment to substantially increase the production of energy from waste, through the anaerobic digestion process. I note that some local residents expressed concern about the perceived scale of the installation proposed at Great Hele Farm, but with a capacity of 1.3MW, the equipment would be well below the limit of 5MW set by the Government for the Feed-in-Tariff scheme, a programme aimed at promoting widespread uptake of a range of small-scale renewable and low-carbon electricity generation technologies. Paragraph 98 of the NPPF notes that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
19. Given the narrow and twisting nature of the rural lanes around (and within) South Molton, and the sharp bend at the eastern end of Great Hele Lane, a number of local residents are understandably concerned about the impact that vehicle movements associated with the proposed development would have upon the local highway network. The appellant has produced a Transport Statement which, among other things, compares the traffic currently generated by operations at Great Hele Farm with that which would result from the proposed development. The anaerobic digester would require deliveries of additional slurry, wheat and manure. The solid digestate produced as part of the anaerobic process would need to be transported back to the surrounding farmland, but this would also mean that it was no longer necessary for the farm to receive deliveries of fertiliser. The silage and maize that is currently grown on the farm but exported elsewhere, would instead remain and be used as feedstock for the digester.
20. The Statement concludes that the proposed development would result in an average of eight vehicle movements per day, compared to the existing average of four vehicle movements per day. I note the concern that calculation of average figures obscures the fact that at peak times (such as harvest) there would be a higher concentration of vehicle movements than when out of season, but the same is true of the figures for current movements. The Highway Authority has also considered the scheme and has raised no objections, subject to the imposition of a condition requiring the proposed improvements to visibility splays to be completed before the development commences. The Council is satisfied that on this basis the proposed development would not have a significant adverse impact on the local highway network, and I share that view.
21. The Council suggested a condition requiring adherence to an agreed HGV routing protocol, to minimise the risk of potential conflict between highway users, and the appellant suggested a condition preventing deliveries to and from the appeal site during school drop-off and pick-up times on weekdays in term times, for similar reasons. These are both reasonable requirements, and

in my view could be addressed by a single condition requiring adherence to an agreed Transport Management Plan.

22. Concerns about the potential for disturbance by unpleasant odours are also understandable. However, the anaerobic digestion process must take place in airtight conditions without oxygen, which means that odours cannot escape during digestion. There is evidence that due to their low concentration of volatile fatty acids, the resulting digestates are significantly less odorous than slurry and manure, such that when spread on the land, they would be much less likely to cause offensive odours than traditional muck-spreading operations. The risk of odour release would therefore be limited to feedstock intake, storage, and the loading of the digester. The appellant has produced a comprehensive Odour Management Plan detailing the steps which would be taken to minimise such risks and control fugitive odours, and this could be secured by condition. It is relevant to note that the proposed anaerobic digestion facility would require a Permit from the Environment Agency before operations could commence, which would also address the issue of odour controls.
23. The primary sources of noise from the proposed development would be deliveries to and from the site, and the operational noise of the Combined Heat and Power (CHP) Unit. The noise generated by deliveries is unlikely to be markedly different to, or greater than, the noise of current agricultural vehicle movements associated with the operation of the farm. The CHP Unit would be located a considerable distance from the nearest of the residential properties that are not associated with the farm, and would be housed inside a building that would be fitted with noise attenuation. While it would have been preferable for a noise survey to have been submitted alongside the other application details, I agree with the Council's Environmental Health Manager that since the circumstances provide very limited opportunity for noise disturbance to affect the living conditions of nearby residents, it would be appropriate to require the provision of further details (and mitigation as necessary) by condition. Similarly, a condition requiring the Council's prior approval of any external lighting would ensure that neighbouring properties, as well as the surrounding countryside, would not be troubled by light pollution.
24. I note that planning permission has been granted for other anaerobic digesters in the area, but I have not been provided with any evidence to indicate that this would result in any cumulative harm that would weigh against the current proposal. I also note suggestions that other types of renewable energy, such as solar panels, could prove a more effective means of generating the same amount of energy at the appeal site. It is fair to say that different types of renewable energy schemes carry with them different types of adverse impacts, as well as benefits. I am obliged to determine the proposal that is currently before me on the basis of its own particular merits.
25. My attention was drawn to statements made by the Chairman of the Committee on Climate Change, the Secretary of State for the Department of Energy and Climate Change, and the Prime Minister's Political Private Secretary, to the effect that all of the projects needed to meet Britain's renewable targets have already received consent under the existing planning regime. I note those remarks and the standing of those who made them, but they do not alter, override or replace current planning policy, which is what I must apply.

