



PLANNING COMMITTEE

Tuesday 15 March 2016 at 6.00 pm

Council Chamber, Ryedale House, Malton

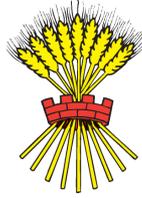
Agenda

19 Late Observations

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Agenda Item 19

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

11 March 2016

Dear Councillor

Meeting of the Planning Committee - 15 March 2016

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: 15/00971/FUL

Location: Land at Alma Farm, Kirby Misperton

Proposal: To hydraulically stimulate and test the various geological formations previously identified during the 2013 KM8 drilling operation, followed by the production of gas from one or more of these formations into the existing production facilities, followed by wellsite restoration. Plant and machinery to be used includes a workover rig (maximum height 37m) hydraulic fracture equipment, coil tubing unit, wireline unit, well testing equipment, high pressure flowline, temporary flowline pipe supports, permanent high pressure flowline and permanent pipe supports.

Update Report

Following Publication of the Agenda Papers on 7th March

The Councils' Building Conservation Officer has confirmed that an assessment of the additional technical reports relating to Non-Designated Heritage Assets and the Grade II listed Kirby Misperton Bridge Principle Inspection and Assessment Report has been undertaken.

In terms of the Grade II listing building the Building Conservation Officer states:-

"I note that the Grade II Listed Bridge has been assessed and that no structural strengthening works are required. This is welcomed. The report recommends that in order to carry the full range of vehicles as identified in the AIP (Assessment Approval in Principle) the speed of abnormal vehicles over the bridge shall be limited to 5mph. In addition the abnormal vehicles will drive over the bridge in the centre of the road. It is recommended that these requirements are incorporated into a Traffic Management Plan. In order to achieve this recommendation, I would suggest that a condition be included that requires this recommendation in a Traffic Management Plan. "

In making the above comments it is recommended that the NYCC - Bridge Engineer is also required to confirm that the conclusions of the report which advises that "no structural strengthening works are required" is an accurate assessment and that no significant works to the bridge are required to accommodate traffic arising from the development.

The Non-Designated Heritage Assessment Impact Assessment indicates that any non-designated heritage assets within a 750 metre radius of the site will only be subject to slight, neutral/slight or neutral impact.

The impacts are temporary, relating to visual impact of the workover rig, coil tubing tower; the wellsite lighting and potential noise. All of these impacts are reversible and will not impact directly on the non designated assets or their setting.

Dear Mr Housden,

PLANNING APPLICATION TO HYDRAULICALLY STIMULATE AND TEST THE VARIOUS GEOLOGICAL FORMATIONS PREVIOUSLY IDENTIFIED DURING THE 2013 KM8 DRILLING OPERATION, FOLLOWED BY THE PRODUCTION OF GAS FROM ONE OR MORE OF THESE FORMATIONS INTO THE EXISTING PRODUCTION FACILITIES, FOLLOWED BY WELLSITE RESTORATION. PLANT AND MACHINERY TO BE USED INCLUDES A WORKOVER RIG (MAXIMUM HEIGHT 37M) HYDRAULIC FRACTURE EQUIPMENT, COIL TUBING UNIT, WIRELINE UNIT, WELL TESTING EQUIPMENT, HIGH PRESSURE FLOWLINE, TEMPORARY FLOWLINE PIPE SUPPORTS, PERMANENT HIGH PRESSURE FLOWLINE AND PERMANENT PIPE SUPPORTS ON LAND AT KMA WELLSITE, ALMA FARM, OFF HABTON ROAD, KIRBY MISPERTON, NORTH YORKSHIRE ON BEHALF OF THIRD ENERGY UK GAS LTD

Ryedale District Council Planning Committee – 15th March 2016

Agenda Item 5 – Application No. 15/00971/CPO

Our client, Third Energy UK Gas limited, requests the following comments with regard to the Officers report are included within the late papers circulated to Members of the Planning Committee.

