



PLANNING COMMITTEE

Tuesday 15 March 2016 at 6.00 pm (Following the Licensing Committee)

Council Chamber, Ryedale House, Malton

Agenda

- 1 Apologies for absence**
- 2 Minutes of meeting held on 16 February 2016** (Pages 3 - 8)
- 3 Urgent Business**

To receive notice of any urgent business which the Chairman considers should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.
- 4 Declarations of Interest**

Members to indicate whether they will be declaring any interests under the Code of Conduct.

Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. This requirement is not discharged by merely declaring a personal interest without further explanation.
- 5 15/00971/CPO - Land At Alma Farm, Kirkby Misperton** (Pages 9 - 66)
- 6 Schedule of items to be determined by Committee** (Pages 67 - 69)
- 7 15/01384/FUL - Land East Of Sheriff Hutton Industrial Estate, Sheriff Hutton**
(Pages 70 - 76)
- 8 15/01517/73A - Land North Of, Broughton Road, Malton** (Pages 77 - 111)

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| 9 | 15/01522/73A - Land North Of, Broughton Road, Malton | (Pages 112 - 129) |
| 10 | 15/01521/MFUL - The Homestead, Scarborough Road, East Heslerton | (Pages 130 - 145) |
| 11 | 15/01435/FUL - The Methodist Church And Garden, Steelmoor Lane, Barton-le-Willows | (Pages 146 - 167) |
| 12 | 15/01467/73A - 20 Eastgate, Pickering | (Pages 168 - 176) |
| 13 | 15/01482/FUL - Grange Cottage, Grange Lane, Scackleton | (Pages 177 - 196) |
| 14 | 16/00053/HOUSE -Low Meadow, Church Lane, Welburn | (Pages 197 - 208) |
| 15 | 16/00147/CPO - 68 Langton Road, Norton | (Page 209) |
| 16 | Any other business that the Chairman decides is urgent. | |
| 17 | List of Applications determined under delegated Powers. | (Pages 210 - 217) |
| 18 | Update on Appeal Decisions | (Pages 218 - 220) |

Planning Committee

Held at Council Chamber, Ryedale House, Malton
Tuesday 16 February 2016

Present

Councillors Burr MBE, Cleary, Farnell, Frank (Vice-Chairman), Goodrick, Hope, Maud, Shields, Thornton and Windress (Chairman)

Substitutes: None

In Attendance

Jo Holmes, Gary Housden, Ellis Mortimer, Rachel Smith and Anthony Winship

Minutes

158 **Apologies for absence**

There was no apologies.

159 **Minutes of meeting held on 19 January 2016**

Decision		
That the minutes of the Planning Committee held on 19 January 2016 be approved and signed as a correct record.		
[For 9	Against 0	Abstain 0]

160 **Urgent Business**

There was no urgent business.

161 **Declarations of Interest**

Councillor	Application
Hope	14
Farnell	10
Frank	6
Thornton	7

162 **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 thereon.

163 **15/01109/MFUL - Land West of Kirby Mills Road, Kirby Mills, Kirkbymoorside**

15/01109/MFUL - Erection of factory building with associated offices and staff facilities together with car parking and section of access road.

Decision

PERMISSION GRANTED - Subject to conditions as recommended.

[For 10

Against 0

Abstain 0]

In accordance with the Members Code of Conduct Councillor Frank declared a personal non pecuniary but not prejudicial interest.

164 **15/01180/MFUL - Pickering Trout Lake, Undercliffe, Pickering**

15/01180/MFUL - Infilling of fishing lake together with change of use of land to form a 158no. space car park with siting of 7no. glamping units and erection of reception building to accommodate cafe, shop, exhibition and meeting space, service kitchen, public toilets and shower rooms, storage and a 3 bedroom managers apartment to include demolition of existing service building that includes owners private accommodation, and formation of on site road, pathways and landscaping.

Decision

PERMISSION GRANTED - Subject to conditions as recommended.

[For 8

Against 1

Abstain 1]

In accordance with the Members Code of Conduct Councillor Thornton declared a personal non pecuniary but not prejudicial interest.

165 **14/01259/MFUL - Land to Rear of Firthland Road, Pickering**

14/01259/MFUL - Erection of 12 no. four bedroom dwellings, 27 no. three bedroom dwellings, and 13 no. two bedroom dwellings with associated garaging, parking, amenity areas, public open space, landscaping and formation of vehicular accesses and site roads.

Decision		
DEFERRED		
[For 9	Against 0	Abstain 0]

166 **15/01290/MFUL - Land At Ordmerstones Lane, Thornton-Le-Dale**

15/01290/MFUL - Change of use of agricultural land to a holiday campsite to include siting of 6no. timber shepherd huts for self contained holiday accommodation, ancillary timber reception building and timber utility laundry building, formation of wildlife pond, alteration to existing vehicular site access and onsite access tracks.

Decision		
PERMISSION REFUSED - As recommended.		
[For 10	Against 0	Abstain 0]

167 **15/01323/MFUL - Land East Of High Street, Slingsby, Malton**

15/01323/MFUL - Erection of 6no. two bedroom dwellings, 7no. three bedroom dwellings and 5no. four bedroom dwellings with associated garaging, parking and amenity areas and formation of vehicular access onto High Street.

Decision		
PERMISSION GRANTED - Subject to conditions as recommended and subject to Section 106 Agreement and the expiry of the consultation period and clearance from the Internal Drainage Board.		
[For 10	Against 0	Abstain 0]

In accordance with the Members Code of Conduct Councillor Farnell declared a personal non pecuniary but not prejudicial interest.

168 **15/01502/MFUL - Spaniel Farm, Main Road, Weaverthorpe**

15/01502/MFUL - Erection of a general purpose agricultural storage building.

Decision

PERMISSION GRANTED - Subject to conditions as recommended.

[For 10

Against 0

Abstain 0]

169 15/01236/FUL - Land At Cherry Farm Close, Malton

15/01236/FUL - Erection of two buildings to form 8no. units for B2 use together with formation of associated parking spaces.

Decision

PERMISSION GRANTED - Subject to conditions as recommended.

[For 10

Against 0

Abstain 0]

170 15/01339/FUL - Land West of Pasture Lane, Hovingham

15/01339/FUL - Erection of 1no. 3 bedroom dwelling, 1no. 4 bedroom dwelling and conversion of existing studio building to form 1 no. 2 bedroom dwelling and detached garage together with formation of access road and associated parking.

Decision

PERMISSION GRANTED - Subject to conditions as recommended and Section 106 Agreement.

[For 9

Against 0

Abstain 1]

171 15/01384/FUL - Land East Of Sheriff Hutton Industrial Estate, Sheriff Hutton

15/01384/FUL - Change of use of agricultural land to form a holiday park to include the erection of 10no. holiday lodges, biomass heating store and refuse store together with formation of associated gravel track, car parking spaces and vehicular access.

Decision

DEFERRED FOR A SITE VISIT - 1st March 2016 at 10am.

[For 8

Against 1

Abstain 1]

In accordance with the Members Code of Conduct Councillor Hope declared a personal non pecuniary but not prejudicial interest.

172 **15/00048/ENF215 - Land Adj to Dhekelia, Moor Lane, Broughton**

Decision

A. That the Council Solicitor be authorised in consultation with the Head of Planning and Housing Services to issue a notice pursuant to section 215 of the Town and Country Planning Act 1990 (as amended) requiring :

1. The removal from the land the builders materials, general waste, spoil and rubble

2. Restoration and levelling of the land to its former condition, through the removal of the above

3. Cultivate and seed the land with a lawn seed

B. That the Council Solicitor be authorised to take the following action:

a) Seek prosecution for the non-compliance of the section 215 Notice.

AND/OR

b) Make arrangements for direct action to carry out the works specified in steps 1 to 3 of paragraph 6.1 above to tidy the land ; and

c) To take all necessary steps to secure the recovery of all costs incurred by the placing of a charge on the property.

Reason for Recommendation – to enable the problem to be resolved as effectively as possible because the poor condition of the site and appearance of the land is detrimental to the surrounding area and neighbourhood. The despoiled land is affecting the amenity of the area and the builders rubble and other materials are visually intrusive.

[For 10 Against 0 Abstain 0]

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

There was no urgent business.

174 **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.

175 Update on Appeal Decisions

Members were advised of the following appeal decisions

Appeal Ref - APP/Y2736/D/15/3136864 - 104 Parliament Street, Norton, Malton, YO17 9HE

Appeal Ref - APP/Y2736/D/15/3138694 - North Lodge, Welburn, Kirkbymoorside, YO62 7HG

Appeal Ref - APP/Y2736/W/15/3133496 - Lynwood, The Lane, Gate Helmsley

The meeting closed at 8.40pm

Item Number:
Application No: 15/00971/CPO
Parish: Kirby Misperton Parish Council
Appn. Type: Consultation with County Planning
Applicant: Third Energy UK Gas Ltd
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
Location: Land At Alma Farm Kirby Misperton Malton North Yorkshire
Registration Date: 19 August 2015 **8/13 Week Expiry Date:** 9 September 2015
Case Officer: Gary Housden **Ext:** 307

CONSULTATIONS:

Neighbour responses: Mr Simon Sweeney,

Overall Expiry Date:

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INTRODUCTION

Members will recall that the Council's response to this planning application was deferred at the 1st December 2015 meeting of the Planning Committee following confirmation that the applicants were intending to submit further information under Regulation 22 of the E.I.A Regulations 2011 to NYCC.

This followed an earlier deferral from the Planning Committee meeting of the 10th of November 2015. In the intervening period the Council has now received two further notification and consultation letters, dated 20th January 2016 and 24th February 2016 from North Yorkshire County Council.

The purpose of the 20th January 2016 letter advised of further information comprising:-

- Information submitted by Third Energy UK Gas Limited by email on 10 December 2015:
- Lighting Impact Assessment (ref. no. 100610R2) dated 10 December 2015:
- Non-Designated Heritage Assets Impact Assessment dated 25 November 2015; and,
- Response to comments from Friends of the Earth on Ecology (ref. no. 47073367) dated December 2015
- Letter dated 21 December 2015 with regard to the Environment Agency's consultation response to the County Planning Authority;
- Letter dated 22 December 2015 from Eversheds LLP on behalf of Third Energy UK Gas Limited with regard to ant potential legal agreement;
- Letter dated 24 December 2015 accompanied by :
- Supplementary Environmental Information relating to Chapters 1 to 11 (dated 23 December 2015) of the Environmental Statement (previously submitted)

- Appendix 1 - Kirby Misperton Bridge Principle Inspection and Assessment Report (ref. no. 13716Y-02) (dated December 2015);
- Appendix 2 - Landscape and Visual Assessment (dated 18 December 2015);
- Appendix 3 - Traffic Management Plan (dated 17 December 2015);
- Appendix 4 - Lighting Impact Assessment (ref. no. 100610R2) dated 8 December 2015;
- Appendix 5 - Noise Impact Assessment of Alternative Noise Barrier System (ref. no. AP607/14327) (dated 15 December 2015; and
- Appendix 6 - Site Layout Plans.
- Letter dated 6 January 2016 accompanied by :
- Supplementary Transport Note 1; and,
- Supplementary Transport Note 2.

The 24th February 2016 letter advised of the following:-

- Information received via e-mail on Monday 25 January 2016:
- Proposed draft planning conditions:
- Information received via e-mail on Friday 5 February 2016:
- An overarching response to objections raised on behalf of FrackFreeRyedale (FFR):
- A response in respect of FFR objections on ecology matters;
- A response in respect of FFR objections on air quality matters made in Oct 15;
- A response in respect of FFR objections on air quality matters made in Nov 15;
- A response re:FFR objections on hydrogeology, water quality and Flood Risk Assessment;
- A response in respect of FFR objections on noise;
- A response in respect of FFR objections on public health; and
- A response in respect of general representations made in objection to the proposed development

For ease of reference, given the passage of time, copies of the documents informing the agenda papers on 1st December 2015 are attached, together with copies of the 2 further consultation letters from N.Y.C.C. in January and February.

In the intervening period a number of detailed (and sometimes lengthy) documents have been submitted that address the additional matters requested by NYCC under Regulation 22.

Further Assessment

Countryside Management Officer

Comments dated 25.11.2015 are attached and remain as previously stated.

At present that is no Habitat Regulations Assessment available to inspect on the NYCC website.

Economy & Community Manager

Further to earlier comments made the Economy and Community Manager has noted the submitted supplementary transport notice and makes the following additional comments:

' As you know, a draft version of the Malton to Pickering Cycle Route study report has been produced and consulted upon. Consultation has taken place with Parish Councils, District Councillors and County Councillors whose parishes or constituencies lie on or close to the proposed route. The final version of the report is due to be produced imminently and will take into account the responses received during the consultation process.

The proposed project has the support of the Ryedale Cycling Forum and is due to be implemented, subject to securing the required funding and formal consents. Funding for the detailed design and implementation of the scheme is already actively being applied for.

Much of the proposed route follows existing quite country 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.

Supplementary Transport Note 2 (STN2) indicates that during the mobilisation, pre-stimulation workover and hydraulic fracture stimulation period “Maximum daily two-way HGV movements are expected to be 48 (half to the well site, and half from the well site)”

Tables 4.1 and 4.2 of STN2 show existing vehicle flow data on Kirby Misperton Road and Habton Road respectively. Using the figures stated, it would appear that existing 7-day average daily HGV flows on the two roads are:

- 100.4 for Kirby Misperton Road
- 18.5 for Habton Road

Using the expected maximum daily 2 way HGV movement figure of 48, this represents significant projected increases in daily HGV flows on these two roads of 47.8% and 259.5% respectively. The developer’s Transport Assessment, however, suggests that this level of HGV movement will be short term in nature (8 weeks). There would no doubt be also be similar HGV movements generated during the subsequent site restoration process, post-production.

The Transport Assessment states that following the initial mobilisation and site establishment period HGV movements “will be limited to the delivery and installation of the welded flowline, which is anticipate [sic] to be two single HGV movements, and the removal of produced water...”, although no indication is provided of the anticipated number of HGV movements the removal of produced water might generate. The TA states that there will be negligible traffic movements during the period of production test and production.

In summary I would reiterate that any increase in traffic flows, particularly of HGV’s, could have a detrimental effect on the character and attractiveness of the proposed route.

I would be grateful if you could include these points in your consultation response to NYCC.'

Building Conservation Officer

To date a Non-Designated Heritage Assets Assessment has been submitted together with Supplementary Environmental Information relating to Chapters 1 to 11 of the ES. Appendix 1 refers to Kirkby Misperton Bridge - Principle Inspection and Assessment Report (dated December 2015), carried out by Mason Clark Associates - Civil & Structural Engineering Consultants.

Both documents are extensive and are currently being considered by the Council's Building Conservation Officer in the light of the Building Conservation Officers earlier objections relating to the inadequacy of submitted information in respect of both Designated and Non-Designated Assets.

Members will be updated on the late pages.

Environmental Health Officer

The Head of Planning Services at North Yorkshire County Council (NYCC) issued a letter to the applicant on 11 October 2015 and 17 November, requesting further information under Regulation 22 of

the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Other matters were also included in the letters that requested responses to consultation received to date and a request for points of clarity and a list of outstanding matters. Information was subsequently been sent to NYCC, and Ryedale District Council were formally re-consulted on the application on 20 January 2016. The Head of Planning Services at NYCC has subsequently written to the applicant on 8 February 2016, formally requesting an extension of time until 29 April 2016 and identifying the circumstances that warrant a request for a further extension of time. The agents have acknowledged receipt of the request but to date have not yet agreed to the request.

The letter of 17 November 2015 from the Head of Planning Services at NYCC requested the submission of draft planning conditions, without any prejudice to any formal decisions that the County Planning Authority may take with regard to the application. The applicants provided draft conditions based on statutory consultee responses in a response dated 25 January 2016.

NOISE

Policy

General

The National Planning Policy Framework (NPPF) (DCLG 2012) states in Paragraph 109 that as well as other listed criteria the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risks from, or being adversely affected by unacceptable levels of soil, air water or noise pollution or land instability. Paragraph 120 states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

Paragraph 122 advises that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

Noise policies

Paragraph 123 of the NPPF states that

Planning policies and decisions should aim to:

- *Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *Recognise the development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established, and*
- *Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.*

The term “significant adverse impacts” and “adverse” are explained in the Noise Policy Statement for England (Defra 2010).

Further Planning Practice Guidance: Noise was issued in 2014 further explaining the concepts of adverse effects to noise, following on from their introduction in the Noise Policy Statement for England (NPSE) and providing further general guidance on planning and noise. The Guidance advises that noise can override other planning concerns but that neither the Noise Policy Statement for England nor the NPPF (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separate from the economic, social and other environmental dimensions of proposed development.

In addition to the generic guidance on noise there is the Planning Practice Guidance: Minerals (PPGM) (DCLG 2014) which supersedes the previous Technical Guidance to the National Planning Policy Framework (2012), which contained guidance on minerals and noise. In relation to noise emissions the PPGM states that

“Those making mineral development proposals, including those for related similar processes such as aggregates recycling and disposal of construction waste, should carry out a noise impact assessment which should identify all sources of noise and , for each source, take account of the noise emission, its characteristics, the proposed operating locations, procedures, schedules and duration of work for the life of the operation, and its likely impact on the surrounding neighbourhood.

Proposals for the control or mitigation of noise emissions should:

- *consider the main characteristics of the production process and its environs, including the location of noise- sensitive properties and sensitive environmental sites;*
- *assess the existing acoustic environment around the site of the proposed operations, including background noise levels at nearby noise-sensitive properties;*
- *estimate the likely future noise from the development and its impact on the neighbourhood of the proposed operations;*
- *identify proposals to minimise, mitigate and remove noise emissions at source;*
- *monitor the resulting noise to check compliance with any proposed or imposed conditions*

The PPGM continues by advising that mineral planning authorities should determine the impact of noise by taking into account the prevailing acoustic environment and in so doing so consider whether or not noise from the proposed operations would:

- give rise to significant adverse effect;
- give rise to an adverse effect; and
- enable a good standard of amenity to be achieved

In line with the explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure would be above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation

Guidance on **What are appropriate noise standards for mineral operators for normal operations?** is given: in Paragraph 21

Mineral planning authorities should aim to establish a noise limit, through a planning condition, at the noise-sensitive property that does not exceed the background noise level (LA90,1h) by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). For operations during the evening (1900-2200) the noise limits should not exceed the background noise level (LA90,1h) by more than 10dB(A) and should not exceed 55dB(A) LAeq, 1h (free field). For any operations during the period 22.00 – 07.00 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42dB(A) LAeq, 1h (free field) at a noise sensitive property.

Where the site noise has a significant tonal element, it may be appropriate to set specific limits to control this aspect. Peak or impulsive noise, which may include some reversing beepers, may also require separate limits that are independent of background noise (e.g. Lmax in specific octave or third-octave frequency bands – and that should not be allowed to occur regularly at night.)

Care should be taken, however, to avoid any of these suggested values being implemented as fixed thresholds as specific circumstances may justify some small variation being allowed.

Paragraph 22 provides guidance on **What type of operations may give rise to particularly noisy short-term activities and what noise limits may be appropriate?**

Activities such as soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance.

Increased temporary daytime noise limits of up to 70dB(A) LAeq 1h(free field) for periods of up to eight weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs.

Where work is likely to take longer than eight weeks, a lower limit over a longer period should be considered. In some wholly exceptional cases, where there is no viable alternative, a higher limit for a very limited period may be appropriate in order to attain the environmental benefits. Within this framework, the 70dB(A) LAeq 1h(free field) limit referred to above should be regarded as a maximum.

Ryedale Local Plan (2013) – SP20

Character

Proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and neighbouring land uses and would not prejudice the continued operation of existing neighbouring land uses.

Amenity and Safety

New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.

Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise.

This must be set in the context that Ryedale District Council are consultees on this application and the application will be determined by the County Planning Authority.

Assessment

The original Environmental Statement submitted to NYCC on 29 July 2015 contains a noise assessment, which outlines the potential impact of the development with respect to noise. The assessment seeks to determine the potential noise impact on the community by comparing predicted levels against the appropriate guidance and assessing it with regard to significance. The assessment acknowledges that in some cases there is clear guidance as to what might constitute a significant impact, in other cases, interpretation and further evaluation is required before being able to draw conclusions on the significance of the predicted impact.

The assessment includes details of the relevant planning policies and other noise standards and guidance. The consultant when discussing the standards in the Planning Practice Guidance – Minerals, states that the noise limits within paragraph 21 only apply for normal mineral operations. The term is not defined, but the consultant's interpretation is that this would mean the period when the mineral asset is actually being extracted and implies a relatively long period as the limits for noise are relatively low and does not believe that they should apply to short term periods associated with site preparation and construction of facilities, both of which would be shorter term. Paragraph 22 which covers short term noisy activities such as soil-stripping, construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance, provides for much greater noise levels of up to 70 db(A)L_{Aeq},1hr (free field) for periods of up to eight weeks of the year at specified noise-sensitive premises. The paragraph however fails to mention the construction of any permanent facilities that might be associated with normal long term mineral extraction or its applicability to such activities as proposed. The consultant believes that as the 24 hour/day pre-stimulation workover activity and daytime hydraulic fracturing are both limited in time and are not long term mineral extraction activities, that paragraph 22 is relevant to both activities as is BS 5228-1, Code of practice for noise and vibration control on construction and open sites.

The assessment methodology refers to the baseline noise study which was undertaken to establish existing noise levels within the area of the proposed development and to allow comparisons with the change in noise level. Different assessment thresholds have been established for each phase of the development, based upon the Significant Observed Adverse Effect Level (SOAEL) and these are compared with predicted levels. The Lowest Observed Adverse Effect Level (LOAEL) values are lower than SOAEL values and the consultant acknowledges that there is a general obligation for the applicant to achieve lower levels close to the LOAEL, taking into account the economic and social benefit of the activity causing the noise and that design mitigation should be considered during all phases in order to seek to move towards LOAEL. The assessment methodology derives a variety of assessment thresholds considered relevant for each category of noise impact, which are summarised in Table 16.6 of the Noise Assessment.

I agree with the consultants statement that the objective of the noise mitigation strategy is to achieve levels better (lower) than SOAEL values and approach LOAEL values wherever it is reasonably practicable to do this in line with the Noise Policy Statement for England (NPSE) and Planning Policy Guidance (PPG).

It was originally proposed to mitigate the impact of the development to nearby residents by design of the equipment, limiting hydraulic fracture stimulation (the noisiest of the operations) to daytime and by the installation of 8.7m shipping container to act as sound barriers. Further information was sought by NYCC under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, regarding paragraph 6.1.1 on page 38 of the Planning Statement, which included reference to " *alternative noise attenuation systems are currently being considered*". Information was then provided that " *An alternative noise barrier system proposed for the KM8 hydraulic fracturing operation is an Echo Barrier acoustic screen system, which consists of Echo Barrier acoustic screens erected on a scaffold framework. The Echo Barrier Screens are high performance, waterproof acoustic absorption panels, which together with the scaffolding, provide an easily reconfigured system to optimise noise attenuation. In the event that noise monitoring identifies further requirement for noise attenuation additional Echo Barrier panels can be added to provide the required attenuation.*

HGV movements associated with the Echo Barrier System are approximately 68 individual HGV movements to mobilise and demobilise. When compared to the ISO container system, which requires 156 individual HGV movements to mobilise and demobilise, the Echo Barrier System represents a significant reduction in HGV movements, whilst maintaining an equally effective noise barrier."

No Noise Impact Assessment was provided of the new proposal. Following on from this a further Environmental Statement providing Supplementary Environmental Information (KM8 ES SEI/Rev0/23-12-2015) dated 23 December 2015 was submitted, which formally proposed an alternative noise attenuation system, the Echo Barrier, which now supersedes the previously proposed ISO shipping container system. The revised proposal is

'In advance of the pre-stimulation workover and subsequent hydraulic fracture stimulation, a noise attenuation barrier will be mobilized to the wellsite. The noise attenuation barrier proposed within the planning application is constructed using a combination of single height ISO 'high cube' single height shipping containers (2.9m high) at the base of the barrier and a scaffold frame extending to an overall height of 9m. Individual Echo Barrier panels, the dimensions of which are 2m x 1.2m, will then be attached to the scaffold frame, overlapping each other and the ISO shipping containers to provide a competent noise attenuation system'

Revised vehicle movements indicate a total of 72 individual HGV movements as oppose to the approximate of 68 stated above.

Following my previous criticism of the proposals a Noise Impact Assessment has been undertaken of the revised barrier in relation to the original proposal.

A further way to minimise disturbance is to avoid the development over the summer months when people are more likely to utilise their gardens, when visitors are using the nearby campsite or residents sleep with their windows open. Whilst the assessment acknowledges this, it states that the applicant will seek to undertake the pre-stimulation workover and hydraulic fracture stimulation during the autumn and winter season, however the timing of the operation is dependent upon receipt of planning consent, the issuing of Environmental Permits and availability of equipment.

Noise monitoring is also proposed during the operations identified as likely to cause the most disturbance, the pre-stimulation workover, hydraulic stimulation/well test phase and restoration.

The Impact Assessment predicts and assesses the noise generated from activities associated with the proposed development for each of the phases of work. This assessment is based on the original Noise Impact Assessment.

Pre-stimulation workover

The pre-stimulation workover will extend over 2 weeks and will be continuous over this period day and night. Predicted levels at the identified noise sensitive receptors (NSR's) with the noise barrier in place range between 31-46dB(A) LAeq,1hr. Measured pre - existing daytime ambient levels are however 52dB(A) LAeq,1hr, mainly due to traffic and milking equipment associated with the farm, but reducing to 30dB(A) LAeq,1hr at night-time. The predicted levels with the barrier in place are effective at reducing noise except in the southerly direction to Kirby O Carr, where there is only a partial barrier. The prediction is made however assuming the worse case scenario, that the rig engine will be operating continuously during the 1 hour assessment period, whereas, it is stated that in practice it will be working for no longer than 50% of the time which should reduce the quoted level by a further 3dB. In addition it advises that at detailed design stage that it may be possible to extend the partial south section of the barrier further west to reduce the impact on this property. The most sensitive period during this activity is the night time period and the predicted levels for Alma Farm and Shire Grove are considered satisfactory. In relation to Kirby O Carr the levels are predicted to be on the range 43-46 dB(A) LAeq,1hr depending upon the on- times of the workover rig. The consultant concludes that due to the predicted and limited time period the effect is considered insignificant. For Kirby O Carr, the predicted levels for night time are 12-15 dB above existing background levels. The levels are on the threshold of acceptable standards and not considered as insignificant but having regard to the two weeks duration of the activity, are considered as acceptable

Hydraulic Fracture Stimulation/Well Test

This phase follows the pre-stimulation workover and will extend over 6 weeks, during which the main potentially significant noise generating activity will be the hydraulic fracture stimulation, which will be undertaken for a period of up to five(5) hours on five(5) separate occasions during the first five (5) weeks of this phase of work. Noise levels are predicted to be higher than those during the workover rig

activity; however it is proposed that in order to minimise the impact on the community that this activity will be limited to daytime only. This will have to be defined, but it is suggested it should be between 07:00 -19:00 hrs. There will, however be preparation and low level activities taking place overnight.

Hydraulic fracture activities- daytime

Predicted levels for the hydraulic fracture activities during daytime range from 48-59 dB(A) LAeq,1hr with the barrier present. The barrier which has been designed to reduce noise for daytime activity during the hydraulic fracture stimulation/well test phase is predicting a reduction of 4dB at Alma House and Shire Grove and 6dB at Kirby O Carr, however it is Kirby O Carr which will receive the highest levels. The Consultant assesses the predicted levels as within his SOAEL threshold of 70 dB(A) LAeq,1hr daytime and 55dB(A) LAeq,1hr for evening for two of the NSR, but at Kirby O Carr the predicted level of at 59 dB(A) LAeq,1hr, exceeds the evening SOAEL. The consultant concludes that due to the predicted and limited time period the effect is considered insignificant. Again the predicted levels are not considered insignificant, but due to the mitigation of the noise barriers, the levels are considered to be acceptable and in line with PPGM Guidance, other than at Kirby O Carr. It is debatable as to what is an acceptable standard for this activity, but on balance due to the limiting of the hydraulic fracture stimulation to daytime and its limited duration, on balance I do not believe there is sufficient grounds to sustain an objection to this activity on the ground of noise.

Hydraulic fracture activities- Overnight

No hydraulic fracturing will take place on an evening or night; however, there will be lower level activities being carried out. Predicted levels for these activities with the noise barrier in place range between 28-42 LAeq,1hr, which is considered acceptable for all NSR's.

Production Test

This phase will extend over 13 weeks over a 24hour period. The production test equipment comprises a temporary high pressure flowline which will connect the KM8 well with the existing gas production equipment on site, from which gas will flow to the Knapton Generating Station via the existing underground pipeline. Although the test will continue for an extended period, including at night, the predicted greatest change in levels is no more than 1.2dB despite the baseline levels at night been very low. Noise in this phase will be similar to that during normal gas production. It is agreed that the levels will be within acceptable limits and that no noise monitoring is considered necessary, unless complaints arise. Noise in this phase will be similar to that during existing gas production.

Production

This phase would see the flowline equipment installed on a permanent basis and the hook up of an array of other equipment necessary for the permanent producing well facility. The applicant has stated an estimated period that gas could be produced from the well to be nine years. Noise again will be similar to that during existing gas production.

Restoration

Site restoration activity will generate similar levels of noise as that during the initial construction of the KMA wellsite and conditions have been suggested.

Relevant Standards applicable to this development

It must be recognised that for a proposal of this nature and given the low levels of existing noise, that some degree of noise and disturbance is inevitable, however the question is, can it be mitigated to within acceptable levels having regard to the standards and duration of the proposed development ?

The applicants acoustic consultant argues that hydraulic fracturing activity and any short term daytime activity associated with site preparation for mineral extraction or final restoration totalling less than 8 weeks/year falls under Paragraph 22 of the PPG - Minerals, and as such can generate up to 70 dB(A) LAeq,1hr. Such a level for such a period of time would be regarded as very disturbing. However it is stated that this is described as a maximum (limit) which suggests the objective would be to agree a lower limit if reasonable. The consultant does not believe that short term phases such as pre-stimulation workover and production tests which have to continue overnight are 'associated with 'normal production activities' and as should not be considered under Paragraph 21

As no quantified lower limit is specified, the consultant argues that guidance for appropriate limits during site restoration is provided within BS5228 -1, which is a standard which is used by the construction and engineering industries, and believes that as well as providing guidance on restoration BS5228-1, can be applied to other short term activities such as pre stimulation workover. A summary of proposed thresholds is provided in table 16.6 but the consultant states that the objective of the noise mitigation strategy is to achieve levels better (lower) than SOAEL values and approach LOAEL values where it is reasonably practical to do this, in line with NPSE and PPG guidance. The table however identifies maximum levels and not the predicted levels as the SOAEL levels of significance.

In addition to reviewing the original noise assessment submitted with the original Environmental Statement on 29 July 2015, I have also taken into account the criticisms of that report by MAS Environmental and subsequent response to this by Spectrum Acoustics Consultants in their letter of 9 February 2016. The latest Noise Impact Assessment submitted as part of the Supplementary Environmental Statement (23 December 2015), indicate that comparisons of the proposed alternative Echo Barrier screening system with that originally proposed shows that the acoustic performance does not significantly differ between the two.

Taking into account all the above matters, it is recommended that it is the original predicted levels that should aim to be achieved and I have suggested noise level conditions accordingly. These proposed noise levels have been accepted on a without prejudice basis by the applicants as part of their draft condition proposals.

Noise Monitoring Plan

The focus of the Noise Monitoring Plan is stated as the validation of the computer noise predictions through the monitoring and then the comparison of these with the significant effects threshold. The Plan advises that monitoring will be carried out simultaneously using unattended logging equipment capable of remote checking and downloading of data. This will monitor a range of specified noise criteria continuously during the day, evening and night for the initial period of each phase until levels are shown to be stable. Results will be reviewed initially on a daily basis and then weekly if levels become stable and levels are not expected to change. During the 5 daytime hydraulic fracturing events; levels will be reviewed within 24 hours. Final reports will be issued on completion of each of the three phases proposed to be monitored, namely the pre-stimulation workover, hydraulic fracture stimulation/well test and restoration.

There is no proposal to undertake any short term attended measurements particularly during the stages of the development which are predicted as having the largest noise impact e.g. workover and hydraulic fracturing. As audio samples cannot be analysed remotely any corrective action will be delayed and the reports as proposed will be retrospective. It is important that the Noise Monitoring Plan should either allow for attended on site analysis during the noisiest of events or have a system in place to analyse both readings and audio files remotely.

A series of Action Levels are proposed but are considered as far too high. The County Planning Authority are recommended to give consideration to requiring a revised Noise Monitoring Plan requiring attended noise monitoring/remote access to sound files and amendments to the proposed trigger levels by requiring that Action Level 1 is based on predicted levels and Action Level 2 be based

on the proposed noise conditions. In addition the County Planning Authority should be notified within 24 hours and a formal report should be issued within one week of the noise specialist's visit.

Adequate noise monitoring will indicate the accuracy of the predictions and may well influence any further similar applications.

Traffic

Traffic movement on local roads is activity that will also potentially generate noise impact. Assessments have been undertaken utilising Calculation of Road Traffic Noise (CRTN) - Department of Transport and Welsh Office and also the design Manual for Roads and Bridges (DRMB), Volume 11. The low baseline flows on Habton Road are below the 50 movements/hour considered the minimum that allows for a calculation using CRTN. The baseline traffic flows on Kirby Misperton Road are above this level. The impact assessments by the acoustic consultant indicate that predicted increase of noise from traffic associated with the pre-stimulation workover, hydraulic fracture stimulation/well test and restoration phases and the short duration of the proposed development are such that the effect on properties on the two roads is not considered to be significant. The proposals for a different noise attenuation barrier will reduce HGV movement from 156 for the original barrier to 72 for the revised barrier proposals.

Assessment of noise however is not the only criteria when assessing the impact of increased traffic flows in a rural village and surrounding areas, other factors such as size of vehicles, numbers of vehicles, access routes, times of access, duration of development, congestion etc are all relevant in making an overall assessment in relation to the impact of such a proposed development.

The County Planning Authority has raised a number of concerns over the Transport Assessment and are sought further information in their letter of 17 November 2015 to the applicant. Further information has been submitted in the Environmental Statement –Supplementary Environmental Information dated 23 December 2015.

Air quality

The original Air Quality Impact Assessment (AQIA) (ESG report 150332, Revision 8 dated 30 June 2015) identified and quantified point sources and fugitive emissions. The Assessment indicated that nitrogen dioxide would be the predominant pollutant in relation to air quality. During the high intensity operational phases of fracturing operations for a duration (3 to 4 hours with a maximum total duration of 20 hrs), it was predicted that there could be an exceedence of air quality standards. Predictions for the 1 hour mean objective for nitrogen dioxide levels at two locations closest to the wellsite indicated an exceedence of the air quality objective during fracturing operations. However, the assessment considered the maximum process contribution for full time operation over a period of one year for each of five years meteorological conditions and considered it unlikely that all periods of fracturing would coincide with the meteorological conditions necessary to result in the maximum process contributions. This assumption was not however given any level of probability.

A report (J2368/2/F1 dated 13 October 2015) was undertaken by Air Quality Consultants (AQC), raising issues with the Revision 8 ESG AQIA. ESG Issued a revised AQIA dated 17 September 2015 (Revision 10, report 150332). A subsequent AQC report, *Addendum to Review of Air Quality Assessment* (J2368/3/F1) dated 20 November 2015 was submitted as part of the Response from Frack Free Ryedale in their November submission to the County Planning Authority. ESG issued a further report, *Response to 'Review of Air Quality Assessment: Kirby Misperton A Wellsite'*, Air Quality Consultants, October 2015 (Report 150332S) dated 4 November 2015. The purpose of the report being to address the issues raised by AQC and, where appropriate, to provide additional information for areas requiring clarification. In addition a subsequent submission by ESG has reviewed the baseline monitoring data in light of comments by AQC (20 November 2015).

A review of all the above documents has been undertaken and further information has been provided in relation to my original concerns as to the possibility of short term exceedence of the 1 hour mean

objective for nitrogen dioxide. The original assessment sought to consider worse case conditions and looked at each operational phase over the period of one year with the intention that this would be taken into account. The most polluting events are short term events arising from the use of stationary and mobile equipment on site. These events are not continuous but are sporadic and limited to a relatively short overall period of operation. In order to address the concerns and to provide some definitive measures of process impact, the assessment of the entire operation has been assessed, providing a more representative approach to the determination of the impact of air quality of the proposed operation. The revised assessment seeks to provide a more representative measure of impact by looking at the entire operation and at the nearest residential locations. The maximum process contribution of all pollutants when considered on both a short term and long term basis are below the level of significance in relation to the air quality standards and as such it is not considered that process contributions will have any significant impact at the nearest residential locations to the wellsite. The Supplementary Environmental Information (23/12/2015) advises that proposed changes to the noise barrier and consequent reductions in HGVs, both will have an insignificant impact on the AQIA.

At all local sensitive nature conservation sites the impact on air quality is stated to be low and in most cases insignificant with no threat to relevant ecological benchmarks.

The Air Quality Emissions Monitoring Plan(Original 15/5/2015 and Revision 2 17/9/2015) advise that for the majority of pollutants measured the samples will be collected on a fortnightly basis and then reported to Third Energy within 20 days of the collection of the sampling. It is stated that in the case of the dust deposit gauges if the level of 100mg/m²/day¹ in any sampling period is exceeded for three consecutive periods from any of the monitoring stations then Third Energy will investigate the possible causes and initiate a short term monitoring programme to measure PM10 levels at all locations on the site. The original proposal did not provide for the submission of the results to the County Planning Authority. This has subsequently been rectified in the Regulation 22 response (25/10/2015). It is recommended that this is included by way of condition.

While this may be satisfactory for a fixed installation and long term monitoring, the delays in analysis and reporting while providing monitoring information to be compared against what was predicted, will have no practical effect if there were some measures of mitigation that could be undertaken in the interim e.g. daily visual inspection of dust levels from the roadway to arrange for damping down. The issue of dust is now taken into account in section 5.2 of the Traffic management Plan Revision 3, dated 17 December 2015. The exception to this is the proposed real time monitoring for the presence of natural gas which will be deployed at the well through fixed and portable gas detection system. If detected, gas detection equipment will provide immediate indication of the release and operational control processes can be initiated to contain any release. The portable gas monitoring in addition to monitoring methane also monitors hydrogen sulphide, oxygen and carbon monoxide.

The County Planning Authority should require a daily visual assessment of dust level, in relation to the prevailing weather conditions and these observations and any measures of mitigation undertaken logged.

No flaring is proposed on the site and it is recommended that, as proposed by the applicant it is conditioned that all gas be piped to the Knapton Generating Station for assessment during the production testing phase.

An analysis of the gas composition did not identify hydrogen sulphide (H₂S) as being present. Although odour releases during the proposed development are not anticipated, it is proposed that continual monitoring for odour will be undertaken at the wellsite, however it does not specify the duration of that monitoring or how it will be undertaken. It is therefore recommended that an Odour Monitoring Plan be submitted to the County Planning Authority for approval.

