

PLANNING COMMITTEE

Tuesday 21 July 2015 at 6.30 pm

Council Chamber, Ryedale House, Malton

Agenda

14 Late Observations

(Pages 2 - 14)

Agenda Item 14

RYEDALE
DISTRICT
COUNCIL



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

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

Ref: Agendas/Planning/2015/2016

17 July 2015

Dear Councillor

Meeting of the Planning Committee - 21 July 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

Public Document Pack

Planning Committee

held at Council Chamber, Ryedale House, Malton
Tuesday 23 June 2015

Present

Councillors Burr MBE, Cleary, Cussons (Substitute), Farnell, Frank (Vice-Chairman), Hope, Jainu-Deen, Maud, Thornton and Windress (Chairman)

Substitutes: Councillor D Cussons

In Attendance

Jo Holmes, Jos Holmes, Gary Housden, Jill Thompson and Anthony Winship

Minutes

15 **Apologies for absence**

Apologies have been received from Councillor Goodrick.

16 **Minutes of the previous meeting held on 28 May 2015 of the Planning & Licensing Committees**

Decision	
That the minutes of the Planning Committee and Licensing Committee held on 28 May 2015 be approved and signed as a correct record.	
[For 10	Against 0 Abstain 0]

17 **Urgent Business**

There was no urgent business.

18 **Declarations of Interest**

Councillor	Application
Cleary	6
Frank	6
Hope	6
Windress	6

19 **Schedule of items to be determined by Committee**

The Head of Planning & Housing submitted a list (previously circulated) of the applications for planning permission with recommendations there on.

20 **15/00377/MFUL - Land At Mill Hill Farm, Cornborough Road, Sheriff Hutton**

Decision				
SITE VISIT				
[For	10	Against	0	Abstain 0]

21 **15/00438/HOUSE - 4 Station Cottages, Water Lane, Low Hutton**

Decision				
PERMISSION GRANTED - Subject to additional screening condition.				
[For	8	Against	0	Abstain 2]

22 **14/00096/CU - Home Farm, High Street, Cropton**

Members considered the Officer's report which had been previously circulated.

The Head of Planning and Housing advised Members of the background to the case. The Planning Officer who had dealt with the original planning application relating to the barn conversion had negotiated away the proposed chimneys which were replaced by the introduction of flues, as a minor amendment under the Officer Scheme of delegation without public consultation in accordance with the procedures in place at the time.

The applicants subsequently added four solar rooflights and installed only one flue on the roofslope of the property facing the neighbour.

The Head of Planning and Housing further advised Members that the absence of consultation in relation to the flues had in fact made no difference to the outcome. This was because there was ultimately no proper basis for refusing approval of the minor amendments relating to the flues in any event . It is not considered that there were in fact grounds for refusing approval , or not grounds such as could have been sustained on appeal.

The officer recommendation was there was no breach of planning control in respect of the flue and that it was not expedient to take enforcement action in relation to the solar lights.

Decision				
No further action to be taken in respect of this breach of control.				
[For	10	Against	0	Abstain 0]

23 **Part A Report - The Ryedale Local Development Scheme**

Decision				
RECOMMENDATION AGREED				
[For	10	Against	0	Abstain 0]

24 **Part B Report - Helmsley Plan Adoption**

Recommendation to Council				
To adopt the Helmsley Plan as part of the Development Plan for the District.				
[For	10	Against	0	Abstain 0]

25 **Part A Report - Malton Food Enterprise Zone**

Decision				
RECOMMENDATION AGREED				
[For	10	Against	0	Abstain 0]

26 **Any other business that the Chairman decides is urgent.**

Site Visit arranged 6 July 2015 at 10.00am.

27 **List of Applications determined under delegated Powers.**

The Head of Planning & Housing submitted for information (previously circulated) which gave details of the applications determined by the Head of Planning & Housing in accordance with the scheme of Delegated Decisions.

28 **Update on Appeal Decisions**

Members' were advised of the following appeal decision.