- Within the Committee report under the heading, '*Economy and Community Manager*', we wish to clarify the following. As set out within section 6.2.1 of the submitted Planning Statement, during peak times of mobilisation and demobilisation, the estimated HGV movements per hour will be four (4), which is based on two (2) vehicles per hour entering the KMA wellsite and two (2) vehicles leaving the KMA wellsite over a four day period, between the hours of 07:00 to 19:00. For clarity the estimated HGV movements per hour will be four (4) during a four (4) day period of mobilisation and again during demobilisation of equipment and not, as the Economy and Community Manager states in the Officers report, an eight week period.
- With reference to the proposed cycle route between Pickering and Malton, the Economy and Community Manager states within the Officers report that '*Much of the proposed route follows existing quiet roads with low traffic volumes and speeds and is already ride-able in its current format. The proposed traffic management plan for the site routes all development traffic along Habton Road, through Kirby Misperton and along Kirby Misperton Road to the A169. This route also forms a key section of the proposed cycle route and any increased vehicle movements (particularly HGVs) on Habton Road, the roundabout within the village of Kirby Misperton and Kirby Misperton Road out of the village to the east will have a detrimental effect upon the rural character and therefore attractiveness of the route – particularly to less confident cyclists, including younger families.*' Third Energy has assessed the impact of the proposed development on the proposed cycle route within Supplementary Transport Note 2, submitted to North Yorkshire County Council in January 2016, which concludes, '*the study appears to be only a feasibility study with no indication of its deliverability provided. Due to the limited vehicle trips associated with the proposed development and the temporary nature of such trips, it is considered that the traffic generated by the proposed development provide no barrier to the delivery of the cycle route*'. The Economy and Community Manager does not acknowledge that parts of the proposed cycle route, namely the roundabout within Kirby Misperton and Kirby Misperton Road, accommodate significantly more traffic volumes associated with other users, such as the Flamingo Land theme park during open season than that proposed for the KM8 hydraulic fracturing operation. In the absence of any publically available information, Third Energy has to attempted to quantify Flamingo Land traffic volumes through comparisons with traffic

volumes associated with similar theme parks elsewhere in the UK. This information was submitted to North Yorkshire County Council as 'Supplementary Transport Note 1', which, in turn, was subject to consultation. We request that the overall context of other users volumes such as the Flamingo Land traffic volumes be brought to the attention of Members in their consideration of the impacts upon this proposed cycle route and how this compares with the proposed KM8 hydraulic fracturing operations, which proposes four (4) HGVs per hour during a four (4) day period during mobilisation and demobilisation of equipment.

- We understand that each application should be decided on its individual merits. However, if the Committee were seeking an appropriate comparison we would direct them to the natural gas exploration and production activities that have gained planning consent and have been implemented in the Vale of Pickering over the last 20 years. For example the extension of the KMA wellsite and the drilling of the KM8 well in 2013 – a bigger operation, with a higher level of HGV movements, lasting over three months. This was undertaken during the Flamingo Land open season.
- From the Committee report prepared for 1st December 2015 Planning Committee (copy attached to the current committee report), the Economy and Community Manager '*draws parallels between the Third Energy Planning Application and another significant industrial development elsewhere in the county*'. Whilst not stated in the report, we understand this to be the York Potash Planning Consent. We request that Members be made aware that we do not accept, nor is it reasonable to compare the proposal to hydraulically fracture the existing KM8 well with the York Potash proposals, with regard to scale and duration and impact on the visitor economy. For example, we draw Members attention to the following comparisons:
 - The site area of the KMA wellsite is 1.63ha, the site area of the York Potash mine head site in isolation is 63.9ha;
 - KMA is an existing wellsite, whereas York Potash mine head is currently undeveloped and proposes a significant range of surface level structures;
 - KMA is an existing natural gas production wellsite, within which a two (2) week pre-stimulation workover and a six (6) week phase of hydraulic fracturing/well test is proposed, whereas York Potash mine proposes a five year construction period;
 - KMA peak vehicle movements, over a four day period of mobilisation of equipment and same duration for demobilisation of equipment is four (4) HGV's per hour (48 HGV movements per day), whereas York Potash at some locations predicts 136 HGV movements per day over 4-5 years construction period.

I would be grateful for confirmation of receipt of this email. Should you require any further clarification please do not hesitate to contact me.

Yours sincerely
for **Third Energy UK Gas Limited**

Liz Walker.

Elizabeth Walker BSc(Hons) MRTPI
Senior Town Planner

Item Number: 15
Application No: 16/00147/CPO
Parish: Norton Town Council
Appn. Type: Consultation with County Planning
Applicant: Corp. Director Of Children And Young Peoples Services
Proposal: Conversion of existing building, grounds and single storey extension to existing building (currently a D2 Use) to provide a new satellite primary school to Norton Primary School, associated grassed play area (circa 4841 sq. m) and playground (circa 1362 sq. m), widened 2 way vehicular access, controlled 'raising arm' access barrier, hardstanding and 17 car parking spaces (2 disabled) (circa 4274sq. m), bin store, 2 No. cycle shelters (for 40 cycles), 12 No. 6 metre high lighting columns, 5 No. low level lighting bollards, a delivery/turning area and pedestrian walkways, timber walkway raised to up to 2 metres in height depending on ground level, 2 metre high mesh security fence, access ramps, roof-mounted extract fan and air conditioning units and removal of prefabricated unit, sheds and storage containers and soft landscaping works

Location: 68 Langton Road Norton Malton North Yorkshire YO17 9AE

Registration Date:

8/13 Wk Expiry Date: 15 February 2016

Overall Expiry Date:

Case Officer: Rachel Smith

Ext: 323

CONSULTATIONS:

Neighbour responses: Mr B Stone,

INTRODUCTION

The application is submitted for Members to consider their consultation response to North Yorkshire County Council in respect of this application submitted by North Yorkshire County Council Children and Young Peoples Services.