Water and waste

It is advised that 4,000m³ of water will be required to complete the proposed hydraulic fracturing operation and it is proposed to pump water from the Knapton Generating Station (KGS) to KMA via the existing pipeline ordinarily used for the transport of produced well water from KGS to KM3 water injection well. There was originally no information as to the pattern of water usage provided and some uncertainty as to the quantity of flow back water as the information states that all flowback water may be diverted directly to storage tanks and /or disposal at an approved Environment Agency facility. The County Planning Authority issued a Regulation 22 notice seeking further information and clarification on issues relating to water usage and storage in order to satisfy itself that there is sufficient storage on site for both the water requirements for the hydraulic stimulation and storage for waste water having regard to the worse case scenario regarding the anticipated flow back following hydraulic fracture stimulation operation. That information has now been provided.

The County Planning Authority should satisfy itself that in addition to adequate storage that satisfactory arrangements are in place for the transportation and final disposal of the residual flowback water. The County Planning Authority has subsequently sought assurances that the existing reinjection pipeline to be used for supplying water to MK8 would not be used for waste water re-injection of condensate down the KM3 well while the hydraulic fracture stimulation would be taking place. A statement has been provided in Chapter 3.10 of the Supplementary Environmental Information (23/12/2016) in relation to this request.

Conclusion

The application site is for an existing wellsite and for the hydraulic stimulation of an existing well. This application contains no proposal to re-drill the well or undertake lateral drilling.

The original shortcomings to the Air Quality Impact Assessment have been reassessed. The maximum process contribution of all pollutants when considered on both a short term and long term basis are below the level of significance in relation to the air quality standards and as such it is not considered that process contributions will have any significant impact at the nearest residential locations to the wellsite. A balance has to be struck between not imposing unreasonable burdens on the developer and ensuring there would be no impact or unacceptable impact on local residents and the environment. Clearly it must be recognised that for a proposal of this nature and given the low levels of existing noise, some degree of noise and disturbance is inevitable. The original application contained noise predictions based on an 8.7m noise mitigation barrier consisting of shipping containers and an inner facing absorption barrier. Subsequent Supplementary Environmental Information (23/12/2016) has been provided which proposes an alternative noise barrier, together with a Noise Impact Assessment, which concludes that the acoustic performance of the revised acoustic barrier will not significantly differ from the original proposed.

Having regard to the revised proposals and assessment of the noise barrier, proposed duration of the proposal, the noise guidance available, proposed mitigation and noise monitoring, I do not believe, if adequately conditioned, that there are sufficient grounds to sustain an objection on the grounds of noise. Having regard to all the matters considered above, I am of the opinion that if the Planning Committee is minded to recommend approval for this development to North Yorkshire County Council, the following conditions should be applied.

1. Wheel wash facilities shall be installed on the access road to the site prior to the commencement of this development and in accordance with details as set out in the approved Traffic Management Plan dated 29th June 2015 (as amended 11th December 2015, Revision 3), unless otherwise agreed with the local planning authority. These facilities shall be kept in full working order at all times. All vehicles involved in the egress from the site shall be assessed for cleanliness and shall be cleaned as necessary before leaving the site so that no mud or waste materials are deposited on the public highway.

2. A visual assessment shall be made of the access road and site in relation to dust levels twice a day (morning and afternoon) during use by vehicles. Dust emissions shall be assessed in accordance with the details as set out in the approved traffic management plan dated 29th June 2015 (as amended 11th December 2015, Revision 3) unless otherwise agreed in writing with the County Planning Authority. If levels are assessed as significant, damping down of the access road should be initiated immediately and maintained until conditions improve.

3. No HGV's involved in the delivery of materials and equipment to the site shall enter or leave the site on any day except between the following times

Monday to Saturday 0700 -1900 hours unless associated with an emergency (emergency shall be regarded as circumstances in which there is a reasonable cause for apprehending injury to persons or serious damage to property)

4. No hydraulic fracturing stimulation shall take place outside the following times; Monday to Saturday 0800 - 1800 hours and at no time on a Sunday or Bank Holiday.

5. The atmospheric emissions generated in the course of the development shall be monitored in accordance with the Air Quality Monitoring Plan Revision 2 dated 17 September 2015, submitted to the County planning Authority on 26 October 2015. The results of such monitoring should be submitted to the County Planning Authority within 28 days from collection of samples.

6. Noise

A revised Noise Management Plan shall be submitted to the County Planning Authority, incorporating revised trigger levels based around the proposed noise condition limits as set out in the table below. The Noise Management Plan shall provide for the reporting of noise levels and breach of trigger levels to the County Planning Authority. Such a plan is to be submitted for approval in writing by the County Planning Authority prior to commencement of the development.

The noise levels at the nearest sensitive receptors shall be as stated in the table below.

Pre Stimulation workover

NSR	Noise limit Day 07:00 -19:00 dB(A) LAeq, 1 hr	Noise limit Evening and night 19:00 -07:00 next day dB(A) LAeq, 1 hr
1- Alma House	41	35
2 - Kirby O Carr	55	46
3 -5 Shire Grove	47	36

Hydraulic Fracturing/Well Test - daytime

NSR	Noise limit Day 07:00 -19:00 dB(A) LAeq, 1 hr	
1- Alma House	55	Not monitored
2 - Kirby O Carr	60	
3 -5 Shire Grove	50	

Hydraulic Fracturing/Well Test - evening/nighttime

NSR	Noise evening/nighttime 19:00 -07:00 dB(A) LAeq, 1 hr	
1- Alma House	35	Not monitored
2 - Kirby O Carr	42	
3 -5 Shire Grove	35	

Production

NSR	Noise limit Day 07:00 -19:00 dB(A) LAeq, 1 hr	Noise limit Evening and night 19:00 -07:00 next day dB(A) LAeq, 1 hr
1- Alma House	45	35
2 - Kirby O Carr	55	35
3 -5 Shire Grove	50	35

Restoration*

NSR	Noise limit Day 07:00 -19:00 dB(A) LAeq, 1 hr	
1- Alma House	55	
2 - Kirby O Carr	55	
3 -5 Shire Grove	55	

* Limited to 07:00-19:00 hrs Monday to Saturday

7. All plant and machinery shall be adequately maintained and silenced in accordance with the manufacturer's recommendations at all times

8. Odour levels shall be assessed during operational works according to a scheme approved by the County Planning Authority

9. No flaring shall take place on the site and all produced gas shall be piped to the Knapton Generating Station.

10. No works of restoration shall take place outside the following times; Monday to Saturday 0700 - 1900 hours and at no time on a Sunday or Bank Holiday.

Comments on Draft Planning Conditions**Highways**

My proposed condition 1 matches the Third Energy proposed condition 7, except for the avoidance of doubt, with the added requirement that the wheel wash facilities shall be installed prior to the commencement of the development. Although the cleanliness of the roads and measures to suppress dust are referred to in Traffic Management Plan Revision 3, dated 17 December 2015. I can find no reference to wheel wash facilities.

My proposed condition 2 matches the Third Energy proposed condition 8, except for the additional requirement for action following an unsatisfactory assessment that if levels are assessed as significant, damping down of the access road should be initiated immediately and maintained until conditions improve.

Hours of Working

The Third Energy proposed condition 14 is *"With the exception of pre-stimulation workover phase and the hydraulic fracture stimulation/well test phase, no workover operations or movement of HGVs to and from the site or installation of production test equipment shall take place except between the following times:*

Monday to Friday 0700 – 1900 hours

Saturday and Sunday 0700-1900 hours

This condition shall not apply to the carrying out of essential maintenance to plant and equipment used on the site.”

My proposed condition 3 seeks to limit HGVs activities for **all** activities between 0700-1900 Monday to Saturday, i.e. excludes Sundays unless associated with an emergency. The Third Energy proposal seeks an exception for essential maintenance.

My condition 4 seeks to limit hydraulic fracturing stimulation to between 0800 -1800 hours Monday to Saturday and at no time on Sunday or Bank Holidays. The Third Energy proposed condition 15 seeks to limit such activities to

- Monday to Sunday 0700-1900 hours (April to October)
- Monday to Sunday 0800-1600 hours (November to March)

My condition 10, requiring no works of restoration shall take place outside the following times; Monday to Saturday 0700 - 1900 hours and at no time on a Sunday or Bank Holiday is linked to the proposed noise conditions. It is not proposed by Third Energy in their draft conditions.

Air Quality

My condition 5 is the same as Third Energy proposed condition 19, with the difference that they are proposing that the results of such monitoring should be submitted to the County Planning Authority at the end of each calendar year, whereas I am requiring reporting within 28 days of each sampling period.

Noise

The applicants have accepted the basis for my proposed noise conditions.

The original proposal was that in addition to the noise levels stipulated above in condition 6 that a separate noise condition in relation to noise monitoring also be imposed as detailed below.

11. Noise monitoring.

A revised Noise Management Plan shall be submitted incorporating revised trigger levels based around the proposed noise condition limits, and providing for either some on site attended measurements or remote access to audio files for on-site reporting of noise levels and actions proposed regarding breaches of trigger levels to the County Planning Authority. Such a plan to be submitted for approval in writing by the County Planning Authority, prior to commencement of the development.

The draft condition 24 proposes incorporating the requirement for a revised Noise Management Plan to take into account my previous request. I have subsequently amended my condition 6 to take account of this and removed the original condition 11.

As a consequence, the proposed condition 23 appears to add nothing to condition 24, which will require full implementation before agreement by the County Planning Authority.

The table detailed in the applicants condition 24, is in effect requiring the same levels and I would be happy to accept this table with the addition that in relation to restoration that activities are limited between 0700-1900hrs Monday to Saturday.

Proposed condition 25 “*All plant and machinery shall be adequately maintained and silenced in accordance with the manufacturer’s recommendations at all times*”, is accepted and duplicated in my proposed condition 7.

Odour

My proposed condition 8 matches Third Energy, proposed condition 26.

Flaring

My proposed condition 9 is similar to Third Energy proposed condition 27, in that both propose no flaring on site, but my proposed condition also requires that all produced gas be piped to Knapton Generating Station.'

Recommendation

- 1 The Council's Building Conservation Officer continues to appraise the further information submitted in respect of Designated and Non-Designated Heritage Assets. A final recommendation in respect of both of these issues will accompany the late pages
- 2 The Council's E.H.O. has given careful consideration to the submitted proposal in respect of noise; traffic; air quality and water has concluded that subject to strict compliance with the stringent conditions listed that he is satisfied that these requests can be satisfactorily mitigated. It is, however, requested that NYCC confirm that these conditions are acceptable to the applicant. Failure to secure agreement to the conditions listed in order to mitigate the impacts would render the application unacceptable to the E.H.O.
- 3 the Council's Economy and Community Manager continues to raise concern regarding the potential advice of the proposal on the visitor economy and the potential adverse impacts upon the proposed Malton - to - Pickering cycle route.
- 4 Final recommendation - to follow on the late pages.

**RYEDALE DISTRICT COUNCIL
PLANNING COMMITTEE**

SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE

PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING

Application No: 15/00971/CPO
Parish: Kirby Misperton Parish Council
Appn. Type: Consultation with County Planning
Applicant: Third Energy UK Gas Ltd
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
Location: Land At Alma Farm Kirby Misperton Malton North Yorkshire
Registration Date: 19 August 2015 **8/13 Week Expiry Date:** 9 September 2015
Case Officer: Gary Housden **Ext:** 307

CONSULTATIONS:

Neighbour responses: Mr Simon Sweeney,
Overall Expiry Date:

.....

INTRODUCTION

Members will recall that the Council's response to this planning application was deferred at the November meeting following the receipt of further information from North Yorkshire County Council in response to further information received from the applicant under Regulation 22 of the E.I.A Regulations 2011.

Members are requested to refer to their agenda papers for the 10th November 2015 meeting. However, for ease of reference the earlier text of the officer report is appended for ease of reference.

In response to the Regulation 22 request the County Council received for following additional information which is detailed below:-

- Regulation 22 response;
- Echo Barrier technical sheet;
- Echo Barrier scaffold barrier example;
- Load weights for the vehicle movements as set out in the planning application;

- Figure 1: Source Protection Zones;
- Figure 2: Regional Bedrock Geology;
- Figure 3: Geological Cross Section;
- DRaW: Drawing No. 01/06/001 Additional Planting and Landscape Maintenance;
- AECOM: Biodiversity Enhancement and Management Plan;
- Updated Traffic Management Plan;
- AECOM: Bat Survey Timings; and
- Figure 6.1: Completion String and Hydraulic Fracture Design (Sized to AO).

A number of minor amendments were made to documents that were also submitted in support of the planning application. These documents are:

- Planning Application (Appendix 18) and Environmental Statement Technical Appendix 15: Amended waste management plan (TE-EPRA-KM8-WMP-005 Revision 2);
- Planning Application (Appendix 6) and Environmental Statement (Appendix 1: Air Quality Impact Assessment Revision 10;
- Planning Application (Appendix 7): Air Quality Monitoring Plan Revision 2; and
- Planning Application (Appendix 15) and Environmental Statement Technical Appendix 12: Amended Seismicity - Monitoring of the Subsurface (page numbers and metric units only).

It is of note that to date nothing further has been received in respect of the impact of the development on both designated and non-designated heritage assets - a matter which is referred to in the earlier officer report from the November meeting. Both of these issues are referred to in a further letter from the Head of Planning Services to the applicant's agent dated 17th November 2015. It is suggested in that letter that further information in respect of the Grade II listed bridge over Costa Beck and a desk based analysis to assess the impact of the development on non-designated assets of historic value may be being submitted for further consideration. However, at the time of writing this report to Members no further information has been received.

(A copy of the letter dated 17th November 2015 is appended to this report)

Assessment

In terms of the additional information received the following comments are made.

Tree and Landscape Officer

No further comments in respect of the additional planting and landscape management plan.

Countryside Management Officer

Original Comments

"I am satisfied with the level of survey and the conclusions concerning risk of impacts to protected species or habitats on site and some suitable ecological enhancement measures have been included .

The potential for harm through leakage of flow back fluid into nearby watercourses to protected species and habitats away from the site (such as the Derwent SAC and SSSI) hinges on the effectiveness of the existing bund and the bore hole to retain the fluid. I would urge that some monitoring of watercourses before, during and after the operation of the site is undertaken to give some quantitative data on this question.

The NYCC ecology consultation statement mentions that they are going to carry out a HRA but I could not find this document".

The further information submitted in respect of ecological matters remains under consideration and Members will be advised of the Countryside Management Officers' views on the late pages.

Environmental Health Officer

The Head of Planning Services at North Yorkshire County Council (NYCC) issued a letter to the applicant on 11 October requiring further information under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, that required the County Planning Authority to advertise, consult and make available for comment by any interested party for a period of not less than 21 days. Other matters were also included in the letter that required further clarification. I do not propose to repeat these in this consultation response. Information has subsequently been sent to NYCC, and allowing for a 21 day consultation period, the period is due to end on 25 November 2015. The Head of Planning Services at NYCC has subsequently written to the applicant on 17 November 2015, requesting a further time extension of time and raising further concerns arising from the content of the response of the Regulation 22 request.

NOISE

Policy

General

The National Planning Policy Framework (NPPF) (DCLG 2012) states in Paragraph 109 that as well as other listed criteria the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risks from, or being adversely affected by unacceptable levels of soil, air water or noise pollution or land instability. Paragraph 120 states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

Paragraph 122 advises that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

Noise policies

Paragraph 123 of the NPPF states that Planning policies and decisions should aim to:

- *Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *Recognise the development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established, and*
- *Identify and protect areas of tranquility which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.*

The term “significant adverse impacts” and “adverse” are explained in the Noise Policy Statement for England (Defra 2010).

Further *Planning Practice Guidance: Noise* was issued in 2014 further explaining the concepts of adverse effects to noise, following on from their introduction in the Noise Policy Statement for England (NPSE) and providing further general guidance on planning and noise. The Guidance advises that noise can override other planning concerns but that neither the Noise Policy Statement for England nor the NPPF (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separate from the economic, social and other environmental dimensions of proposed development.

In addition to the generic guidance on noise there is the *Planning Practice Guidance: Minerals (PPGM)* (DCLG 2014) which supersedes the previous Technical Guidance to the National Planning Policy Framework (2012), which contained guidance on minerals and noise. In relation to noise emissions the PPGM states that

“Those making mineral development proposals, including those for related similar processes such as aggregates recycling and disposal of construction waste, should carry out a noise impact assessment which should identify all sources of noise and, for each source, take account of the noise emission, its characteristics, the proposed operating locations, procedures, schedules and duration of work for the life of the operation, and its likely impact on the surrounding neighbourhood.

Proposals for the control or mitigation of noise emissions should:

- *consider the main characteristics of the production process and its environs, including the location of noise-sensitive properties and sensitive environmental sites;*
- *assess the existing acoustic environment around the site of the proposed operations, including background noise levels at nearby noise-sensitive properties;*
- *estimate the likely future noise from the development and its impact on the neighbourhood of the proposed operations;*
- *identify proposals to minimise, mitigate and remove noise emissions at source;*
- *monitor the resulting noise to check compliance with any proposed or imposed conditions*

The PPGM continues by advising that mineral planning authorities should determine the impact of noise by taking into account the prevailing acoustic environment and in so doing so consider whether or not noise from the proposed operations would:

- *give rise to significant adverse effect;*
- *give rise to an adverse effect; and*
- *enable a good standard of amenity to be achieved*

In line with the explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure would be above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation

Guidance on **What are appropriate noise standards for mineral operators for normal operations?** is given: in Paragraph 21

Mineral planning authorities should aim to establish a noise limit, through a planning condition, at the noise-sensitive property that does not exceed the background noise level ($L_{A90,1h}$) by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). For operations during the evening (1900-2200) the noise limits should not exceed the background noise level ($L_{A90,1h}$) by more than 10dB(A) and should not exceed 55dB(A) LAeq, 1h (free field). For any operations during the period 22.00 – 07.00 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42dB(A) LAeq, 1h (free field) at a noise sensitive property.

Where the site noise has a significant tonal element, it may be appropriate to set specific limits to control this aspect. Peak or impulsive noise, which may include some reversing beepers, may also require separate limits that are independent of background noise (e.g. Lmax in specific octave or third-octave frequency bands – and that should not be allowed to occur regularly at night.)

Care should be taken, however, to avoid any of these suggested values being implemented as fixed thresholds as specific circumstances may justify some small variation being allowed.

Paragraph 22 provides guidance on **What type of operations may give rise to particularly noisy short-term activities and what noise limits may be appropriate?**

Activities such as soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance.

Increased temporary daytime noise limits of up to 70dB(A) LAeq 1h(free field) for periods of up to eight weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs.

Where work is likely to take longer than eight weeks, a lower limit over a longer period should be considered. In some wholly exceptional cases, where there is no viable alternative, a higher limit for a very limited period may be appropriate in order to attain the environmental benefits. Within this framework, the 70dB(A) LAeq 1h(free field) limit referred to above should be regarded as a maximum.

Ryedale Local Plan (2013) – SP20

Character

Proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and neighbouring land uses and would not prejudice the continued operation of existing neighbouring land uses.

Amenity and Safety

New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.

Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise.

This must be set in the context that Ryedale District Council are consultees on this application and the application will be determined by the County Planning Authority.

Assessment

The Environmental Statement contains a noise assessment, which outlines the potential impact of the development with respect to noise. The assessment seeks to determine the potential noise impact on the community by comparing predicted levels against the appropriate guidance and assessing it with regard to significance. The assessment acknowledges that in some cases there is clear guidance as to what might constitute a significant impact, in other cases, interpretation and further evaluation is required before being able to draw conclusions on the significance of the predicted impact.

The assessment includes details of the relevant planning policies and other noise standards and guidance. The consultant when discussing the standards in the Planning Practice Guidance – Minerals, states that the noise limits within paragraph 21 only apply for normal mineral operations. The term is not defined, but the consultant's interpretation is that this would mean the period when the mineral asset is actually being extracted and implies a relatively long period as the limits for noise are relatively low and does not believe that they should apply to short term periods associated with site preparation and construction of facilities, both of which would be shorter term. Paragraph 22 which covers short term noisy activities such as soil-stripping, construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance, provides for much greater noise levels of up to 70 db(A) $L_{Aeq,1hr}$ (free field) for periods of up to eight weeks of the year at specified noise-sensitive premises. The paragraph however fails to mention the construction of any permanent facilities that might be associated with normal long term mineral extraction or its applicability to such activities as proposed. The consultant believes that as the 24 hour/day pre-stimulation workover activity and daytime hydraulic fracturing are both limited in time and are not long term mineral extraction activities, that paragraph 22 is relevant to both activities as is BS 5228-1, Code of practice for noise and vibration control on construction and open sites.

The assessment methodology refers to the baseline noise study which was undertaken to establish existing noise levels within the area of the proposed development and to allow comparisons with the change in noise level. Different assessment thresholds have been established for each phase of the development, based upon the Significant Observed Adverse Effect Level (SOAEL) and these are compared with predicted levels. The Lowest Observed Adverse Effect Level (LOAEL) values are lower than SOAEL values and the consultant acknowledges that there is a general obligation for the applicant to achieve lower levels close to the LOAEL, taking into account the economic and social benefit of the activity causing the noise and that design mitigation should be considered during all phases in order to seek to move towards LOAEL. The assessment methodology derives a variety of assessment thresholds considered relevant for each category of noise impact, which are summarised in Table 16.6 of the Noise Assessment.

I agree with the consultants statement that the objective of the noise mitigation strategy is to achieve levels better (lower) than SOAEL values and approach LOAEL values wherever it is reasonably practicable to do this in line with the Noise Policy Statement for England (NPSE) and Planning Policy Guidance (PPG).

It is proposed to mitigate the impact of the development to nearby residents by design of the equipment, limiting hydraulic fracture stimulation (the noisiest of the operations) to daytime and by the installation of 8.7m screening barriers that have been designed to ensure the optimum mitigation. Paragraph 16.8.1 of the Environmental Statement advises that in addition to the 8.7m high shipping containers that on the inside surface of containers, facing inwards to the equipment, will be loosely draped a tarpaulin material set around 100m clear of the container face, to provide some sound absorption characteristic and reduce reflections. It is also stated that "*Alternative noise barriers are still being explored with the aim of reducing vehicle movements associated with the mobilisation and demobilisation of the noise barrier. In any event, the noise barrier used will be equal to or more effective in providing noise reduction at the KMA wellsite during the pre-stimulation workover and hydraulic fracture stimulation/well test phase.*" The barrier has a beneficial effect for all potential noise sensitive receptors. It has been identified by the Head of Planning Services of NYCC that these would have to be high cube containers as oppose to standard ISO shipping containers to achieve the stated height. In addition further information was sought by NYCC under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, regarding paragraph 6.1.1 on page 38 of the Planning Statement, which includes reference to "*alternative noise attenuation systems are currently being considered*". Information has now been provided that "*An alternative noise barrier system proposed for the KM8 hydraulic fracturing operation is an Echo Barrier acoustic screen system, which consists of Echo Barrier acoustic screens erected on a scaffold framework. The Echo Barrier Screens are high performance, waterproof acoustic absorption panels, which together with the scaffolding, provide an easily reconfigured system to optimise noise attenuation. In the event that noise monitoring identifies further requirement for noise attenuation additional Echo Barrier panels can be*

added to provide the required attenuation.

HGV movements associated with the Echo Barrier System are approximately 68 individual HGV movements to mobilise and demobilise. When compared to the ISO container system, which requires 156 individual HGV movements to mobilise and demobilise, the Echo Barrier System represents a significant reduction in HGV movements, whilst maintaining an equally effective noise barrier."

All the noise predictions have been based on the proposed 8.7m barrier, the proposals for a new barrier provide no details as regards their use at the application site or any noise assessment as to their effectiveness. There is no evidence provided as to if the new barrier would prove equally or more effective as the original proposed barrier. This view is reinforced by the statement in the letter from the Head of Planning, NYCC, to the applicant dated 17 November 2015.

A further way to minimise disturbance is to avoid the development over the summer months when people are more likely to utilise their gardens, when visitors are using the nearby campsite or residents sleep with their windows open. Whilst the assessment acknowledges this, it states that the applicant will seek to undertake the pre-stimulation workover and hydraulic fracture stimulation during the autumn and winter season, however the timing of the operation is dependent upon receipt of planning consent, the issuing of Environmental Permits and availability of equipment.

Noise monitoring is also proposed during the operations identified as likely to cause the most disturbance, the pre-stimulation workover, hydraulic stimulation/well test phase and restoration.

The Impact Assessment predicts and assesses the noise generated from activities associated with the proposed development for each of the phases of work.

Pre-stimulation workover

The pre-stimulation workover will extend over 2 weeks and will be continuous over this period day and night. Predicted levels at the identified noise sensitive receptors (NSR's) with the noise barrier in place range between 31-46dB(A) $L_{Aeq,1hr}$. Measured pre-existing daytime ambient levels are however 52dB(A) $L_{Aeq,1hr}$, mainly due to traffic and milking equipment associated with the farm, but reducing to 30dB(A) $L_{Aeq,1hr}$ at night-time. The predicted levels with the barrier in place are effective at reducing noise except in the southerly direction to Kirby O Carr, where there is only a partial barrier. The prediction is made however assuming the worse case scenario, that the rig engine will be operating continuously during the 1 hour assessment period, whereas, it is stated that in practice it will be working for no longer than 50% of the time which should reduce the quoted level by a further 3dB. In addition it advises that at detailed design stage that it may be possible to extend the partial south section of the barrier further west to reduce the impact on this property. The most sensitive period during this activity is the night time period and the predicted levels for Alma Farm and Shire Grove are considered satisfactory. In relation to Kirby O Carr the levels are predicted to be on the range 43-46 dB(A) $L_{Aeq,1hr}$ depending upon the on-times of the workover rig. The consultant concludes that due to the predicted and limited time period the effect is considered insignificant. For Kirby O Carr, the predicted levels for night time are 12-15 dB above existing background levels. The levels are on the threshold of acceptable standards and not considered as insignificant but having regard to the two weeks duration of the activity, are considered as acceptable. I would however wish to see if the noise barrier could be extended to mitigate further at this property, which would also assist at the hydraulic fracture stimulation phase and as such I have suggested a condition requiring a resubmitted scheme for noise mitigation, to take this into account.

Hydraulic Fracture Stimulation/Well Test

This phase follows the pre-stimulation workover and will extend over 6 weeks, during which the main potentially significant noise generating activity will be the hydraulic fracture stimulation, which will be undertaken for a period of up to five(5) hours on five(5) separate occasions during the first five (5) weeks of this phase of work. Noise levels are predicted to be higher than those during the workover rig

activity; however it is proposed that in order to minimise the impact on the community that this activity will be limited to daytime only. This will have to be defined, but it is suggested it should be between 07:00 -19:00 hrs. There will, however be preparation and low level activities taking place overnight.

Hydraulic fracture activities- daytime

Predicted levels for the hydraulic fracture activities during daytime range from 48-59 dB(A) $L_{Aeq,1hr}$ with the barrier present. The barrier which has been designed to reduce noise for daytime activity during the hydraulic fracture stimulation/well test phase is predicting a reduction of 4dB at Alma House and Shire Grove and 6dB at Kirby O Carr, however it is Kirby O Carr which will receive the highest levels. The Consultant assesses the predicted levels as within his SOAEL threshold of 70 dB(A) $L_{Aeq,1hr}$ daytime and 55dB(A) $L_{Aeq,1hr}$ for evening for two of the NSR, but at Kirby O Carr the predicted level of at 59 dB(A) $L_{Aeq,1hr}$, exceeds the evening SOAEL. The consultant concludes that due to the predicted and limited time period the effect is considered insignificant. Again the predicted levels are not considered insignificant, but due to the mitigation of the noise barriers, the levels are considered to be acceptable and in line with PPGM Guidance, other than at Kirby O Carr. It is debatable as to what is an acceptable standard for this activity, but on balance due to the limiting of the hydraulic fracture stimulation to daytime and its limited duration, on balance I do not believe there is sufficient grounds to sustain an objection to this activity on the ground of noise.

Hydraulic fracture activities- Overnight

No hydraulic fracturing will take place on an evening or night; however, there will be lower level activities being carried out. Predicted levels for these activities with the noise barrier in place range between 28-42 $L_{Aeq,1hr}$, which is considered acceptable for all NSR's.

Production Test

This phase will extend over 13 weeks over a 24hour period. The production test equipment comprises a temporary high pressure flowline which will connect the KM8 well with the existing gas production equipment on site, from which gas will flow to the Knapton Generating Station via the existing underground pipeline. Although the test will continue for an extended period, including at night, the predicted greatest change in levels is no more than 1.2dB despite the baseline levels at night been very low. Noise in this phase will be similar to that during normal gas production. It is agreed that the levels will be within acceptable limits and that no noise monitoring is considered necessary, unless complaints arise. Noise in this phase will be similar to that during existing gas production.

Production

This phase would see the flowline equipment installed on a permanent basis and the hook up of an array of other equipment necessary for the permanent producing well facility. The applicant has stated an estimated period that gas could be produced from the well to be nine years. Noise again will be similar to that during existing gas production.

Restoration

Site restoration activity will generate similar levels of noise as that during the initial construction of the KMA wellsite and conditions have been suggested.

Relevant Standards applicable to this development

It must be recognised that for a proposal of this nature and given the low levels of existing noise, that some degree of noise and disturbance is inevitable, however the question is, can it be mitigated to within acceptable levels having regard to the standards and duration of the proposed development ?

The acoustic consultant argues that hydraulic fracturing activity and any short term daytime activity associated with site preparation for mineral extraction or final restoration totalling less than 8 weeks/year falls under Paragraph 22 of the PPG - Minerals, and as such can generate up to 70 dB(A) $L_{Aeq,1hr}$. Such a level for such a period of time would be regarded as very disturbing. However it is stated that this is described as a maximum (limit) which suggests the objective would be to agree a lower limit if reasonable. The consultant does not believe that short term phases such as pre-stimulation workover and production tests which have to continue overnight are associated with 'normal production activities' and as should not be considered under Paragraph 21

As no quantified lower limit is specified, the consultant argues that guidance for appropriate limits during site restoration is provided within BS5228 -1, which is a standard which is used by the construction and engineering industries, and believes that as well as providing guidance on restoration BS5228-1, can be applied to other short term activities such as pre stimulation workover. A summary of proposed thresholds is provided in table 16.6 but the consultant states that the objective of the noise mitigation strategy is to achieve levels better (lower) than SOAEL values and approach LOAEL values where it is reasonably practical to do this, in line with NPSE and PPG guidance. The table however identifies maximum levels and not the predicted levels as the SOAEL levels of significance. It is recommended that it is the predicted levels that should aim to be achieved and I have suggested conditions accordingly.

Noise Monitoring Plan

The focus of the Noise Monitoring Plan is stated as the validation of the computer noise predictions through the monitoring and then the comparison of these with the significant effects threshold. The Plan advises that monitoring will be carried out simultaneously using unattended logging equipment capable of remote checking and downloading of data. This will monitor a range of specified noise criteria continuously during the day, evening and night for the initial period of each phase until levels are shown to be stable. Results will be reviewed initially on a daily basis and then weekly if levels become stable and levels are not expected to change. During the 5 daytime hydraulic fracturing events; levels will be reviewed within 24 hours. Final reports will be issued on completion of each of the three phases proposed to be monitored, namely the pre-stimulation workover, hydraulic fracture stimulation/well test and restoration.

There is no proposal to undertake any short term attended measurements particularly during the stages of the development which are predicted as having the largest noise impact e.g. workover and hydraulic fracturing. As audio samples cannot be analysed remotely any corrective action will be delayed and the reports as proposed will be retrospective. It is important that the Noise Monitoring Plan should either allow for attended on site analysis during the noisiest of events or have a system in place to analyse both readings and audio files remotely.

A series of Action Levels are proposed but are considered as far too high. The County Planning Authority are recommended to give consideration to requiring a revised Noise Monitoring Plan requiring attended noise monitoring/remote access to sound files and amendments to the proposed trigger levels by requiring that Action Level 1 is based on predicted levels and Action Level 2 be based on the proposed noise conditions. In addition the County Planning Authority should be notified within 24 hours and a formal report should be issued within one week of the noise specialist's visit.

Adequate noise monitoring will indicate the accuracy of the predictions and may well influence any further similar applications.

Traffic

Traffic movement on local roads is activity that will also potentially generate noise impact. Assessments have been undertaken utilising Calculation of Road Traffic Noise (CRTN) - Department of Transport and Welsh Office and also the design Manual for Roads and Bridges (DRMB), Volume 11. The low baseline flows on Habton Road are below the 50 movements/hour considered the minimum

that allows for a calculation using CRTN. The baseline traffic flows on Kirby Misperton Road are above this level. The impact assessments by the acoustic consultant indicate that predicted increase of noise from traffic associated with the pre-stimulation workover, hydraulic fracture stimulation/well test and restoration phases and the short duration of the proposed development are such that the effect on properties on the two roads is not considered to be significant.

Assessment of noise however is not the only criteria when assessing the impact of increased traffic flows in a rural village and surrounding areas, other factors such as size of vehicles, numbers of vehicles, access routes, times of access, duration of development, congestion etc are all relevant in making an overall assessment in relation to the impact of such a proposed development.

The County Planning Authority have raised a number of concerns over the Transport Assessment and are still seeking further information in their letter of 17 November 2015 to the applicant .

Air quality

An Air Quality Impact Assessment (AQIA) has been undertaken to identify and quantify point sources and fugitive emissions. The Assessment indicates that nitrogen dioxide is the predominant pollutant in relation to air quality. During the high intensity operational phases of fracturing operations for a duration (3 to 4 hours with a maximum total duration of 20 hrs), it is predicted that there could be an exceedence of air quality standards. Predictions for the 1 hour mean objective for nitrogen dioxide levels at two locations closest to the wellsite indicate an exceedence of the air quality objective during fracturing operations. However, the assessment considers the maximum process contribution for full time operation over a period of one year for each of five years meteorological conditions and considers it unlikely that all periods of fracturing will coincide with the meteorological conditions necessary to result in the maximum process contributions. This assumption is not however given any level of probability.

A longer term assessment of the predicted environmental concentrations of nitrogen dioxide indicates concentrations well below the air quality standard and at levels which will not significantly impact on air quality.

In addition, the model makes certain assumptions about the level of emissions which will be dependant on the age and emission standards for the machines.

It is recommended that the probability of an exceedence of the 1 hour mean for nitrogen dioxide is required together with the confirmation that the machinery proposed will comply with the levels utilised in the AQIA.

At all local sensitive nature conservation sites the impact on air quality is stated to be low and in most cases insignificant with no threat to relevant ecological benchmarks.

The Air Quality Emissions Monitoring Plan advises that for the majority of pollutants measured the samples will be collected on a fortnightly basis and then reported to Third Energy within 20 days of the collection of the sampling. It is stated that in the case of the dust deposit gauges if the level of $100\text{mg/m}^2/\text{day}^1$ in any sampling period is exceeded for three consecutive periods from any of the monitoring stations then Third Energy will investigate the possible causes and initiate a short term monitoring programme to measure PM10 levels at all locations on the site. The proposals do not provide for the submission of the results to the County Planning Authority, so it is recommended that this is included by way of condition.

While this may be satisfactory for a fixed installation and long term monitoring, the delays in analysis and reporting while providing monitoring information to be compared against what was predicted, will have no practical effect if there were some measures of mitigation that could be undertaken in the interim e.g. daily visual inspection of dust levels from the roadway to arrange for damping down. The exception to this is the proposed real time monitoring for the presence of natural gas which will be

deployed at the well through fixed and portable gas detection system. If detected, gas detection equipment will provide immediate indication of the release and operational control processes can be initiated to contain any release. The portable gas monitoring in addition to monitoring methane also monitors hydrogen sulphide, oxygen and carbon monoxide.

The County Planning Authority should require a daily visual assessment of dust level, in relation to the prevailing weather conditions and these observations and any measures of mitigation undertaken logged.

No flaring is proposed on the site and it is recommended that, as proposed by the applicant it is conditioned that all gas be piped to the Knapton Generating Station for assessment during the production testing phase.

An analysis of the gas composition did not identify hydrogen sulphide (H₂S) as being present. Although odour releases during the proposed development are not anticipated, it is proposed that continual monitoring for odour will be undertaken at the wellsite, however it does not specify the duration of that monitoring or how it will be undertaken. It is therefore recommended that an Odour Monitoring Plan be submitted to the County Planning Authority for approval.

Due to the possibility of exceedence of the 1 hour mean objective for nitrogen dioxide levels, during the period it is recommended that the Air Quality Emissions Monitoring plan be required to provide for real time analysis of nitrogen dioxide at either of the nearest residential premises, during periods of hydraulic stimulation, having regard to the meteorological conditions at such time

Water and waste

It is advised that 4,000m³ of water will be required to complete the proposed hydraulic fracturing operation and it is proposed to pump water from the Knapton Generating Station (KGS) to KMA via the existing pipeline ordinarily used for the transport of produced well water from KGS to KM3 water injection well. There is no information as to the pattern of water usage provided. There is some uncertainty as to the quantity of flow back water as the information states that all flowback water may be diverted directly to storage tanks and /or disposal at an approved Environment Agency facility. The County Planning Authority issued a Regulation 22 notice seeking further information and clarification on issues relating to water usage and storage in order to satisfy itself that there is sufficient storage on site for both the water requirements for the hydraulic stimulation and storage for waste water having regard to the worse case scenario regarding the anticipated flow back following hydraulic fracture stimulation operation. That information has now been provided.

The County Planning Authority should satisfy itself that in addition to adequate storage, that satisfactory arrangements are in place for the transportation and final disposal of the residual flowback water

Conclusion

The application site is for an existing wellsite and for the hydraulic stimulation of an existing well. This application contains no proposal to re-drill the well or undertake lateral drilling.

There are some shortcomings to the Air Quality Impact Assessment and associated Monitoring Plan and I require further confirmation as to probability of an exceedence of the 1 hour mean for nitrogen dioxide together with the confirmation that the machinery proposed will comply with the levels utilised in the AQIA. If this application is considered acceptable I would require the Monitoring Plan to provide for real time analysis of nitrogen dioxide at either of the nearest residential premises, during periods of hydraulic stimulation, having regard to the meteorological conditions at such time.

A balance has to be struck between not imposing unreasonable burdens on the developer and ensuring there would be no impact or unacceptable impact on local residents and the environment. Clearly it

must be recognised that for a proposal of this nature and given the low levels of existing noise, some degree of noise and disturbance is inevitable. The original application contained noise predictions based on an 8.7m noise mitigation barrier consisting of shipping containers and an inner facing absorption barrier. Subsequent information has been provided that an alternative noise barrier is proposed, with no evidence provided as to if the new barrier would prove equally or more effective as the original proposed barrier. As such I would object to this application unless such evidence is provided and can be assessed.

Having regard to the original proposals for a noise barrier, proposed duration of the proposal, the noise guidance available and the proposed mitigation and noise monitoring, I do not believe, if adequately conditioned, that there are sufficient grounds to sustain an objection on the grounds of noise.

Having regard to all the matters considered above, I am of the opinion that if the Planning Committee is minded to recommend approval for this development to North Yorkshire County Council, the following conditions should be applied. Some of the specific noise level conditions may require amendment if better levels of attenuation can be achieved particularly in relation to condition 1.

1. Prior to commencement of the development a finalised scheme of noise mitigation, including amendments to the originally proposed noise barrier shall be submitted to the County Planning Authority (particular regard having been paid to the south east part of the proposed noise barrier). The proposed measures of mitigation to be agreed in writing by the County Planning Authority prior to commencement of the development.