Appeal Ref: APP/Y2736/D/15/3005512 - 2 Castle Howard Drive, Malton, YO17 8BA

Appeal Ref: APP/Y2736/A/14/2226293 - Gravel Pit Farm, Sand Hutton, York, YO41 1LN

Appeal Ref: APP/Y2736/D/15/3005888 - Hulver Bank Farm, Starfitts Lane, Kirkbymoorside, YO62 7JF

Appeal A Ref: APP/Y2736/W/15/3003494 - Land East of Rye House Farm, Harome, Helmsley

Appeal B Ref: APP/Y2736/W/15/3003502 - Land East of Rye House Farm, Harome, Helmsley

The meeting closed at 7.25pm

APPLICATION NO: 15/00377/MFUL

PROPOSAL: Installation and operation of a solar farm and associated infrastructure including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted CCTV cameras and temporary construction vehicular access

LOCATION: Land At Mill Hill Farm, Cornborough Road, Sheriff Hutton, Malton

UPDATE REPORT

EIA

Following the confirmation that Great Crested Newts inhabit a number of the ponds within the vicinity of the application site, Officers have again considered the proposal against Schedule 3 of the Regulations. Officers consider that given the limited risk, which as members will note below is able to be mitigated, the development as proposed does not constitute EIA development.

Great Crested Newts

Following the re consultation of the Councils Countryside Officer, the following comments were received.

Further to my consultation response dated 12th of June 2015. Further information has been published that means that I withdraw my initial concerns regarding this proposal..

The additional ecological report 2nd July 2015 from Wardell Armstrong found that the water body known as WB3 the moat at Comborough Manor is not a breeding great crested newt pond as the eDNA test undertaken there provided a negative result.

The issue of the removal of 175m of the northern boundary hedge to provide temporary access during the construction period is also regarded as having a limited impact on the known GCN breeding population associated with ponds 4 and 5. However there is still the risk of injury or killing individual newts and the additional report lists a number of precautionary mitigation methods to be undertaken. This list of measures (page 5 of the report) needs to be included as a condition in any planning permission granted

Highways

Following Members site visit revised access and Traffic Management proposals have now been submitted by the applicant. These are currently under consideration by officers and North Yorkshire County Council Highways Authority. Members will be updated of the conclusions of the revised details at the Committee Meeting.

The revised Landscape Plan has been revised to show the retention of the majority of the existing hedgerow along the northern boundary.

Crime

In relation to the consultation comments received by the Police Designing Out Crime Officer which was received by the Local Planning Authority on the 12 June 2015, Lightsource has responded to the further details requested. A summary of their response has been outlined below.

The security assessment of the site is confidential but is carried out by both the insurer and management contractor. They have however stated that even if access was made on to the site the solar panels would not be able to be removed from the site due to the requirement of a unique key to unbolt the panels from the ground. It is for this reason that the applicant does not consider the site to be perceived as an 'easy target'.

The fence used would be a 2 m high deer fence, and the CCTV would be based on motion and would not require any lighting. All gates will have secure padlocks and the keys kept in a combination safe.

A response in relation to the above from the Police Designing Out Crime officer is still awaited.

Further Parish Council Response

Farlington Parish Council has written in objection to the proposed development. Their comments have been summarised below. The full version is available to be viewed on the Councils Website.

- They are objecting to the withdrawal of objection from Sherrif Hutton Parish Council, following the receipt of the revised information
- They are also concerned regarding the land classification of 3B and would wish to see an independent Land Survey carried out.

AONB Response

Following the re consultation on the amended plans, the Howardian Hills Area of Outstanding Natural Beauty Joint Advisory Committee have concluded that they have no further observations to make.

Further Neighbour Consultation Responses

A further four letters of objections have been received. It is noted that a number of the letters received are in relation to the revised information and supplement the original letter of objection.

The following addition points were raised:-

- Individual was not directly notified
- No further Visual Impact Assessment was carried out; an addendum was received by Lightsource on the 10 June 2015, following the revision to the layout plan.
- Height would make the panels visible from the south
- Insufficient consideration/ mitigation in respect to noise/ light/ pollution during the construction and lifetime of the development
- Encourage Crime and disorder
- Increased screening would still not prevent views onto the site
- Impact of the hedgerow on Great Crested Newts
- The survey carried out, in relation to the GCN was not thorough

In support a further three letters of support have been received:

- Acknowledge solar farms appearance but consider the landscaping would largely mitigate the impact.
- Consider where possible renewable energy should be utilised

RECOMMENDED CONDITIONS**Time**

1. The development hereby permitted shall be begun on or before ^IN;

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

Design

2. Prior to the commencement of the development hereby permitted samples of the materials to be used in the construction the following; inverters, transformers, substations and communication buildings should be submitted to and agreed in writing by the Local Planning Authority. They shall thereafter remain as such unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of good design and in compliance with Policy SP16 of the Ryedale Plan - Local Plan Strategy.