SITE

The application site comprises buildings and land identified as Brooklyn House, 68 Langton Road. Vehicular access is between 58 and 62/64 Langton Road. Pedestrian Access is between 66 and 70 Langton Road. The area is predominantly residential, with existing dwellings to the north south and east. The application site is currently used by NYCC staff for the delivery of youth services and some accommodation used by Adult Learning services. The site was previously used by a private early years provider operating nursery provision, however they relocated in 2015. There is also some community use of the site by the Brownies and Guides. The Air training Corps building is located to the rear.

PROPOSAL

Permission is sought for:

- change of use of building to provide satellite primary school to Norton Primary School
- erection of 958 square metre single storey extension to existing building
- associated grass play area and playground

- access widened to provide 2 way vehicular access, including access barrier
- 17 car parking spaces
- 2 cycle shelters to accommodate 40 cycles
- 12 no. 6m high lighting columns together with 5 no. low level lighting columns
- security fence
- extract and air conditioning units
- removal of prefabricated unit, sheds and storage containers
- soft landscaping works

The application is accompanied by:

- The signed, dated and completed planning application forms;
- Completion of Land Ownership Certificate A and notice to landowners;
- Statement of Community Involvement that is contained within this Statement;
- Flood Risk Assessment;
- Utilities Assessment;
- Heritage Statement comprising a review of Archaeological Works and Written Scheme of Investigation;
- Extended Phase 1 Habitat Survey and dusk Emergent Bat Survey;
- Landscape and Visual Impact Assessment;
- Noise Impact Assessment;
- Transport Statement;
- Travel Plan; and
- NYCC Completed Planning Checklist NYPA2.
- Design and Access statement

APPLICATION DETAILS

The applicants advise that the proposed scheme is intended to increase capacity at Norton Community Primary School, which is located in Grove street. The school is operating at close to full capacity, and has been for some time. This, combined with projections about pupil numbers, means that additional classroom spaces will have to be provided if demand for places at the school from the local catchment area is to be met.

Since 2011 the school and NYCC have worked together in order to increase capacity at the Grove street site. Through a combination of new extensions and internal remodelling of the existing school, an additional three classrooms, providing around 90 extra pupil places have been provided. The site is however restricted, and a further extension of the existing site would not be possible.

The applicants further state that "*based on current predictions of pupil numbers it is expected that there will be insufficient capacity at the Grove Street site from the start of the academic year in September 2017. It is therefore essential that new provision will be available from this date*"

DETAILS

It is proposed that Brooklyn will be used to provide an additional six classrooms, as well as ancillary space to accommodate years five and six. This will act as a satellite to Norton Community Primary School which is situated within 500m. A single head teacher would be responsible for both sites. It is intended that existing year 5 and 6 pupils would transfer to the satellite buildings, but that other than exceptional circumstances, there will be no day to day transfer of pupils between the two sites. It is proposed that the primary opening hours for staff will be between 08:00 - 18:00, Monday to Friday, and that there will be limited use of the school outside these hours for special events such as parents evening and occasional events such as public meetings.

HISTORY

12/00391.CPO retention of prefabricated unit - approved June 2012
09/00358/CPO retention of prefabricated unit - approved 24 August 2009
07/01135/FUL Erection of Air Training Corps building approved 8th February 2008
06/00632/CPO retention of pre-fabricated building approved 10th May 2006
05/00632/FUL erection of 2 no. 3.9m high external lighting columns approved 13th September 2005
04/01451/FUL siting of a storage container approved 16th March 2005
03/00246/FUL siting of prefabricated building approved 25th April 2003
02/00345/CPO erection of a car park extension and access road approved 25th September 2003

POLICY

Ryedale Plan - Local Plan Strategy Policy

SP1 General Location of Development and Settlement Hierarchy
Policy SP10 Physical infrastructure
Policy SP11 Community Facilities and Services
Policy SP13 Landscapes
Policy SP 16 Design
Policy SP18 Renewable and Low Carbon Energy
Policy SP20 Generic Development Management Issues.

In addition, the site is identified on the 'saved' development limits as a playing field.

National Planning Policy Framework

National Planning Policy Guidance

KEY PLANNING ISSUES

Principle of Proposed development:

Members will recall the North Yorkshire County Council undertook an initial consultation in early 2015, on options for increasing primary school capacity in Norton. This Council objected strongly to the proposal to expand Norton Community Primary School through the provision of a satellite school facility on the site at Brooklyn.

Notwithstanding this, North Yorkshire County Council Children and Young Peoples Services has now submitted the application detailed above.