2. No HGV's involved in the delivery of materials and equipment to the site shall enter or leave the site on any day except between the following times Monday to Saturday 0700 -1900 hours unless associated with an emergency (emergency shall be regarded as circumstances in which there is a reasonable cause for apprehending injury to persons or serious damage to property)

3. No hydraulic fracturing stimulation shall take place outside the following times; Monday to Saturday 0800 - 1800 hours and at no time on a Sunday or Bank Holiday.

4. There shall be no access or egress by any vehicles between the highway and the application site until vehicle wheel wash facilities have been installed on the access road to the site in accordance with details to be submitted to and approved in writing by the County Planning Authority. These facilities shall be kept in full working order at all times. All vehicles involved in the egress from the site shall be assessed for cleanliness and shall be cleaned as necessary before leaving the site so that no mud or waste materials are deposited on the public highway.

5. A visual assessment shall be made of the access road and site in relation to dust levels twice a day (morning and afternoon) during use by vehicles and dust emissions shall be assessed according to a scheme submitted to and approved by the County Planning Authority.

6. Odour levels shall be assessed during operational works according to a scheme approved by the County Planning Authority.

7. A revised Air Quality Monitoring Plan shall be submitted to and approved by the County Planning Authority. The Plan shall provide for real time analysis of nitrogen dioxide at either of the nearest residential premises, during periods of hydraulic stimulation, having regard to the meteorological conditions at such time.

The atmospheric emissions generated in the course of the development shall be monitored in accordance with the Air Quality Monitoring Plan and the results of such monitoring should be submitted to the County Planning authority within 20 days from collection of samples.

8. No flaring shall take place on the site and all produced gas shall be piped to the Knapton Generating Station.

9. No works of restoration shall take place outside the following times; Monday to Saturday 0700 - 1900 hours and at no time on a Sunday or Bank Holiday.

10. Noise

The tables below give the noise limits for the particular locations, work activities and time periods.

Pre Stimulation workover

NSR	Noise limit Day 07:00 -19:00 dB(A) LAeq, 1 hr	Noise limit Evening and night 19:00 -07:00 next day dB(A) LAeq, 1 hr
1- Alma House	41	35
2 - Kirby O Carr	55	46
3 -5 Shire Grove	47	36

Hydraulic Fracturing/Well Test - daytime

NSR	Noise limit Day 07:00 -19:00 dB(A) LAeq, 1 hr	
1- Alma House	55	Not monitored
2 - Kirby O Carr	60	
3 -5 Shire Grove	50	

Hydraulic Fracturing/Well Test - evening/nighttime

NSR	Noise evening/nighttime 19:00 -07:00 dB(A) LAeq, 1 hr	
1- Alma House	35	Not monitored
2 - Kirby O Carr	42	
3 -5 Shire Grove	35	

Production

NSR	Noise limit Day 07:00 -19:00 dB(A) LAeq, 1 hr	Noise limit Evening and night 19:00 -07:00 next day dB(A) LAeq, 1 hr
1- Alma House	45	35
2 - Kirby O Carr	55	35
3 -5 Shire Grove	50	35

Restoration*

NSR	Noise limit Day 07:00 -19:00 dB(A) LAeq, 1 hr	
1- Alma House	55	
2 - Kirby O Carr	55	
3 -5 Shire Grove	55	

* Limited to 07:00-19:00 hrs

All noise levels to be free field

11. Noise monitoring.

A revised Noise Management Plan shall be submitted incorporating revised trigger levels based around the proposed noise condition limits, and providing for either some on site attended measurements or remote access to audio files for on site reporting of noise levels and actions proposed regarding breaches of trigger levels to the County Planning Authority. Such a plan to be submitted for approval in writing by the County Planning Authority prior to commencement of the development.

Economy & Community Manager

The Council's Economy & Community Manager has expressed concerns with regard to the potential impacts of the development on the local economy stating that:-

"Ryedale District Council commissions research from an organisation called TSE which identifies the value and volume of tourism annually. The 2014 figures indicate that approximately 25% of employment, or around 6,800 jobs in Ryedale are related to the visitor economy. This information is available on the RDC website

http://ryedale.gov.uk/attachments/article/699/Ryedale_Tourism_Economic_Impact_Estimates_2014.pdf

The purpose of this email is to remind you of the importance of the visitor economy to Ryedale and to ask if it is possible to negotiate similar package of measures to mitigate the potentially negative effect of Fracking in Ryedale on the visitor perception and therefore likelihood of visiting."

The Economy & Community Manager has drawn 'parallels' with another significant industrial development that was proposed elsewhere in the County and the potential in that instance for mitigation to the visitor economy in terms of possible S.106 contributions to mitigate the potentially negative effect of Fracking in Ryedale on the visitor perception and the likelihood of visiting the area.

Members will again note that reference to a possible legal agreement is made in the appended letter of the 17th of November 2015 but at the time of writing this report there are no mitigation proposals or submissions that have been drafted for consideration.

Members will note, having read the NYCC Head of Planning Service letter dated 17th November 2015 that not all of the additional information previously requested has been received and that a 'formal' extension of time to determine the application has been suggested. At this point in time the formal response of the developer to that request is not known and a number of possible outcomes remain. However, there is a risk that the additional information is not received and that NYCC is required to proceed to determine the application on the basis of the information already submitted.

It is considered, however, that Ryedale District Council should respond on the basis of the information currently submitted. If any further information under Regulation 22 is received this will be presented to Members for further consideration at a future meeting of the Planning Committee.

RECOMMENDATION - OBJECTION AND REFUSAL RECOMMENDED - subject to any further comments received from the Councils' Countryside Management Officer

On the basis of the current submission the Ryedale Council considers that inadequate information has been submitted for the Local Planning Authority to be able to properly assess the full impacts of the proposal on both designated and non-designated heritage assets. The proposal is therefore, contrary to the NPPF and the adopted development plan, Policy SP12 - Heritage.

The additional information submitted in respect of the alternative acoustic screen (as detailed in the Environmental Health Officers comments) is not accompanied by a detailed noise assessment to demonstrate its effectiveness. The EHO, therefore, objects to the amended noise barrier proposed in the absence of any further evidence to justify its use instead of the previously proposed 'container' barrier scheme.

Furthermore, it is recommended that no final decision can be made in respect of the application unless and until the remaining information requested by NYCC under the provisions of Regulation 22 of the Town and Country Planning (E.I.A) Regulations 2011 had been submitted by the applicant.

The submission of any additional information under Regulation 22 is required to be the subject of further consultation with Ryedale District Council as a statutory consultee.

Application No: 15/00971/CPO
Parish: Kirby Misperton Parish Council
Appn. Type: Consultation with County Planning
Applicant: Third Energy UK Gas Ltd
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
Location: Land At Alma Farm Kirby Misperton Malton North Yorkshire
Registration Date:
8/13 Wk Expiry Date: 9 September 2015
Overall Expiry Date:
Case Officer: Gary Housden **Ext:** 307

Neighbour responses: Mr Simon Sweeney,

INTRODUCTION

This application is submitted for Members to consider their consultation response to North Yorkshire County Council in respect of the application submitted by Third Energy UK Gas Ltd, at land at Alma Farm, Kirby Misperton.

Members will recall that Ryedale District Council met on 8th October and considered a Moratorium Resolution on Fracking. The Council's Solicitor has considered the resolution and the legal position insofar as it affect the consultation response of the Planning Committee is set out below.

The legal position is that no fracking, or drilling for oil or gas, can take place without:

- (a) Planning Permission, from the Minerals Planning Authority (in this case North Yorkshire County Council or the North York Moors National Park Authority); and
- (b) Planning Permission for any ancillary related development which is a District matter from Ryedale District Council.

As the Mineral Planning Authority, North Yorkshire County Council must consult Ryedale District Council under Article 22 of the Town and Country Planning (Development Management Procedure)(England) Order 2010.

In relation to the District Council exercising its discretion to make a consultation response in relation to a fracking application, the decisions of the District Council and its Committees are subject to the normal public law principles. These principles include the requirement that power should not be exercised in an arbitrary way.

The District Council is also subject to the common law principles which apply to all decision-making by local authorities, including the requirement to take a reasoned decision based upon all material information. When the District Council exercises its discretion it abuses its discretion if it takes into account irrelevant considerations or failing to take into account relevant considerations.

The National Planning Policy Framework gives the following advice on the determination of planning applications at Paragraphs: 001 and 004 :

“Determining a planning application

What are the time periods for determining a planning application?

Once a planning application has been validated, the local planning authority should make a decision on the proposal as quickly as possible, and in any event within the statutory time limit unless a longer period is agreed in writing with the applicant.

The [statutory time limits](#) are usually 13 weeks for applications for major development and eight weeks for all other types of development (unless an application is subject to an [Environmental Impact Assessment](#), in which case a 16 week limit applies).

Paragraph: 004 Reference ID: 21b-004-20140306

What happens if an application is not dealt with on time?

Where a valid application has not been determined within the relevant statutory period (or such other period as has been agreed in writing between the local planning authority and the applicant), the applicant has a [right to appeal to the Secretary of State](#) against non-determination.”

In this case the County Council currently has a 16 week determination period unless an extension of time is agreed in writing . The 16 week determination period expires on 18 November 2015.

The District Council has passed a resolution along the following lines at its meeting on 8 October 2015 :

(i) On the present information available the District Council calls for a 5 year moratorium on fracking in the District. When sufficient evidence becomes available the District can reconsider its policy.

(ii) It therefore calls upon the Planning Committee to take this decision into account when making its recommendation to the County on the fracking planning application.

In law, local authorities are statutory corporations which are dependent on powers given to them by statute enacted by Parliament for their ability to act. Local authorities do not have a statutory power to implement a moratorium on determining planning applications for fracking.

Against that background the statutory duty of the County Council to determine planning applications for fracking on planning grounds and the District Council’s legal power to exercise its discretion to make a consultation response in relation to a fracking application subject to the normal public law principles are not affected by the resolution.

The resolution of Ryedale District Council does not suspend the operation of the planning system in relation to the determination of planning applications for fracking by County or the exercise of the District Council’s discretion to make a consultation response in relation to a fracking application. Only Parliament and the Government can legally put in place a moratorium on fracking.

In addition the District Council cannot fetter its discretion by the adoption of a blanket policy of a moratorium when considering consultation responses.

Please also see the link below for my report on a motion relating to fracking :

<http://democracy.ryedale.gov.uk/ieListDocuments.aspx?CId=114&MId=1520&Ver=4>

THE APPLICATION

The application would comprise 5 principal phases:

- Phase 1 Pre stimulation workover
- Phase 2 Hydraulic Fracture
- Phase 3 Production Test
- Phase 4 Production and Stimulation/well test
- Phase 5 Site Restoration

Impacts arising from each phase are discussed in more detail later in this report.

The submitted application is accompanied by a detailed Environmental Statement. there are a number of technical reports which cover the following subject areas.

- Planning Statement
- Air quality
- Habitat Survey
- Heritage Impact
- Landscape and Visual Impact
- Lighting Management
- Noise
- Service Activity
- Transport Assessment and Traffic Management Plan
- Waste Management
- Flood Risk
- Hydrugeological Risk Assessment
- Baseline Water Quality Management Plan
- Foul Sewage and Utilities Assessment
- Site Restoration Plan

Full copies of the document are available to view on the County Councils website and a hard copy of the application is available for inspection at the Planning reception at Ryedale District Council's offices.

The application site - known as KM-A is an existing wellsite which is formed of two well pads - and relates to wells previously known as KM3 and KM7 and the other known as KM8. The site is approximately 800 metres to the south west of the main built up area of the village. There are however a number of individual properties that are close to the site, listed as Sugar Hill; Kirby-O-Carr Farm; High Grange Farm; Glebe Farm and a bungalow called 'Marlin'.

A plan showing the location of the site (and plans and elevations of the proposed development) are appended to this report.

POLICY

Relevant policy

National Policy

National Planning Policy Framework

Local Planning Policy

North Yorkshire Minerals Local Plan, 'Saved Policies'

4/1	Determining Applications
4/10	Water Protection
4/13	Traffic Impact
4/14	Environment and Amenity
4/15	Public Rights of Way
7/3	Geology
7/4	Appraisal Boreholes
7/5	Production Wells
7/7	Development of new reserves
7/10	Restoration

Ryedale Plan - Local Plan Strategy

SP1	General Location of Development and Settlement Hierarchy
SP6	Delivery and Distributing of Employment Land and Premises
SP12	Heritage
SP13	Landscapes
SP14	Biodiversity
SP15	Green Infrastructure Networks
SP16	Design
SP17	Managing Air Quality, Land and Water Resources
SP19	Presumption in Favour of Sustainable Development
SP20	Generic Development Management Issues

ASSESSMENT

The application documentation has been appraised by officers who have made the following comments in response to the information received.

Countryside Management Officer

I am satisfied with the level of survey and the conclusions concerning risk of impacts to protected species or habitats on site and some suitable ecological enhancement measures have been included .

The potential for harm through leakage of flow back fluid into nearby watercourses to protected species and habitats away from the site (such as the Derwent SAC and SSSI) hinges on the effectiveness of the existing bund and the bole hole to retain the fluid. I would urge that some monitoring of watercourses before, during and after the operation of the site is undertaken to give some quantitative data on this question.

The NYCC ecology consultation statement mentions that they are going to carry out a HRA but I could not find this document.

Building Conservation Officer

- The Heritage Impact Assessment identifies the possibility of non-designated Heritage assets being affected but there is no further assessment in the documentation.
- Documentation indicates that HGV's associated with the development would use the route crossing the Grade II listed bridge over Costa Beck. Again there is no proper assessment for the impact of the development on this designated heritage asset.
- The application as currently submitted therefore fails to satisfy the requirement that designated and non-designated heritage assets have been properly assessed as part of EIA process.

Tree and Landscape Officer

- The application site is located on an established well site which in part has mature and established landscaping.
- Additional planting is recommended on the newer less established boundaries, particularly the north eastern boundary where it is close to an existing Public Right of Way (PROW).
- If permission is granted conditions are recommended to this effect.

Environmental Health Officer

Planning Application NY/2015/0233/ENV

The Head of Planning Services at North Yorkshire County Council has issued a letter to the applicants on 11 October requiring further information under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, that will require the County Planning Authority to advertise, consult and make available for comment by any interested party for a period of not less than 21 days. Other matters are also included in the letter that require further clarification. I do not propose to repeat these in this consultation response.

NOISE

Policy General

The National Planning Policy Framework (NPPF) (DCLG 2012) states in Paragraph 109 that as well as other listed criteria the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risks from, or being adversely affected by unacceptable levels of soil, air water or noise pollution or land instability. Paragraph 120 states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

Paragraph 122 advises that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

Noise policies

Paragraph 123 of the NPPF states that

Planning policies and decisions should aim to:

- *Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *Recognise the development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established, and*
- *Identify and protect areas of tranquility which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.*

The term “significant adverse impacts” and “adverse” are explained in the Noise Policy Statement for England (Defra 2010).

Further *Planning Practice Guidance: Noise* was issued in 2014 further explaining the concepts of adverse effects to noise, following on from their introduction in the Noise Policy Statement for England (NPSE) and providing further general guidance on planning and noise. The Guidance advises that noise can override other planning concerns but that neither the Noise Policy Statement for England nor the NPPF (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separate from the economic, social and other environmental dimensions of proposed development.

In addition to the generic guidance on noise there is the *Planning Practice Guidance: Minerals (PPGM) (DCLG 2014)* which supersedes the previous Technical Guidance to the National Planning Policy Framework (2012), which contained guidance on minerals and noise. In relation to noise emissions the PPGM states that

“Those making mineral development proposals, including those for related similar processes such as aggregates recycling and disposal of construction waste, should carry out a noise impact assessment which should identify all sources of noise and, for each source, take account of the noise emission, its characteristics, the proposed operating locations, procedures, schedules and duration of work for the life of the operation, and its likely impact on the surrounding neighbourhood.”

Proposals for the control or mitigation of noise emissions should:

- *consider the main characteristics of the production process and its environs, including the location of noise-sensitive properties and sensitive environmental sites;*
- *assess the existing acoustic environment around the site of the proposed operations, including background noise levels at nearby noise-sensitive properties;*
- *estimate the likely future noise from the development and its impact on the neighbourhood of the proposed operations;*
- *identify proposals to minimise, mitigate and remove noise emissions at source;*
- *monitor the resulting noise to check compliance with any proposed or imposed conditions*

The PPGM continues by advising that mineral planning authorities should determine the impact of noise by taking into account the prevailing acoustic environment and in so doing so consider whether or not noise from the proposed operations would:

- *give rise to significant adverse effect;*
- *give rise to an adverse effect; and*
- *enable a good standard of amenity to be achieved*

In line with the explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure would be above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation

Guidance on **What are appropriate noise standards for mineral operators for normal operations?**) is given: in Paragraph 21

Mineral planning authorities should aim to establish a noise limit, through a planning condition, at the noise-sensitive property that does not exceed the background noise level ($L_{A90,1h}$) by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) $L_{Aeq, 1h}$ (free field). For operations during the evening (1900-2200) the noise limits should not exceed the background noise level ($L_{A90, 1h}$) by more than 10dB(A) and should not exceed 55dB(A) $L_{Aeq, 1h}$ (free field).

For any operations during the period 22.00 – 07.00 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42dB(A) LAeq,1h (free field) at a noise sensitive property.

Where the site noise has a significant tonal element, it may be appropriate to set specific limits to control this aspect. Peak or impulsive noise, which may include some reversing beepers, may also require separate limits that are independent of background noise (e.g. Lmax in specific octave or third-octave frequency bands – and that should not be allowed to occur regularly at night.)

Care should be taken, however, to avoid any of these suggested values being implemented as fixed thresholds as specific circumstances may justify some small variation being allowed.

Paragraph 22 provides guidance on **What type of operations may give rise to particularly noisy short-term activities and what noise limits may be appropriate?**

Activities such as soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance.

Increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods of up to eight weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs.

Where work is likely to take longer than eight weeks, a lower limit over a longer period should be considered. In some wholly exceptional cases, where there is no viable alternative, a higher limit for a very limited period may be appropriate in order to attain the environmental benefits. Within this framework, the 70dB(A) LAeq 1h (free field) limit referred to above should be regarded as a maximum.

Ryedale Local Plan (2013) – SP20

Character

Proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and neighbouring land uses and would not prejudice the continued operation of existing neighbouring land uses.

Amenity and Safety

New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.

Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise.

This must be set in the context that Ryedale District Council are consultees on this application and the application will be determined by the County Planning Authority.

Assessment

The Environmental Statement contains a noise assessment, which outlines the potential impact of the development with respect to noise. The assessment seeks to determine the potential noise impact on the community by comparing predicted levels against the appropriate guidance and assessing it with regard to significance. The assessment acknowledges that in some cases there is clear guidance as to what might constitute a significant impact, in other cases, interpretation and further evaluation is required before being able to draw conclusions on the significance of the predicted impact.

The assessment includes details of the relevant planning policies and other noise standards and guidance. The consultant when discussing the standards in the Planning Practice Guidance –Minerals, states that the noise limits within paragraph 21 only apply for normal mineral operations. The term is not defined but the consultant's interpretation is that this would mean the period when the mineral asset is actually being extracted and implies a relatively long period as the limits for noise are relatively low and does not believe that they should apply to short term periods associated with site preparation and construction of facilities, both of which would be shorter term. Paragraph 22 which covers short term noisy activities such as soil-stripping, construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance, provides for much greater noise levels of up to 70 db(A) $L_{Aeq,1hr}$ (free field) for periods of up to eight weeks of the year at specified noise-sensitive premises. The paragraph however fails to mention the construction of any permanent facilities that might be associated with normal long term mineral extraction or its applicability to such activities as proposed. The consultant believes that as the 24 hour/day pre-stimulation workover activity and daytime hydraulic fracturing are both limited in time and are not long term mineral extraction activities, that paragraph 22 is relevant to both activities as is BS 5228-1, a code of practice for noise and vibration control on construction and open sites.

The assessment methodology refers to the baseline noise study which was undertaken to establish existing noise levels within the area of the proposed development and to allow comparisons with the change in noise level. Different assessment thresholds have been established for each phase of the development, based upon the Significant Observed Adverse Effect Level (SOAEL) and these are compared with predicted levels. The Lowest Observed Adverse Effect Level (LOAEL) values are lower than SOAEL values and the consultant acknowledges that there is a general obligation for the Applicant to achieve lower levels close to the LOAEL, taking into account the economic and social benefit of the activity causing the noise and that design mitigation should be considered during all phases in order to seek to move towards LOAEL. The assessment methodology derives a variety of assessment thresholds considered relevant for each category of noise impact, which are summarised in Table 16.6 of the Noise Assessment.

I agree with the consultants statement that the objective of the noise mitigation strategy is to achieve levels better (lower) than SOAEL values and approach LOAEL values wherever it is reasonably practicable to do this in line with the Noise Policy Statement for England (NPSE) and Planning Policy Guidance (PPG).

It is proposed to mitigate the impact of the development to nearby residents by design of the equipment, limiting hydraulic fracture stimulation (the noisiest of the operations) to daytime and by the installation of 8.7m screening barriers that have been designed to ensure the optimum mitigation. The barrier has a beneficial effect for all potential noise sensitive receptors. It has been identified by the Head of Planning Services of NYCC that these would have to be high cube containers as oppose to standard ISO shipping containers to achieve the stated height. In addition further information is being sought regarding paragraph 6.1.1 on page 38 of the Planning Statement, which includes reference to "*alternative noise attenuation systems are currently being considered*".

In addition, a further way to minimise disturbance is to avoid the development over the summer months when people are more likely to utilise their gardens, when visitors are using the nearby campsite or residents sleep with their windows open. Whilst the assessment acknowledges this, it states that the applicant will seek to undertake the pre-stimulation workover and hydraulic fracture stimulation during the autumn and winter season, however the timing of the operation is dependent upon receipt of planning consent, the issuing of Environmental Permits and availability of equipment. Noise monitoring is also proposed during the operations identified as likely to cause the most disturbance, the pre-stimulation workover, hydraulic stimulation/well test phase and restoration.

The Impact Assessment predicts and assesses the noise generated from activities associated with the proposed development for each of the phases of work.

Pre-stimulation workover

The pre-stimulation workover will extend over 2 weeks and will be continuous over this period day and night. Predicted levels at the identified noise sensitive receptors (NSR's) with the noise barrier in place range between 31-46dB(A) $L_{Aeq,1hr}$. Measured pre-existing daytime ambient levels are however 52dB(A) $L_{Aeq,1hr}$, mainly due to traffic and milking equipment associated with the farm, but reducing to 30dB(A) $L_{Aeq,1hr}$ at night-time. The predicted levels with the barrier in place are effective at reducing noise except in the southerly direction to Kirby O Carr, where there is only a partial barrier. The prediction is however made assuming the worse case scenario that the rig engine will be operating continuously during the 1 hour assessment period, whereas, it is stated that in practice it will be working for no longer than 50% of the time which should reduce the quoted level by a further 3dB. In addition it advises that at detailed design stage that it may be possible to extend the partial south section of the barrier further west to reduce the impact on this property. The most sensitive period during this activity is the night time period and the predicted levels for Alma Farm and Shire Grove are considered satisfactory. In relation to Kirby O Carr the levels are predicted to be on the range 43-46 dB(A) $L_{Aeq,1hr}$ depending upon the on-times of the workover rig. The consultant concludes that due to the predicted and limited time period the effect is considered insignificant. For Kirby O Carr, the predicted levels for night time are 12-15 dB above existing background levels. The levels are on the threshold of acceptable standards and not considered as insignificant but having regard to the two weeks duration of the activity, are considered as acceptable. I would however wish to see if the noise barrier could be extended to mitigate further at this property, which would also assist at the hydraulic fracture stimulation phase and as such I have suggested a condition requiring a resubmitted scheme for noise mitigation, to take this into account.

Hydraulic Fracture Stimulation/Well Test

This phase follows the pre-stimulation workover and will extend over 6 weeks, during which the main potentially significant noise generating activity will be the hydraulic fracture stimulation, which will be undertaken for a period of up to five(5) hours on five(5) separate occasions during the first five (5) weeks of this phase of work. Noise levels are predicted to be higher than those during the workover rig activity; however it is proposed that in order to minimise the impact on the community that this activity will be limited to daytime only. This will have to be defined, but it is suggested it should be between 07:00 -19:00 hrs. There will, however be preparation and low level activities taking place overnight.

Hydraulic fracture activities- daytime

Predicted levels for the hydraulic fracture activities during daytime range from 48-59 dB(A) $L_{Aeq,1hr}$ with the barrier present. The barrier which has been designed to reduce noise for daytime activity during the hydraulic fracture stimulation/well test phase is predicting a reduction of 4dB at Alma House and Shire Grove and 6dB at Kirby O Carr, however it is Kirby O Carr which will receive the highest levels. The Consultant assesses the predicted levels as within his SOAEL threshold of 70 dB(A) $L_{Aeq,1hr}$ daytime and 55dB(A) $L_{Aeq,1hr}$ for evening for two of the NSR, but at Kirby O Carr the predicted level of at 59 dB(A) $L_{Aeq,1hr}$ exceeds the evening SOAEL. The consultant concludes that due to the predicted and limited time period the effect is considered insignificant. Again the predicted levels are not considered insignificant, but due to the mitigation of the noise barriers, the levels are considered to be acceptable and in line with PPGM Guidance, other than at Kirby O Carr. It is debatable as to what is an acceptable standard for this activity, but on balance due to the limiting of the hydraulic fracture stimulation to daytime and its limited duration, on balance I do not believe there is sufficient grounds to sustain an objection to this activity on the ground of noise.

Hydraulic fracture activities- Overnight

No hydraulic fracturing will take place on an evening or night; however, there will be lower level activities being carried out. Predicted levels for these activities with the noise barrier in place range between 28-42 LAeq,1hr, which is considered acceptable for all NSR's.

Production Test

This phase will extend over 13 weeks over a 24-hour period. The production test equipment comprises a temporary high pressure flowline which will connect the KM8 well with the existing gas production equipment on site, from which gas will flow to the Knapton Generating Station via the existing underground pipeline. Although the test will continue for an extended period, including at night, the predicted greatest change in levels is no more than 1.2dB despite the baseline levels at night been very low. Noise in this phase will be similar to that during normal gas production. It is agreed that the levels will be within acceptable limits and that no noise monitoring is considered necessary, unless complaints arise. Noise in this phase will be similar to that during existing gas production.

Production

This phase would see the flowline equipment installed on a permanent basis and the hook up of an array of other equipment necessary for the permanent producing well facility. The applicant has stated an estimated period that gas could be produced from the well to be nine years. Noise again will be similar to that during existing gas production.

Restoration

Site restoration activity will generate similar levels of noise as that during the initial construction of the KMA wellsite and conditions have been suggested.

Relevant Standards applicable to this development

It must be recognised that for a proposal of this nature and given the low levels of existing noise, that some degree of noise and disturbance is inevitable, however the question is, can it be mitigated to within acceptable levels having regard to the standards and duration of the proposed development?

The acoustic consultant argues that hydraulic fracturing activity and any short term daytime activity associated with site preparation for mineral extraction or final restoration totalling less than 8 weeks/year falls under Paragraph 22 of the PPG - Minerals, and as such can generate up to 70 dB(A) $L_{Aeq,1hr}$. Such a level for such a period of time would be regarded as very disturbing. However it is stated that this is described as a maximum (limit) which suggests the objective would be to agree a lower limit if reasonable. The consultant does not believe that short term phases such as pre-stimulation workover and production tests which have to continue overnight are associated with 'normal production activities' and as should not be considered under Paragraph 21

As no quantified lower limit is specified, the consultant argues that guidance for appropriate limits during site restoration is provided within BS5228 -1, which is a standard which is used by the construction and engineering industries, and believes that as well as providing guidance on restoration BS5228-1, can be applied to other short term activities such as pre stimulation workover. A summary of proposed thresholds is provided in table 16.6 but the consultant states that the objective of the noise mitigation strategy is to achieve levels better (lower) than SOAEL values and approach LOAEL values where it is reasonably practical to do this, in line with NPSE and PPG guidance. The table however identifies maximum levels and not the predicted levels as the SOAEL levels of significance. It is recommended that it is the predicted levels that should aim to be achieved and I have suggested conditions accordingly.

Noise Monitoring Plan

The focus of the Noise Monitoring Plan is stated as the validation of the computer noise predictions through the monitoring and then the comparison of these with the significant effects threshold. The reporting advises that monitoring will be carried out simultaneously using unattended logging equipment capable of remote checking and downloading of data. This will monitor a range of specified noise criteria continuously during the day, evening and night for the initial period of each phase until levels are shown to be stable. results will be reviewed initially on a daily basis and then weekly if levels become stable and levels are not expected to change. During the 5 daytime hydraulic fracturing events; levels will be reviewed within 24 hours. Final reports will be issued on completion of each of the three phases proposed to be monitored, namely the pre-stimulation workover, hydraulic fracture stimulation/well test and restoration.

These detailed reports will be retrospective but will indicate the accuracy of the predictions and may well influence any further similar applications. A series of Action Levels are proposed, but the County Planning Authority are recommended to give consideration to requiring amendments to these trigger levels by requiring that Action Level 1 is based on predicted levels and Action Level 2 be based on the proposed noise conditions.

In addition the County Planning Authority should be notified within 24 hours and a formal report should be issued within one week of the noise specialist's visit.

Traffic

Traffic movement on local roads is activity that will also potentially generate noise impact. Assessments have been undertaken utilising Calculation of Road Traffic Noise (CRTN) - Department of Transport and Welsh Office and also the design Manual for Roads and Bridges (DRMB), Volume 11. The low baseline flows on Habton Road are below the 50 movements/hour considered the minimum that allows for a calculation using CRTN. The baseline traffic flows on Kirby Misperton Road are above this level. The impact assessments by the acoustic consultant indicate that predicted increase of noise from traffic associated with the pre-stimulation workover, hydraulic fracture stimulation/well test and restoration phases and the short duration of the proposed development are such that the effect on properties on the two roads is not considered to be significant.

Assessment of noise however is not the only criteria when assessing the impact of increased traffic flows in a rural village and surrounding areas, other factors such as size of vehicles, numbers of vehicles, access routes, times of access, duration of development, congestion etc are all relevant in making an overall assessment in relation to the impact of such a proposed development.

The County Planning Authority have raised a number of concerns over the Transport Assessment, including an assertion that the time of year it was undertaken was unrepresentative.

Air quality

An Air Quality Impact Assessment has been undertaken to identify and quantify point sources and fugitive emissions. The Assessment indicates that nitrogen dioxide is the predominant pollutant in relation to air quality. During the high intensity operational phases of fracturing operations for a duration (3 to 4 hours with a maximum total duration of 20 hrs), it is predicted that there could be an exceedance of air quality standards. However, the assessment considers the maximum process contribution for full time operation over a period of one year for each of five years meteorological conditions and considers it unlikely that all periods of fracturing will coincide with the meteorological conditions necessary to result in the maximum process contributions. A longer term assessment of the predicted environmental concentrations of nitrogen dioxide indicates concentrations well below the air quality standard and at levels which will not significantly impact on air quality. At all local sensitive nature conservation sites the impact on air quality is stated to be low and in most cases insignificant with no threat to relevant ecological benchmarks.

The Air Quality Emissions Monitoring Plan advises that for the majority of pollutants measured the samples will be collected on a fortnightly basis and then reported to Third Energy within 20 days of the collection of the sampling. It is stated that in the case of the dust deposit gauges if the level of $100\text{mg/m}^2/\text{day}^1$ in any sampling period is exceeded for three consecutive periods from any of the monitoring stations then Third Energy will investigate the possible causes and initiate a short term monitoring programme to measure PM10 levels at all locations on the site. The proposals do not provide for the submission of the results to the County Planning Authority, so it is recommended that this is included by way of condition.

While this may be satisfactory for a fixed installation and long term monitoring, the delays in analysis and reporting while providing monitoring information to be compared against what was predicted, will have no practical effect if there were some measures of mitigation that could be undertaken in the interim e.g. daily visual inspection of dust levels from the roadway to arrange for damping down. The exception to this is the proposed real time monitoring for the presence of natural gas which will be deployed at the well through fixed and portable gas detection system.

If detected, gas detection equipment will provide immediate indication of the release and operational control processes can be initiated to contain any release. The portable gas monitoring in addition to monitoring methane also monitors hydrogen sulphide, oxygen and carbon monoxide.

The County Planning Authority should require a daily visual assessment of dust level, in relation to the prevailing weather conditions and these observations and any measures of mitigation undertaken logged.

No flaring is proposed on the site and it is recommended that, as proposed by the applicant it is conditioned that all gas be piped to the Knapton Generating Station for assessment during the production testing phase.

An analysis of the gas composition did not identify hydrogen sulphide (H₂S) as being present. Although odour releases during the proposed development are not anticipated, it is proposed that continual monitoring for odour will be undertaken at the wellsite, however it does not specify the duration of that monitoring or how it will be undertaken. It is therefore recommended that an Odour Monitoring Plan be submitted to the County Planning Authority for approval.

Water and waste

It is advised that 4,000m³ of water will be required to complete the proposed hydraulic fracturing operation and it is proposed to pump water from the Knapton Generating Station (KGS) to KMA via the existing pipeline ordinarily used for the transport of produced well water from KGS to KM3 water injection well. There is no information as to the pattern of water usage provided. There is some uncertainty as to the quantity of flow back water as the information states that all flowback water may be diverted directly to storage tanks and /or disposal at an approved Environment Agency facility. The County Planning Authority have issued a Regulation 22 notice seeking further information and clarification on issues relating to water usage and storage in order to satisfy itself that there is sufficient storage on site for both the water requirements for the hydraulic stimulation and storage for waste water having regard to the worse case scenario regarding the anticipated flow back following hydraulic fracture stimulation operation.

The County Planning Authority should satisfy itself that in addition to adequate storage, that satisfactory arrangements are in place for the transportation and final disposal of the residual flowback water.

Environmental Health Officer Conclusions

The application site is for an existing wellsite and for the hydraulic stimulation of an existing well. This application contains no proposal to re-drill the well or undertake lateral drilling.

A balance has to be struck between not imposing unreasonable burdens on the developer and ensuring there would be no impact or unacceptable impact on local residents and the environment. Clearly it must be recognised that for a proposal of this nature and given the low levels of existing noise, some degree of noise and disturbance is inevitable. Having regard to the proposed duration of the proposal, the noise guidance available and the proposed mitigation and noise monitoring, I do not believe, if adequately conditioned, that there are sufficient grounds to sustain an objection on the grounds of noise.

Having regard to all the matters considered above, I am of the opinion that if the Council is minded to recommend approval for this development to North Yorkshire County Council, the following conditions should be applied:

1. Prior to commencement of the development a finalised scheme of noise mitigation shall be submitted to the County Planning Authority (particular regard having been paid to the south east part of the proposed noise barrier). The proposed measures of mitigation to be agreed in writing by the County Planning Authority prior to commencement of the development.

2. No HGV's involved in the delivery of materials and equipment to the site shall enter or leave the site on any day except between the following times

Monday to Saturday 0700 -1900 hours unless associated with an emergency (emergency shall be regarded as circumstances in which there is a reasonable cause for apprehending injury to persons or serious damage to property)

3. No hydraulic fracturing stimulation shall take place outside the following times; Monday to Saturday 0700 - 1900 hours and at no time on a Sunday or Bank Holiday.

4. There shall be no access or egress by any vehicles between the highway and the application site until vehicle wheel wash facilities have been installed on the access road to the site in accordance with details to be submitted to and approved in writing by the County Planning Authority. These facilities shall be kept in full working order at all times. All vehicles involved in the egress from the site shall be assessed for cleanliness and shall be cleaned as necessary before leaving the site so that no mud or waste materials are deposited on the public highway.

5. A visual assessment shall be made of the access road and site in relation to dust levels twice a day (morning and afternoon) during use by vehicles and dust emissions shall be assessed according to a scheme submitted to and approved by the County Planning Authority.

6. Odour levels shall be assessed during operational works according to a scheme approved by the County Planning Authority.

7. The atmospheric emissions generated in the course of the development shall be monitored in accordance with the Air Quality Monitoring Plan and the results of such monitoring should be submitted to the County Planning authority within 20 days from collection of samples.

8.No flaring shall take place on the site and all produced gas shall be piped to the Knapton Generating Station.

9. Noise

The tables below give the noise limits for the particular locations, work activities and time periods.

Pre Stimulation workover

NSR	Noise limit Day 07:00 -19:00 dB(A) LAeq, 1 hr	Noise limit Evening and night 19:00 - 07:00 next day dB(A) LAeq, 1 hr
1- Alma House	41	35
2 - Kirby O Carr	55	46
3 -5 Shire Grove	47	36

Hydraulic Fracturing/Well Test - daytime

NSR	Noise limit Day 07:00 -19:00 dB(A) LAeq, 1 hr	
1- Alma House	55	Not monitored
2 - Kirby O Carr	60	
3 -5 Shire Grove	50	

Hydraulic Fracturing/Well Test - evening/nighttime

NSR	Noise evening/nighttime 19:00 -07:00 dB(A) LAeq, 1 hr	
1- Alma House	35	Not monitored
2 - Kirby O Carr	42	
3 -5 Shire Grove	35	

Production

NSR	Noise limit Day 07:00 -19:00 dB(A) LAeq, 1 hr	Noise limit Evening and night 19:00 - 07:00 next day dB(A) LAeq, 1 hr
1- Alma House	45	35
2 - Kirby O Carr	55	35
3 -5 Shire Grove	50	35

Restoration*

NSR	Noise limit Day 07:00 -19:00 dB(A) LAeq, 1 hr	
1- Alma House	55	
2 - Kirby O Carr	55	
3 -5 Shire Grove	55	

* Limited to 07:00-19:00 hrs

All noise levels to be free field

10. Noise monitoring.

A revised Noise Management Plan shall be submitted incorporating revised trigger levels based around the proposed noise condition limits, and providing for the reporting of noise levels and breaches of trigger levels to the County Planning Authority. Such a plan to be submitted for approval in writing by the County Planning Authority prior to commencement of the development.

CONCLUSION

At the current time it is understood that a formal request has been made by NYCC Head of Planning Services for further information under Regulation 22 of the EIA Regulations. If further information is submitted this will require the Local Planning Authority (NYCC) to advertise, consult and make available the further information after a period of at least 21 days.

At the current point in time it is considered there are several technical consultees who have yet to respond to the initial consultation (including NYCC - Highways and the Environment Agency). It is difficult to respond in detail in respect of key issues in respect of the traffic and ground water/potential pollution issues in the absence of the further information that has been requested, or the responses from consultees.