Crime

3. Still awaiting the final Police Designing Out Crime consultation response, in relation to the response provided by the applicant.

Environmental Health

4. The construction of the development hereby permitted shall be carried in complete conformity with the Construction Management Method Statement dated the 31 March 2015, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety and amenity.

5. The development hereby approved shall be discontinued and the land restored to its former condition on or before the ??? 2050 in full accordance with the Decommissioning Plan, dated 31 March 2015. Unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety and amenity and in compliance with Policy SP20 of the Ryedale Plan – Local Plan Strategy

6. In the event that the development ceases to be operational for the generation of energy before the end of the period defined in condition???, then all associated development on, under or above the application site shall be removed from the site and the land returned to its former condition in accordance with the Decommissioning Plan, dated 31 March 2015, within six months of the cessation of the generation of energy from the site.

Reason: In the interest of amenity and the circumstances of the use and in compliance with Policies SP13, SP16 and SP20 of the Ryedale Plan – Local Plan Strategy

7. The details of any lighting including the siting, type, nature purpose and luminance should be submitted to and agreed in writing by the Local Planning Authority prior to the installation on site.

Reason: In the interest of amenity and impact on the landscape as well as in compliance with Policies SP13, SP16 and SP20 of the Ryedale Plan – Local Plan Strategy.

Highways

8. Still awaiting final Highway Consultation response, in relation to the revised traffic measures, including Traffic Management.

Bio - Diversity

9. The development hereby permitted shall be carried out in complete conformity with the recommendations/ mitigations as outlined within Section 2 of the biodiversity Management Plan, dated March 2015.

Reason: In the interest of bio – diversity and in compliance with Policies SP13 and SP14 of the Ryedale Plan – Local Plan Strategy

10. Within 3 months of the first use of the solar panels hereby approved, use of the temporary storage area/ access shall cease, the area shall be cleared and restored in line with drawing reference ????

Reason: The compound is considered not to represent an appropriate permanent form of development in the open countryside and permission is granted solely to meet the needs of the development during its construction phase in the interests of highway safety and to preserve the character and appearance of the landscape, in compliance with Policy SP13 of the Ryedale Plan – Local Plan Strategy

11. The development hereby permitted shall be carried out in complete conformity with the additional recommendations/ mitigations set out on page 5 of the Great Crested Newts eDNA Surveys at Mill Hill, Sheriff Hutton, North Yorkshire, dated the 2 July 2015. The measures shall be implemented in full before the development is brought into use, and shall be retained thereafter

Reason: In the interest of bio – diversity and in compliance with Policy SP14 of the Ryedale Plan – Local Plan Strategy.

12. The development hereby permitted shall be carried out in complete conformity with the recommendation/ mitigations as outlined within Section 4 of the Preliminary Ecological Appraisal, dated March 2015. The measures shall be implemented in full before the development is brought into use, and shall be retained thereafter

Reason: In the interest of bio – diversity and in compliance with Policy SP14 of the Ryedale Plan – Local Plan Strategy.

13. Prior to the commencement of the development hereby permitted the boundary/ deer fencing shall be erected in accordance with the approved plans.

Reason: In the interest of the protection of wildlife.

Landscape

14. Notwithstanding the submitted Biodiversity Management Plan a further Management Plan shall be submitted to and agreed in writing by the Local Planning Authority, prior to the substantial completion of the development outlining the management of the agreed landscaping, Drawing Reference ????? for the life of the development. It shall be inclusive of the long term design objectives, management responsibilities and maintenance schedules for all landscape areas. Any trees or shrubs which, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: in the interest of bio – diversity and in compliance with Policies SP 13 and SP 14 of the Ryedale Plan – Local Plan Strategy

15. All soft landscaping compromised in the approved details landscaping shall be carried out within the first planting and seeding season following the first occupation of the site. All hard landscaping shall be carried out prior to the occupation of any part of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of protecting the landscape setting of the approved development and in compliance with SP1, SP 13 and SP 16 of the Ryedale Plan – Local Plan Strategy.

Additional

16. The solar panels hereby permitted shall be maintained twice yearly. A log book should be kept of the maintenance of the solar panels and should be available for inspection at any time by the Local Planning Authority.