### *Conclusions*

26. The encouragement of renewable energy provision is currently an objective of both local and national planning policy. The Council's approach to renewable energy proposals is set out in Policy ECN15, which states that the benefits of the development will need to be balanced against the impact on the local environment. In this case, I have found that the proposed development would cause some limited harm to the character and appearance of the area. The benefits encompass the production of an improved product for spreading on land, and the production of renewable energy of value both to the farm and as a contribution to overall renewable energy generation and the security of the national energy supply. These reflect the objectives of the NPPF in relation to supporting and encouraging renewable energy, rural economic growth and the diversification of agriculture, and are material considerations to which I attach a great deal of weight. On balance, I find that the benefits of the proposed development would outweigh the limited harm that would be caused to the character and appearance of the area.

### *Conditions*

27. The Council suggested that a number of conditions be imposed should planning permission be granted, and I have considered these in the light of Circular 11/95 *The Use of Conditions in Planning Permissions* (so far as that guidance remains extant) and the advice contained in the NPPF. In addition to the standard conditions governing the timescale for commencement (1) and requiring compliance with the approved plans (2), it is necessary to attach a condition securing the mitigation measures needed to ensure there would be no adverse impact on wildlife (3).
28. As discussed above, conditions are attached to secure the prior provision of improvements to visibility splays (4) and adherence to an agreed Traffic Management Plan (5) in the interests of highway safety. Conditions are also needed to secure compliance with the Odour Management Plan (12) and the Council's prior approval of lighting arrangements (6) and noise levels (7), so as to protect the amenity of neighbouring residents. In order to help reduce the adverse impact on the character and appearance of the area, I have imposed conditions relating to the submission of landscaping and planting schemes (8 & 9), the colours and finishes of the proposed structures (10) and the removal of the equipment after 25 years, or 6 months after any earlier termination of operations (13). Since an archaeological evaluation has indicated the presence of heritage assets within the appeal site, I have attached the condition suggested by the County Archaeologist which requires further investigation to be carried out before any development commences (11).

### *Determination*

29. For the reasons set out above, I conclude that the appeal should be allowed.

*Jessica Graham*

PLANNING INSPECTOR

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Figure 1a (Site location), Figure 1(b) Site location), Figure 3 (Elevations), drg. no. GFL-Great-Hele\_PBP\_01 (Block Plan) and drg. no. GFL-Great-Hele\_GS\_01 (Ground sections).
- 3) No development shall take place until a detailed scheme and timetable for the implementation, management and monitoring of mitigation measures for the protection of wildlife have been submitted to and approved in writing by the local planning authority. The scheme shall incorporate further details of recommendations made in the "Extended Phase 1 Habitat Survey Report" submitted in support of the application. Development shall only be carried out in accordance with the approved details.
- 4) No development shall take place until visibility splays have been provided at the site access in accordance with detailed plans that have first been submitted to and approved in writing by the local planning authority, which shall incorporate the visibility improvements shown on illustrative plan 13544/T03 Revision B. Development shall be carried out, and the visibility splays maintained, in accordance with the approved details.
- 5) No development shall take place until a Transport Management Plan has been submitted to, and approved in writing by, the local planning authority. The Plan should include details of the route to be taken to and from the site by HGV drivers, the method of imparting this information to HGV drivers visiting the site, and details of action to be taken in the event of breaches. The plan should also include details of the hours during which deliveries will be taken at, and despatched from, the appeal site. The development hereby permitted shall only be operated in accordance with the approved Plan.
- 6) No development shall take place until a detailed lighting plan, indicating the position and luminosity of external lights and minimising the potential for obtrusive glare, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place until the local planning authority has been provided with a noise report from a suitably qualified person (a Member of the Institute of Acoustics, or equivalent). The report shall identify sources of noise associated with the development hereby permitted, and consequent noise levels at nearby dwellings. A comparison with existing background noise levels shall be provided (as per BS 4142 1999 or any superseding guidance). Where predicted noise levels exceed 5dBA over background levels, a scheme of noise mitigation measures reducing that exceedance to 5dBA or less shall be approved in writing by the local planning authority prior to the commencement of development. Development shall be carried out in accordance with the approved details.