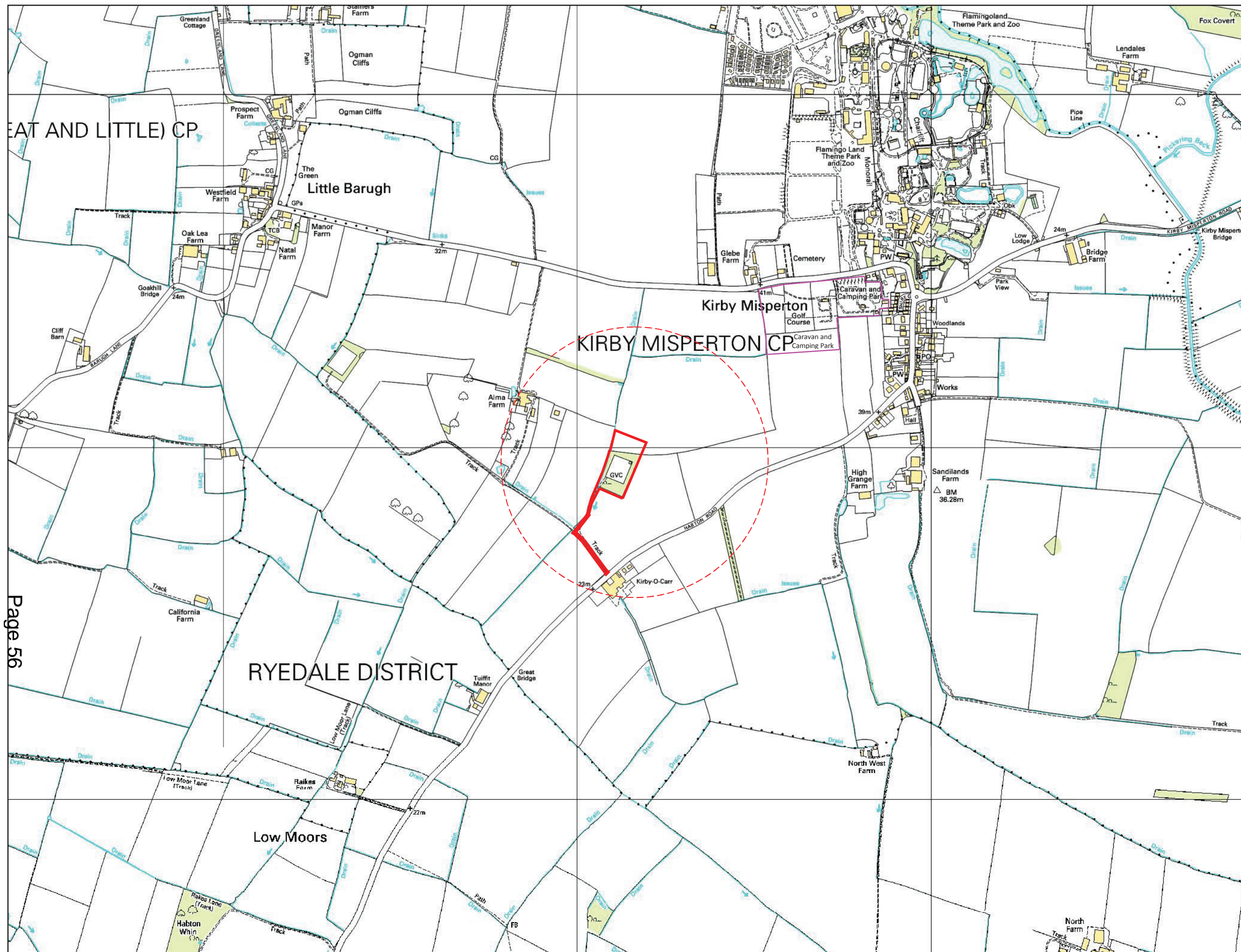
RECOMMENDATION - OBJECTION AND REFUSAL RECOMMENDED

On the basis of the current submission the Ryedale Council considers that inadequate information has been submitted for the Local Planning Authority to be able to properly assess the full impacts of the proposal on both designated and non-designated heritage assets. The proposal is therefore, contrary to the NPPF and the adopted development plan, Policy SP12 - Heritage.

Furthermore, it is recommended that no final decision can be made in respect of the application unless and until the further information requested by NYCC under the provisions of Regulation 22 of the Town and Country Planning (E.I.A) Regulations 2011 had been submitted by the applicant.

The submission of any additional information under Regulation 22 is required to be the subject of further consultation with Ryedale District Council as a statutory consultee.

RECOMMENDATION: **Refusal**



Key:

Site Location



Extent of
Subsurface Works



Caravan Park



Petroleum Safety Services
23a Milton Street
Saltburn by the Sea
TS12 1DJ

Client:
Third Energy UK Gas Limited

Project:
KM8 Hydraulic Fracturing
Operation

Drawing Title:
KMA Wellsite Location Plan

Scale:
1: 10,000 (Printed A3)

Drawn By:
Jonathan Foster

Date Drawn:
10/06/2015

Approved By:
Jonathan Foster

Date Approved:
10/06/2015

Drawing No:
PSSL/TE/KM8/HFS/PA/02

Rev: 0

██████████
23A Milton Street
Saltburn by the Sea
Redcar and Cleveland
TS12 1DJ

Planning Services

Trading Standards and Planning Services
County Hall
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North Yorkshire
DL7 8AH

Tel: (01609) 780780

Fax: 01609 779838

e-mail: planning.control@northyorks.gov.uk

www.northyorks.gov.uk

Contact: Victoria Perkin

Our ref: NY/2015/0233/ENV

17th November 2015

Dear ██████████

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

I write with regard to the abovementioned planning application made on behalf of your Client, Third Energy UK Gas Limited.

While I'm sure you will appreciate that every endeavour continues to be made to process your Client's planning application with due diligence and timeliness, it has not been possible to determine the application within the stated timescale as set down within the letter of formal acknowledgement upon receipt of the application i.e. before the 18th November 2015. There are a number of reasons for this and below you will find a list of the outstanding matters yet to be resolved which, while not exhaustive, nevertheless serves to demonstrate the breadth of scope of the various issues which require attention. The purpose of this letter, therefore, is to formally request an extension to the time in which to determine your Client's application.

That which follows within the bullet-point list below (in no particular order of priority or preference) comprises the outstanding matters which have given rise to the need to write to you requesting your Client's written agreement to an extension of time. It has had regard to, inter alia, your Client's response to the request for further information (the County Planning Authority's letter dated 11th October 2015 refers), the responses to consultation received by the County Planning Authority to date and also the representations made to the Authority thus far. Regard has also been had to the logistics and the time which will be required to prepare the substantive report to be presented to Members of the County Council's Planning & Regulatory Functions Committee, the arrangement and the conduct of a formal Committee Site Visit and the co-ordination of Members' diaries to make the necessary arrangements in the event that an extraordinary meeting of the Committee may be required allowing reasonable time for presentations from both those in support and those against the proposals. Having considered the above, please note the following:

- The County Council, having received the response of your Client to the Authority's request for further information, has complied with its statutory duty to advertise, consult and allow a period of at least 21 days for the making of representations on that further information. The afore-mentioned 21-day period is due to end on Wednesday 25th November 2015. You will, however, appreciate that this date comes after the expiry of the 16-week determination period by seven days;
- You will also be aware that following the recent resolution of the Members of Ryedale District Council's Planning Committee to defer a decision on the formal response of the District Council to consultation on the application, the formal decision of that Authority in respect of its comments on your Client's application will not now be known until, at the earliest, Wednesday 2nd December 2015. This again falls outside the 16-week determination period by two weeks;
- The County Council has consulted widely on the application and while many of those consulted have now responded to the Authority's original consultation with their respective comments, some responses remain outstanding. These include, as already mentioned, the Ryedale District Council, and also the Environment Agency, the Highway Authority, Malton Town Council, Marishes Parish Meeting, Norton-on-Derwent Town Council, Normanby Parish Meeting and Scampston Parish Council. Of course, consideration should also be borne in mind that the Authority has consulted on the further information received which may give rise to further comments being received from those who may have already given their views in the earlier period of consultation;
- Both you and your Client are already aware, as we have recently met to discuss the issues (Wednesday 4th November 2015), that the Authority has additional concerns arising from the content of the response to the recent Regulation 22 request (in no particular order of priority or preference):
 - **NOISE** - the alternative noise attenuation barrier which is referred to as an Echo Barrier is solely conveyed to the Authority by way of a manufacturer's leaflet and a photograph (referred to as '*Echo Barrier technical sheet*' and '*Echo Barrier scaffold barrier example*' in your response). There are no details provided such as height etc. nor a submission of a noise impact assessment of this alternative noise attenuation barrier by which to assess its effects. Having read the '*brochure*', there are a number of factors that weigh in the balance as to whether Echo Barrier would be suitable e.g. weight, height and proximity to point source of noise generation without giving rise to increased noise levels to those working within the noise attenuated zone from a health and safety at work perspective. Notwithstanding, any reduction in associated vehicle movements, there requires to be demonstrable evidence of the capability of the alternative noise attenuation barrier to achieve levels which can then be assessed by the County Planning Authority's adviser on such matters. It is considered that for your Client to address this, it is possible that this will impact upon the timescale in which to determine your Client's application; nonetheless, I shall look forward to the receipt of this further evidence in due course;
 - **LIGHTING** - with regard to external lighting, the lighting impact assessment within the Environmental Statement needs to refer to and acknowledge all external lighting including that on the derrick of the 37-metre high rig and the 25-metre high coil tubing tower. The assessment requires identification, acknowledgement, assessment and then demonstrate the absence or otherwise of significant effects;
 - **TRAFFIC – SURVEY** - notwithstanding your Client's intention to undertake works in March 2016, there are a number of factors outside your Client's control that affect this timetable. It follows, therefore, that no guarantee may

be placed on the March 2015 traffic survey being wholly relevant and representative. It therefore must be demonstrated how the March 2015 can be deemed to be relevant for any other times of the year. It is considered that for your Client to address this, it is possible that this could impact upon the timescale in which to determine your Client's application;

- **TRAFFIC – TIMING OF VEHICULAR MOVEMENTS** - you will be aware of the concerns raised in consultation and in representation with regard to traffic (in particular the response of the North Yorkshire Police Authority). This, therefore, requires a re-assessment of the traffic proposals by your Client with a view to understanding the consequential impacts should the '*operational*' times for vehicular movements change to accommodate the representations made and the consultation responses received. It is considered that for your Client to address this, it is possible that this could impact upon the timescale in which to determine your Client's application;
- **TRAFFIC – ROUTING** - In addition to the matter of the traffic survey and the '*operational*' times of the vehicular traffic, it is understood that in the event of any inability to use the route as proposed within the application details, that all works at the application site requiring vehicular access would be suspended and that no other alternative route is proposed to be used. It would be appreciated if this could be confirmed in writing for the Authority such that it may be clear as to what is proposed with regard to the routing of vehicles. It is thought that giving consideration to this written confirmation could possibly impact upon the timescale in which to determine your Client's application. For the sake of absolute clarity, in the event that a decision is taken that such a commitment to use only one route cannot be made by your Client, then any alternative route must be subject to an assessment of its attendant effects as part of the environmental impact assessment of the proposed development;
- **TRAFFIC – OTHER ROAD USERS** – Notwithstanding your Client's response with regard to the, as yet unimplemented, Malton to Pickering cycle route, any permission, should planning permission be forthcoming, would be subject to a statutory time limit of three years for implementation or longer at the discretion of the County Planning Authority. It is, therefore, considered to be wholly reasonable to request that the assessment of the effects of the development have regard to all road users, including cyclists, and the potential that the cycle route may be implemented within the timeframe of implementation of any permission. Whether the cycle route comes to fruition or not does not negate the need to assess the proposed development in terms of its effects upon cyclists as users of the public highway. It is considered that for your Client to address this, it is possible that this could impact upon the timescale in which to determine your Client's application. The traffic survey has been subject to the request for further information with regard to the absence of any assessment of other users of the public highway such as cyclists, pedestrians, horse-riders and motorcyclists. For the assessment to withstand scrutiny, it must be based on sound survey information. One single survey, outside the 'open season' of the Flamingo Land Resort, solely reporting on vehicular traffic is not sufficiently robust unless demonstrated within the assessment is shown the reasoning behind the omission of other road users;
- **TRAFFIC - LISTED BRIDGE OVER COSTA BECK** – it is understood that your Client has agreed to undertake a detailed condition survey of the bridge to determine its structural integrity and, thereby, its ability to withstand the forces of the traffic associated with the proposed development. Inextricably linked to this is an assessment of the effects of the proposed development in

respect of its impact upon a listed structure. The Heritage Impact Assessment, which accompanies your Client's planning application, whilst identifying the bridge as a listed structure within the 3 kilometre area of search, makes no connection with the impact of the proposed development through the effects of associated heavy vehicular traffic traversing the bridge. It is considered that for your Client to address these issues concerning the listed bridge could possibly impact upon the timescale in which to determine your Client's application;

- **PROPOSED HOURS FOR HYDRAULIC FRACTURING** – there is a need to ensure absolute clarity in respect of the proposed development and the statement that the proposed hydraulic fracturing stimulation treatment would be conducted during “*daylight hours*” is imprecise. There is therefore a need to ensure precision. Taking into account that hours of daylight can vary at different times of the year, but in any event the proposed hydraulic fracture stimulation treatment would only require a five hour ‘*window*’, a more precise expression of proposed hours would be to identify a period of 8 hours between which the proposed operations would take place and reflecting the vary times of available daylight during the year. For example, between 0800 hours and 1600 hours, thereby allowing for an 8-hour ‘*window*’ for each hydraulic fracture stimulation treatment to take place. This would lend precision and provide interested parties with greater understanding and certainty about what is proposed. It is appreciated that your Client may need time to give this particular matter due consideration which understandably could impact upon the timescale in which to determine your Client's application;
- **NON-DESIGNATED HERITAGE ASSETS** – Following a discussion on this specific issue in the meeting on the 4th November 2015, it is understood that you will be undertaking a desk-based analysis of available information to assist in the assessment of the effects of the development upon non-designated assets of historic value. At the time of the meeting, it was not clear how long such analysis would take and it would therefore be appreciated if this could be made known to the County Planning Authority at the earliest opportunity. Depending upon the time to undertake this analysis, it is possible that this could impact upon the timescale in which to determine your Client's application;
- **WATER** – the Regulation 22 request sought details with regard to the amount of water which would be additional to that proposed to be used in the hydraulic fracturing stimulation treatment and specifically with regard to the volume required to ‘*purge*’ or ‘*flush through*’ the pipeline. Notwithstanding the verbal undertaking given during the recent meeting that the pipeline would not be used for waste water re-injection of condensate down the KM3 well while the hydraulic fracture stimulation treatment would be taking place (in other words, gas production and thereby electricity generation ceasing for the period of hydraulic fracture stimulation treatment), is there not a contingency for a circumstance where the five zones of hydraulic fracture stimulation did not take place consecutively? It is understood that in the absence of any contingency, a written undertaking would be forthcoming that would explain that the pipeline would not be used for any other purpose until all five treatments had been completed. It is appreciated that your Client may need time to give this particular matter due consideration which understandably could impact upon the timescale in which to determine your Client's application;
- **LANDSCAPE** – the Landscape and Visual Impact Assessment is predicated on the mitigation of impact of the proposed development by putting forward

for consideration by the County Planning Authority, its consultees and all interested parties documents showing the shipping containers painted a dark green colour to reduce the visual impact of the proposed 8.7 metre high wall of hi-cube shipping containers (Photomontage of Phases 1 and 2 from Viewpoint No. 2 within the Assessment refers). It was affirmed in the Regulation 22 response and re-iterated during the recent meeting that there is no proposal to define a specific colour. In the absence of an undertaking to ensure the colour of the shipping containers, it can only be concluded that the assessment incorrectly portrayed the proposed development of mitigating its impact by providing photomontages of shipping containers painted in a dark green colour when the later statement made in the Regulation 22 response is that “*we are not proposing a specific colour*”. One can only assume, therefore, without any indication to the contrary that a mixture of colours could be a possibility without any control;

- **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010** – the County Planning Authority has received a letter from the Friends of the Earth which contends your Client’s assessment of the impact on a number of European protected species to be inadequate; believing the Phase 1 Habitat Survey to also be inadequate and that a more comprehensive assessment is warranted. Furthermore, it is argued by the Friends of the Earth that the evaluation on the River Derwent Special Area of Conservation is flawed and that Barn Owls risk being impacted by the proposed development. The County Planning Authority is considering the content of the letter and it is expected that your Client will similarly be giving consideration to its content which could ultimately have an impact upon the timescale in which to determine your Client’s application;
- **LEGAL AGREEMENT** – the recent meeting provided an opportunity to reiterate that any proposal for any financial contribution in connection with the planning application and also its long-term effects with respect to the legacy left by the development is to be enshrined within a legal agreement and that any legal agreement should be at the penultimate drafting stage prior to the signatures of the parties concerned. Legal advice guides the Authority to ensure that where Members of the Planning & Regulatory Functions Committee are being asked to consider a legal agreement that it be as substantially complete in order that they may be made aware of its content while at the same time not necessarily being furnished with a duly signed and dated Agreement. It should be noted that any draft legal agreement is legally obliged to be placed on Part 1 of the statutory planning register and made available for comment by any interested party. Any draft legal agreement should therefore be submitted to the County Planning Authority at the earliest opportunity;
- **DRAFT CONDITIONS** – it was agreed at the meeting to adopt best practice and, without prejudice to any formal decision that the County Planning Authority may take with regard to your Client’s application, to draft a set of planning conditions for consideration that would be made available to view by all interested parties and would be accessible in advance of any published Officer report to allow time for engagement by any interested party and provide the opportunity to comment;
- **REPRESENTATIONS** – the County Planning Authority has received a significant number of representations and a number of those have made substantial comments to which one would normally expect to see responded to by way of a ‘*right of reply*’ document on behalf of an applicant. If, on this occasion, the opportunity to submit counter-arguments is not proposed to be

taken up by your Client, it would be appreciated if this could be communicated to the County Planning Authority.

Before concluding this letter, it is important to make clear that, at this point in time and with regard to the numerous matters that remain outstanding, the requested further information, upon receipt by the County Planning Authority, will be required to be advertised, consulted upon and a period of 21 days be allowed for any interested party to make representation in respect of the information received.

It is for the reason within the above paragraph and the bullet points by which it is preceded that this letter is being sent to you on behalf of the County Planning Authority to seek an extension to the period of time in which to determine your Client's application to the next available scheduled meeting of the County Council's Planning & Regulatory Functions Committee on Tuesday 9th February 2016.

This date has been arrived at, in the absence of an indication by your Client as to a reasonable time period to which it would consider agreeing. This date has also been suggested based upon a number of assumptions as follows:

- The receipt of all the further information which remains outstanding as outlined above and which remains outstanding from the Regulation 22 response ;
- A statutory minimum period of consultation of 21 days on a potential third period of consultation concerning the further information to be received in response to the bullet point above (although this is very much dependent upon the scale of information received);
- The listing of the planning application on the draft Agenda of the February Committee meeting on Wednesday 6th January 2016;
- The undertaking of a formal Committee Site Visit on a date between Tuesday 2nd February and Monday 8th February 2016;
- Publication of the substantive Officer report at least five working days prior to the date of the meeting of the County Council's Planning & Regulatory Functions Committee on Tuesday 2nd February 2016;
- A period of a maximum of 2 days of '*sitting*' of the County Council's Planning & Regulatory Functions Committee on Tuesday 2nd February 2016 and an additional date taking into account any possible adjournment into a second day depending upon the number of speakers and both questions and points of clarification as well as the debate by Members of the Committee;
- Assuming the stage at which the drafting of any legal agreement has reached substantially toward its completion (with the exception of signatures), either Wednesday 10th February 2016 or the day after the second day of '*sitting*' of the Committee to be the day on which to prepare the formal Decision Notice of the County Planning Authority.

I trust you will bring this to the attention of your Client at the earliest possible opportunity.

Yours sincerely,




Head of Planning Services

Mr Gary Housden
Head of Planning & Housing
Ryedale District Council
Ryedale House
Malton
North Yorkshire
YO17 7HH

Planning Services

Trading Standards and Planning Services
County Hall
Northallerton
North Yorkshire
DL7 8AH

e-mail: planning.control@northyorks.gov.uk

www.northyorks.gov.uk

Tel: 01609 780780

Contact: Victoria Perkin

Your ref:

Our ref: NY/2015/0233/ENV

20 January 2016

Dear Mr Housden,

Re-consultation on 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 work over rig (maximum height 37m) hydraulic fracture equipment, coil tubing unit, wire line unit, well testing equipment, high pressure flow line, temporary flow line 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.

The purpose of this letter is to notify your organisation of information which the County Planning Authority has received from the Applicant which compromises:

- Information submitted by Third Energy UK Gas Limited by e-mail on 10 December 2015:
 - Lighting Impact Assessment (ref. no. 100610R2) dated 8 December 2015;
 - Non-Designated Heritage Assets Impact Assessment dated 25 November 2015; and,
 - Response to comments from Friends of the Earth on Ecology (ref. no. 47073367) dated December 2015.
- Letter dated 21 December 2015 with regard to the Environment Agency's consultation response to the County Planning Authority;
- Letter dated 22 December 2015 from Eversheds LLP on behalf of Third Energy UK Gas Limited with regard to any potential legal agreement;
- Letter dated 24 December 2015 accompanied by:
 - Supplementary Environmental Information relating to Chapters 1 to 11 (dated 23 December 2015) of the Environmental Statement (previously submitted)
 - Appendix 1 – Kirby Misperton Bridge Principal Inspection and Assessment Report (ref. no. 13716Y-02) (dated December 2015);
 - Appendix 2 - Landscape and Visual Assessment (dated 18 December 2015);
 - Appendix 3 – Traffic Management Plan (dated 17 December 2015);
 - Appendix 4 - Lighting Impact Assessment (ref. no. 100610R2) dated 8 December 2015;
 - Appendix 5 - Noise Impact Assessment of Alternative Noise Barrier System (ref. no. AP607/14327) (dated 15 December 2015); and,
 - Appendix 6 – Site Layout Plans.
- Letter dated 6 January 2016 accompanied by:
 - Supplementary Transport Note 1; and,
 - Supplementary Transport Note 2.

The additional information can be viewed on the County Council's Online Planning Register using this web address:

<https://onlineplanningregister.northyorks.gov.uk/register/PlanAppDisp.aspx?recno=9761>

Would you please let me have the formal views of your organisation before 10 February 2016. Please submit your comments via email to planning.control@northyorks.gov.uk. It will be assumed that you do not wish to comment on this further information if a response is not received within the stated period.

Please note that any previous representations made in respect of this application will, unless the County Planning Authority is otherwise informed, be taken into account when considering the application for determination. As such, there is no need to re-submit any previous representations made in respect of this application.

Yours sincerely

VAPerkin

Victoria Perkin
Head of Planning Services

Mr Gary Housden
Head of Planning & Housing
Ryedale District Council
Ryedale House
Malton
North Yorkshire
YO17 7HH

Your ref:

Our ref: NY/2015/0233/ENV

24 February 2016

Dear Mr Housden,

Re-consultation on 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 work over rig (maximum height 37m) hydraulic fracture equipment, coil tubing unit, wire line unit, well testing equipment, high pressure flow line, temporary flow line 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.

The purpose of this letter is to both notify and consult your Authority with regard to information which the County Planning Authority has received from the Applicant comprising:

- information received via e-mail on Monday 25 January 2016:
 - *proposed draft planning conditions;*
- information received via e-mail on Friday 5 February 2016:
 - *an overarching response to objections raised on behalf of FrackFreeRyedale (FFR);*
 - *a response in respect of FFR objections on ecology matters;*
 - *a response in respect of FFR objections on air quality matters made in Oct15;*
 - *a response in respect of FFR objections on air quality matters made in Nov15;*
 - *a response re: FFR objections on hydrogeology, water quality and Flood Risk Assessment;*
 - *a response in respect of FFR objections on noise;*
 - *a response in respect of FFR objections on public health; and,*
 - *a response in respect of general representations made in objection to the proposed development*

This information can be viewed on the County Council's Online Planning Register using this web address:
<https://onlineplanningregister.northyorks.gov.uk/register/PlanAppDisp.aspx?recno=9761>

Any formal views of your organisation would be appreciated before 16 March 2016. Please submit any comments via email to planning.control@northyorks.gov.uk. It will be assumed that your organisation does not wish to comment on this further information if a response is not received within the stated period.

Please note that any previous representations made in respect of this application will, unless the County Planning Authority is otherwise informed, be taken into account when considering the application for determination. As such, there is no need to re-submit any previous representations made in respect of this application.

Yours sincerely

Vicky Perkin

Vicky Perkin (Head of Planning Services)

Planning Services

Trading Standards and Planning Services
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Northallerton
North Yorkshire
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Contact: Victoria Perkin

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 15/03/16

5

Application No: 15/00971/CPO

Application Site: Land At Alma Farm Kirby Misperton Malton North Yorkshire

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

7

Application No: 15/01384/FUL

Application Site: Land East Of Sheriff Hutton Industrial Estate Sheriff Hutton

Proposal: Change of use of agricultural land to form a holiday park to include the erection of 10no. holiday lodges, biomass heating store and refuse store together with formation of associated gravel track, car parking spaces and vehicular access.

8

Application No: 15/01517/73AM

Application Site: Land North Of Broughton Road Malton North Yorkshire

Proposal: Variation of Conditions 11, 14 and 33 of approval 14/00346/73AM dated 27.08.2014 by submission of amended and additional plans in relation to road arrangements and associated landscaping

9

Application No: 15/01522/73AM

Application Site: Land North Of Broughton Road Malton North Yorkshire

Proposal: Variation of Conditions 04 and 08 of approval 11/01182/MREM dated 26.10.2012 by submission of amended and additional plans in relation to landscaping

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 15/03/16

10

Application No: 15/01521/MFUL

Application Site: The Homestead Scarborough Road East Heslerton Malton North Yorkshire YO17 8RW

Proposal: Change of use of garden/small holding land to a Glamping holiday site with the siting of 16no. glamping tents on moveable sleds and 16no. associated individual toilet/shower service pods on moveable sleds together with upgrading of existing vehicular access from Carr Lane, communal parking and turning area for 20no. cars and clearer definition of the residential domestic curtilage of The Homestead dwelling

11

Application No: 15/01435/FUL

Application Site: The Methodist Church And Garden Steelmoor Lane Barton Le Willows

Proposal: Change of use and alteration of chapel to form a 3no. bedroom dwelling to include parking/turning area, amenity area and formation of vehicular access

12

Application No: 15/01467/73A

Application Site: 20 Eastgate Pickering North Yorkshire YO18 7DU

Proposal: Variation of Condition 04 of approval 11/00943/HOUSE dated 16.11.2011 to replace Drawings 'Site and Floor Plan', 'East Elevation', 'West Elevation' and 'North and South Elevation' with Drawing no. 081 215 1 A - revised garage details (retrospective).

13

Application No: 15/01482/FUL

Application Site: Grange Cottage Grange Lane Scackleton YO62 4NB

Proposal: Extension and alteration of existing dwelling to form a five bedroom dwelling to include incorporation of unused adjacent dwelling as additional domestic accommodation, erection of two storey rear extension, removal of detached outbuilding and remains of other outbuildings and change of use of agricultural land to form extension to domestic curtilage and formation of vehicular access track to Grange Lane - part retrospective application (revised details to approval 13/01402/FUL dated 06.03.2014)

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 15/03/16

14

Application No: 16/00053/HOUSE

Application Site: Low Meadow Church Lane Welburn Malton YO60 7EG

Proposal: Erection of a single storey extension to rear elevation, erection of a front porch, attached timber clad storage shed to the side (west elevation) and erection of a detached outbuilding (part retrospective application)

15

Application No: 16/00147/CPO

Application Site: 68 Langton Road Norton Malton North Yorkshire YO17 9AE

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

Agenda Item 7

Item Number: 7
Application No: 15/01384/FUL
Parish: Sheriff Hutton Parish Council
Appn. Type: Full Application
Applicant: Mr R Glover
Proposal: Change of use of agricultural land to form a holiday park to include the erection of 10no. holiday lodges, biomass heating store and refuse store together with formation of associated gravel track, car parking spaces and vehicular access.
Location: Land East Of Sheriff Hutton Industrial Estate Sheriff Hutton
Registration Date: 22 December 2015
Case Officer: Tim Goodall
8/13 Week Expiry Date: 16 February 2016
Ext: 332

CONSULTATIONS:

Parish Council	Object
Highways North Yorkshire	Conditions recommended
Archaeology Section	Recommend condition
Highways North Yorkshire	Specification added
Land Use Planning	Comments made
Caravan (Housing)	No views received to date
Environmental Health Officer	Recommend Conditions
Tree & Landscape Officer	Recommend condition
Countryside Officer	Request clarification over the existence of the pond and further details on the provision of mitigation for the loss of biodiversity in line with Local Plan Policy SP14
National Grid Plant Protection	No views received to date

Neighbour responses: Mrs Lindsay Ainley, Mr Jerry Petch, Mr Paul Connell, Mrs Ruth Carter, Mr Chris O'Neill, Mrs Julie Gladwin, Miss Sian Lacy, Mr Martin Willan, Paul & Elaine Nelson, P Connell, Mr Andrew Morse, Ms Hylda Connell, Mr & Mrs D & B Pallister, Jodie Hoggarth, Mr Peter Bellwood, Mr Alan Glover, Mr Barrie Ellis,

Overall Expiry Date: 7 March 2016

Members will be aware that this application was brought to Planning Committee for consideration in February 2016 and was deferred subject to a Committee site visit on 1st March. The application is brought before members for consideration and determination. Members are also advised that an additional condition has been added to consider drainage details.

RECOMMENDATION: Approval

1 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

2 Notwithstanding the submitted details on drawing No. 9908(90) 02 dated February 2015, prior to the commencement of the development details for the landscaping of the site shall be

submitted for approval in writing by the Local Planning Authority. The submitted details shall include a scale drawing and a schedule of planting of native species only for the gapping up of existing hedgerows as appropriate and all new tree and shrub planting annotated on the above submitted drawing. The planting schedule shall provide details of species, planting sizes and numbers of each. New hedgerow sections shall be planted at the rate of 6 plants/metre in a double staggered row, individual plants protected within individual rabbit spirals secured with a stout cane. The approved planting shall be carried out in its entirety within the first available planting season (Nov - March) following completion of the development. Any plants which are removed, become diseased or die within 5 years of the implementation of the scheme shall be replaced with the same or similar species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity, enhancement of the development, and screening of the development, and in accordance with Policy SP 13 (Landscapes) of the Ryedale Plan - Local Plan Strategy.

- 3 Prior to the commencement of the development a Landscape Management Plan to cover a 15-year period following implementation of the approved landscaping shall be submitted to the Local Planning Authority for approval in writing.

Reason: To ensure that the landscaping matures and provides adequate screening and enhancement of the development, and in accordance with Policy SP 13 (Landscapes) of the Ryedale Plan - Local Plan Strategy.

- 4 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 questions; 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 NPPF as the site is of archaeological interest.

- 5 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:

- c. The existing access shall be improved by widening and enlargement in accordance with approved Drawing Number 9908 (90) 02 Rev. C and upgrading on construction specification over the first 10 metres, measured from the carriageway edge, in accordance with Standard Detail Number E7h.
- e. Any gates or barriers shall be erected a minimum distance of 10 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- g. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details shown on drawing number 9908 (90) 02 Rev. C and maintained thereafter to prevent such discharges. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

- 6 There shall be no access or egress by any vehicles between the highway and the application site until:
- a. full technical details relating to the bridging/culverting of the watercourse adjacent to the site have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority; and
 - b. The surface water ditch at the site entrance has been piped in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure satisfactory highway drainage in the interests of highway safety and the amenity of the area.

- 7 Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing Number 9908 (90) 02 Rev. C for parking spaces, turning areas and access shall be kept available for their intended purposes 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.

- 8 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.

- 9 Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
- a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
 - b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
 - c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

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

- 10 The accommodation hereby permitted shall be available or commercial let for at least 140 days a year and no let must exceed a total of 31 days in any one calendar year.

Reason: It is not considered that the application site is suitable for permanent residential use because it is located in open countryside, in an area where permanent residential development is only permitted in exceptional circumstances and the application has only been considered in relation to holiday use, and to satisfy the requirements of Policies SP20 and SP21 of the Ryedale Plan - Local Plan Strategy.

- 11 The accommodation hereby permitted shall be occupied for holiday purposes only; and not as a person's sole or main place of residence.

Reason: It is not considered that the application site is suitable for permanent residential use because it is located in open countryside, in an area where permanent residential development is only permitted in exceptional circumstances and the application has only been considered in relation to holiday use, and to satisfy the requirements of Policies SP20 and SP21 of the Ryedale Plan - Local Plan Strategy.

- 12 The development hereby approved is for 6 No. two bedroom lodges and 4 No. three bedroom lodges with biomass heating store and refuse store together with formation of associated gravel track, car parking spaces and vehicular access only.

Reason: In order to comply with Policies SP8 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 13 The owners/operators of the accommodation hereby permitted shall maintain an up-to-date register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request. The register shall include full details of the following:

- the main address(es) of all the occupiers of the accommodation hereby permitted
- the start date of every one of the letting/occupation of all the occupiers of the accommodation hereby permitted
- supporting evidence of the main address(es) of all the occupiers of the accommodation hereby permitted

Reason: To ensure the holiday unit does not become occupied as a permanent dwelling and to comply with the requirements of Policy SP20 and Policy SP21 of the Ryedale Plan - Local Plan Strategy.

- 14 Notwithstanding the submitted details and prior to the erection of the chalets on the site, details and samples of the timber cladding shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 15 No external lighting shall be installed on any part of the building or within the application site, unless precise details have first been submitted to and approved in writing by the Local Planning Authority.

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

- 16 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details of the proposed drainage shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure proper drainage of the site in accordance with SP20 of the Ryedale Plan - Local Plan Strategy.

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

Drawing No. 9908 (90) 01 Location Plan _ Block Plan validated by the local planning authority 22.12.15

Drawing No. 9908 (90) 02 rev C Proposed Site Layout Plan validated by the local planning authority 22.12.15

Drawing No. 9908 20 01 rev D validated by the local planning authority 22.12.15

Drawing No. 9908 20 02 rev B validated by the local planning authority 22.12.15

Drawing No. 9908 20 03 rev A validated by the local planning authority 22.12.15

Drawing No. 9908 20 04 rev A validated by the local planning authority 22.12.15

Drawing No. 9908 20 05 rev A validated by the local planning authority 22.12.15

Drawing No. 9908 20 06 rev A validated by the local planning authority 22.12.15

Drawing No. 9908 20 07 validated by the local planning authority 22.12.15

Drawing No. 9908 20 08 validated by the local planning authority 22.12.15

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

INFORMATIVES

1. 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.

2. It is recommended that the applicant consult with the Internal Drainage Board, the Environment Agency and/or other drainage body as defined under the Land Drainage Act 1991. Details of the consultations shall be included in the submission to the Local Planning Authority. The structure may be subject to the Highway Authority's structural approval procedures.
3. Supporting evidence of the main address(es) of all the occupiers can include the following:
 - The most recent Council Tax demand
 - Utility bills issued within the last 3 months

Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties



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Block Plan scale 1:1250

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DRAWING STATUS	
DESIGN	REVISIONS
ISSUED	ISSUED
APPROVAL	CONSTRUCTION
REVISION	REVISION

darstonegs
BUILT ENVIRONMENT CONSULTANCY
LEEDS LONDON BRISTOL WARWICK

LEADS OFFICE
The Grange House, West, Church Lane, West, Leeds, LS26 6DU
T: 0113 271 8811 F: 0113 271 88100 www.darstonegs.com

CLIENT
Dr R. Glover

PROJECT
Proposed Holiday Cottages

LOCATION
Fulham Street, Sheriff Hutton

DRAWING
Location Plan & Block Plan

SCALE
1:1250 & 1:2500 @ A2

DATE
February 2015

DRAWING NUMBER
9908 [50] 01

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Item Number: 8
Application No: 15/01517/73AM
Parish: Malton Town Council
Appn. Type: Major Non Compliance Conditions
Applicant: Taylor Wimpey (North Yorkshire) Ltd
Proposal: Variation of Conditions 11, 14 and 33 of approval 14/00346/73AM dated 27.08.2014 by submission of amended and additional plans in relation to road arrangements and associated landscaping
Location: Land North Of Broughton Road Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 23 March 2016
Overall Expiry Date: 16 March 2016
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

Parish Council	No views received to date
Public Rights Of Way	Recommend informative
NY Highways & Transportation	No views received to date
Parish Council	No views received to date
Tree & Landscape Officer	No views received to date
Tree & Landscape Officer	No views received to date
NY Highways & Transportation	No views received to date

Neighbour responses: Mr William Caldwell, Mr & Mrs P Davies,

SITE:

The application site involves the new link road, alterations to the existing Broughton Road and associated land in connection with the Taylor Wimpey development which is currently under construction on Broughton Road. There are existing dwellings fronting Broughton Road to the south of the site, at the top of Newbiggin and on Outgang Road. Recently built houses on the Taylor Wimpey development lie to the north.

PROPOSAL:

The outline application granted permission for:

Residential development including dwellings, associated garages, open space, electricity sub-station and provision of a new Broughton Road to Pasture Lane Link road.

The outline approved the principle of the access details - subject to Conditions dealing with usual technical details.

The scheme is designed with its main entrance to the site from Broughton Road and involves the construction of a new road to link to Pasture Lane. A new roundabout will facilitate vehicle movements and a pedestrian link to the town is shown running through an open area towards Newbiggin. The landscape concept shown on the outline application, and detailed in the reserved matters showed the new link road as a tree lined avenue.

The original outline application was approved in November 2011 subject to a number of conditions, and the requirement to submit reserved matters in respect of the details. Reserved Matters approval of a detailed layout for 284 dwellings was submitted and approved on 16th October 2012.

A number of the conditions related to detailed highway requirements. The development has commenced on site with access via the approved temporary access. The technical details for the link road have been produced in consultation with North Yorkshire Highways. This has resulted in slight changes to the layout of the road, and the size of the roundabout. The need for the changes have arisen primarily to provide improved exit visibility to Outgang Lane, and to accommodate a larger roundabout. The requirement for the larger roundabout is to enable a larger refuge island for pedestrians to be provided, and to allow two lanes at the approaches to the roundabout on three arms. The main changes to the layout approved on the outline application are:

- A 'dip' in the road at the south eastern end of the site;
- A slight re-alignment at the approaches to the roundabout and to the northern boundary of the landscaped area which is located between the truncated section of Broughton Road and the new roundabout;
- As a result of further discussions with North Yorkshire Highways, the truncated part of Broughton Road, which provides access to some of the existing dwellings on the southern part of Broughton Road, has been reduced in width;
- A minor reduction in the green space between the existing Broughton Road, and the new link road (around 2 metres) at the south eastern end of the site. To address the loss of planting in this area between the two roads, the re-design includes a traditional stone wall to link the existing planter in this area with the retained hedge.

The application also includes details of highway drainage, bus stops, cycleways and other highway issues conditioned on the outline application.