Reason: To ensure the panels are checked and maintained in the interest of visual amenity and to ensure best practise are maintained

Approved Plans

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

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

Hedgerow planting

Number	Species	Height	Specification	Pot Size	Density
642	No. Acer campestre	40-60cm	1+1: Transplant: B		2Citr
1279	No. Crataegus monogyna	40-60cm	1+1: Transplant: B		2Citr
323	No. Ilex aquifolium	40-60cm	Leader and laterals: C1L		2Citr

Number	Species	Height	Specification	Pot Size	Density
799	No. Prunus spinosa	40-60cm	1+1: Transplant: B		2Citr
164	No. Rosa canina	40-60cm	1+1: Transplant: B		2Citr

Hedgerow tree planting

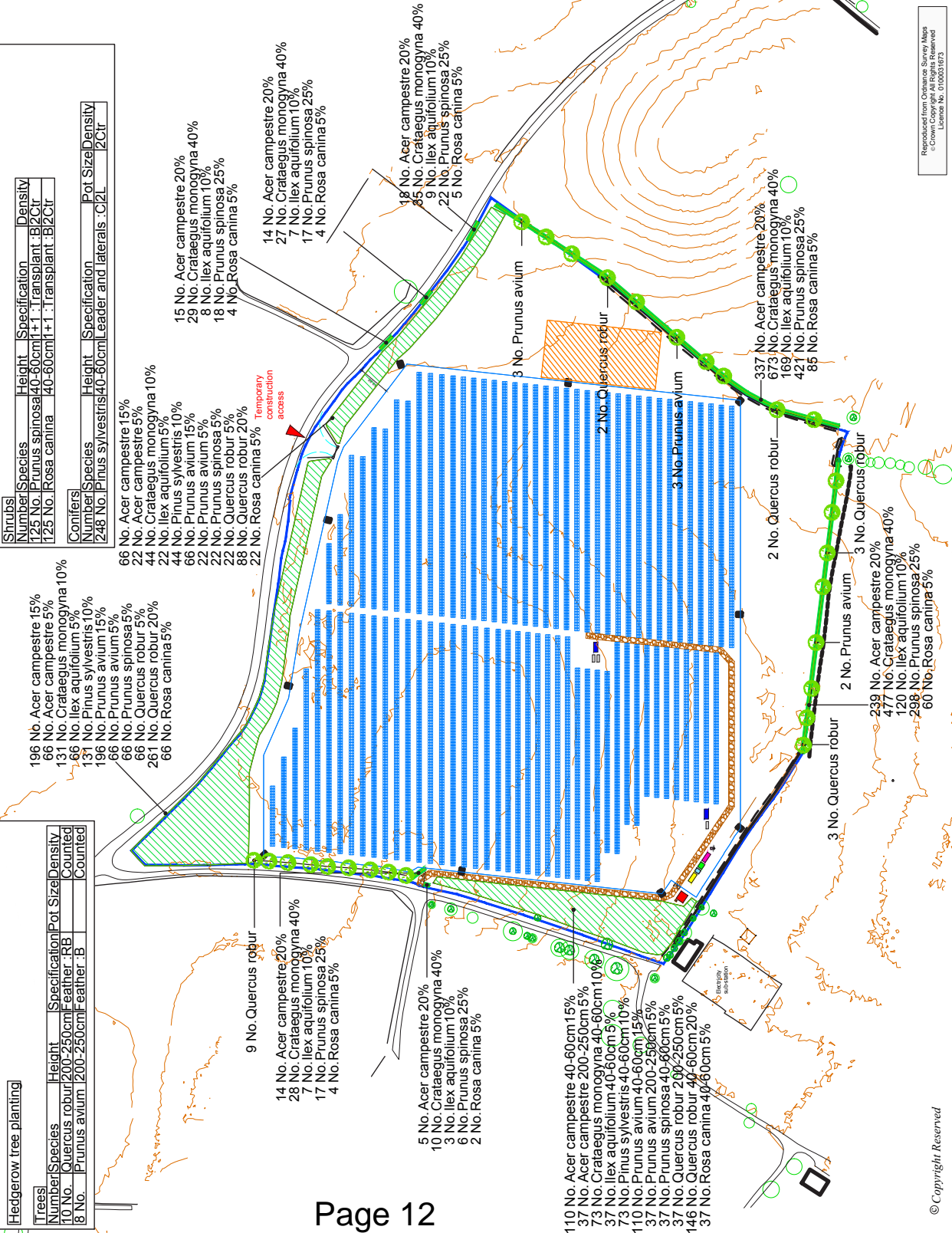
Number	Species	Height	Specification	Pot Size	Density
10	No. Quercus robur	200-250cm	Feather: RB		Counted
8	No. Prunus avium	200-250cm	Feather: B		Counted