- 8) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels or contours; means of enclosure, including the proposed earth bund; areas of hardstanding; proposed and existing functional services above and below ground, such as drainage, electric and gas connections and pipelines, with details of lines, manholes and supports; planting plans and written specifications (including cultivation and other operations associated with plant establishment); schedules of plants (noting species, plant sizes and proposed numbers/densities); and an implementation and management programme. The development shall be carried out in accordance with the approved details.
- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the installation of the anaerobic digestion facility, and any trees or plants which within a period of 5 years from that date die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives its written approval to any variation.
- 10) No development shall take place until details of the colours and finishes for the external surfaces of the buildings, fixed plant and machinery have been submitted to and approved in writing by the local planning authority. Thereafter the approved colours and finishes shall be implemented and kept in suitable condition to meet their intended function throughout the operational phases of the development.
- 11) No development shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a written scheme of investigation which has first been approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.
- 12) The development hereby permitted shall operate in accordance with the submitted Odour Management Plan dated May 2014, subject to any variation necessary to meet the requirements of the Environment Agency.
- 13) Within 25 years and six months of the completion of construction of the development, or within 6 months of the cessation of gas production from the anaerobic digester, whichever is the sooner, the digester tank, digestate storage tanks, control cabin and all other associated buildings and works shall be dismantled and removed from the site. The operator shall notify the local planning authority no later than five working days following cessation of power production. The site shall subsequently be restored to its former condition in accordance with a scheme and timetable that has been submitted to the local planning authority for written approval no later than three months from the cessation of power production.

HBL No Objection

Ms Helen Bloomer  
Ryedale District Council  
Development Control  
Ryedale House Old Malton Road  
Malton  
North Yorkshire  
YO17 7HH

Our ref: RA/2015/131067/01-L01  
Your ref: 14/01318/MFUL  
Date: 04 February 2015

RYEDALE

- 4 FEB 2015

DEVELOPMENT  
MANAGEMENT

Dear Ms Bloomer

**ERECTION OF 3 NO. OPEN FRONTED CATTLE BUILDINGS AND 1 NO. OPEN SIDED STRAW BARN TOGETHER WITH ERECTION OF EXTENSION TO EXISTING OPEN FRONTED CATTLE BUILDING FOLLOWING DEMOLITION OF 2 NO. EXISTING AGRICULTURAL BUILDINGS (RETROSPECTIVE APPLICATION). OUTBUILDINGS EAST OF CROOME DALE LANE EAST LUTTON MALTON NORTH YORKSHIRE**

Thank you for consulting us on the above application. We have no objection to this development but wish to draw your attention to the following information:

**Nitrates Pollution Prevention Regulations**

The applicant will need to comply with the requirements of the Nitrates Pollution Prevention Regulations 2008 and keep appropriate records.

Compliance with these regulations is part of the statutory management requirements inspected by the Rural Payments Agency (RPA) under the Basic Payment Scheme - failure to comply with these requirements may result in a penalty reduction to the payment received by the farmer. We nevertheless act as the statutory regulator for this legislation and will take appropriate action where a farmer is found to be non-compliant with the requirements of the legislation.

If you have any further questions, please do not hesitate to contact me.

Yours sincerely

**Nick Pedder**

Planning Adviser - Sustainable Places

Phone: 0113 819 6435  
Email: [nick.pedder@environment-agency.gov.uk](mailto:nick.pedder@environment-agency.gov.uk)

Environment Agency  
Lateral 8 City Walk, LEEDS, LS11 9AT.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)  
End

**APPLICATION NO:** 14/01335/MFUL

**PROPOSAL:** Erection of block of 1 no. 1 bedroom and 1 no. 2 bedroom apartments and block of 5 no. 1 bedroom and 3 no. 2 bedroom apartments following demolition of existing garage and outbuildings together with formation of vehicular access, 10 no. parking spaces, communal refuse store and additional 1 no. parking space for 29 Wood Street

**LOCATION:** 27 Wood Street, Norton, Malton

### UPDATE REPORT

Amended plans have been received to address the concerns in respect of secure cycle storage; visitor parking, and correctly labelled elevations.