The District Council is a statutory consultee in this process and this Council's views on the application are sought. Taking account of the Council's previous objection, the proposed response to the principle of the application is outlined below:

"In principle, the District Council remains very disappointed that the 'Brooklyn option' has progressed to a planning application as opposed to the provision of a new school for Norton which, it is considered, would provide a more sustainable and cost effective solution for the town in the longer term.

Notwithstanding this, the District Council recognises that the proposed scheme would ensure sufficient primary school places at Norton to address the need arising from the existing population and committed development schemes from 2017. The District Council also recognises that the proposed redevelopment of the site would ensure that the site is in a more active use and will result in improvements in its current state and appearance.

As the local planning authority for Norton, the District Council will aim to secure the provision of land for a new primary school if it resolves to make significant residential land allocations at the Town. It will also collect CIL contributions to fund and prioritise the delivery of a new school.

Design

The existing building is a simple 'L' shaped structure. However there have been a number of flat roofed additions over the years, together with the siting of a prefabricated building. This has resulted in a discordant appearance. The proposed extension is large but respects the design ethos of the original building by its single storey design with a relatively low ridge height and pitched roof. The different coloured renders will provide a more contemporary approach. As such there is no objection to the development on design grounds.

Highways

The County Council is the Highway Authority, and it is therefore recommended that the application be determined in accordance with their recommendations in respect of access, parking and sustainable access.

Neighbour Amenities

The site is situated in a primarily residential area, with potential for impact on the existing amenities of neighbouring occupiers. The Council's Environmental Health Officer has responded to the application as follows;

"In relation to noise, the applicants have undertaken a noise impact assessment in support of the planning application, which assesses the predicted noise from the activities of children in the playgrounds. The assessment concludes that the noise impact is calculated as within the design criteria for external noise in BS8233:2014 for traditional external areas that are used for amenity space, such as gardens and patios. This is however a new noise introduced into the surrounding area and reaction to it will be varied due to it being subjective in its nature. Even if the predictions are correct the noise from children playing will be audible to residents in their gardens. The site has however been previously used as a community centre/youth club and for sporting activities on the field and as such limited disturbance will have occurred previously from this site. Any noise from children will generally be limited to playtimes and lunchtime and during term time.

As no details are available as to the location or anticipated noise levels of ventilation systems, air conditioning systems or mechanical plant, I would suggest that this is conditioned. Prior to the commencement of development details of noise from any ventilation systems/ air conditioning systems or other mechanical plant shall be submitted together with any required attenuation. Such a scheme to be approved by the Local Planning Authority prior to any development commencing.

I note a Transport Plan in order to minimise traffic has been included as part of the application".

It is also recommended that the County Council takes account of the impact of glare from the proposed lighting on the existing amenities of neighbouring occupiers. It is further recommended that particular attention be paid to the detail of landscaping adjacent to neighbouring occupiers boundaries to prevent impact on their existing amenities by virtue of balls being kicked against their boundary fences.

Existing Playing Fields

The site is identified as playing fields on the development limits 'saved' through the Ryedale Plan - Local Plan Strategy. The County Council has consulted Sport England on the application who has submitted a holding objection. However they have advised that they would review the objection with a view to withdrawing it, if a plan is provided that shows the playing field marked out with a pitch. On that basis, it is not recommended that the Local Planning Authority objects to the application for this reason.

Other material considerations

As the determining Authority it is recommended that the County Council takes account of the recommendations of County Archaeology in respect of a requirement for a Written Scheme of Investigation. It is not considered that the development will impact on the character or setting of any heritage assets.

In relation to potential contamination, the Council's Environmental Health Officer has advised:

"Due to the sensitive receptors on the site it is recommended that the applicants be required to provide an assessment of the site in relation to contamination. Guidance is available in the YAHPAC – Technical Guidance for Developers, Landowners and Consultants. The following condition is suggested.

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 1 Desk Study report with site walkover has been submitted to and approved in writing by the Local Planning authority. Should further intrusive investigation be recommended in the Phase 1 Report or be required by the Local Planning Authority, development shall not commence until a Site Investigation Report and if required, or requested by the Local Planning Authority, a Remediation Statement have been submitted to and approved in writing by the Local Planning authority. Reports shall be prepared in accordance with Contaminated Land Report 11 and BS10175 (2011) Code of Practice for the Investigation of Potential Contaminated Sites. Submission of a verification report to be approved in writing by the Local Planning Authority will be required on the completion of any remedial work."

RECOMMENDATION: Support

If the County Council resolve to approve the application it is recommended that conditions be imposed in relation to;

- materials
- noise mitigation
- landscaping
- land contamination
- reduction in glare from lighting
- boundary treatment
- landscaping prior to occupation of site
- Highways
- Archaeology