Woodland Planting

Number	Species	Height	Specification	Pot Size	Density
372	No. Acer campestre	40-60cm	1+1: Transplant: B		2Citr
125	No. Acer campestre	200-250cm	Feather: B		2Citr
248	No. Crataegus monogyna	40-60cm	1+1: Transplant: B		2Citr
125	No. Ilex aquifolium	40-60cm	Leader and laterals: C1L		2Citr
372	No. Prunus avium	40-60cm	1+1: Transplant: B		2Citr
125	No. Prunus avium	200-250cm	Feather: B		2Citr
125	No. Quercus robur	200-250cm	Feather: RB		2Citr
495	No. Quercus robur	40-60cm	1+1: Transplant: B		2Citr

Number	Species	Height	Specification	Pot Size	Density
125	No. Prunus spinosa	40-60cm	1+1: Transplant: B		2Citr
125	No. Rosa canina	40-60cm	1+1: Transplant: B		2Citr

Number	Species	Height	Specification	Pot Size	Density
248	No. Pinus sylvestris	40-60cm	Leader and laterals: C1L		2Citr



KEY

- Site boundary
- Existing planting
- Proposed hedgerow planting with hedgerow trees
- Proposed woodland planting

NOTES

- Existing boundary hedgerows would be managed to a height of approximately 3m to maintain screening.
- Land beneath the solar panels would be seeded with a diverse grassland mix such as Emorsgate Seed mixture EG27 - 'Special Old Fashioned Grazing Mixture', or similar as agreed with the Planning Authority.
- Field margins would be seeded with Emorsgate Seed mixture EM5 - 'Meadow Mixture for Loamy Soils', or similar as agreed with the Planning Authority.

REVISION

REVISION	DETAILS	DATE	BY	CHK'D	APP'D
C	Added hedgerow tree planting to western boundary.	16/07/15	GL	SM	HK
B	Extended woodland planting along northern boundary, added visibility splay.	09/06/15	GL	SM	HK
A	Planting mixes amended following comments from LPA Tree Officer.	11/05/15	LG	HK	HK

CLIENT

PROJECT

Mill Hill Solar Farm

DRAWING TITLE

Figure 15
Planting Plan

DRG No PE10509/Figure 15
SCALE 1:2500 @ A3
DATE March 2015
DRAWN BY LG
CHECKED BY HK
APPROVED BY HK

STAKE-OUT/TRENT (HEAD OFFICE) TEL 0178 227 6700
 CARDIFF TEL 020 2072 9191
 NEWCASTLE UPON TYNE TEL 0191 232 0943
 LONDON TEL 0207 287 2872
 WEST BROMWICH TEL 0121 590 0009
 SHEFFIELD TEL 0114 246 6244
 GREATER MANCHESTER TEL 0161 228 0101
 EDINBURGH TEL 013 555 3311

wardell armstrong
your earth our world

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SMITHS



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Website
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Note

All signage TRO's e.t.c to be subject to license from North Yorkshire Highway Authority under the provisions of the Traffic Signs, Regulations and General Directions Order and New Roads and Streetworks Act.