The changes include a reduction in the internal access road width to 2.75m. This reduced width is approximately 12.5m from the access point onto Wood Street, enabling two vehicles to pass one another and be clear of the public highway. The alterations have allowed the inclusion of a bin store and 1no. visitor parking space alongside the eastern boundary, and secure cycle storage on the northern side (where the bin store was previously proposed). Please see attached plans.

The Highway Authority has no objection to the proposed amendments, subject to conditions. The provision of secure cycle storage will also address some of the concerns expressed by the Police Architectural Liaison Officer. The remaining issues raised by the Police Architectural Liaison Officer can be conditioned.

Two further responses have been received relating to a passage on the northern side of units 9 and 10, with a space of approximately 1m between their boundary and the proposed building. A gate is shown on the plan, which should ensure that this area is used only for maintenance purposes and not for general use. Furthermore, on the northern side of this passageway is an existing lean-to outbuilding on the adjoining land.

In view of the outstanding issues being satisfactorily addressed, the recommendation on this application is one of approval.

### RECOMMENDED CONDITIONS

01 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

02 Notwithstanding the submitted information and before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP20 of the Local Plan Strategy.



- 03 Prior to the commencement of the development hereby permitted, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling to be used in the construction of building. The panel so constructed shall be retained only until the development has been completed

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP20 of the Local Plan Strategy.

- 04 Before the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, full details of the materials and design of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these shall be erected prior to the occupation of any dwelling to which they relate.

Reason:- To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality, as required by Policy SP20 of the Local Plan Strategy.

- 05 Unless otherwise agreed in writing with the Local Planning Authority the existing brick boundary wall on the northern boundary shall be permanently retained with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to satisfy Policy SP20 of the Ryedale Plan – Local Plan Strategy.

- 06 There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme of their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and in the interests of highway safety.

- 07 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

(ii)(b) The existing access shall be improved in accordance with the approved details as shown on Drawing Number 7415 100 Rev. F and construction specification upgraded as shown on Standard Detail number DC/E9A.

(iii) Any gates or barriers shall be erected a minimum distance of 7 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

(vi) The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

(viii) The re-positioning of the existing street lighting column and allied electrical supply shall be carried out in complete accordance of the written requirements of the County Road Lighting Engineer

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

- 08 No part of the development shall be brought into use until the existing access on to Wood Street has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No new access shall be created without the written approval of the Local Planning Authority in consultation with the Highway Authority.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and in the interests of highway safety.

- 09 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility to the extremities of the application site frontage with Wood Street from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and in the interests of road safety.

- 10 Notwithstanding the provision of any Town & Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing Number 7415 11 Rev. for parking spaces, turning areas and access shall be kept available for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

- 11 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site, and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

12 During construction works, there shall be no:

Heavy Goods Vehicles exceeding 7.5tonnespermitted to arrive, depart, be loaded or unloaded on Sundays or a Bank Holiday, nor at any time, except between the hours of 09.00 and 15.00 on Mondays to Fridays and 07.30 and 13.00 on Saturdays (Due to the proximity and operational activity of Norton Primary School)

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to avoid conflict with vulnerable road users.

13 Unless approved otherwise in writing by the Local Planning Authority, there shall be no establishment on a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction of the site, until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

(i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

(ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for appropriate on-site vehicle parking and the storage facilities, in the interests of highway safety and the general amenity of the area.

14 A) No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research question; and

1. The programme and methodology of site investigation and recording
2. Community involvement and/or outreach proposals
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under Condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: This condition is imposed in accordance with Section 12 of the National Planning Policy Framework as the site is on archaeological interest.

- 15 Unless otherwise agreed in writing with the Local Planning Authority, development shall not commence until actual or potential land contamination at the site has been investigated and a Phase 2 Site Investigation Report (to follow the Solmek Ltd Phase 1 Desk Study (Report ref S140709)) has been submitted to and approved in writing by the Local Planning Authority. Should remedial work be required, or requested by the Local Planning Authority, development shall not commence until a Remediation Statement has been submitted to and approved in writing by the Local Planning Authority. Reports shall be prepared in accordance with Contaminated Land Report 11 and BS 10175(2013) Code of Practice for the Investigation of Potential Contaminated Sites. Following any remediation, submission of a verification report to be approved in writing by the Local Planning Authority will be required prior to the occupation of any dwellings.