HISTORY:

Application 10/00899/MOUT: Residential development including dwellings, associated garages, open space, electricity sub-station and provision of a new Broughton Road to Pasture Lane Link road (site area 12.93ha) - Approved 07.11.2011

Application 11/01182/MREM: Erection of 3 no. five bedroom, 110 no. four bedroom, 101 no. three bedroom and 48 no. two bedroom dwellings, associated garages, public open space, electricity sub station, formation of Broughton Road to Pasture Lane link road and landscaping (outline approval 10/00899/MOUT dated 07.11.2011 refers.) - Approved 16 October 2012

Application 13/01141/MFUL: Erection of 27no. 4-bed dwellings, 23no. 3-bedroom dwellings, 17no. 2-bed dwellings and 16no. 1-bed dwellings, associated garages, parking, public open space and landscaping. (former allotment site) - Approved 9th April 2015

Application 14/00346/73AM: Variation of Conditions 11(1)(a) and 15 by replacement of "50 No. dwellings" by "80 no. dwellings" - maximum number of occupied dwellings that relate to the temporary vehicular access arrangements and the completion of construction of the listed highway works - and Variation of Condition 16 to allow the use of the temporary access for 24 months from the first occupation of a dwelling on the site (until April 2016) - addition of a further 12 months of use. All Variations in relation to approval 10/00899/MOUT dated 07.11.2011

POLICY:

Ryedale Plan - Local Plan Strategy: adopted 5 September 2013

Policy SP1 - General Location of Development and Settlement Hierarchy

Policy SP2 - Delivery and Distribution of New Housing

Policy SP3 - Affordable Housing

Policy SP4 - Type and Mix of New Housing
Policy SP11 - Community Facilities and Services
Policy SP13 - Landscapes
Policy SP14 - Biodiversity
Policy SP15 - Green Infrastructure Networks
Policy SP16 - Design
Policy SP17 - Managing Air Quality, Land and Water Resources
Policy SP18 - Renewable and Low Carbon Energy
Policy SP19 - Presumption in favour of sustainable development
Policy SP20 - Generic Development Management Issues
Policy SP22 - Planning Obligations, Developer Contributions and the Community Infrastructure Levy

National Policy Guidance

National Planning Policy Framework 2012 (NPPF)
National Planning Policy Guidance 2014, (NPPG)

APPRAISAL:

The principle of the residential development, including the new link road and access was established when the outline application was approved in November 2011. The material considerations relevant to this application are limited to:

- Highway considerations
- Impact on character of the area
- Neighbour amenity

Highway Considerations

The revisions to the link road have arisen during the process of providing the detailed technical drawings. The applicants Highway Consultants have fully engaged with North Yorkshire highways throughout the process. The submitted scheme is a result of addressing highway requirements, but also to ensure that the final details maintain a similar landscape setting to the residential development that was originally approved. The application also seeks to discharge conditions imposed on the outline planning permission. During the course of formalising the details, a number of meetings have been held between Ryedale District Council Planning and Landscape officers, together with North Yorkshire Highways, and the applicants' highway and landscape consultants.

As submitted, the proposed plans included a raised mound between the truncated section of Broughton Road and the western arm of the new link road. This is to reduce the potential for glare from headlights of drivers on one road impacting on drivers on the other carriageway. An objection from an immediate neighbour has been received into this aspect of the submitted plans. The visual impacts of this are addressed in the section below. The neighbour particularly expressed concern that if they were driving in a western direction, and wished to turn left to access their property, (Wayside), they would be under pressure to quickly leave the carriageway. If the mound is in place, it could restrict visibility of pedestrians walking along the footpath. Officers considered that this was a valid concern and discussed the issue with the applicant and NYCC Highways Officers. Accordingly, the plans have been revised to take account of the concerns from a pedestrian safety and design point of view. The plans now include a heavy standard tree in this area, together with a native species hedge. This will be a Beech 'Ready' hedge which will provide the necessary screening as soon as it is planted. The drawings include a 2m x2m visibility splay for pedestrians.

Revised plans to address officer and neighbour comments were received on March 2nd 2016 and re-consultation carried out. As such the final comments of the Highway Authority are awaited, and it is hoped to update Members at their meeting.

Impact on the character of the area

During consideration of the outline application and also the reserved matters submission, significant attention was paid to the appearance of the site as a whole, and its sensitive location on the approach to Malton. Members will note from the drawings that the approved development includes large areas of open space to the south of the new link road. Furthermore strategic planting was provided along the link road and existing Broughton Road. Extensive negotiations have been carried out to ensure that the changes to the highway layout have not eroded the design ethos of this approach to Malton. Application 15/1522/73AM, addresses the detail of the changes to the landscaping throughout the site.

The large areas of open space have however been maintained. Indeed, the smaller area between the roundabout and the truncated former Broughton Road, is 34m in depth at its greatest. Whilst the western arm of the roundabout has been lowered by approximately 2.5m, the truncated part of Broughton road has been reduced in width. This ensures that the overall proportions of the landscaped area are little changed. The area will be planted with 10 heavy standard trees along its northern boundary where it adjoins the link road and roundabout. A neighbour has expressed concern regarding the loss of a tree, and suggested that if the road was not re-aligned it could be retained. The road alignment at this point is however very little changed, and the Councils' Tree and Landscape Officer has confirmed it would not in any event have been possible to retain the tree. The applicants landscape consultant has made the following response:

In regard to T14 (Lime) located on the road verge, this specimen was always going to be removed as part of the development. Even with the previous road layout which was very slightly further from the tree, a large proportion of the tree rooting zone would have been affected by construction and this tree would not survive. In order for this tree to be successfully retained the whole road structure would need to be moved at least 7m to the north which is not possible. In the new landscape proposals we will look to replace this tree with various others of the same species or native that will provide an attractive avenue along the new road network.

The revised plans now include a tree at the western end of the truncated Broughton Road to replace the tree that is to be removed. Part of the existing hedge that currently forms the northern boundary was shown to be removed. This is in part because of the location of drainage in the open space to serve the road. Negotiations have resulted in revised plans which include a new hedge to be provided along the northern boundary of the open space between the proposed tree planting. Replacement hedging will also be provided on the northern side of the western arm of the link road.

As discussed in the earlier section of this report relating to highway considerations, the submitted plans originally included a mound in front of Wayside and Ryedale View. This was to reduce the potential impact of light glare between the two roads. A letter from neighbouring residents (Wayside) expressed concerns that this would "cause a significant visual impact and could potentially be difficult to maintain and have the ability to be an eyesore from day one. This specific concern was raised with the applicant, highway engineers and their tree and landscaping consultants, and a revised layout provided. As stated above, this includes a replacement tree together with a new native species hedge. It is considered that this is a more natural and sympathetic design solution, which will respect the character of this approach to Malton.

The largest parcel of open space will not be significantly changed from that originally approved. Its western and south western boundary will be reduced by approximately 2m. However given the scale of the land it is not considered that it will be readily discernible. At its greatest, it has a depth of approximately 70m, with a width of approximately 150m. It will predominantly be laid to grass, with a tree lined footpath across it. The previously approved plans for the site showed a continuation of the tree planting along the southern extent of the new link road, to the front of 14 and 15 Broughton Road. It is this end of the site that will have the greatest change. The road has been moved south by approximately 5m at this point, which has reduced the area available for planting of standard trees. The change will also result in the reduction in the size of the existing stone planter to the south of Outgang Road, and the consequential removal of an existing tree, although it was anticipated that this tree would also have been removed on the original scheme. The loss of the trees shown to be planted

on the approved landscaping plans is regrettable. However, it has not been possible to provide a design solution that provides adequate visibility from Outgang Lane and nearby dwellings, whilst retaining the proposed trees at this point. It is apparent on site however that the character of this part of the site relates to the built up area of the town. This is typified by substantial stone walls that form the boundary with the footpath in many areas in this part of the town. The applicants have therefore followed this design lead, and have incorporated a substantial stone wall to continue from the stone planter and meet the remains of the existing hedge that will be retained in the large open space. Whilst this approach is more urban, it is considered that it will reinforce a traditional characteristic of Malton and ensure that the development fits well with its immediate surroundings. The wall will commence at 2m in height, reducing to 1m as the ground level rises.

It is considered that the overall level of new tree planting is significant, and will provide an attractive canopy of trees in the area. Furthermore with the location of a traditional wall at the southern end of the site will enhance the character of the area.

The detail of the approved landscaping will be considered in application 15/01522. However for information there will be 89 new trees planted along the spine road with an additional 35 apple and cherry trees in the plantation area at the southern end of the site.

Neighbour Impact

It is not considered that the proposed changes to the road will have a material adverse impact on the existing amenities of the occupiers of those houses already constructed by Taylor Wimpey, nor indeed on many of the houses on the existing Broughton Road or Outgang Lane. The large landscaped open spaces to the south of the link road and roundabout will soften what would otherwise be a very urban environment. The outlook from 12 to 15 Broughton Road, will appear different with the loss of some of the tree planting originally envisaged. Nevertheless, the combination of the new trees still proposed on the northern side of the new link road, together with the plantation at the end of Outgang Road is such that it is not considered that the change to the scheme will have such an impact on neighbouring amenity that would warrant refusing the application.

At the western end of the site, 5 dwellings are accessed by the truncated branch of the existing Broughton Road. There is some change to the width of this section of road, and also the position of the turning head, however it is not considered that this will have a significant adverse impact on neighbouring occupiers amenity. The slight reduction in the boundary of the northern area of the open space will not be readily discernible to most occupiers compared to the approved landscape and road scheme. The application has however been brought to Committee because letters of objection have been received from the occupiers of Wayside and Ryedale View as referred to earlier in the report. The occupier of Wayside has raised a number of objections which can be read on the Councils' website, but include the following broad areas.

1. significant concerns that their dwelling will not be accessed from the truncated part of Broughton Road like their neighbours properties. They include concerns that whilst they entered into correspondence with both Ryedale District Council and Taylor Wimpey over the years, their concerns have not been addressed.
2. They have been given the assurances received from the developer regarding the access they made changes to their property to improve the on-plot turning circle, and spent money doing so.
3. A plan has only now shown the detail of the changes immediately adjacent to their property. The plans show a 'mound' designed to stop headlights from vehicles on the cul-de-sac causing confusion for drivers on the B1257. Given that the road layout has been approved when did the mound first appear. Consider the mound will cause a significant visual impact and blot on the landscape.
4. Principle objection to the mound is highway safety. Concern that it will restrict visibility when vehicles are turning into Wayside of pedestrians

5. Consider that if the mound were removed there would be sufficient space to enable them to enjoy the same access to the cul-de-sac as their neighbours. Without it they are 'out on a limb'. It will therefore effect their residential amenity.
6. The mound is not the only way that the 'opposing headlight' issue can be overcome. Has a fence been considered? Can the road be moved to the north to allow them access to the cul-de-sac?

In response to these points, the new link road was approved under the original outline application 10/00899/MOUT and also the subsequent reserved matters. The submitted plans did not show access from Wayside to the cul-de-sac. However whilst the occupiers of Wayside and Ryedale View were consulted on the outline application, no comments regarding the access were received. It was not until consultation was carried out in relation to the reserved matters that the occupiers of Wayside raised concerns regarding the access. The occupants were advised that the access had already been approved, and that the reserved matters application only related to the detail of the housing layout. As such the concerns could not be addressed as part of the reserved matters. Officers did however pass the neighbours concerns to both the Highway Authority and Taylor Wimpey.

Officers did however advise the occupants as early as February 2012 that it was not possible to access Wayside from the cul-de-sac because of the alignment of the changes to Broughton Road. Whilst it appears that the occupants have had further discussions directly with Taylor Wimpey over the years regarding the access there is no suggestion attainable access arrangements have been agreed with the Highway Authority. It is not considered therefore that officers have any option but to take the advice of the Highway Authority in this matter. Given that the detail of the layout has not changed, it is not considered that the slight change to the road alignment in relation to the approved plans will have a significant adverse impact on the existing amenities of neighbouring occupiers in relation to this aspect. However as discussed above, their concerns regarding the proposed mound have been discussed with the applicants, and their Highway consultants and landscape architects. It is considered that the revised plans address the concerns raised by deleting the mound, and replacing it with more landscaping. The neighbours have been re-consulted on the revised plans, and Members will be updated at their meeting.

A letter of objection has also been received from the occupants of Ryedale View. Their letter includes the following main points:

1. The drawings are difficult to interpret. request clearer plans
2. Drainage Layout. what is the beck/ditch for all the water from the highway?
3. The general layout plan shows a wider verge adjacent to the new housing which push the new road towards the original houses thus needing a mature tree to be removed.
4. Conditions were imposed for a reason and the developer should have considered them before setting out the development
5. Wayside is a semi detached house and should not be isolated from other properties. It should have the same access. Also concerned regarding the sight lines for vehicles leaving Wayside.
6. The narrow access with a 90 degree bend now being shown from Ryedale View into the cul-de-sac would make deliveries and removals difficult. Is it suitable for a furniture removal lorry?
7. Also request details of TPO. Disappointed that two mature trees will be removed and areas of mature hedging which are a wildlife habitat.
8. Pedestrians use the footpaths between Malton and surrounding villages. Will access be maintained on both sides of the road?

9. What arrangements have been made to address existing flooding between Wayside and the leisure centre.
10. Broughton Road is lower than existing housing which reduces sound disturbance and visual impact of traffic. What environmental studies have been carried out to assess effect. Will passengers on top deck of buses be able to look in.
11. What is the purpose of the embankment outside Wayside?
12. Why does roundabout need to be enlarged?
13. Consider previous conditions should be complied with.

The main body of this report addresses the reasons why the applicants have submitted a revised plan. Objectors comments regarding the clarity of the original information have been addressed by officers who have requested further information. This has since been submitted and is the subject of further consultation.

Reference is made to complying with conditions. The conditions required information to be submitted in relation to such aspects as drainage, highway specification, bus stops etc. This would normally be considered as part of a condition discharge application. However the applicants considered that it would make sense to submit all the information alongside the revised plans. This enables the Highway Authority to consider all matters together. Concerns regarding the access and the location of the mound to the front of wayside have been addressed earlier in the report.

Pedestrian access will be maintained along the existing Broughton Road to the south of the site, and also on the northern side of the new link road. A bus stop will also be provided on both sides of the road on the western arm of the roundabout.

In relation to drainage, this will discharge to soakaways which will be designed to take account the capacity of surface water generated. It is anticipated that the new soakaways will address the existing flooding that occurs on occasion between Wayside and the leisure centre on the existing 'B' road

The formal response from the Highway Authority will take account of visibility from existing dwellings.

The loss of existing trees and hedging is regrettable. However the rationale for their removal is detailed earlier in the report. The Council's Landscape Officer has advised that the existing hedgerow is of poor quality in parts and a better quality hedge could be provided. Accordingly the revised plans show a replacement hedge to an improved planting specification. Comments have been raised regarding the impact of noise etc from a raised road on neighbour amenity. The new road was approved by application 10/00899/MOUT and it is not considered that the changes for consideration by the current application will give rise to greater noise or disturbance. As such it is not considered that it is reasonable to require any more information at this stage.

As mentioned earlier, re-consultation has been carried out and Members will be updated at their meeting.

Recommendation

The principle of the development and the new link road were approved in 2011 and was confirmed again at the approval of reserved matters stage in 2012. It is not considered that the revisions will have any material adverse impact on the existing amenities of neighbouring amenities. The Highway Authority, have been fully involved in discussions on the development. Their formal response is however awaited. The recommendation is therefore one of approval subject to no objections from the Highway Authority or as a result of new material considerations raised by any consultees. If

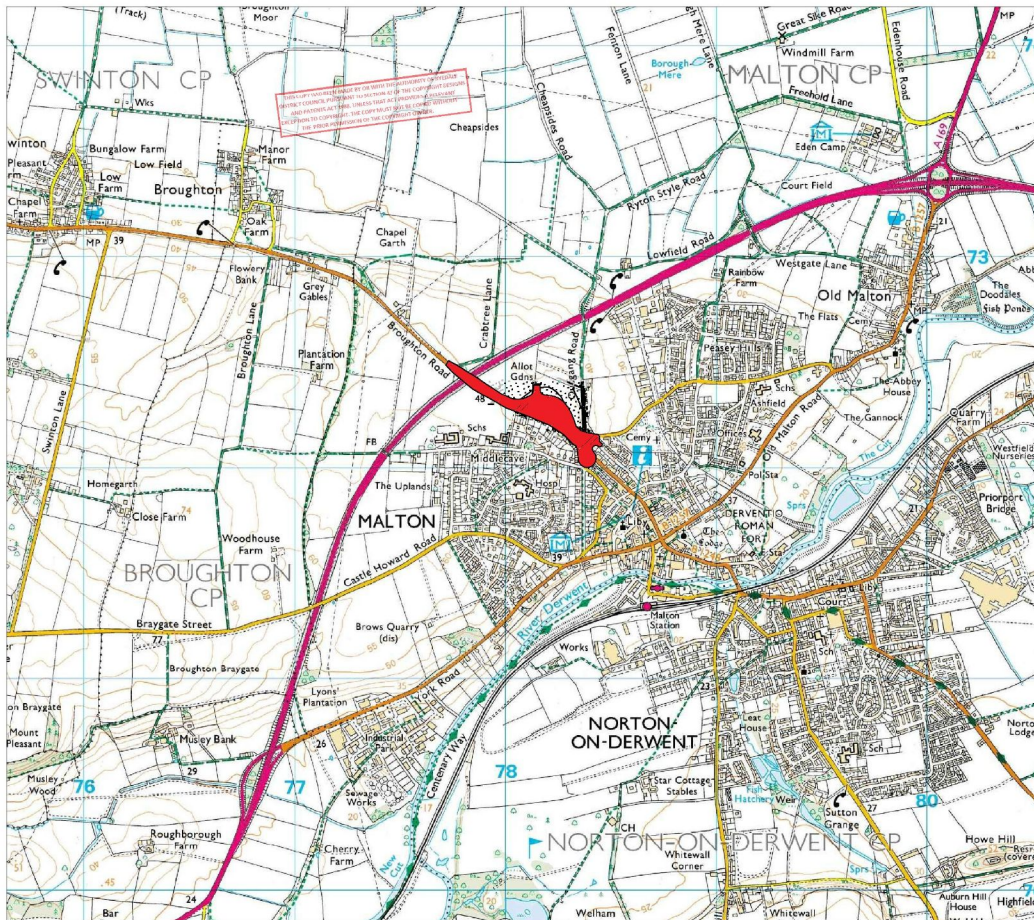
Members resolve to approve the application a deed of variation of the existing Section 106 Agreement will be required to take account of this application.(The consultation period expires 16.03.2016).

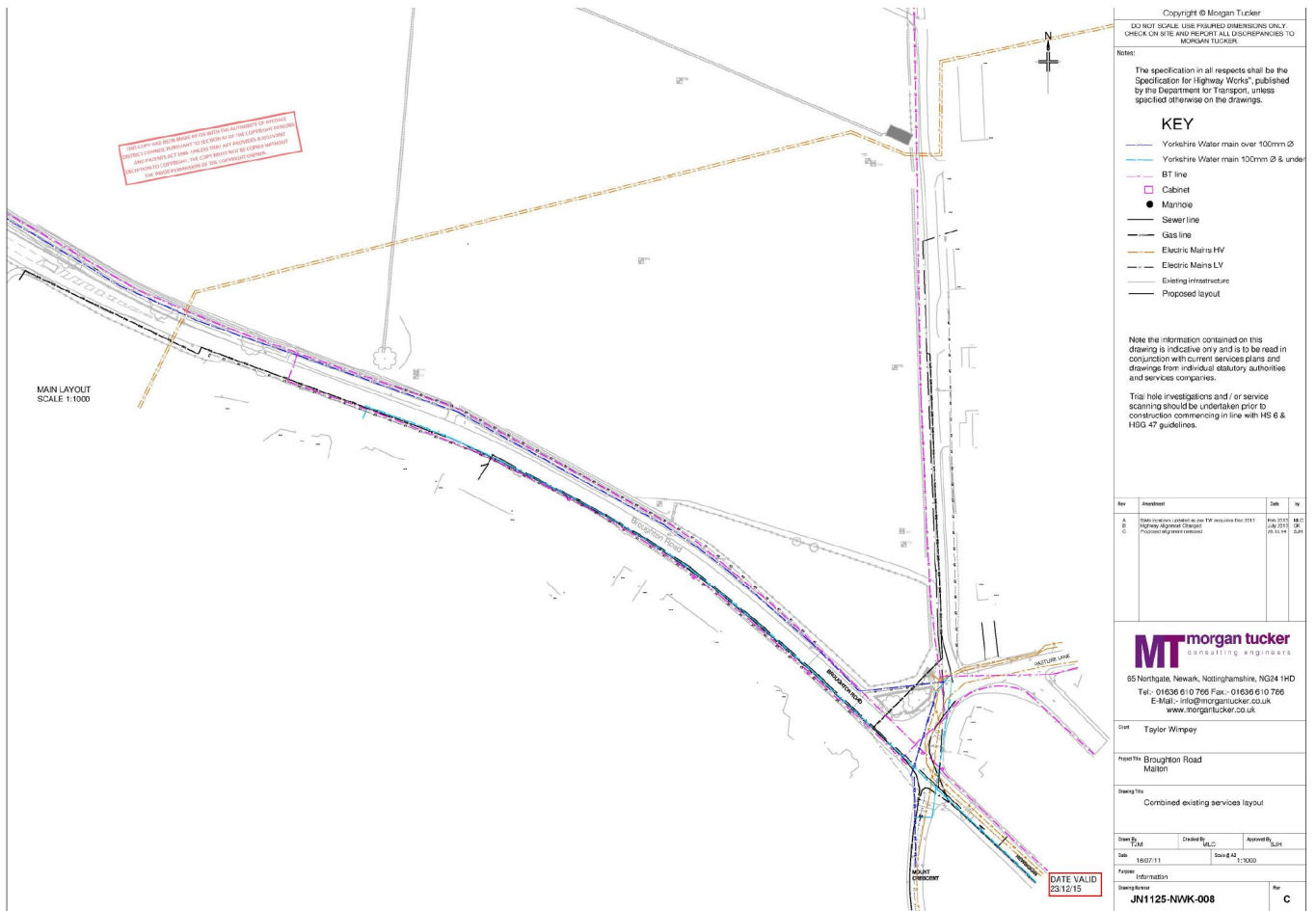
RECOMMENDATION: **Approve subject to no new adverse comments from consultees, and a Deed of Variation of the existing Section 106 Agreement.**

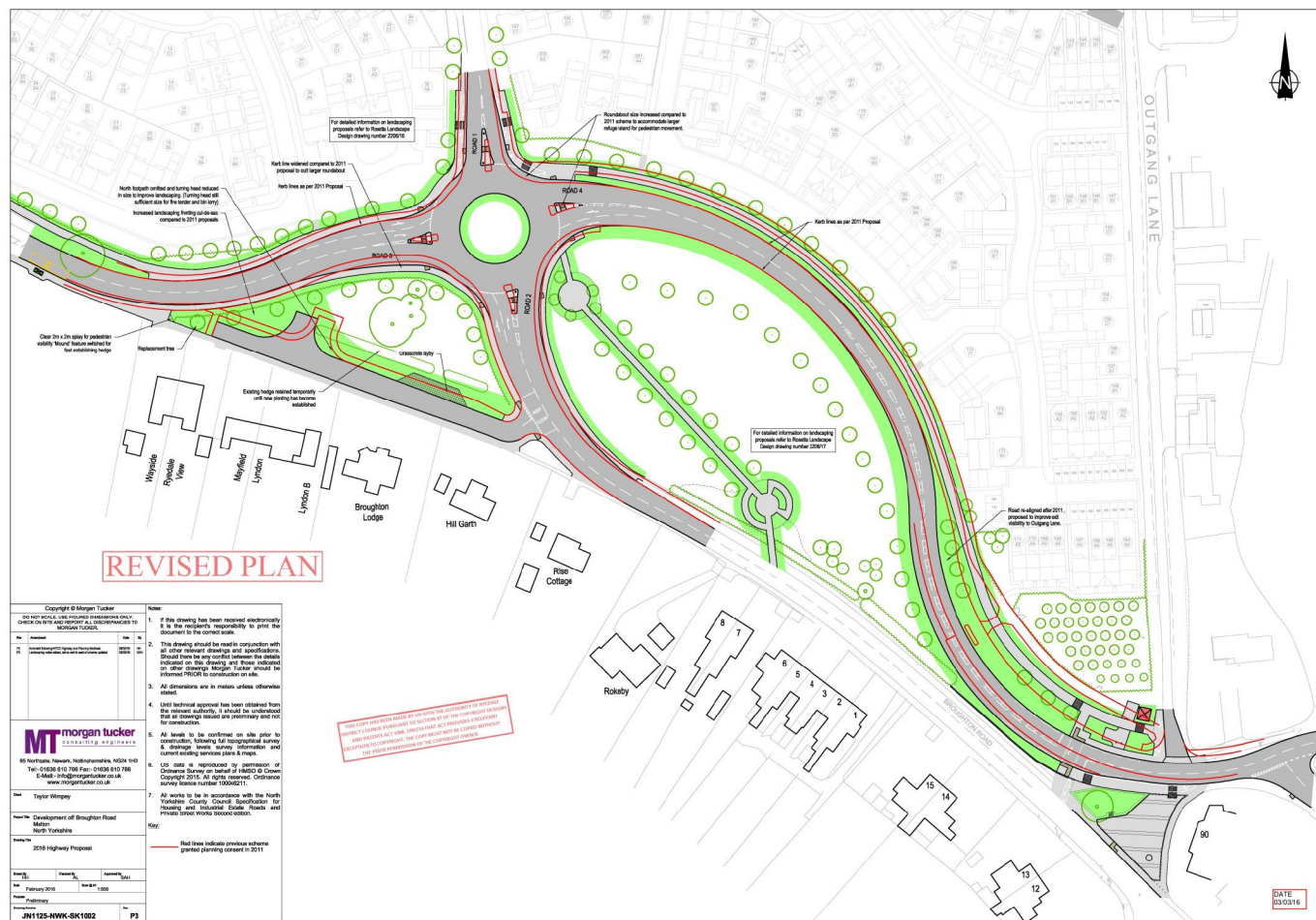
The precise re-wording of highway conditions will follow, on receipt of the formal comments of the Highway Authority.

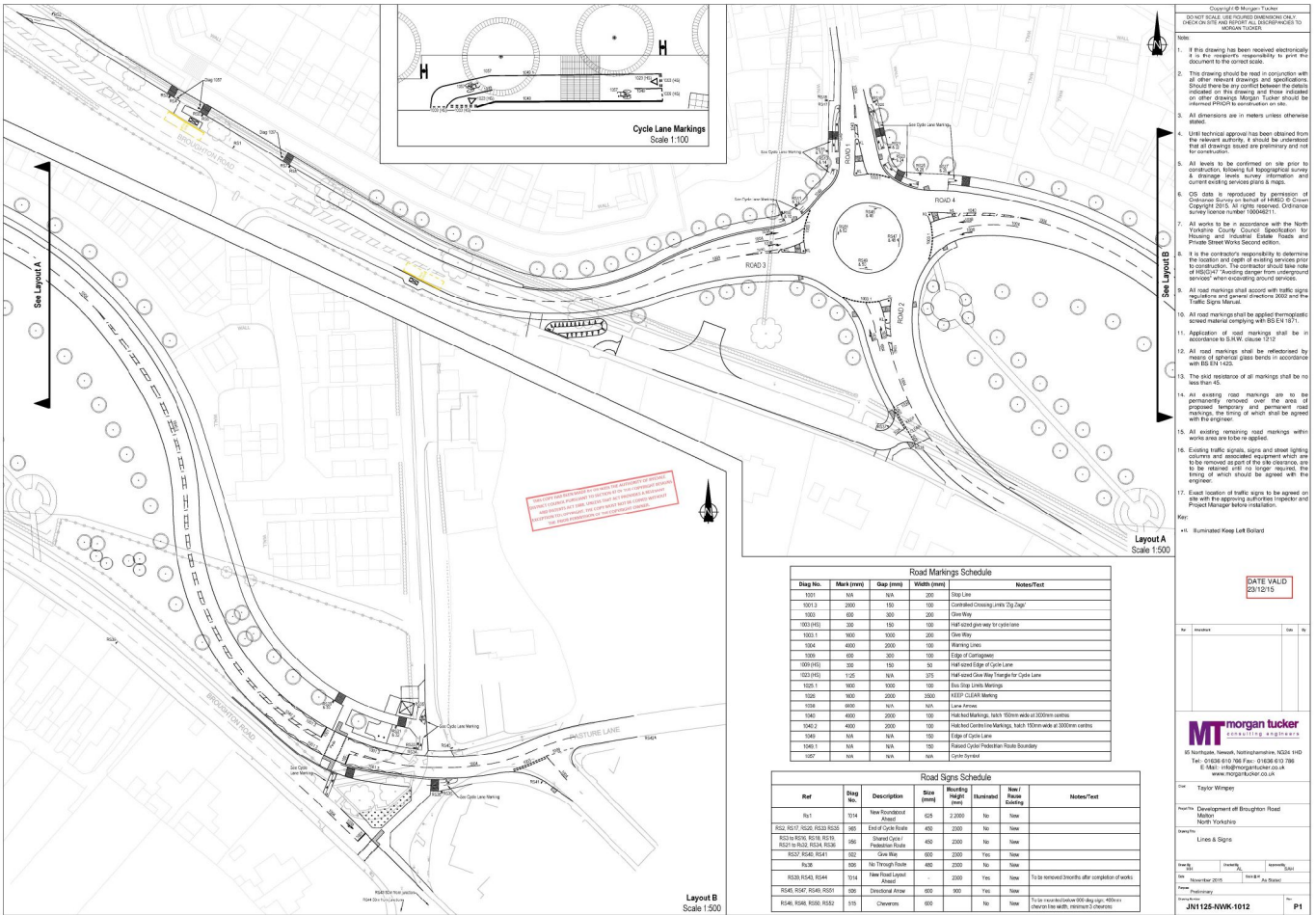
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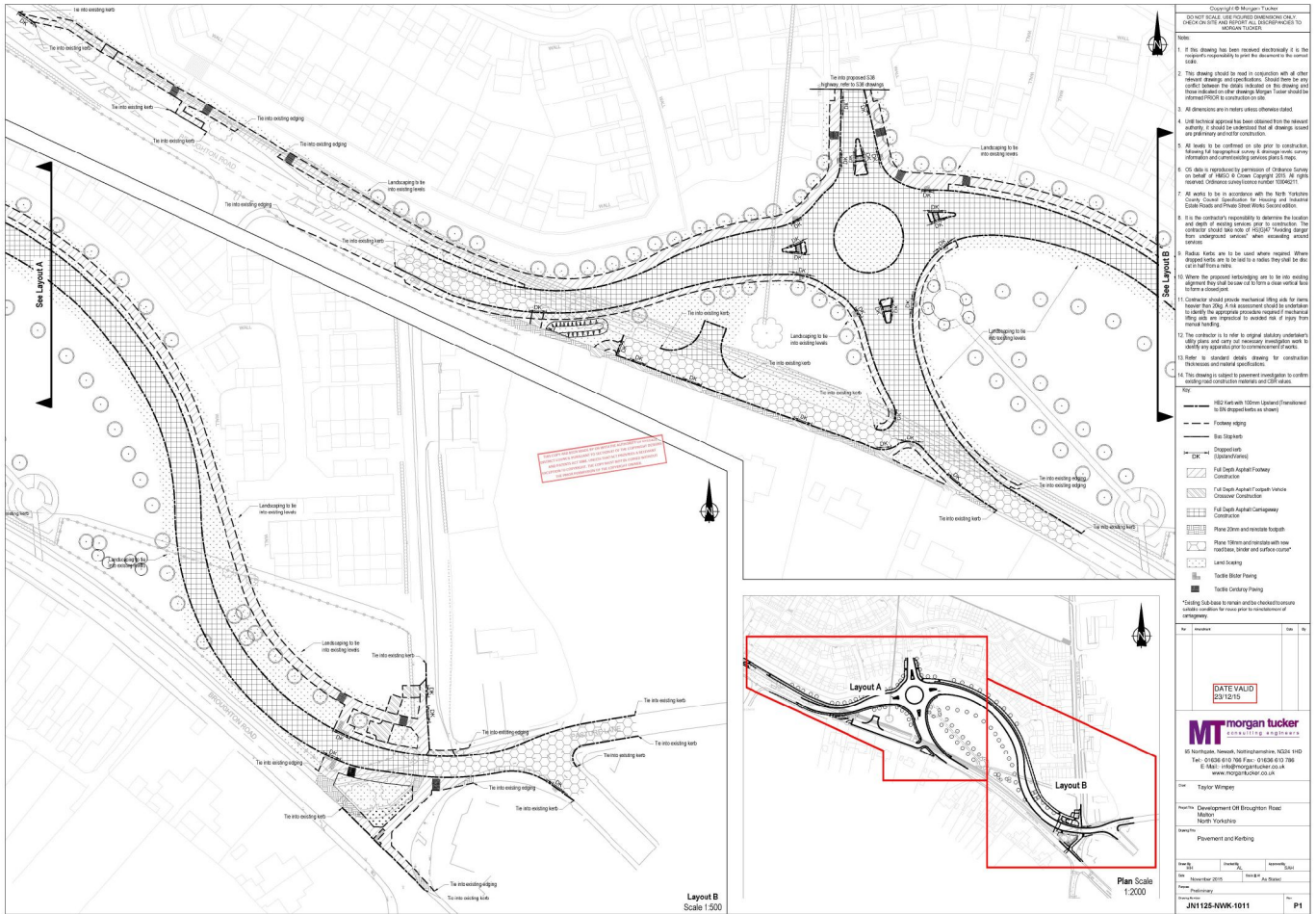
Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties

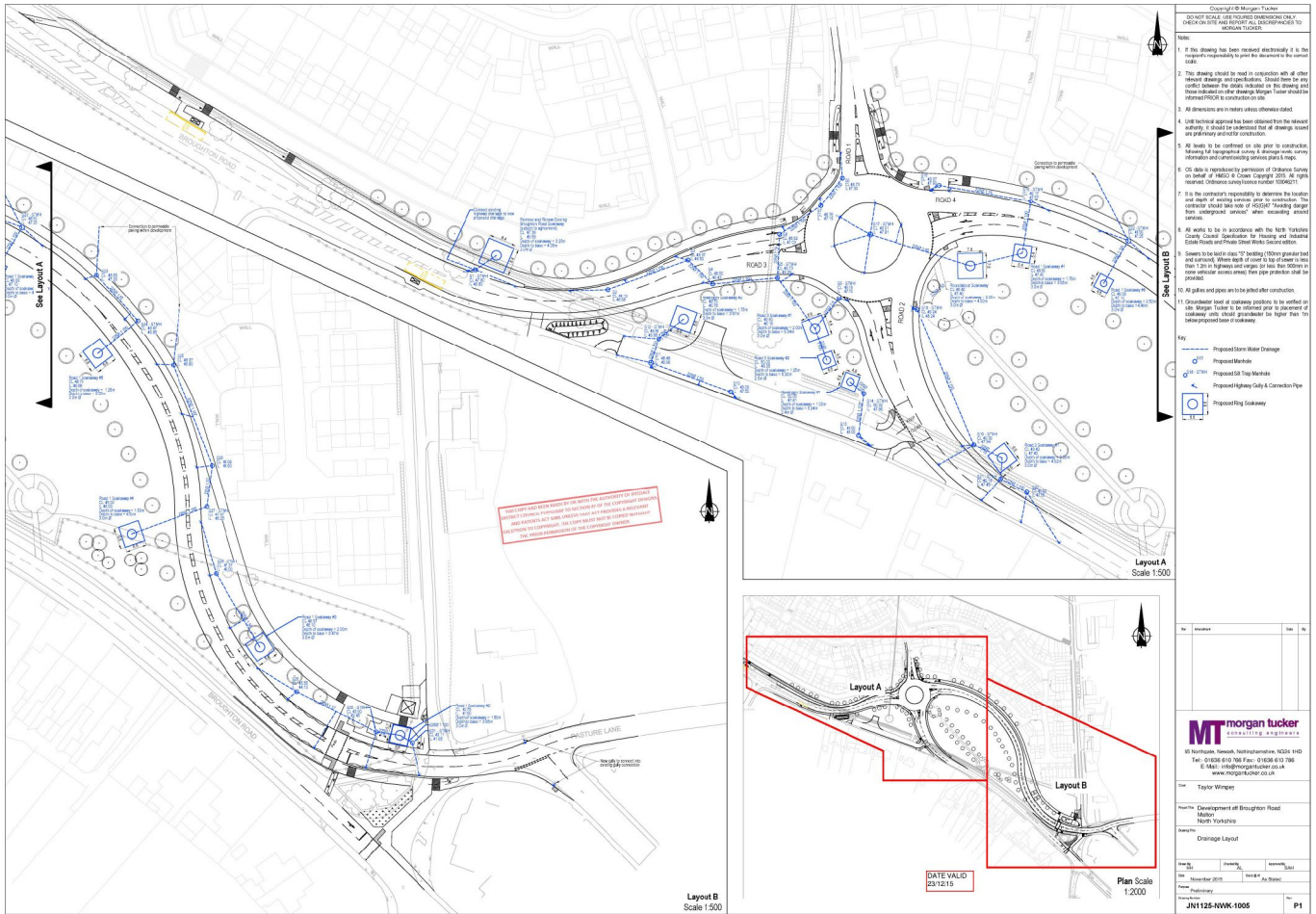


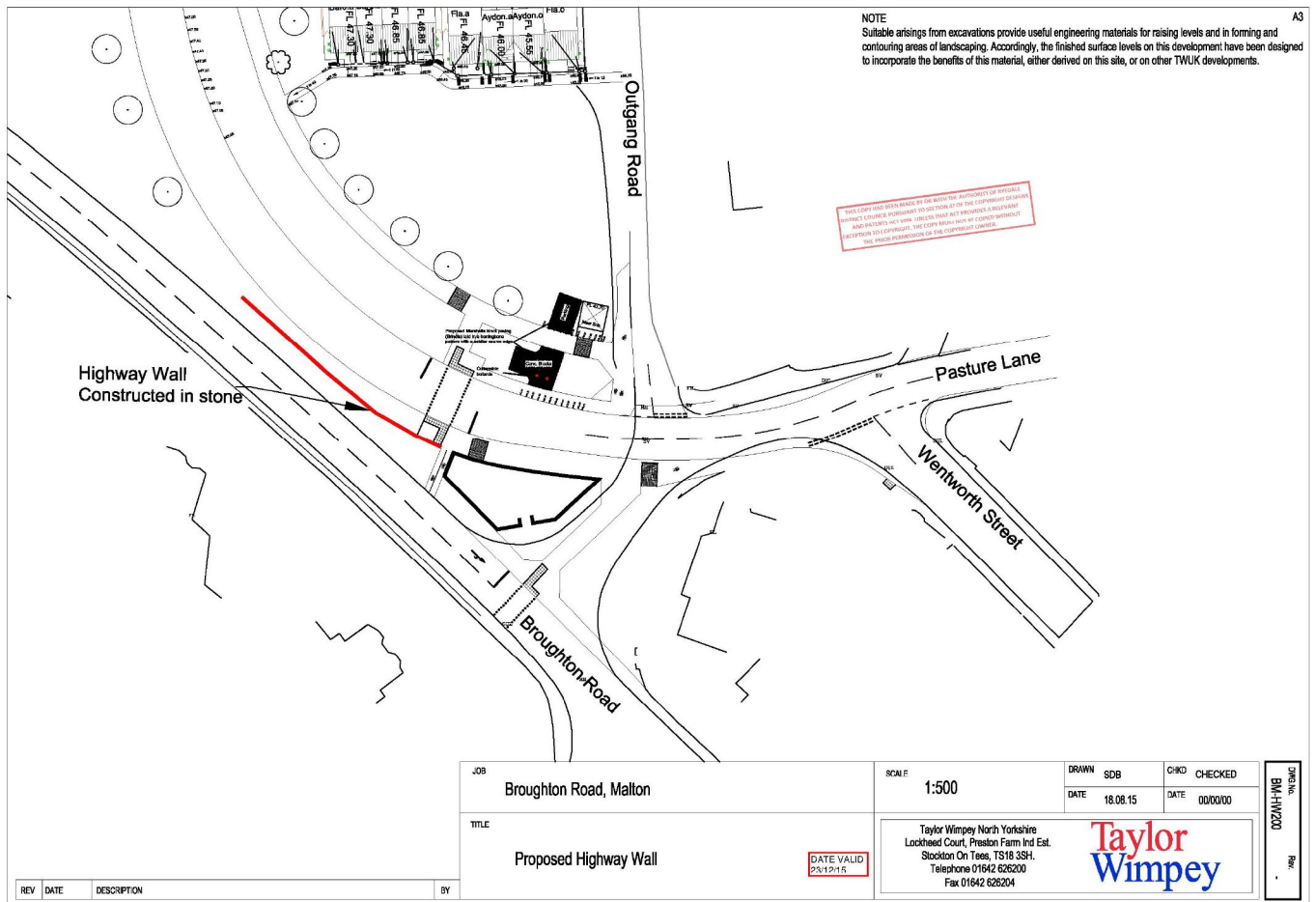


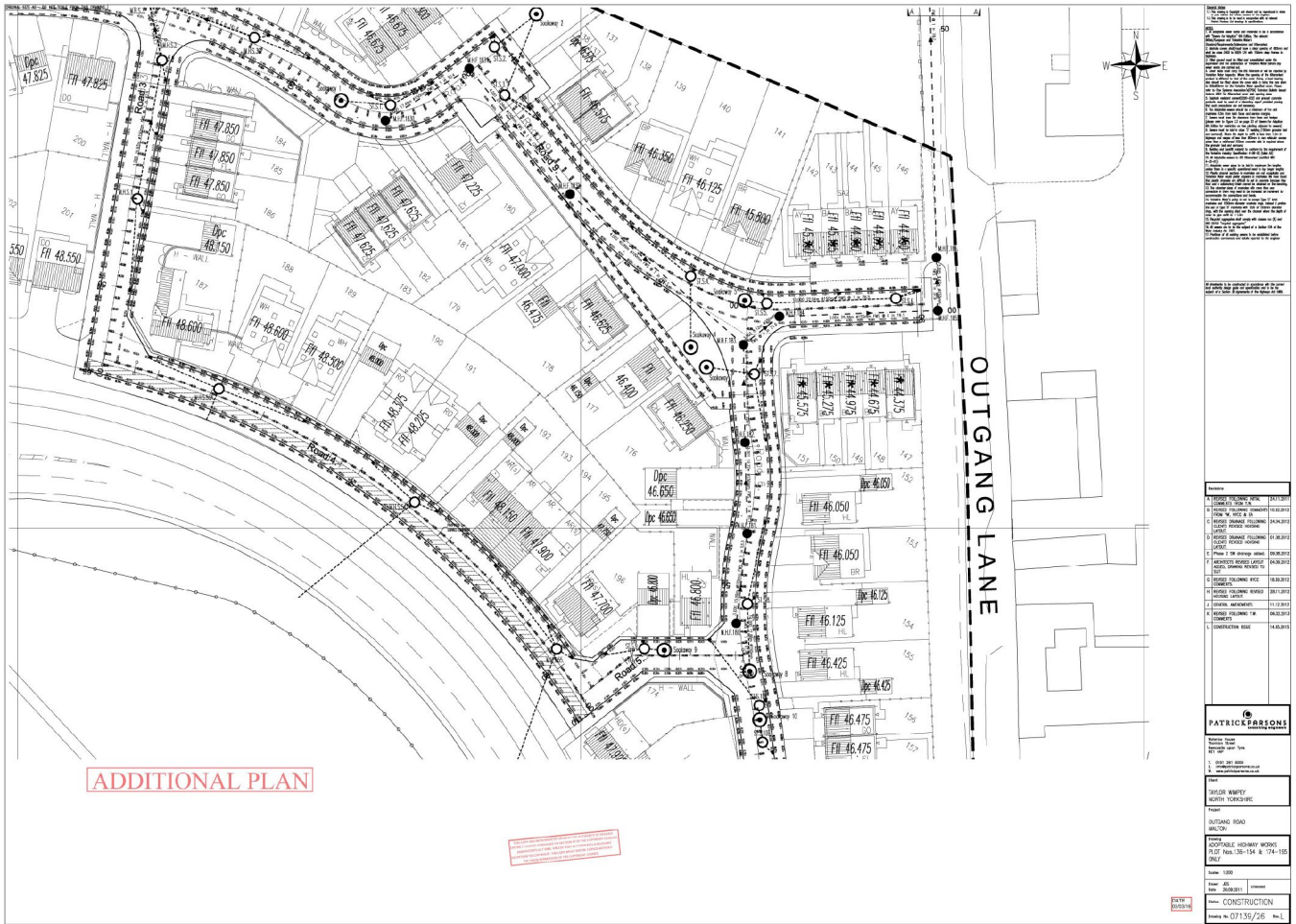


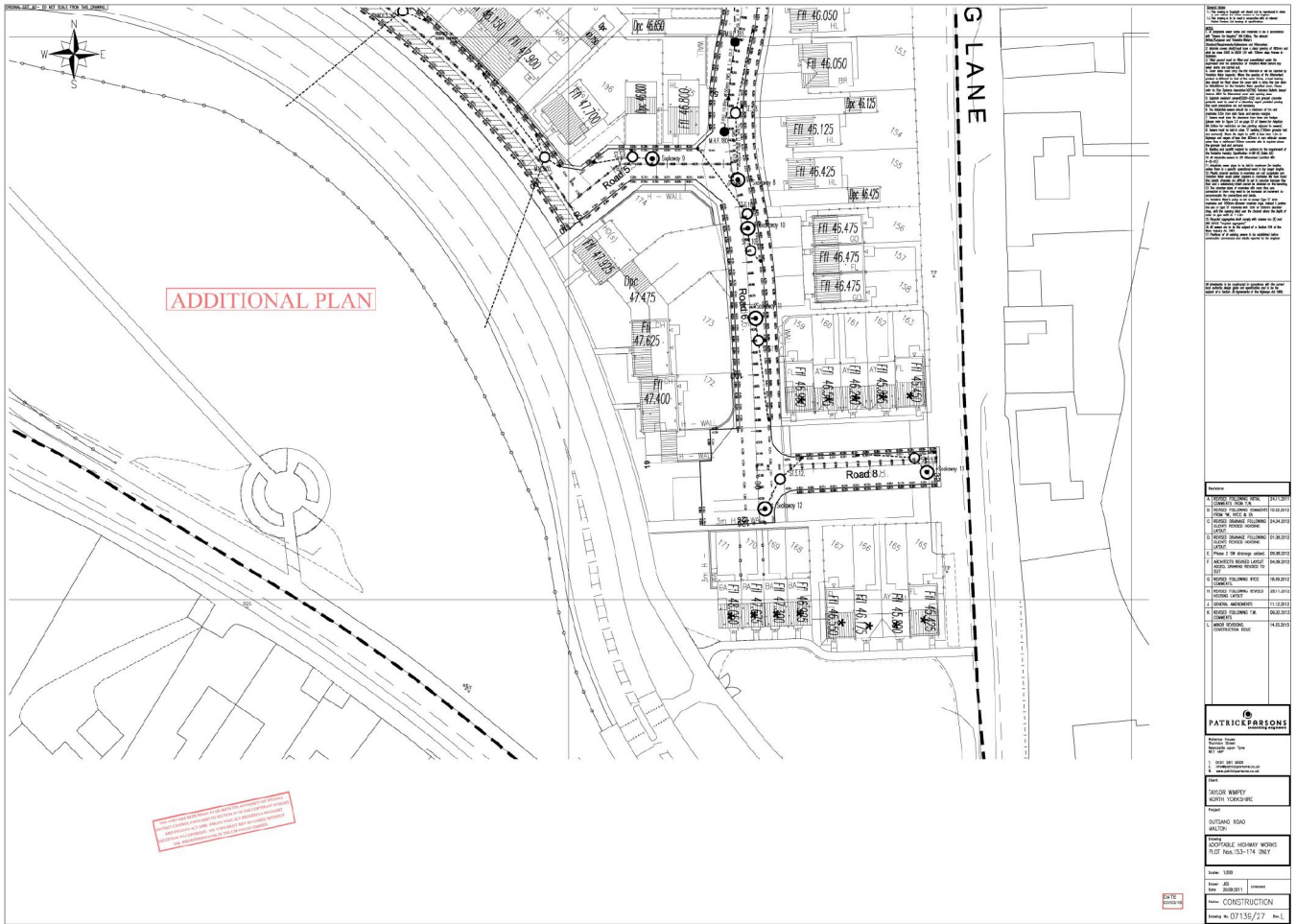


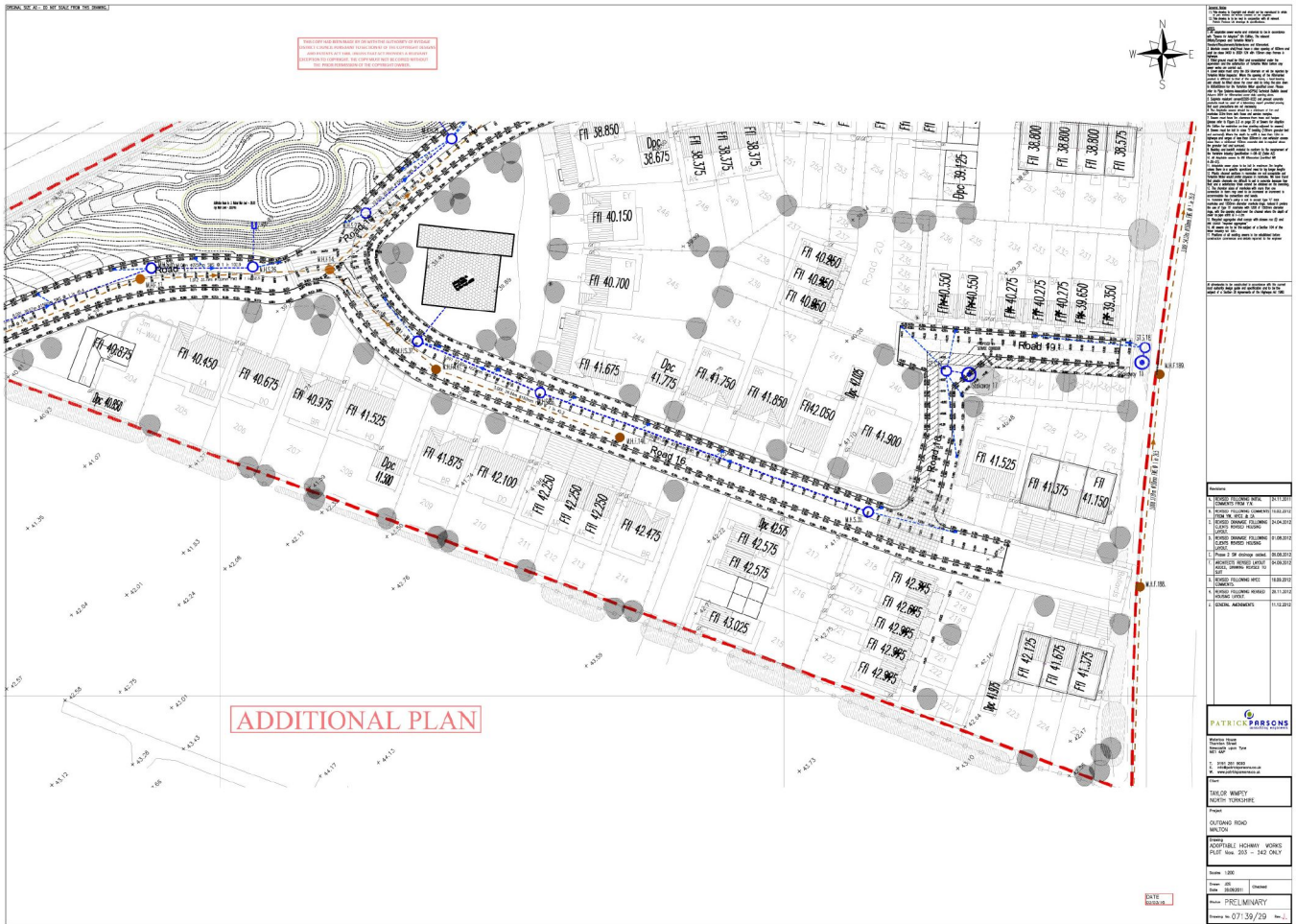


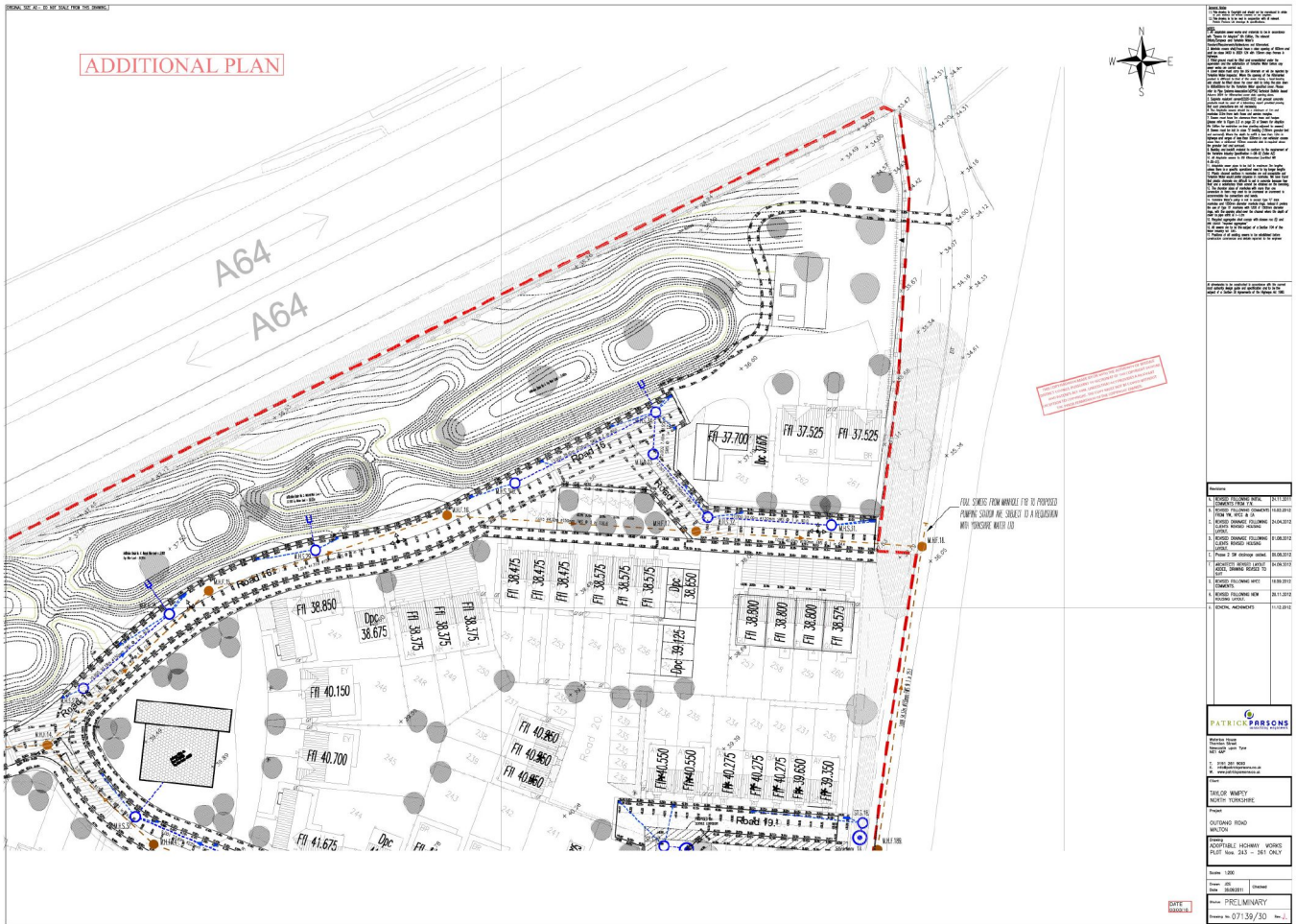


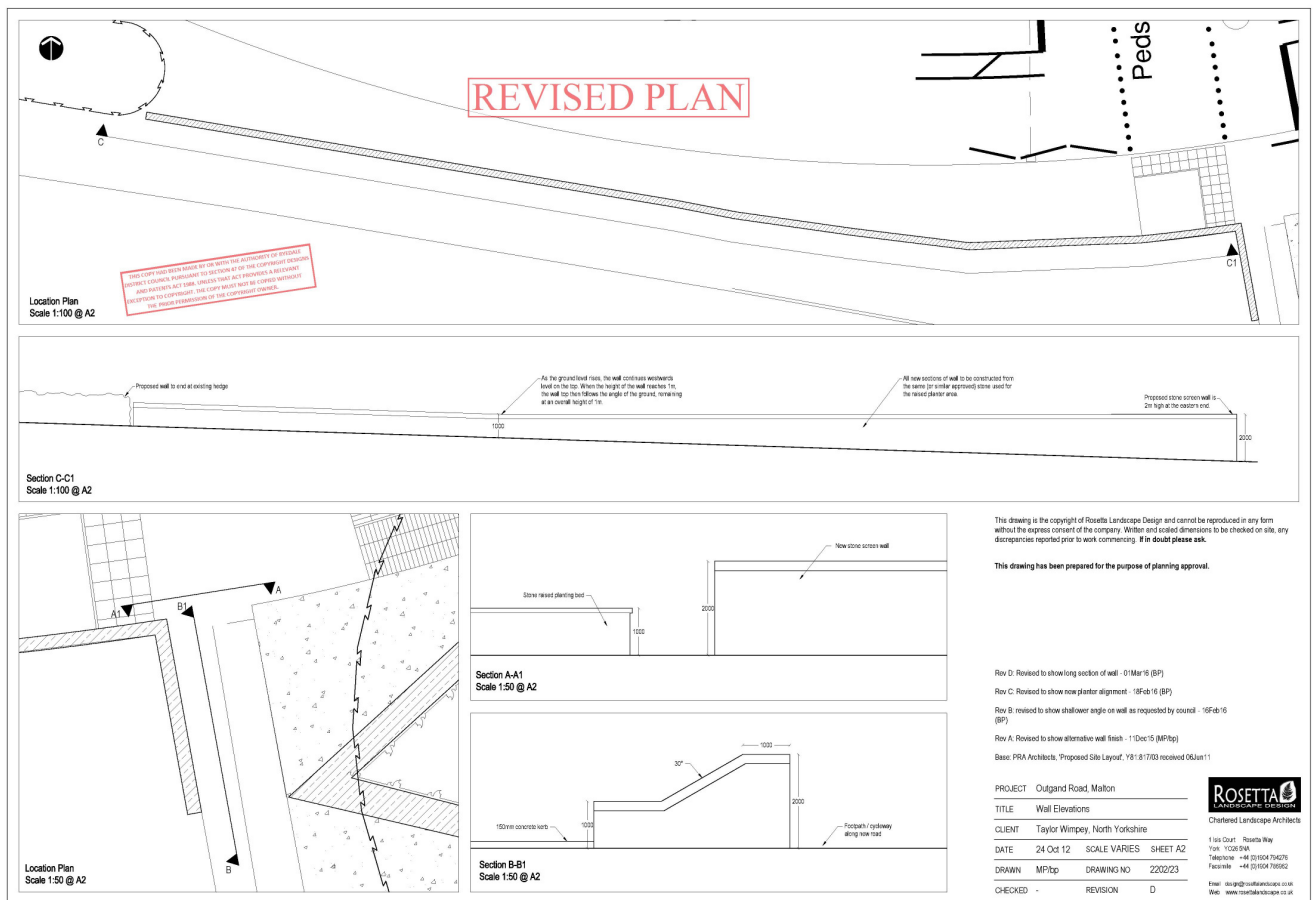




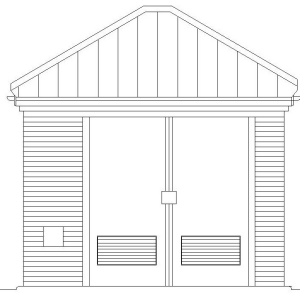




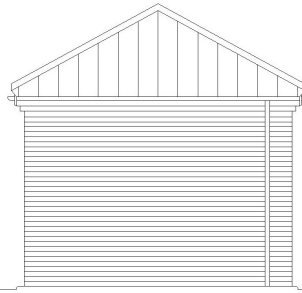




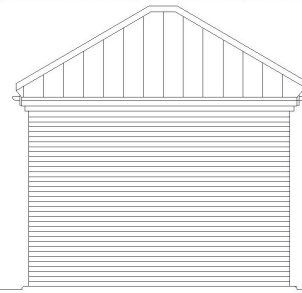
NOTE
Suitable arisings from excavations provide useful engineering materials for raising levels and in forming and contouring areas of landscaping. Accordingly, the finished surface levels on this development have been designed to incorporate the benefits of this material, either derived on this site, or on other TWUK developments.



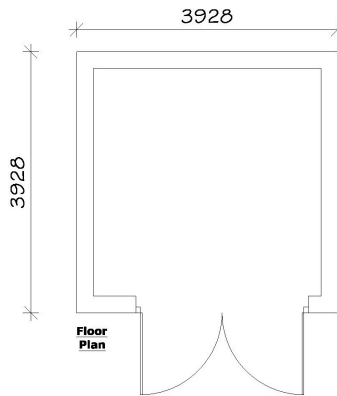
Front Elevation



Side Elevation



Rear Elevation



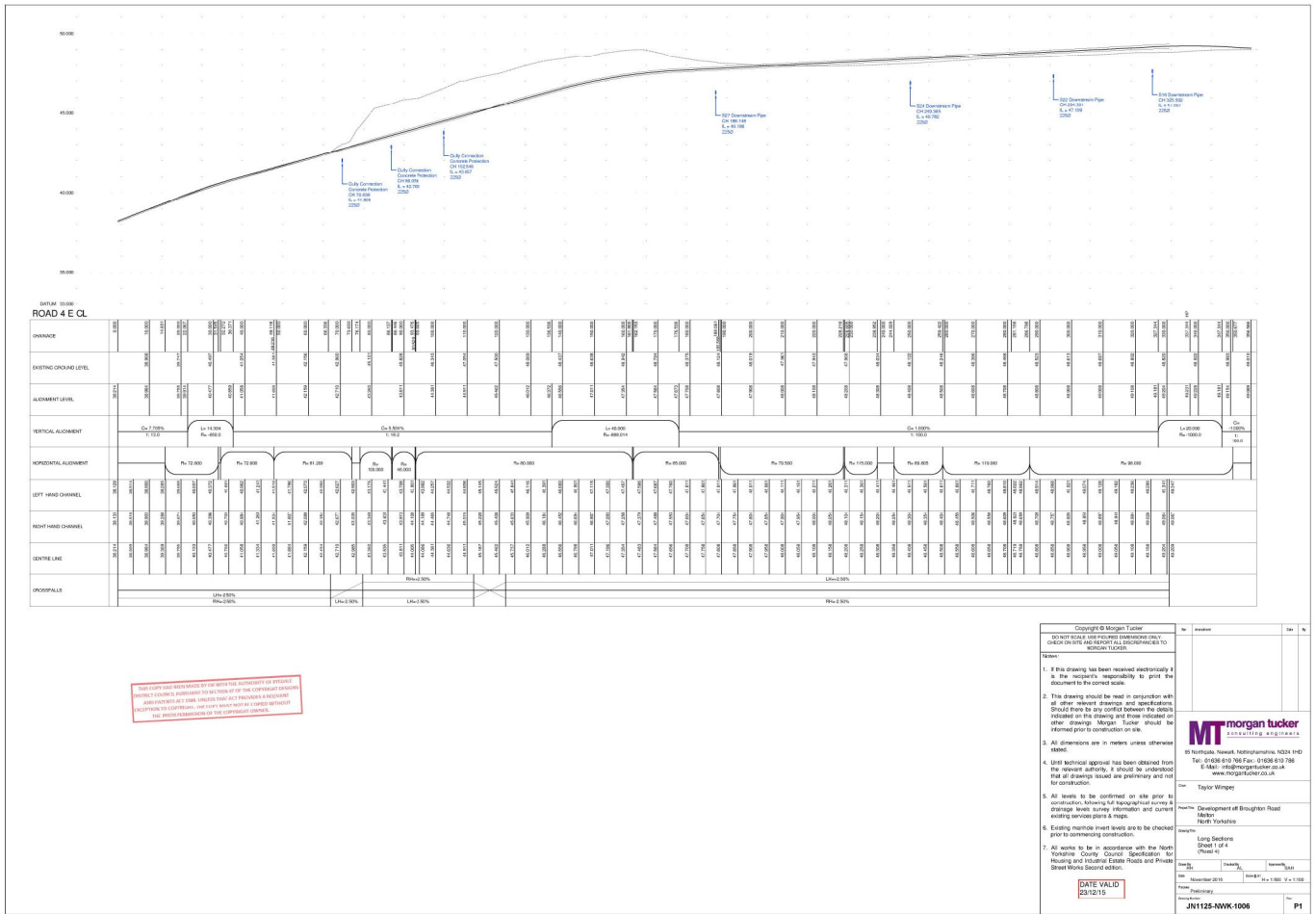
Floor Plan

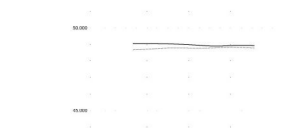
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Roof Tile: Russell Natural Slate

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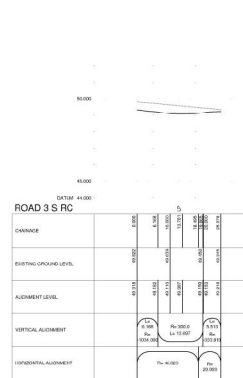
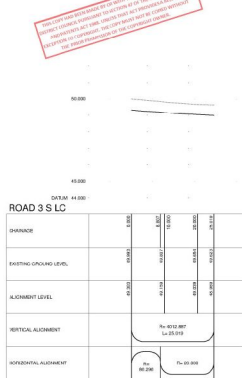
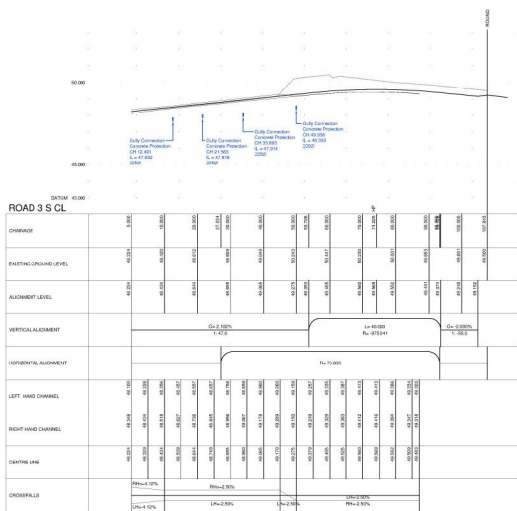
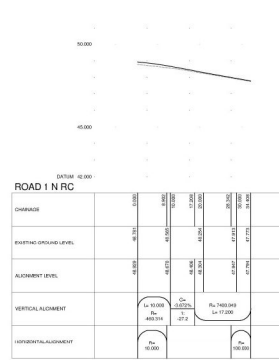
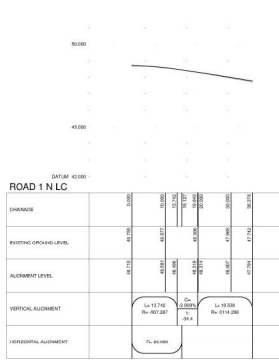
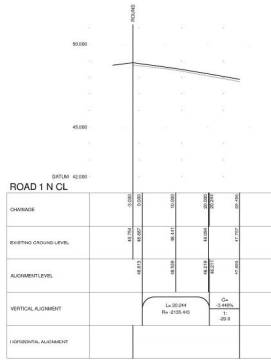
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JOB Broughton Rd & Outgang Lane, Malton		SCALE 1:50	DRAWN KM	CHKD -
			DATE 11.12.15	DATE -
TITLE Sub Station Planning Drawing		Taylor Wimpey North Yorkshire Lookhead Court, Preston Farm Ind Est. Stockton On Tees, TS18 3SH. Telephone 01642 626200 Fax 01642 626204		
DATE VALID 23/12/15		Taylor Wimpey		
		DWG No 172SS Rev. -		



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- Existing manhole invert levels are to be checked prior to commencing construction.
- All works to be in accordance with the North Yorkshire County Council Specification for Highway and Related Works and the British Standard BS 5400.

No.	Revised	By	Date
1			

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For: Taylor Wimpey

Project: Development off Broughton Road
Market
North Yorkshire

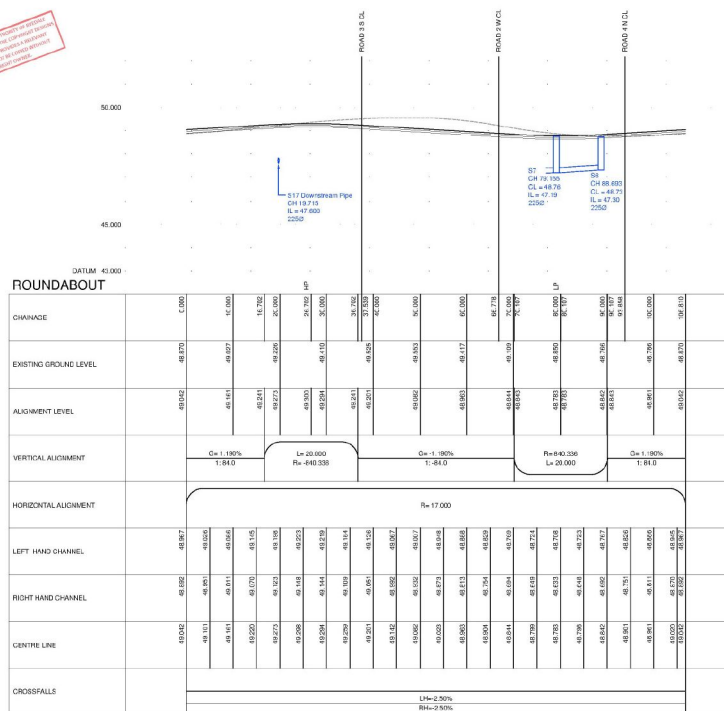
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Checked by: J. A.
(Project R. 2)

Date: November 2015 Issue: 1 Date: 23/12/15

Project: JN1125-NWK-1008

Page: P1

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5. All levels to be confirmed on site prior to construction, following full topographical survey & drainage levels survey information and current existing services plans & maps.

6. Existing manhole invert levels are to be checked prior to commencing construction.

7. All works to be in accordance with the North Yorkshire County Council Specification for Housing and Industrial Estate Roads and Private Street Works Second edition.

Rev

Amendment

Date

By

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Taylor Wimpey

Project

The Development of Broughton Road

Matton

North Yorkshire

Issued for

Long Sections

Sheet 4 of 4

(Roundabout)

Drawn by

November 2015

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23/12/15

Approximate

Scale

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Date

November 2015

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Project

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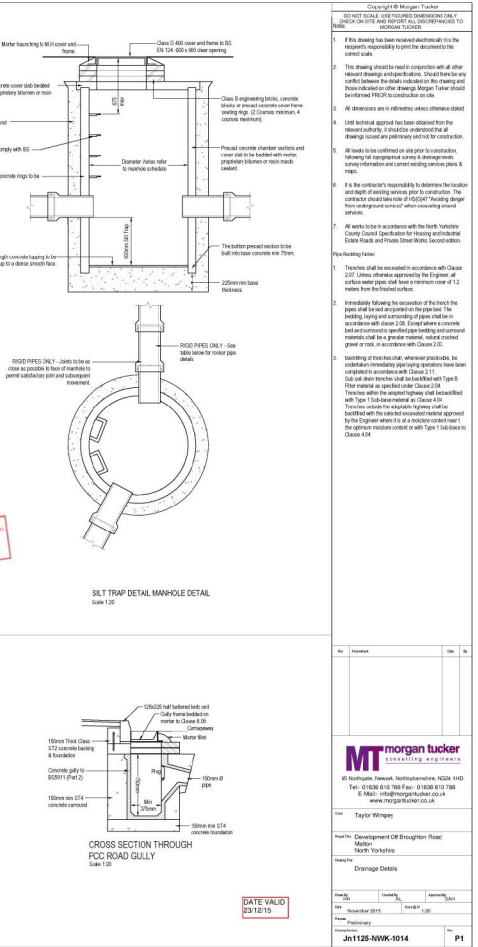
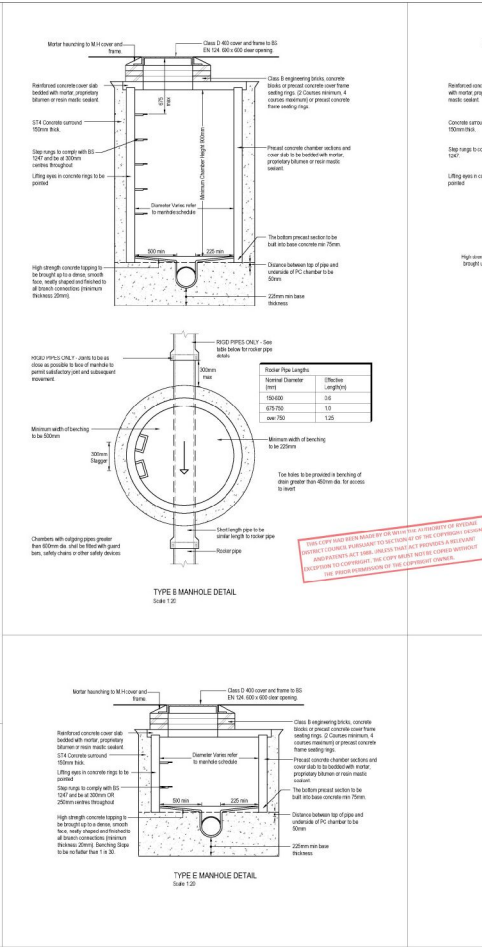
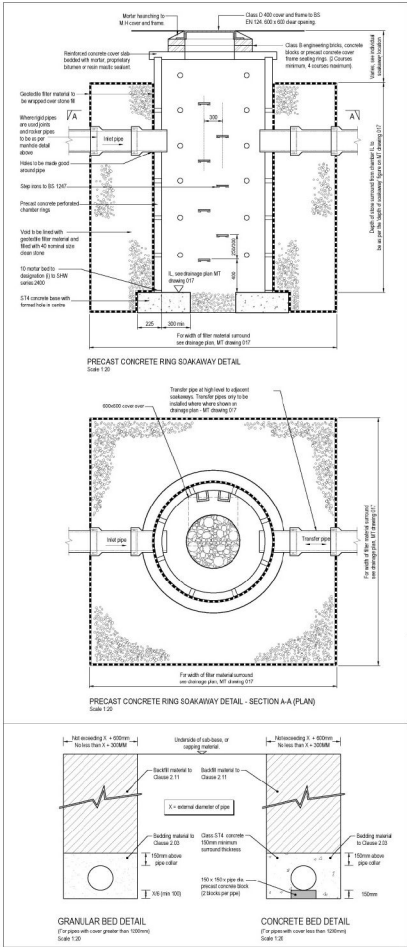
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MANHOLE SCHEDULE Existing Broughton Road Soakaway Network									
Manhole Number	Cover Depth (ft)	Connection	Flow		Manhole Size	Type			
Coordinates	Depth (ft)	Connection	Code	Height	Depth (ft)	Manhole	Clear		
S1	47.0	1.00	0.00	46.0	225	100	5704	3403	
E	47032.00								
N	47032.00								

MANHOLE SCHEDULE Road 3 Soakaway #1 Network									
Manhole Number	Cover Depth (ft)	Connection	Flow		Manhole Size	Type			
Coordinates	Depth (ft)	Connection	Code	Height	Depth (ft)	Manhole	Clear		
S2	46.0	1.00	0.00	45.0	225	100	5704	3403	
E	47032.00								
N	47032.00								
S3	46.0	1.00	0.00	45.0	225	100	5704	3403	
E	47032.00								
N	47032.00								
S4	46.0	1.00	0.00	45.0	225	100	5704	3403	
E	47032.00								
N	47032.00								
S5	46.0	1.00	0.00	45.0	225	100	5704	3403	
E	47032.00								
N	47032.00								
S6	46.0	1.00	0.00	45.0	225	100	5704	3403	
E	47032.00								
N	47032.00								
S7	46.0	1.00	0.00	45.0	225	100	5704	3403	
E	47032.00								
N	47032.00								
S8	46.0	1.00	0.00	45.0	225	100	5704	3403	
E	47032.00								
N	47032.00								
S9	46.0	1.00	0.00	45.0	225	100	5704	3403	
E	47032.00								
N	47032.00								

MANHOLE SCHEDULE Newbiggin Soakaway #2 Network									
Manhole Number	Cover Depth (ft)	Connection	Flow		Manhole Size	Type			
Coordinates	Depth (ft)	Connection	Code	Height	Depth (ft)	Manhole	Clear		
S10	46.0	1.00	0.00	45.0	225	100	5704	3403	
E	47032.00								
N	47032.00								
S11	46.0	1.00	0.00	45.0	225	100	5704	3403	
E	47032.00								
N	47032.00								
S12	46.0	1.00	0.00	45.0	225	100	5704	3403	
E	47032.00								
N	47032.00								

MANHOLE SCHEDULE Newbiggin Soakaway #1 Network									
Manhole Number	Cover Depth (ft)	Connection	Flow		Manhole Size	Type			
Coordinates	Depth (ft)	Connection	Code	Height	Depth (ft)	Manhole	Clear		
S13	46.0	1.00	0.00	45.0	225	100	5704	3403	
E	47032.00								
N	47032.00								
S14	46.0	1.00	0.00	45.0	225	100	5704	3403	
E	47032.00								
N	47032.00								

MANHOLE SCHEDULE Roundabout and Road 1 Soakaway #1 Network									
Manhole Number	Cover Depth (ft)	Connection	Flow		Manhole Size	Type			
Coordinates	Depth (ft)	Connection	Code	Height	Depth (ft)	Manhole	Clear		
S15	46.0	1.00	0.00	45.0	225	100	5704	3403	
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N	47032.00								
S16	46.0	1.00	0.00	45.0	225	100	5704	3403	
E	47032.00								
N	47032.00								
S17	46.0	1.00	0.00	45.0	225	100	5704	3403	
E	47032.00								
N	47032.00								

MANHOLE SCHEDULE Road 2 Soakaway #3 Network									
Manhole Number	Cover Depth (ft)	Connection	Flow		Manhole Size	Type			
Coordinates	Depth (ft)	Connection	Code	Height	Depth (ft)	Manhole	Clear		
S18	46.0	1.00	0.00	45.0	225	100	5704	3403	
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N	47032.00								
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E	47032.00								
N	47032.00								
S20	46.0	1.00	0.00	45.0	225	100	5704	3403	
E	47032.00								
N	47032.00								
S21	46.0	1.00	0.00	45.0	225	100	5704	3403	
E	47032.00								
N	47032.00								

MANHOLE SCHEDULE Road 1 Soakaway #2 Network									
Manhole Number	Cover Depth (ft)	Connection	Flow		Manhole Size	Type			
Coordinates	Depth (ft)	Connection	Code	Height	Depth (ft)	Manhole	Clear		
S22	46.0	1.00	0.00	45.0	225	100	5704	3403	
E	47032.00								
N	47032.00								

MANHOLE SCHEDULE Road 1 Soakaway #5 Network									
Manhole Number	Cover Depth (ft)	Connection	Flow		Manhole Size	Type			
Coordinates	Depth (ft)	Connection	Code	Height	Depth (ft)	Manhole	Clear		
S23	46.0	1.00	0.00	45.0	225	100	5704	3403	
E	47032.00								
N	47032.00								
S24	46.0	1.00	0.00	45.0	225	100	5704	3403	
E	47032.00								
N	47032.00								

MANHOLE SCHEDULE Road 1 Soakaway #4 Network									
Manhole Number	Cover Depth (ft)	Connection	Flow		Manhole Size	Type			
Coordinates	Depth (ft)	Connection	Code	Height	Depth (ft)	Manhole	Clear		
S25	46.0	1.00	0.00	45.0	225	100	5704	3403	
E	47032.00								
N	47032.00								
S26	46.0	1.00	0.00	45.0	225	100	5704	3403	
E	47032.00								
N	47032.00								
S27	46.0	1.00	0.00	45.0	225	100	5704	3403	
E	47032.00								
N	47032.00								

MANHOLE SCHEDULE Road 1 Soakaway #3 Network									
Manhole Number	Cover Depth (ft)	Connection	Flow		Manhole Size	Type			
Coordinates	Depth (ft)	Connection	Code	Height	Depth (ft)	Manhole	Clear		
S28	46.0	1.00	0.00	45.0	225	100	5704	3403	
E	47032.00								
N	47032.00								

MANHOLE SCHEDULE Road 1 Soakaway #2 Network 1									
Manhole Number	Cover Depth (ft)	Connection	Flow		Manhole Size	Type			
Coordinates	Depth (ft)	Connection	Code	Height	Depth (ft)	Manhole	Clear		
S29	46.0	1.00	0.00	45.0	225	100	5704	3403	
E	47032.00								
N	47032.00								
S30	46.0	1.00	0.00	45.0	225	100	5704	3403	
E	47032.00								
N	47032.00								
S31	46.0	1.00	0.00	45.0	225	100	5704	3403	
E	47032.00								
N	47032.00								

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Agenda Item 9

Item Number: 9
Application No: 15/01522/73AM
Parish: Malton Town Council
Appn. Type: Major Non Compliance Conditions
Applicant: Taylor Wimpey (North Yorkshire) Ltd
Proposal: Variation of Conditions 04 and 08 of approval 11/01182/MREM dated 26.10.2012 by submission of amended and additional plans in relation to landscaping
Location: Land North Of Broughton Road Malton North Yorkshire
Registration Date:
8/13 Wk Expiry Date: 24 March 2016
Overall Expiry Date: 16 March 2016
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

NY Highways & Transportation
Tree & Landscape Officer
NY Highways & Transportation
Parish Council
Tree & Landscape Officer
Parish Council

Neighbour responses: Mr William Caldwell,

SITE:

This application relates to the Taylor Wimpey housing development at Broughton Road, Malton. Members are advised to refer to application 15/01517/73AM for the relevant history and planning policy in respect of the development.