No.	Date	Description	Initials
Client			

Lightsource Renewable Energy Ltd

Project

Mill Farm

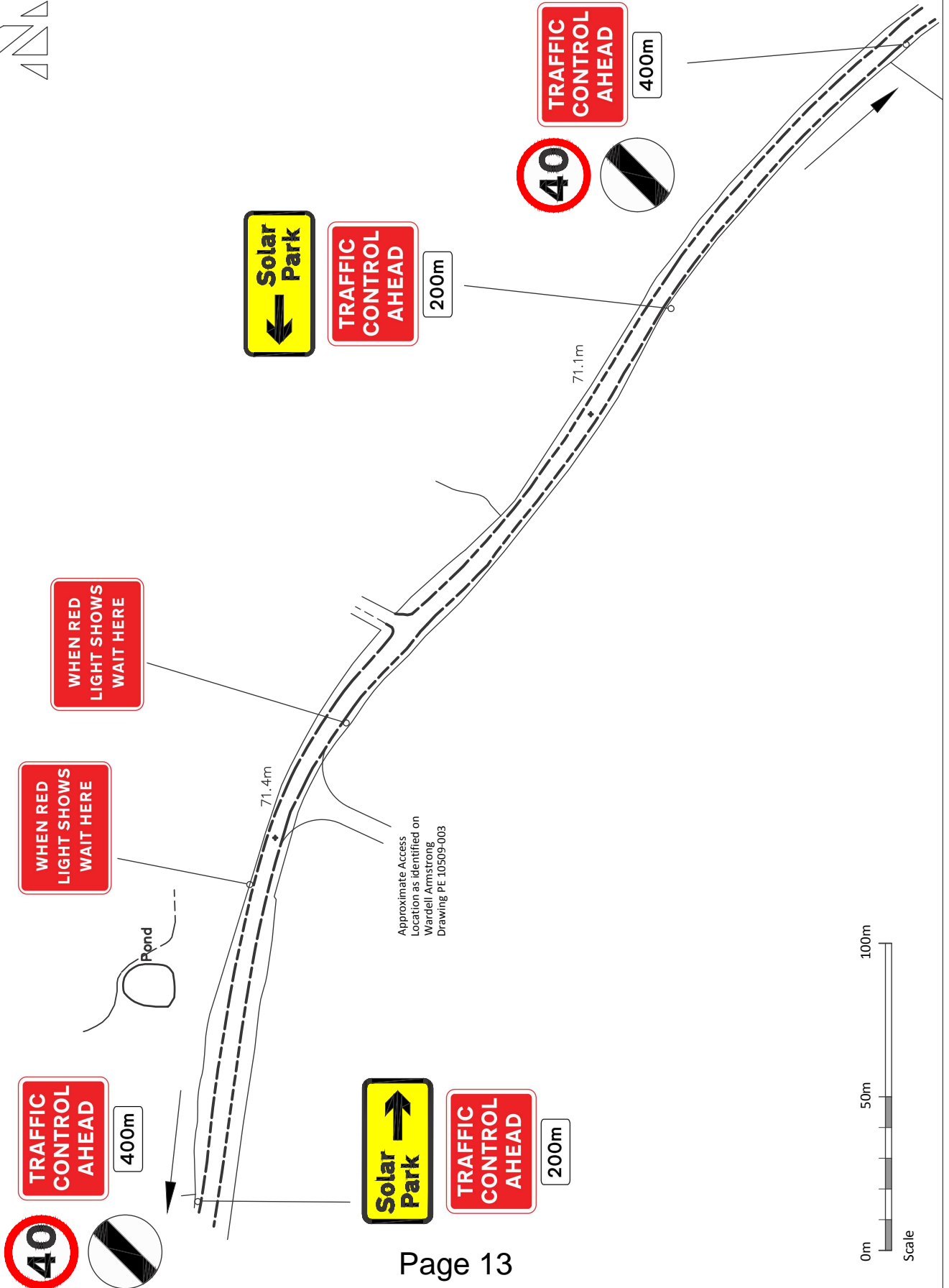
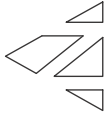
Drawing Title

Temporary Traffic Signage Scheme (Schematic)

Drawing No.

L383/01

Date	16/07/2015
Scale	1:1250 @ A3
Drawn By	DLT
Checked By	GE
E-Mail	geve@pfaipc.com
File Ref.	Workfile\L383\Drawing\L383_01.dwg



Approximate Access Location as identified on Wardell Armstrong Drawing PE 10509-003

**MEMORANDUM
RYEDALE DISTRICT COUNCIL
FORWARD PLANNING & CONSERVATION**

TO: GARY HOUSDEN
FROM: EMMA WOODLAND- BUILDING CONSERVATION OFFICER
SUBJECT: 15/00099/MOUT AND 15/00098MOUT- LAND OFF LANGTON ROAD, NORTON
DATE: 16TH JULY 2015

Gary, Rachel Smith forwarded me the letter from Diana Richardson at Gladman dated 8th July 2015. The letter is a response to Rachel's committee report for the above site. Rachel asked if I had any comments in response to this. As you are aware, I have provided a detailed consultation response to this application and these comments act as an addendum. Please see below.

The Weedon Appeal example quoted relates to a house which is likely to have weaker ties with the surrounding landscape than a barn. The house has a late 20th century extension buffering the new development from the significant parts of the listed building.

In my opinion the east elevation of Sutton barn does have an open outlook. The barn exhibits a large threshing door on the eastern elevation which can still be understood as such in the converted building.

The newly completed development (2 houses) on significantly lower ground beyond the barn's terrace was given very careful consideration. It replaced a very large and unsightly modern steel portal shed and a ruinous pantile roofed lean to. It was considered given the presence of existing unsightly buildings that well designed new build was appropriate.