During the development any unforeseen land contamination found on site shall be notified immediately in writing to the Local Planning Authority and work cease until the extent of the contamination has been investigated and remedial action, which has been agreed in writing with the Local Planning Authority, has been completed. On completion of any remedial work a verification report shall be submitted and approved in writing with the Local Planning Authority.

Reason: In order to fully take account of any potential contamination and to satisfy Policy SP17 of the Ryedale Plan – Local Plan Strategy and the National Planning Policy Framework.

- 16 Prior to the commencement of any works, full details of how the issues raised in the Police Designing Out Crime Officers reports dated 30 September 2014 and 19 December 2014, are to be addressed. These measures should be agreed in writing by the Local Authority in consultation with North Yorkshire Police.

Reason: In order to reduce the rate of crime and anti social behaviour and to satisfy Paragraph 58 and 69 of the National Planning Policy Framework.

- 17 The first floor dining room window on the western elevation, and all of the bathroom windows on the eastern elevation of units 1 - 8; together with the first floor bathroom window on the northern elevation of Unit 10 shall be permanently obscure glazed with opaque or obscure glazing with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the amenity of adjoining occupiers and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 18 Notwithstanding the submitted details and prior to the commencement of the development, details of all windows, doors and garage doors, including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure an appropriate appearance and to comply with the requirements of Policy H7A (ii) of the Ryedale Local Plan

- 19 Prior to the commencement of the development hereby approved precise details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory external appearance and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 20 Prior to the commencement of the development precise details of the ground surfacing materials shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory external appearance and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 21 Prior to the commencement of development hereby approved precise details of the bin storage area and secure cycle storage area shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory external appearance and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

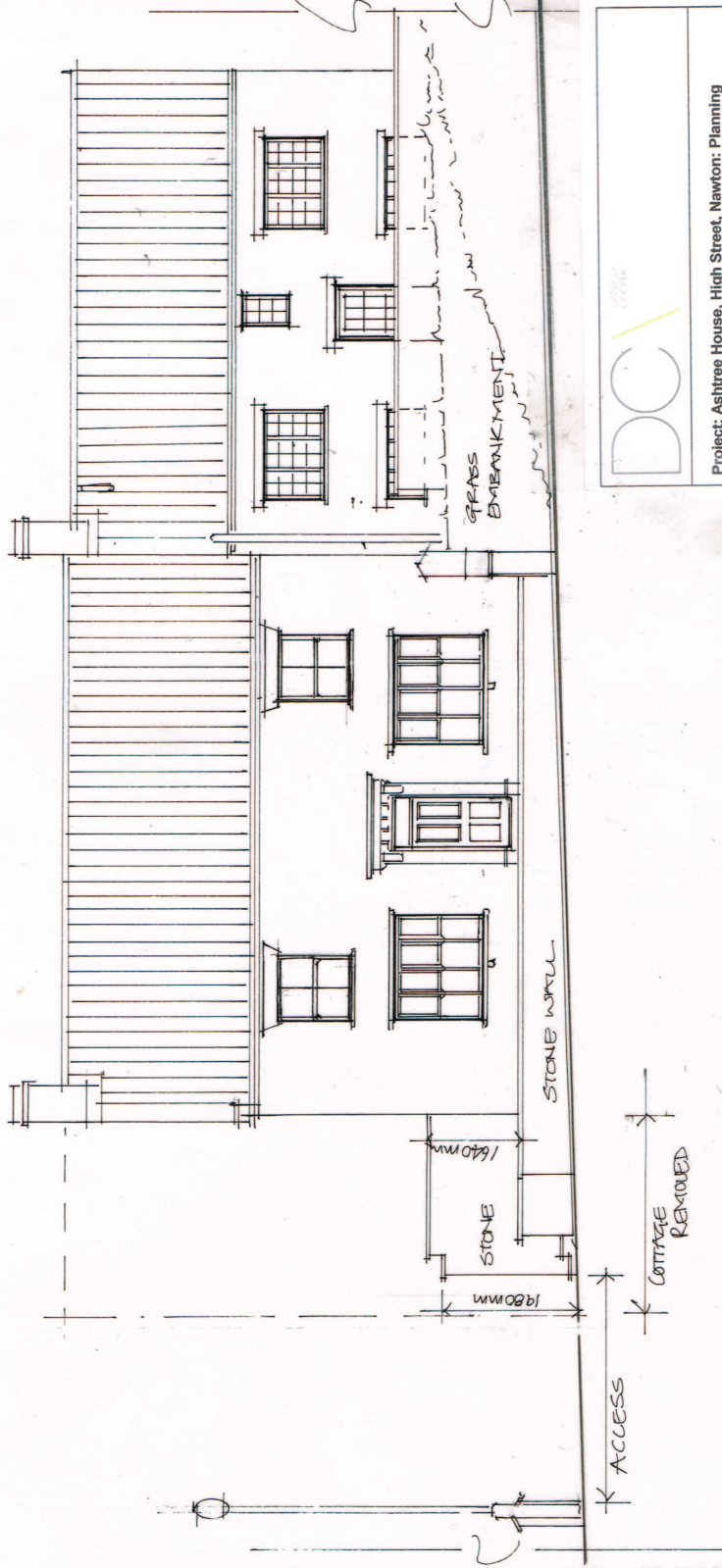
- 22 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