PROPOSAL:

Application 11/01182/MREM granted permission for:

Erection of 3 no. five bedroom, 110 no. four bedroom, 101 no. three bedroom and 48 no. two bedroom dwellings, associated garages, public open space, electricity sub station, formation of Broughton Road to Pasture Lane link road and landscaping (outline approval 10/00899/MOUT dated 07.11.2011 refers.).

The reserved matters approval was subject to a number of conditions. Permission is sought to vary two of the conditions.

Condition 04 states:

04 Unless an alternative scheme has first been agreed in writing by the Local Planning Authority, the landscaping shall be carried out in complete accordance with drawing nos. 2202/12 rev L, 2202/13 rev L, 2202/14 rev L, 2202/15 rev L, 2202/16 rev L, 2202/17 rev L, 2202/18 rev C and 2202/22.

Reason:- In the interests of the visual amenity, and to satisfy the requirements of Policy ENV7 of the Ryedale Local Plan.

Condition 08 lists the approved plans.

The changes to the plans are in part due to the proposed changes to the approved road layout which is the subject of application 15/01517/73AM. In addition the technical drawings have now been provided which include precise details of the location of the soakaways to serve the site. This has also necessitated a change in the location of some of the new planting previously approved.

APPRAISAL:

The design concept for the approved development comprises an avenue of trees along the new link road, and on the large areas of open space which are located to the south. This will provide an attractive landscaped setting on this sensitive approach to the town. The current application does not change this design approach. The material considerations in relation to this application are therefore:

- impact of changes in the proposed landscaping on the character of the area.
- impact of the changes to the landscaping on the existing amenities of neighbouring occupiers.

Impact of changes on character of the area.

The landscaping details previously permitted (through the approval of the reserved matters application, and subsequently discharged by condition), provided for a significant level of new planting associated with the development as a whole, and in particular alongside the spine road. The majority of the trees alongside the spine road will be planted as heavy standards.

The proposed changes have resulted in an amendment to the location of some of the new tree planting previously approved. This is predominantly where their location conflicts with the position of a proposed highway soakaway. In addition trees were previously approved to visually separate the existing Broughton Road, from the new link road at the southern end of the site. This is no longer possible because the position of the new road at this point has been moved approximately 2m to the south as detailed on application 15/01517/73AM. Two existing trees are also proposed for removal. One is at the western extent of the site, and the other is one of two trees that are within a stone planter at the south eastern end. The loss of one of the trees in the planter was not shown to be removed on the outline plan, nevertheless the Tree and Landscape officer has advised that the changes shown on that plan would have inevitably resulted in its removal. Some areas of the existing hedge which currently form the northern boundary of Broughton Road are also proposed to be removed. This is in part due to the location of soakaways, and also because they would be affected by the cycle approved route. There are also some minor changes proposed to the landscaping within the housing estate.

The Council's Tree and Landscape Officer has been involved in all of the discussions regarding the proposed changes. The discussions have resulted in additional trees in alternative locations which do not conflict with proposed drainage routes and soakaways, and the provision of a replacement native hedge on the northern part of the spine road. Further new hedging will also be provided along the northern boundary of the smaller area of open space between the proposed trees. Additional areas of hedging have also been proposed in areas along Outgang Road where there are existing gaps in the hedging.

In relation to the existing tree shown to be removed at the western extent of the site, a replacement tree is being provided adjacent to the truncated end of Broughton Road.

In relation to the reduction in new trees proposed at the south eastern end of the site, it is noted that 3 heavy standard trees will still be planted on the northern side of the new link road at this point. Furthermore 35 apple and cherry trees will be provided in the 'plantation' area which is sited to the north of the footpath which runs from Outgang Lane and which follows the line of the new spine road.

Accordingly, officers are satisfied that the design concept of a landscaped link road will be maintained through the revisions to the landscaping drawings hereby proposed. Indeed the scheme provides for the planting of 89 new 'standard' trees alongside the new spine road with an additional 35 apple and cherry trees in the plantation. The main species used along the spine road are Norway Maple, Field Maple, Beech and Lime. These trees, and particularly the Beech and Lime will grow into impressive specimens reaching heights of between 30 - 40m, and will become a prominent feature along the site frontage over time.

In addition to the tree planting, a total length of 482 metres of mixed native hedge will be provided along the spine road and around the plantation area. These hedges will provide an effective boundary treatment and also provide an excellent foraging and nesting habitat for the local wildlife.

Impact of landscape changes on existing amenities of neighbouring occupiers.

It is not considered that the proposed changes will have a material impact on the existing amenities of neighbouring occupiers. The changes to the approved landscaping is not in locations which will cause overshadowing or an overbearing impact. The main changes to the appearance of the layout is at the south-eastern end of the development. This is an area where a short stretch of new tree planting will be replaced by a stone wall. Nevertheless, the overall appearance of an attractive approach to the town will be maintained, with three new trees to the north of the new link road in this area, together with 35 trees in the plantation. It is noted that the occupants of Ryedale View and Wayside, who live at the north western end of the site have raised concerns regarding some aspects of the changes to the landscaping plans. This in particular relates to the location of a landscaped bund to the front of their properties, the removal of two existing trees on the site and the loss of hedging. However since their objection was received, revised plans have been received and consulted on. The plans show the removal of the bund, and its replacement with a native hedge. A replacement 'standard' tree will also be planted in this area.

Recommendation: There remains a significant level of new tree and hedge planting associated with the development as a whole. It is considered that the revisions to the previously approved plans will maintain, and in some areas enhance, the landscaped setting of the residential development and new link road. Accordingly, the **recommendation is one of approval subject to conditions and subject to the expiry of re-consultation on the application (the consultation period expires on 16.03.2016).**

RECOMMENDATION: Approve subject to no adverse comments

- 1 Unless otherwise agreed in writing prior to the occupation of any dwellings hereby approved, post construction noise monitoring shall take place at Plot 1 as shown on plan no. Y81:817/03AC. If the noise monitoring identifies noise levels that fail to comply with the submitted noise modelling, details of further mitigation to attenuate noise to all sensitive properties shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, no properties upon Plots 2 - 4 (inclusive) and 40 - 62 (inclusive) shall be occupied until one of them has been subject to post construction noise monitoring that demonstrates compliance with the submitted noise modelling.

Reason:- In the interests of residential amenity, and to satisfy the requirements of the National Planning Policy Framework.

- 2 The play area shown on drawing no. 2202/21 shall be completed in accordance with the submitted details prior to the occupation of 50% of the dwellings hereby approved, unless an extension has first been agreed in writing by the Local Planning Authority.

Reason:- To ensure delivery of the play area, and to satisfy the requirements of the National Planning Policy Framework and Policy SP13 of the Ryedale Plan - Local Plan Strategy.

- 3 A phasing plan for the delivery of all the landscaping and earth mounding shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any construction work on site. Thereafter, all landscaping shall be carried out in accordance with the agreed phasing.

Reason:- In the interests of maintaining the character of the area, and to satisfy the requirements of Policy SP13 of the Ryedale Plan - Local Plan Strategy.

- 4 Unless an alternative scheme has first been agreed in writing by the Local Planning Authority, the landscaping shall be carried out in complete accordance with drawing nos. 2202/12 rev W, 2202/13 rev W, 2202/14 rev W, 2202/15 rev W, 2202/16 rev W. 2202/17 rev W, 2202/18 rev G, 2202/22 and 2202/23A.

Reason:- In the interests of the visual amenity, and to satisfy the requirements of Policy SP13 of the Ryedale Plan - Local Plan Strategy

- 5 Unless any alternative materials are first agreed in writing by the Local Planning Authority, the development hereby approved shall be carried out in accordance with the materials detailed on drawing no. Y81:817/06G and on the itemised plot schedule.

Reason:- In the interests of maintaining the character of the area, and to satisfy the requirements of Section 7 of the National Planning Policy Framework and Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 6 Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of such works on site, the method of planting the trees adjacent to Plots 83, 84, 86 and 87 shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- By virtue of the restricted area available for tree planting, and to satisfy the requirements of Policy SP13 of the Ryedale Plan - Local Plan Strategy.

- 7 Notwithstanding the details shown on drawing no. 2202/18C and prior to the commencement of such works on site, precise details of all hardsurfacing shall be submitted to and approved in writing by the Local Planning Authority.

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

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

Drawing No. Y81:817.03AC - Proposed Site Layout;
Drawing No. Y81:817.04AC - Proposed Site Layout;
Drawing No. Y81:817.05AC - Proposed Site Layout;
Drawing No. Y81:817.06G - Provisional Materials Layout;
Drawing No. Y81:817.7 - Lindisfarne (TSS) - Plans;
Drawing No. Y81:817.8 - Lindisfarne (TSS) - Elevations;
Drawing No. Y81:817.9 - Lindisfarne (TSS) - Elevations ;
Drawing No. Y81:817.10 - Flat over garage - Plans and Elevations;;
Drawing No. Y81:817.11 - Flatford - Plans and Elevations;
Drawing No. Y81:817.12 - Gosford - Plans and Elevations;
Drawing No. Y81:817.13 - Halliford - Plans and Elevations;
Drawing No. Y81:817.14 - Portland - Plans;
Drawing No. Y81:817.15 - Portland - Elevations;

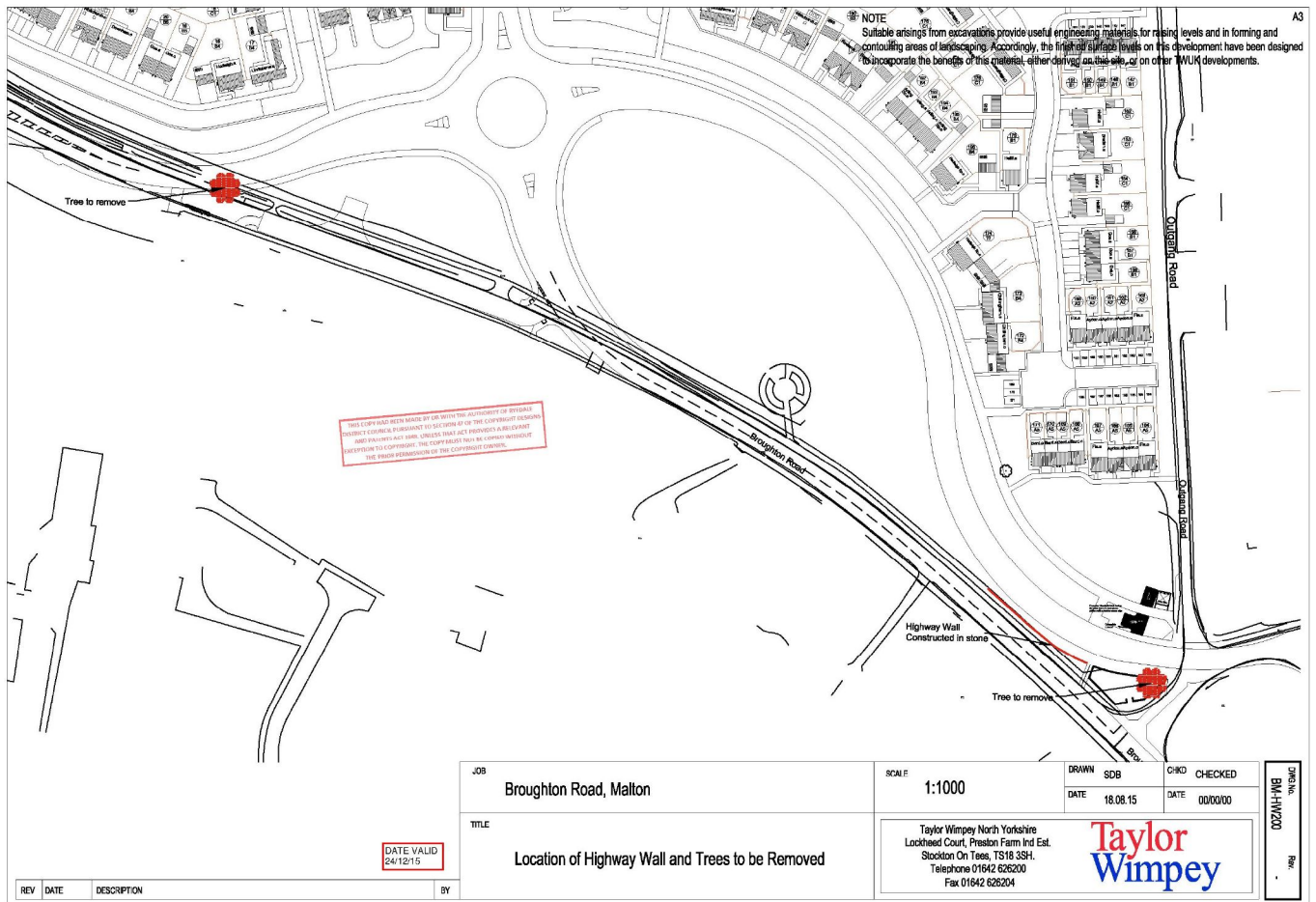
Drawing No. Y81:817.16 - Tildale - Plans;
 Drawing No. Y81:817.17 - Tildale - Elevations;
 Drawing No. Y81:817.18 - Tildale Special - Plans;
 Drawing No. Y81:817.19 - Tildale Special - Elevations;
 Drawing No. Y81:817.20 - Rowan - Plans;
 Drawing No. Y81:817.21 - Rowan - Elevations;
 Drawing No. Y81:817.22 - Rowan - Elevations;
 Drawing No. Y81:817.23 - Bradenham - Plans;
 Drawing No. Y81:817.24 - Bradenham - Elevations;
 Drawing No. Y81:817.27 - Midford - Plans;
 Drawing No. Y81:817.28 - Midford - Elevations;
 Drawing No. Y81:817.29 - Arlington - Plans;
 Drawing No. Y81:817.30 - Arlington - Elevations;
 Drawing No. Y81:817.31 - Arlington Special - Plans;
 Drawing No. Y81:817.32 - Arlington Special - Elevations;
 Drawing No. Y81:817.33 - Downham - Plans;
 Drawing No. PB35/06/PL2A
 Drawing No. PB35/6/PL1
 Drawing No. PB41/5/PL2 Rev A - Easton
 Drawing No. Y81:817.34 - Downham - Elevations;
 Drawing No. Y81:817.35 - Chillingham - Plans;
 Drawing No. Y81:817.36 - Chillingham - Elevations;
 Drawing No. Y81:817.37 - Easton - Plans;
 Drawing No. Y81:817.38 - Easton - Elevations;
 Drawing No. Y81:817.39 - Hadleigh - Plans;
 Drawing No. Y81:817.40 - Hadleigh - Elevations;
 Drawing No. Y81:817.41 - Hadleigh Special - Plans;
 Drawing No. Y81:817.42 - Hadleigh Special - Elevations;
 Drawing No. Y81:817.43 - Eynsham - Plans;
 Drawing No. Y81:817.44 - Eynsham - Elevations;
 Drawing No. Y81:817.45 - Lindisfarne - Plans;
 Drawing No. Y81:817.46 - Lindisfarne - Elevations, Brick;
 Drawing No. Y81:817.47 - Lindisfarne - Elevations, Render;
 Drawing No. Y81:817.48 - Whitchurch - Plans;
 Drawing No. Y81:817.49 - Whitchurch - Elevations;
 Drawing No. Y81:817.50 - Lavenham - Plans;
 Drawing No. Y81:817.51 - Lavenham - Elevations;
 Drawing No. Y81:817.52 - Barden - Plans and Elevations;
 Drawing No. Y81:817.54 - Aydon - Plans and Elevations;
 Drawing No. Y81:817.55 - Garage (sheet 1) - Plans and Elevations;
 Drawing No. Y81:817.56 - Garage (sheet 2) - Plans and Elevations;
 Drawing No. Y81:817.57 - Garage (sheet 3) - Plans and Elevations;
 Drawing No. Y81:817.58 - Enclosures;
 Drawing No. Y81:817.60D - Block Plans and Elevations - Sheet 1 of 15;
 Drawing No. Y81:817.61D - Block Plans and Elevations - Sheet 2 of 15;
 Drawing No. Y81:817.62D - Block Plans and Elevations - Sheet 3 of 15;
 Drawing No. Y81:817.63D - Block Plans and Elevations - Sheet 4 of 15;
 Drawing No. Y81:817.64D - Block Plans and Elevations - Sheet 5 of 15;
 Drawing No. Y81:817.65E - Block Plans and Elevations - Sheet 6 of 15;
 Drawing No. Y81:817.66D - Block Plans and Elevations - Sheet 7 of 15;
 Drawing No. Y81:817.67D - Block Plans and Elevations - Sheet 8 of 15;
 Drawing No. Y81:817.68D - Block Plans and Elevations - Sheet 9 of 15;
 Drawing No. Y81:817.69D - Block Plans and Elevations - Sheet 10 of 15;
 Drawing No. Y81:817.70D - Block Plans and Elevations - Sheet 11 of 15;
 Drawing No. Y81:817.71D - Block Plans and Elevations - Sheet 12 of 15;
 Drawing No. Y81:817.72D - Block Plans and Elevations - Sheet 13 of 15;
 Drawing No. Y81:817.73C - Block Plans and Elevations - Sheet 14 of 15;

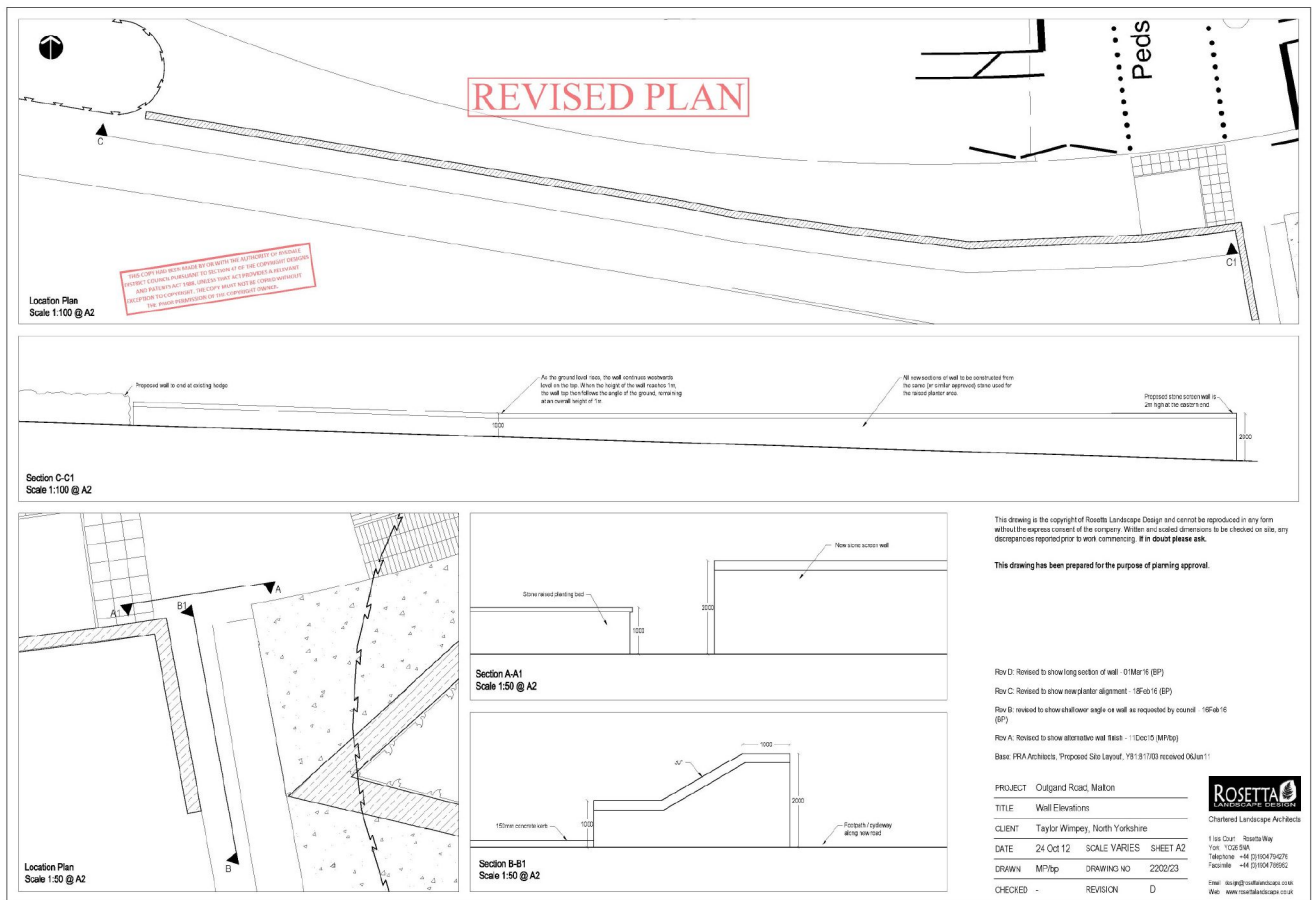
Drawing No. Y81:817.74B - Block Plans and Elevations - Sheet 15 of 15;
 Drawing No. Y81:817.90G - Streetscapes AA, BB, CC - Sheet 1 of 4;
 Drawing No. Y81:817.91F - Streetscapes DD, EE, FF - Sheet 2 of 4;
 Drawing No. Y81:817.92G - Streetscapes GG, HH - Sheet 3 of 4;
 Drawing No. Y81:817.93E - Streetscapes JJ - Sheet 4 of 4;
 Drawing No. Y81:817.100C - Broughton Road Streetscape - Coloured;
 Drawing No. Y81:817.101 - Outgang Lane Sections;
 Drawing No. Y81:817.102 - Local Context and Character;
 Drawing No. Y81:817.110 - Eaves Detail - Sheet 1 of 4;
 Drawing No. Y81:817.111 - Eaves Detail - Sheet 2 of 4;
 Drawing No. Y81:817.112 - Eaves Detail - Sheet 3 of 4;
 Drawing No. Y81:817.113 - Eaves Detail - Sheet 4 of 4;
 Drawing No. Y81:817.114 - Garage Eaves Detail - Sheet 4 of 4;
 Drawing No. Y81:817.115 - Bay Window Detail;
 Drawing No. 2202/12 rev W - Detailed Landscape Proposals (1 of 6);
 Drawing No. 2202/13 rev W - Detailed Landscape Proposals (2 of 6);
 Drawing No. 2202/14 rev W - Detailed Landscape Proposals (3 of 6);
 Drawing No. 2202/15 rev W - Detailed Landscape Proposals (4 of 6);
 Drawing No. 2202/16 rev W - Detailed Landscape Proposals (5 of 6);
 Drawing No. 2202/17 rev W - Detailed Landscape Proposals (6 of 6);
 Drawing No. 2202/18 rev G - POS Detailed Landscape Proposals;
 Drawing No. 2202/21 - Play area;
 Drawing No. 2202/22 rev A - Post Construction Details; and
 Plot Schedule
 Drawing No 2202/23 Rev D Wall elevations
 Drawing No 172:ABO Allotment Boundary Overlay
 Arboricultural Method Statement
 Plan Location of highway wall and trees to be removed

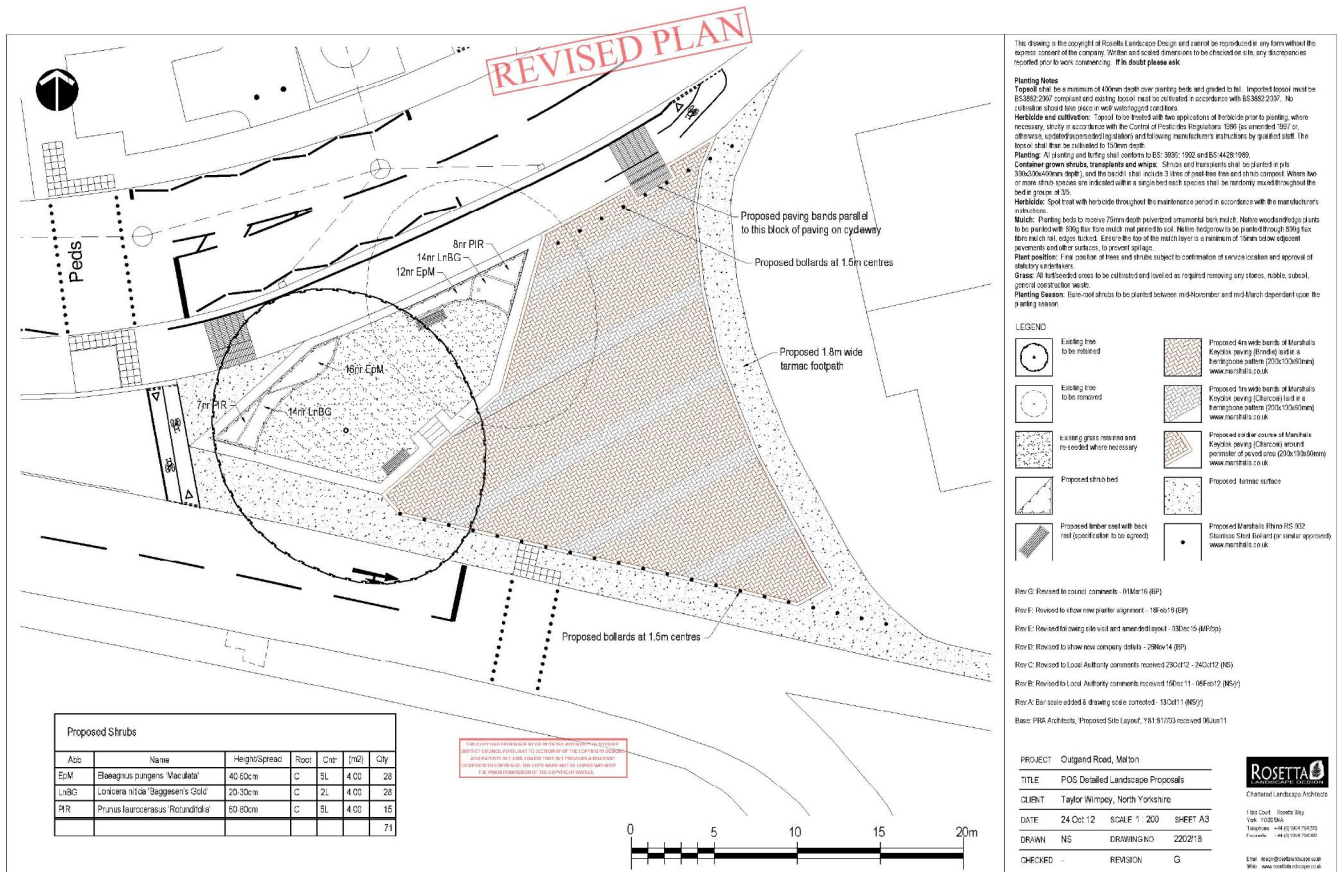
Reason: For the avoidance of doubt and in the interests of proper planning.

Background Papers:

Adopted Ryedale Local Plan 2002
 Local Plan Strategy 2013
 National Planning Policy Framework
 Responses from consultees and interested parties







Agenda Item 10

Item Number: 10
Application No: 15/01521/MFUL
Parish: Heslerton Parish Council
Appn. Type: Full Application Major
Applicant: Mr And Mrs David Harrison
Proposal: Change of use of garden/small holding land to a Glamping holiday site with the siting of 16no. glamping tents on moveable sleds and 16no. associated individual toilet/shower service pods on moveable sleds together with upgrading of existing vehicular access from Carr Lane, communal parking and turning area for 20no. cars and clearer definition of the residential domestic curtilage of The Homestead dwelling
Location: The Homestead Scarborough Road East Heslerton Malton North Yorkshire YO17 8RW
Registration Date:
8/13 Wk Expiry Date: 22 March 2016
Overall Expiry Date: 3 February 2016
Case Officer: Tim Goodall **Ext:** 332

CONSULTATIONS:

Highways England	No objection
Flood Risk (Stuart Edwards)	No objection
Land Use Planning	No response
Flood Risk (Stuart Edwards)	No objection - comments made
Housing Services	Objects due to lack of information
Countryside Officer	No objection (verbal)
Tree & Landscape Officer	Recommend condition
Environmental Health Officer	Recommends Condition (verbal)
Archaeology Section	Recommend condition
Highways North Yorkshire	Recommend condition
Parish Council	Object
Highways North Yorkshire	Awaiting amended information

Neighbour responses: P W Stead, Mr Robert Welburn, H & M Ive, Mrs Vivienne Nicholson,

SITE:

The application site lies adjacent to the village of East Heslerton, north of the A64. There is a gated entrance providing access to the site from the west via Carr Lane. The site contains a mixture of mature planting subdividing the northern section of the site into quadrangles. There are some existing derelict buildings on the site. The southern end of the site includes the dwelling (and domestic curtilage) known as 'The Homestead'.

The southern section of the site lies within the East Heslerton development limit. The site lies within the Value of Pickering. To the south of the A64 lies the Wolds Area of High Landscape Value (AHLV).

PROPOSAL:

Planning permission is sought for the change of use of the garden/small holding land to a glamping holiday site with the siting of 16 no. glamping tents on moveable sleds and 16 no. associated

individual toilet/shower service pods on moveable sleds. The application also seeks planning permission for the upgrading of the existing vehicular access from Carr Lane, communal parking and a turning area for 20 no. cars.

The drawings submitted with the application show 4 no. glamping tents within each of the quadrangles and an unspecified glamping area in the south eastern corner of the site.

The proposed glamping tents will be canvas with timber supports. They will measure: 3.0 metres in height, 5.0 metres in width and 5.0 metres in depth. At the front of each tent is an open deck area measuring 2.5 metres by 5.0 metres.

The proposed service pods will be of timber board construction with dual pitched felt shingle roofs and measure 2.3 metres in width, 3.3 metres in depth and 3.0 metres in height.

The tents and services pods will sit on pods measuring a maximum of 0.6 and 0.3 metres in height respectively.

In addition, planning permission is sought for the clearer definition of the residential domestic curtilage of The Homestead dwelling, which lies at the southern end of the site.

PUBLIC CONSULTATION RESPONSES:

There have been 4 letters of objection from local residents.

The occupiers of The Limes, Carr Lane objected for the following reasons:

- East Heslerton is a small village and not lit at night. The application implies it is in the countryside and would not affect neighbours or be seen
- The entrance to the site would have to be widened and trees removed
- There would need to be some form of security and site control 24/7
- The local sewers will not be able to cope with any further capacity and no information on waste
- The site will create hazardous traffic movements in and onto the A64.
- The site and village has no amenities (shop/pub)
- There will be noise at night, a 24/7 entrance and exit from the site at all hours and the sky will be lit at night

The occupiers of Craignair, Carr Lane objected for the following reasons:

- They would need to be sure the trees would be retained as they provide privacy and noise insulation
- Reassurances required over the sewage system and disposal of rubbish, staff would be on site 24/7 to manage security and nuisance

The occupiers of Croft House, Carr Lane objected for the following reasons:

- It will be visible from their house
- Increased traffic near their driveway
- Increased noise is a concern as the occupier works nights

The occupiers of Heathfield, Carr Lane objected for the following reasons:

- Is another holiday camp needed as there are already three in the village?
- Carr Lane is narrow from the A64 and there is a high volume of traffic due to farms and several businesses
- Will a site manager be living on site?

- Too close to existing properties

Heslerton Parish Council also objected to the planning application for the following reasons:

- The access road is narrow and used by farm traffic. Residents are concerned about the level of traffic
- Being a tented campsite noise levels and lighting/light pollution will be intrusive to neighbouring residents
- Concerns over sewage and litter disposal
- Overdevelopment of the site
- The income generated for the local economy was noted, but this is the wrong location for this type of development

HISTORY:

None relevant.

POLICY:

Ryedale Plan - Local Plan Strategy (adopted 2013)

SP8 - Tourism
 SP9 - The Land Based and Rural Economy
 SP13 - Landscapes
 SP16- Design
 SP19 - Presumption in Favour of Sustainable Development
 SP20 - Generic Development Management Issues
 SP21 - Occupancy Restrictions

National Planning Policy Framework
 National Planning Practice Guidance

APPRAISAL:

The key issues to consider are:

- i. Principle of development
- ii. Character and Form
- iii. Impact on the locally valued landscapes of the Vale of Pickering and the Wolds AHLV
- iv. Access to the public highway
- v. Impact on neighbour amenity
- vi. Other Matters
- vii. Conclusion

i. Principle of development

The NPPF supports local planning policies that will support sustainable rural tourism and leisure developments that benefit the businesses in rural areas, communities and visitors and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. Tourism will be supported in areas where potential is significantly underdeveloped, including the Wolds.

Policy SP8 (Tourism) of the Ryedale Plan - Local Plan Strategy states that tourism will be supported through the provision of a range and choice of quality tourist accommodation. In the wider open countryside, new static caravan and chalet self catering accommodation and extensions to existing

facilities that can be accommodated without an unacceptable visual intrusion and impact on the character of the locality will be supported. All year round tourism is supported subject to the occupancy conditions set out within Policy SP21 (Occupancy Restrictions).

The application site lies just north of the A64 Malton to Scarborough Road and the Wolds AHLV. Part of the application site lies outside of the development limit of East Heslerton and it is this section that will contain the proposed glamping accommodation. The site is heavily screened from public view due to the existing evergreen planting and as such it is not considered there will be an unacceptable visual intrusion or impact on the character of the locality.

Due to the location of the site and the existing substantial screening, the principle of tourist accommodation in this location is considered to accord with Policies SP8 and SP21 and is acceptable subject to consideration of the following matters.

ii. Character and Form

To accord with Policies SP16 (Design) and SP20 (Generic Development Management Issues) and reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings. Attention should be paid to the grain of settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings. Consideration must also be given to the type, texture and colour of materials, quality and type of building techniques and elements of architectural detail.

The proposed development will include in the siting of 16 glamping tents on moveable sleds with 16 service pods. The proposed tents and pods are single storey in height and of a simple, uniform design. While the site lies mainly outside of the development limit of East Heslerton, it does adjoin the border of the development limit to the west and south. Furthermore, the extensive screening is proposed to be retained and this will mean that visibility into the site is very limited. The retention of the screening will be required by planning condition. The main area that will be visible will be the highway access and this will be from an existing gated access to the site. Therefore, the character and form of the proposed development is considered to be in accordance with Policies SP16 and SP20.

iii. Impact on the locally valued landscapes of the Vale of Pickering and the Wolds AHLV

In accordance with Policy SP13 (Landscapes) the Council will carefully consider the impact of development proposals on the Vale of Pickering and the Wolds AHLV. These areas of significant historic landscape value and the loss or degradation of the elements that are integral to their historic landscape character makes these landscapes particularly sensitive to change. Furthermore, the Wolds are valued locally for the natural beauty and scenic qualities. As well as protecting the distinctive elements of landscape character in each of these areas, there are particular sensitivities given their topography and resulting long distance skyline views within Ryedale and further afield.

The proposed development is well screened from the public highway and from a greater distance due to the dense planting at the site. As such there are not considered to be any adverse impacts on the locally valued landscapes of the Vale of Pickering or the Wolds AHLV.

iv. Access to the Public Highway

Access to the site is currently from Carr Lane, to the west. After discussions with North Yorkshire County Council Highways Authority, the applicant has agreed to widen a narrow section of Carr Lane directly to the south of the entrance. As a result North Yorkshire County Council Highways Authority do not object to the proposal subject to conditions.

Highways England were consulted due to the proximity of the site to the A64 trunk road. They have no objection to the proposal.

v. Neighbour Amenity

Policy SP20 of the Ryedale Plan - Local Plan Strategy requires that new development will not have a material adverse impact on the amenity of present and future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.

The proposed development includes the siting of 16 glamping pods in the northern section of the site, north of the proposed vehicle access. This section of the site is bordered to the west by three dwellinghouses. The existing evergreen planting to the boundary of the site and its quadrangle design will mean that no more than 8 of the glamping pods will be on the western half of the site.

A condition is recommended ensuring that no more than 4 glamping pods are sited within each quadrangle to ensure there is not an unacceptable concentration of accommodation at the western end of the site, closest to neighbouring dwellings. Further to this, the Council's Landscape Officer recommends a condition requiring a management plan for the future maintenance of the conifer screens.

The Councils' Environmental Health Officer has been consulted and has no objection subject to condition.

In conclusion, it is not considered that the proposed development will result in a materially adverse impact on the amenity of present and future occupiers of the neighbouring buildings.

vi. Other Matters

The Council's Housing Officer objected to the scheme due to an initial lack of information. However, planning conditions have been recommended restricting the occupancy of the site to tourist accommodation.

North Yorkshire County Council flood risk team have considered the application. As there will be no positive surface water drainage to the site, there is no objection to the proposal.