200 Rev D; 100 Rev. F; 201 Rev. D

Reason: For the avoidance of doubt and in the interests of proper planning.

### **INFORMATIVE(S)**

- 01 You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
- 02 These works shall include, where appropriate, replacing kerbs, footways, cycleways and verges to the proper line and level.
- 03 An explanation of terms used above is available from the Highway Authority.
04. The applicant/developer is advised that the buff bricks and UPVC windows and doors proposed are unlikely to be acceptable in the Norton Conservation Area, please see conditions 02 and 18 above.



Project: Ashtree House, High Street, Nawton: Planning application 11/0564/FUL

Title: East Elevation

Date: February 2015

Scale: 1:100@A4

Drawing number: PL/156/04

Do not scale - check all dimensions on site. Copyright remains with the DC Architectural Design.

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**NORTH YORKSHIRE COUNTY COUNCIL  
BUSINESS and ENVIRONMENTAL SERVICES**



**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**

**Application No:** **14/01292/73A**

**Proposed Development:** Variation of Condition 04 by replacement of drawing Reference 0610103 Amendment B by drawing no. PL/156/03, Variation of Condition 12 by replacement of drawing 0610103 Amendment B by drawing nos PL/156/03 and PL/156/01 and Variation of Condition 13 to list the following approved plan(s): drawing nos. 0610102 Amendment A, PL/156/01, PL/156/02 and PL/156/03 amendment to Ashtree House south elevation.

**Location:** Outbuildings At Ashtree House High Street Nawton Helmsley YO62 7TT

**Applicant:** Mr & Mrs Featherstone

<b>CH Ref:</b>	<u>N/A</u>	<b>Case Officer:</b>	Stephen Boyne
<b>Area Ref:</b>	3/90/150C	<b>Tel:</b>	<b>01609 780780</b>
<b>County Road No:</b>	U/C	<b>E-mail:</b>	Area4.KirbyMisperton@northyorks.gov.uk

<b>To:</b>	Ryedale District Council Ryedale House Old Malton Road MALTON North Yorkshire YO17 9HH	<b>Date:</b>	4 February 2015
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<b>FAO:</b>	Matthew Mortonson	<b>Copies to:</b>	
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The 'as-built' shared access width, at 4.5 metres wide beside the existing property, is considered acceptable for two cars to pass each other simultaneously. Drawing Number PL/156/03 is therefore considered acceptable in respect of the variation of Condition 04. Consequently :-

There are **no local highway authority objections** to the proposed development

**Signed:**

***Stephen Boyne***

*For Corporate Director for Business and Environmental Services*

**Issued by:**

Kirby Misperton Highway Office  
Beansheaf Industrial Park  
Tofts Road  
Kirby Misperton  
YO17 6BG

**e-mail:** Area4.KirbyMisperton@northyorks.gov.uk

**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Page 2 of 2

Application No:

14/01292/73A