The County Council's Archaeology team have recommended a condition be attached to any planning permission requiring a written scheme of investigation prior to the commencement of development.

The Council's Countryside Officer has no objection to the proposal.

Yorkshire Water have no objection to the proposal.

vii. Conclusion

The proposed development is considered to accord with national and local planning policies and is recommended for approval subject to the following conditions.

RECOMMENDATION: Approval

1 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

- 2 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 questions; 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 SP12 of the Ryedale Plan - Local Plan Strategy and Section 12 of the NPPF as the site is of archaeological interest.
- 3 Prior to the commencement of the development hereby permitted, precise details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority.
- To ensure an appropriate appearance and to comply with the requirements of Policies SP20 of the Ryedale Plan - Local Plan Strategy.
- 4 Prior to the commencement of the development hereby approved a management plan for the operation of the site shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include but not limited to; arrangements for the checking in and out of booked visitors to the site, arrangements to manage noise on the site, the location of any communal amenity areas for the holiday units, any BBQ areas, site rules and how these are notified to campers/users.
- Reason: In order to protect the amenity of nearby properties and to satisfy Policy SP20 of the Local Plan Strategy.
- 5 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details of the proposed foul water drainage shall be submitted to and approved in writing by the Local Planning Authority.
- Reason: To ensure proper drainage within the site of residential amenity in accordance with SP20 of the Ryedale Local Plan Strategy.
- 6 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
- c. The existing access shall be improved by widening as shown on submitted Drawing No.

02B and constructed in accordance with Standard Detail No. DC/E9A.

e. Any gates or barriers shall be erected a minimum distance of 9 metres back from the carriageway of the existing highway (as shown on submitted Drawing No.02B and shall not be able to swing over the existing or proposed highway.

g. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with details that shall be submitted and agreed with the local planning authority in consultation with the local highway authority in advance of the commencement of the development and maintained thereafter to prevent such discharges.

h. 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.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Policy SP20 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.

- 7 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 in connection with the construction of the access road or building(s) or other works until:

(i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:

a. Provision of a kerbed passing place on the western side of Carr Lane opposite the dwelling known as 'Sunbury' to give an overall width of 5.0 metres for a minimum distance of 12 metres, plus 1:3 end tapers with a crossfall gradient to the existing carriageway and including cutting back of over-hanging vegetation and re-positioning some existing kerbs, in accordance with the specification shown on Standard Details DC/E9A and HAU.1a.

(iii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

Reason: In accordance with Policy SP20 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

- 8 Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 4 (above):

Provision of passing place as described in that condition

Reason: In accordance with Policy SP20 and in the interests of the safety and convenience of highway users.

- 9 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 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

- 10 Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
- a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
 - b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
 - c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

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

- 11 Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing No. 02B for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

Reason: In accordance with Policy SP20 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.

- 12 Prior to the commencement of the development a management plan for the future maintenance of the conifer screens to be retained shall be submitted to the Local Planning Authority for approval in writing and once agreed the conifer screens shall be retained thereafter unless otherwise agreed in writing.

Reason: In the interests of the long term retention of the conifer screens which provide a screen to the development from public views.

- 13 No more than four glamping tents shall be sited at any one time in each of the four quadrangles as shown in approved drawing 028 'Proposed General Arrangement Plan'.

Reason:- To protect the amenity of adjoining properties and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 14 The development hereby approved is for 16 No. glamping tents and 16 No. associated individual toilet/shower service pods on moveable sleds and associated access only.

- 15 The accommodation hereby permitted shall be occupied for holiday purposes only and not as a person's sole or main place of residence.

Reason: To ensure the holiday unit does not become occupied as a permanent dwelling and to comply with the requirements of Policy SP20 and Policy SP21 of the Ryedale Plan.

- 16 The accommodation hereby permitted shall be available or commercial let for at least 140 days a year and must not exceed a total of 31 days in any one calendar year by an individual group.

Reason: To ensure the holiday unit does not become occupied as a permanent dwelling and to comply with the requirements of Policy SP20 and Policy SP21 of the Ryedale Plan.

- 17 The owners/operators of the accommodation hereby permitted shall maintain an up-to-date register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request. The register shall include full details of the following:

- the main address(es) of all the occupiers of the accommodation hereby permitted
- the start date of every one of the letting/occupation of all the occupiers of the accommodation hereby permitted
- supporting evidence of the main address(es) of all the occupiers of the accommodation hereby permitted

Reason: To ensure the holiday unit does not become occupied as a permanent dwelling and to comply with the requirements of Policy SP20 and Policy SP21 of the Ryedale Plan - Local Plan Strategy.

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

Site Location Plan date stamped 22 Dec 2015

Drawing 02B Proposed General Arrangement Plan date stamped 22 Dec 2015

Drawing 03 Proposed Glamping Units and Toilet Pods date stamped 22 Dec 2015

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

INFORMATIVES:

- 1 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.

2 Supporting evidence of the main address(es) of all the occupiers can include the following:

- The most recent Council Tax demand
- Utility bills issued within the last 3 months.

Background Papers:

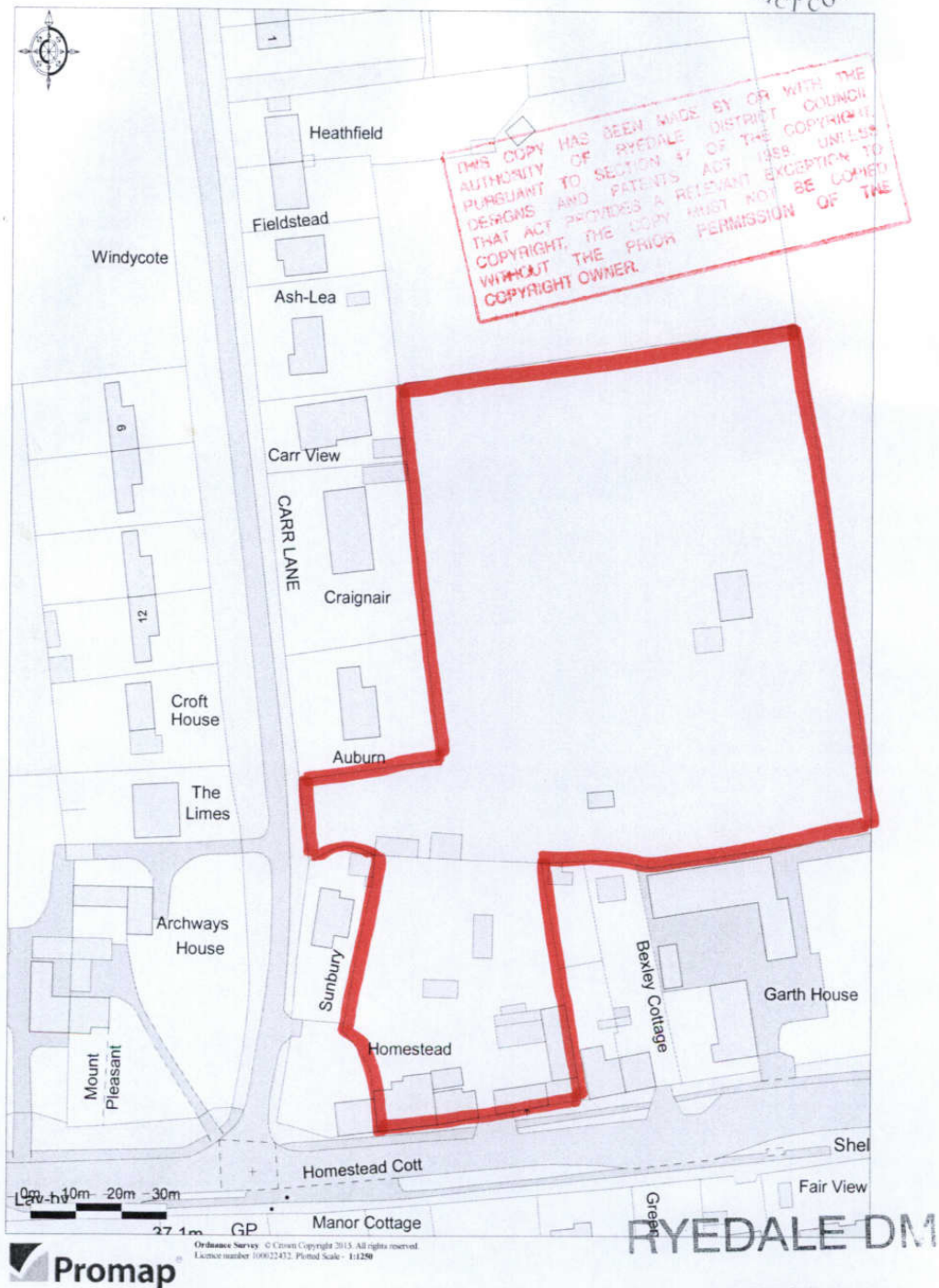
Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties

The Homestead
East Heslerton



PROPOSED CHANGE OF USE OF EXISTING SMALLHOLDING
AT THE HOMESTEAD, EAST HESLERTON, MALTON, YO17 8RP
For MR & MRS DAVID HARRISON DECEMBER 2015
DRAWING 01 EXISTING GENERAL ARRANGEMENT PLAN 1:500
David Watrd Architectural Ltd 01653 658 229
davidward589@btinternet.com

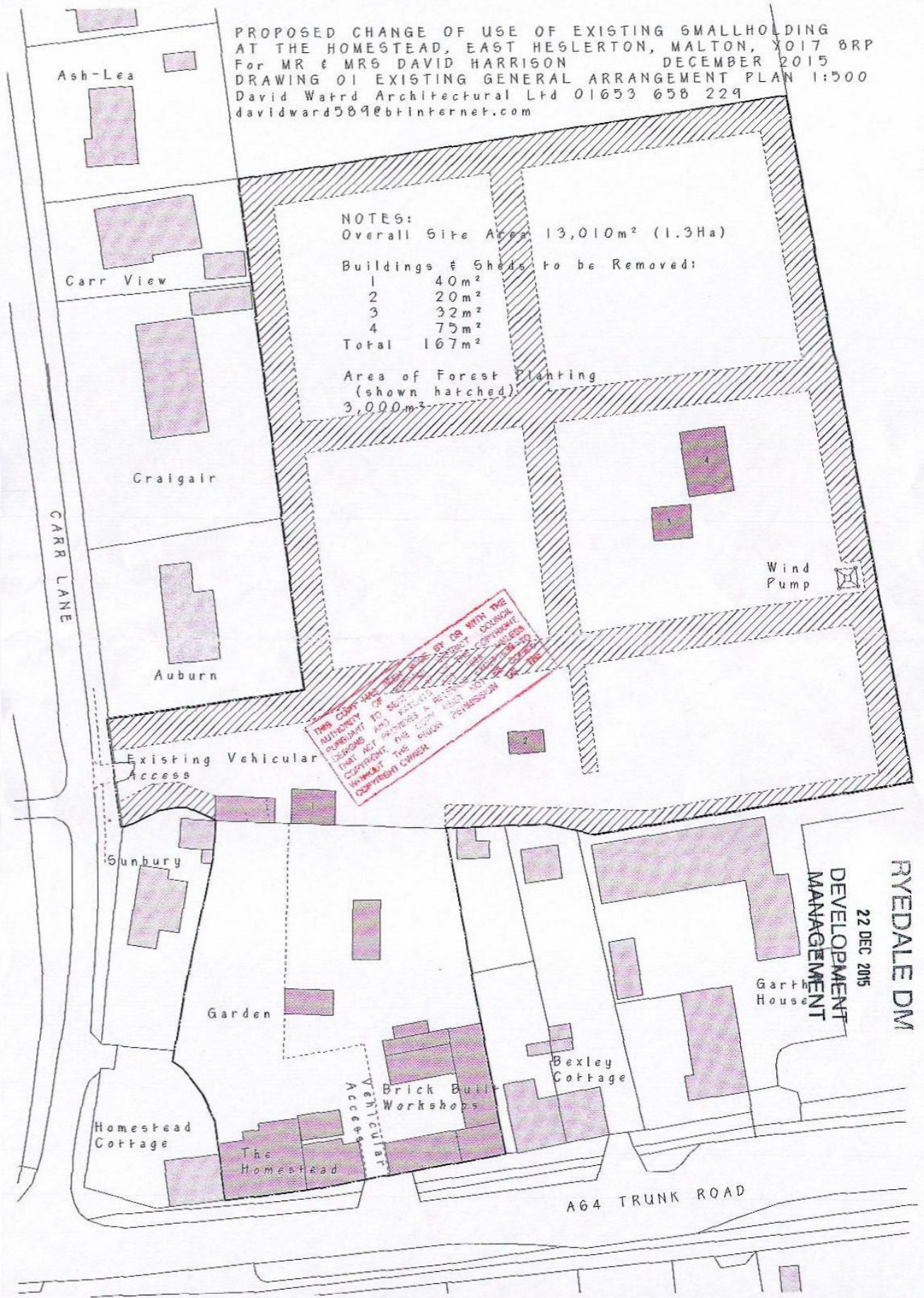
NOTES:

Overall Site Area 13,010m² (1.3Ha)

Buildings & Sheds to be Removed:

1	40m ²
2	20m ²
3	32m ²
4	75m ²
Total	167m ²

Area of Forest Planting
(shown hatched)
3,000m²



PROPOSED CHANGE OF USE OF EXISTING SMALLHOLDING
AT THE HOMESTEAD, EAST HESLERTON, MALTON, YO17 8RP
For MR & MRS DAVID HARRISON DECEMBER 2015
DRAWING 02B PROPOSED GENERAL ARRANGEMENT PLAN 1:500
David Ward Architectural Ltd 01653 658 229
davidward589@btinternet.com

NOTES:

Entrance, Parking &
Turning Area
20 Car Spaces

"Glamping" Area
16 Units in Groups of 4

Service Area
For use with the Glamping

None Specified Area
1,400m²

Dwelling Curtilage
With Existing Access From A64
1,070m²

OVERALL AREA
13,010m²
(1.38a)

New 1800mm High
Close Boarded Fence:
B-C, D-E

Area of Forest Planting 3,000m²
(no change shown hatched)

Auburn

CARR LANE

Up-Graded
Existing
Vehicular
Access

New Point
Connection
To Main

Communal Parking
& Turning Area
1,620m² (20 cars)

None Specified
Glamping Area
1,360m²

Sunbury

None Specified
Area
1,400m²

Residential
Curtilage
1,070m²

Homestead
Cottage

The
Homestead

Bexley
Cottage

Gart
House

A64 TRUNK ROAD

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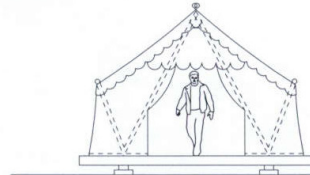
RYDALE DM
22 DEC 2015
DEVELOPMENT
MANAGEMENT

5000

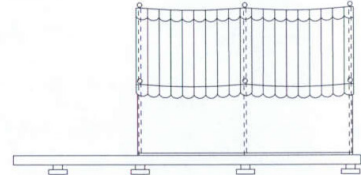


7500

Glamping units - Canvas tents with timber supports on timber decked re-locatable plinth sleds

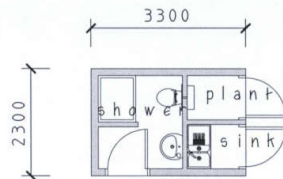


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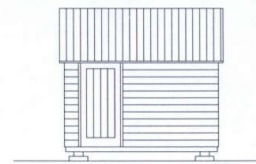
ELEVATIONS

Service Pods - Timber boarded with felt shingle roofs on movable plinth sleds



2300

PLAN



3000



ELEVATIONS

PLAN
RYEDALE DM

22 DEC 2015
DEVELOPMENT
MANAGEMENT

PROPOSED CHANGE OF USE OF EXISTING SMALLHOLDING
AT THE HOMESTEAD, EAST HESLERTON, MALTON, YO11 8RP
For MR & MRS DAVID HARRISON DECEMBER 2015
DRAWING 03 PROPOSED GLAMPING UNITS AND TOILET PODS 1:100
David Ward Architectural Ltd 01653 058 229
davidward589@btinternet.com

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RYEDALE DM

22 DEC 2015

DEVELOPMENT
MANAGEMENT

DESIGN & ACCESS STATEMENT to accompany Full Planning Application:
PROPOSED CHANGE OF USE LAND TO BECOME GLAMPING SITE FOR
THE SITING OF 16 GLAMPING TENTS WITH ASSOCIATED INDIVIDUAL
TOILET/SHOWER SERVICE PODS, COMMUNAL PARKING FOR 20 CARS
WITH ON SITE TURNING UP-GRADING OF EXISTING VEHICULAR
ACCESS FROM CARR LANE. At: THE HOMESTEAD, EAST HESLERTON,
MALTON, YO17 8RP For: MR & MRS DAVID HARRISON

INTRODUCTION: Mr & Mrs Harrison bought The Homestead earlier in the summer of 2015 following a lengthy period on the market. The property extends to 1.3 hectares and contains a hybrid mixture of buildings and planting. To the south a 6 bedroom dwelling fronts onto the A64, to the east again on the A64 boundary there is a series of brick outbuildings around an internal courtyard. It is not proposed to alter these existing groups of buildings both of which are accessed from an existing vehicular drive onto the A64. To the rear there are a series of detached sheds dotted about the site and set within a series of leafy quadrangles formed by very high (8 metres +) evergreen hedges both within and around the edge of the site. These hedges define the site and yield extraordinary levels of acoustic and visual privacy both within the site and to the neighbouring properties along Carr Lane. This rear area has an established vehicular access from Carr Lane.

PROPOSAL: It is proposed to change the use of this rear area to form a Glamping site set within the established high hedges and to modify the existing highway junction so that the gates are more than 6 metres from the road edge onto Carr Lane, and to provide a gravel car parking area for up to 20 cars in association with the Glamping use.

POLICY BACKGROUND: The recently adopted Local Plan Strategy forms the policy background to the proposed scheme.

SP 8 – Tourism. The scheme seeks to provide a sustainable low impact alternative form of tourist site which minimises its environmental impact on the District

SP 9 – Rural Economy. The scheme seeks to provide an alternative use for the established wooded site

SP 16 – Design - requires that the form of the development should respect the context of the surroundings.

SP 20 - Generic Development Management Issues – restates these requirements. All the various parts of these policies have been considered in generating the proposals.

USE: The proposed use of the land is as a Glamping site for tourism.

AMOUNT OF DEVELOPMENT & SCALE PARAMETERS: The development on the site consists of up to 16 movable sleds on which are erected canvas tents on wooden poles. The layout drawing shows these typically divided 4 in each of the four enclosures formed by the high hedges. Each glamping tent has an outdoor sitting terrace on part of the timber sled and each is accompanied by a small individual service pod containing a bathroom and a sink unit – these too are movable and are designed to be ‘plugged-in’ to the proposed service ring shown on the drawing. This allows flexibility in the layout. The sizes of the units is 5m x 7.5m with the highest part of the tent 3m high. The service pods are the same height but are 2.3m x 3.3m. The surrounding tree screening is in excess of 8m high and generally three trees deep - all evergreen. These form the dominant feature of the site and render the proposed glamping paraphernalia invisible from outside the site

APPEARANCE: The tents will be made of jute coloured canvas and the service pods are natural timber in finish. The car parking area is gravel.

ECOLOGICAL & LANDSCAPE ISSUES: There are no ecological issues relating to this application – No trees are affected by the application.

ACCESS: The position of the vehicular access to the site is not altered, but the position of the gate is moved into the site to permit a 6 metre tarmac standing area on the highway side of the repositioned gate in the interests of highway safety. The existing dropped kerbs on Carr Lane are not altered

David Ward.

19 December 2015

Tim.

Object

Karen Hood

From: A and C Adnitt
Sent: 15 January 2016 10:06
To: Karen Hood
Subject: Heslerton Parish Council

RYEDALE DM

15 JAN 2016

DEVELOPMENT
MANAGEMENT
15/1/16 LM

Morning

Planning Application: 15/01521/MFUL

This planning application was discussed at last night's meeting of Heslerton Parish Council. Local residents have been vocal in their opposition to this application. We are led to understand that several local residents have already submitted their own individual comments.

The view of the parish council is that this development is unsuitable for the location concerned, being bordered by residential properties.

The access road is very narrow and used by local farm traffic. It is far too narrow for tractors and other vehicles to pass and will require widening to accommodate the traffic generated by the proposed development.

Residents are concerned about the increased volume of traffic on this narrow access road.

Being a tented camping site the noise levels and lighting will be intrusive to neighbouring residents.

There are major concerns about sewage & litter disposal, the number of visitors concerned would generate a considerable volume.

The general view is that the application as it stands is an over development of this site. A smaller number of tents up to a maximum of 5 would be tolerated if located well away from existing properties, however as the application stands local residents strongly object to it.

Whilst everyone wishes to see schemes which will generate income for the local economy, this is altogether the wrong location for this type of development.

The parish council support the views expressed to local residents and strongly recommend that the application is refused for the reasons highlighted.

Regards
Chris Adnitt
Clerk to Heslerton Parish Council

Agenda Item 11

Item Number: 11
Application No: 15/01435/FUL
Parish: Barton-le-Willows Parish
Appn. Type: Full Application
Applicant: The Ryedale Methodist Church Circuit
Proposal: Change of use and alteration of chapel to form a 3no. bedroom dwelling to include parking/turning area, amenity area and formation of vehicular access
Location: The Methodist Church And Garden Steelmoor Lane Barton Le Willows
Registration Date:
8/13 Wk Expiry Date: 27 January 2016
Overall Expiry Date: 13 January 2016
Case Officer: Helen Bloomer **Ext:** 328

CONSULTATIONS:

Building Conservation Officer	No objection
Countryside Officer	Recommend condition
Environmental Health Officer	No views received to date
Highways North Yorkshire	Conditions recommended
Parish Council	No views received to date
Land Use Planning	No comments required

Neighbour responses: Mr Graham Gabriel

SITE:

The Arts and Crafts Chapel is situated on the village green within the Conservation Area of Barton Le Willows. Currently the sites' only amenity space is a path way round the periphery of the building, which is boarded by a mature hedge. The adjacent plot of land has been included in the application site to provide a small area of curtilage. There are residential properties located adjacent to the west and east elevations within approximately six metres of the boundary. However Jaspers Barn to the east is separated by the highway which is the main through road in the village, which leads to Stamford Bridge and Malton Road.

PROPOSAL:

The application is seeking permission for the change of use and alteration of a Chapel into a three bedroom detached dwelling without the requirement of the Local Occupancy Condition. It also includes the removal of part of the existing hedgerow to provide a vehicle access and to enable the site to benefit from an amenity and parking area

The external appearance of the chapel would remain unchanged with the exception of the south elevation where an existing door would be replaced by a smaller window to replicate those existing windows on the west elevation.

HISTORY:

14/00524/FUL. Change of use and alteration of chapel to a five-bedroom dwelling with parking and amenity area. Refused due to the impact the external and internal alterations would have on the Conservation Area.

15/01020/FUL. Change of use and alteration of chapel to form a 3no. bedroom dwelling and associated parking area. Withdrawn to resolve parking / access issues.

POLICY:

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy
Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing
Local Plan Strategy -Policy SP11 Community Facilities and Services
Local Plan Strategy - Policy SP12 Heritage
Local Plan Strategy - Policy SP14 Biodiversity
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
Local Plan Strategy - Policy SP20 Generic Development Management Issues
Local Plan Strategy - Policy SP21 Occupancy Restrictions
Local Plan Strategy - Policy SP22 Planning Obligations, Developer Contributions and the Community Infrastructure Levy
National Planning Policy Framework
National Planning Policy Guidance

APPRAISAL:

The main considerations in accessing this application are:-

- i) Policy
- ii) Impact on the Conservation Area
- iii) Impact on Residential Amenity
- iv) Impact on the Safe Functioning of the Highway
- v) Impact on a European Protected Species
- vi) Other Issues

i) Policy

In accordance with S38(6) of the Planning Compulsory Purchase Act 2004 planning applications must be considered against the adopted Development Plan unless material planning considerations indicate otherwise. The adopted Development Plan is the Ryedale Local Plan - Local Plan Strategy, adopted 5 September 2013 and the 'saved' development limits shown on the proposals map of the Ryedale Local Plan adopted 2002. Whilst the Local Plan Strategy should be read as a whole, Policy SP1 sets (General Location of Development and Settlement Hierarchy) and is concerned with the distribution of development. The settlement hierarchy, directs the majority of development to the Market Towns, then to Service Villages. Development in other villages such as Barton le Willows will only be supported where it can be demonstrated it is necessary to support a sustainable, vibrant and healthy rural economy. The principle of housing in this location is therefore supported by SP1 (General Location of Development and Settlement Hierarchy).

The application site is an existing chapel. Policy SP2 (Delivery and Distribution of New Housing) states that the conversion of existing buildings for residential uses is normally supported providing that it is subject to a Local Need Condition in line with Policy SP21 (Occupancy Restrictions). The purpose of the Local Needs Occupancy Condition is to ensure that the relatively limited number of new houses coming forward in 'Other Villages' and the open countryside reflect the housing requirements for the locality. However as Members will note this application is seeking planning permission for the alterations and change of use from a Chapel to a dwellinghouse without the Local Needs Occupancy condition.

In line with S38(6) of the Planning Compulsory Purchase Act 2004 planning applications must be determined in accordance with the adopted Development Plan unless material planning considerations indicate otherwise. The applicant in this case has put forward a viability argument as part of the application. Members will appreciate that the financial information submitted to the LPA is

confidential. Whilst it is not possible to fully disclose the supporting information a summary has been provided below;

The Church Circuit has at present four closed chapels on the market for sale at (Barton le-Willows, Marton, Wreton and Rillington.) These have all been on the market for in excess of 18 months. Barton le Willows is the only chapel in which any significant market interest has been shown, and all interest shown has been for residential use.

Another two chapels have recently been closed (at Lockton and Cropton) and these will be put on the market this month. Four other village chapels are under serious threat because of falling numbers.

Chapels are closed when the congregations are too small and they become unviable. At this point responsibility for maintaining the buildings falls back to the Church Circuit until they are sold, which explains the need to dispose of them as quickly as possible. Inevitably this can only take place if a prospective purchaser is able to obtain permission for a viable alternative use.

Where redundant chapels are sold, 60% to 80% (on a sliding scale) of the proceeds, net of professional fees and other associated costs, are put into a Trust Fund for the benefit of the Local Circuit. (The remaining 20% to 40% net proceeds are retained by the Central Methodist Church to address the deficit in the clergy pension scheme). Money in the Circuit Trust Fund is available to support the general work of the Church Circuit and to support specific property related projects. In recent years the Circuit has been supplementing its income from Assessments with money from this Trust in order to support the level of work being undertaken by local clergy

All the vacant and underused buildings in the Circuit area are a serious maintenance burden. As they become disused they are open to vandalism and damage through water penetration i.e. if roof tiles become loose.

In addition to the chapels discussed above, Saville Street Methodist chapel, a large grade II* listed building in central Malton is also under threat of permanent closure. It is closed at present because of serious structural problems in the roof which make the building unsafe to use. Whilst there may be some grant funding available for repair, this will still have to be matched with funds which are to be raised locally. The Malton Chapel is a very large and underused building with a small, and relatively elderly congregation. Major efforts to regenerate it over the last 20 years have not managed to stem declining congregation numbers. It is therefore a significant burden on the wider circuit funds. It is located on a narrow town centre street with no on-street or off-street parking immediately nearby. Sale of this building for another use is expected to be difficult due to its location and size. There are also other chapels in Norton which require support and maintenance, and which serve the market town.

In general, rural Circuits struggle to cope with the burden of supporting chapels in villages with very small congregations. Here in Ryedale these buildings are old, all dating from the mid to late 19th Century. They need a lot of maintenance and are costly to heat because of high ceilings. They are often a key visual component of the centre village scene and in conservation areas, where there are additional controls over demolition, conversion is more difficult and expensive, even if services are available, because their character has to be retained.

Officers have considered the information submitted and consider that in this instance the benefits to be derived from converting the existing Methodist chapel out weigh the conflict with SP2 in so far as it relates to the imposition of the L.N.O. Condition.

ii) Impact on the Conservation Area

The former Methodist Church at Barton Le Willows makes an important and significant contribution to the character and special interest of the Conservation Area. The building is a fine example of the Arts & Crafts style and has been designed in a very competent way with some particularly fine detailing.

The setting of the building is also important due to its prominence and open views of it in the village. The building should be considered a non-designated heritage asset as defined in the National Planning Policy Framework.

The scheme previously considered by the LPA which was subsequently refused (ref 14/00524/FUL) was considered to be of detriment to the character of the Chapel and failed to preserve or enhance the Barton le Willows Conservation Area. This was predominantly due to the removal of the stain glass windows, insertion of a first floor and the installation of roof lights.

The current scheme (with the exception of the south elevation, where an existing door would be replaced by a smaller window to replicate those existing windows on the west elevation) shows a building which could remain unaltered. The proposed scheme proposes to retain all of the windows including the large stain class window on the north elevation which overlooks the village green and the stain glass windows on the east elevation. The proposed development would therefore preserve the character and appearance of the Conservation Area.

The previous application was withdrawn whilst the issues over the access were resolved. The consequences of those discussions are that the existing hedgerow along the eastern elevation would need to be removed to allow adequate visibility. A section of the hedgerow is proposed to be reinstated albeit set back from the highway to maintain the required visibility splays. Whilst it is acknowledged that the hedgerow is attractive, it could be removed without the requirement of an application. The trees proposed to be removed are not considered to be significant in the wider setting of the Conservation Area. Furthermore in relation to the planning balance, greater weight is given to the preservation of the Chapel, which officers are satisfied this application would do. It is likely given the constraints of the site (regardless what the change of use proposed may be) that it would likely require some on site parking. It is however recommended that a condition is attached to approval requiring full details of all planting to be retained and introduced.

The Building Conservation Officer has raised no objection to the proposed development.

iii) Impact on Residential Amenity

As the stained glass windows are to be retained on the north and east elevation any future occupier would not be able to look over the amenity space of Jasper Barn. It is not considered that the change of use would be of detriment to current or future occupiers.

On the western elevation the proposal is to replace the exiting timber frosted glazed windows with timber painted clear glazed windows. Due to the topography of the site the Chapel is set down from No.1 & No.2 Chapel Cottage to the west, with an existing mature boundary hedge separating the two properties from the western elevation of the Chapel. As Members will note it is this side of the Chapel where the bedrooms and bathrooms would be sited. The orientation of the Chapel is such that it is sited in closer proximity to No. 1. The existing windows which overlook this property are proposed to be bathrooms. Having been inside No.1, it is considered that because of the difference in floor levels it is unlikely that any future occupier would be able to overlook No.1. However to reduce any potential feeling of being overlooked it is proposed that these two windows be conditioned to be obscure glazed to a level to be agreed by the LPA. Whilst the other existing three windows on the boundary of No. 2 are to be bedroom windows there is an increase in separation from the west elevation of the Chapel. This coupled with the difference in floor levels and the existing hedge row would not result in a loss of privacy which would have an adverse impact on either current or future occupiers of either property.

iv) Impact on the Safe Functioning of the Highway

As previously stated there have been ongoing discussions with the Highway Authority. The applicant has revised the scheme addressing those concerns. Subject to the recommended conditions North Yorkshire County Council Highway Authority has raised no objection to the proposed development.

v) Impact on a European Protected Species

The bat survey submitted to support this application found evidence of a Brown Long Eared maternity roost and summer roosts for Pipistrelles present in the roof of the building. However as no works are being proposed to the roof or any of the likely access points , the potential impact on these roosts would be negligible. It is not considered therefore that there would be any net loss to biodiversity. Subject to the recommended conditions the proposal is considered to be compliant with Policy SP14 of the Ryedale Plan - Local Plan Strategy and the NPPF.

vi) Other Issues

The application form proposes that foul water would be discharged to the main sewers. Yorkshire Water have been consulted and have raised no objection to the proposal. They however request that inline with the details submitted surface water should be dealt with via a soakaway as not to overload the existing system. It is recommended that a condition is attached to any approval requiring details of the soakaway to be submitted.

At the time of writing no written representations has been received from the Parish Council

One letter of objection has been received from the occupiers of Jaspers Barn. Whilst the full version can be seen on the public access a summary has been provided below:-

- Object on highway safety grounds
- Removal of the local occupancy, consider the reasons behind the creation of the condition still valid
- Removal of trees and hedging

All of these matters have been considered earlier in the report.

In light of the above comments, the principal of the development is considered to be acceptable. On balance the granting of planning permission (without the Local Needs Occupancy Condition) is considered to be acceptable. The recommendation to Members is therefore one of approval.

RECOMMENDATION: Approval

- 1 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

- 2 The two windows proposed to serve the WC and Bathroom as shown on Drawing No. AR2 of the proposed dwelling shall be permanently glazed with frosted or opaque glass of a type to be submitted and approved in writing by the Local Planning Authority prior to the occupation of the building.

Reason:- To protect the privacy of adjoining properties and in compliance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and the NPPF.

- 3 The stain glass windows on the north and east elevation shall be retained and repaired where necessary. They should not be removed unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of preserving the character and appearance of a non designated heritage asset and Conservation Area, as well as protecting the amenity of neighbouring properties.

- 4 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or amending that Order) development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Class A: Enlargement, improvement or alteration of a dwellinghouse

Class B: Roof alteration to enlarge a dwellinghouse

Class C: Any other alteration to the roof of a dwellinghouse

Class D: Erection or construction of a domestic external porch

Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure

Class G: The erection or provision within the curtilage of a dwellinghouse of a container for the storage of oil for domestic heating

Class H: Installation, alteration or replacement of a satellite antenna on a dwellinghouse or within its curtilage.

Reason:- To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s).

- 5 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any Order revoking, re-enacting or amending that Order), no windows, other than those shown on the plans hereby approved, shall be formed in the walls or roof of the dwelling(s) hereby permitted without the prior written consent of the Local Planning Authority following a specific application in that respect.

Reason:- To ensure that the appearance of the area is not prejudiced by the introduction of unacceptable materials and/or structure(s).

- 6 Before any part of the development hereby approved commences, plans showing details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained. All planting seeding and/or turfing comprised in the above scheme shall be carried out during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, 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: To enhance the appearance of the development hereby approved.

- 7 Prior to the commencement of the development hereby approved full details of the soakaway and siting of it, including percolation tests should first be agreed in writing with the Local Planning Authority.

Reason:- In the interest of satisfactory drainage.

- 8 All works shall be carried out in accordance with the details contained in the Bat, Breeding Bird and Barn Owls Survey Report Section 9 (MAB 2015) for the Old Methodist Chapel, Barton le Willows, as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason:- In line with Policy SP14 of the Ryedale Plan - Local Plan Strategy and the NPPF.

- 9 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)(c) The crossing of the highway verge and/or footway shall be laid out as shown on the approved drawing number 4353 AR10 Rev C and constructed in accordance with Standard Detail number DC/E9A

(v) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with details that shall be submitted, and agreed in advance, of the commencement of the development and maintained thereafter to prevent such discharges.

(vi) The final surfacing of any private access within 2 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.

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.

- 10 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 of 36m measured in a northerly direction and 22m in a southerly direction measured along the adjacent channel line of major road Steelmoor from a point measured 2m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. 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.

- 11 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing no. 4353 AR10 01 REV A. Once created, these parking 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 to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interests of safety and the general amenity of the development.

- 12 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.

- 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 Proposed Plan The development hereby permitted shall be carried out in accordance with the following approved plans;

- Drawing Number AR30 Proposed elevations received by the LPA on the 2 December 2016
- Drawing Number AR20 Proposed plan received by the LPA on the 2 December 2016
- Drawing Number AR10 Proposed site plan received by the LPA on the 2 December 2016

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

Background Papers:

Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties



0 20 40 60 80 100

Metres



PLANNING ISSUE

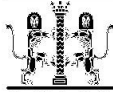
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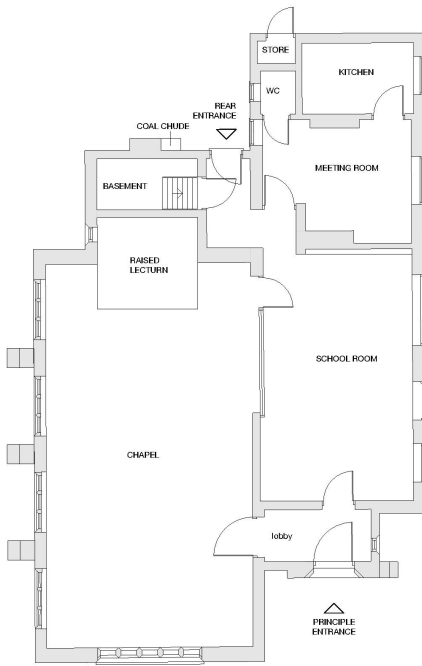
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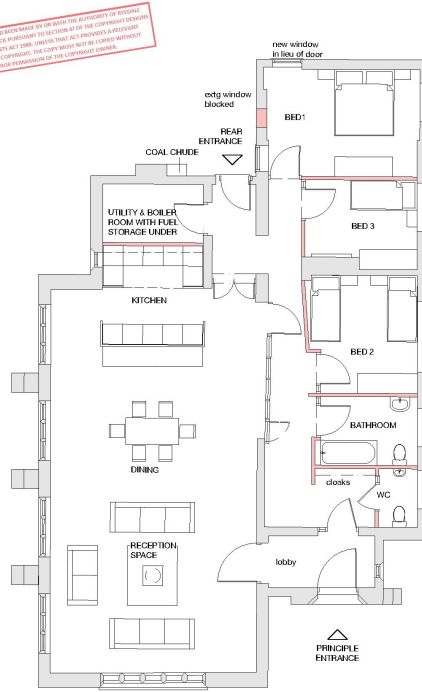
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DATE
02/12/15

 STONE + ASSOCIATES ARCHITECTS AND DESIGNERS t: 01653 696100 e: enquiries@stone.associates w: stone.associates					
The Studio, 7b Saville Street, Malton, North Yorkshire, YO17 7LL					
Job Barton-Le-Willows Methodist Chapel					
Address Barton-le-Willows YO60 7DP					
Client The Ryedale Methodist Circuit					
Drawing OS Location Map					
SBA Internal Cal File ref - 4353 OS Map pin					
Scale 1:1250	First Issue Date (MM/YY) 06.08.15	Drawn MP	Checked MM		
Job No. 4353	Dwg Type or C/SB Code EX10	Sheet No. 01	Revision A	Sheet size A4	



EXISTING PLAN



PROPOSED PLAN

PLANNING ISSUE

Rev	Date	Description
A	18.08.15	BRE
B	02.12.15	DATE VALID

STONE + ASSOCIATES
ARCHITECTS AND CONSULTANTS
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t: 01553 689100
e: enquiries@stone+associates.co.uk
www.stone+associates.co.uk

Address: Barton-le-Willows Methodist Chapel
Client: Methodist Churches
Drawing: Existing and proposed plan

Scale	Date	Drawn	Check
1:100	30.07.15	BE	MM
1:350	02.12.15	BE	MM



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PLANNING ISSUE

DATE VALID
02/12/15

Rev	Date	Drawn (DWM)	Checked
01	07/08/15	DR - Design/Drawings	DR - Check
02	02/12/15	DR - Design/Drawings	DR - Check
03	02/12/15	DR - Design/Drawings	DR - Check

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Address: Barton-Le-Willows Methodist Chapel
Client: The Ryedale Methodist Circuit

Drawing: Existing elevations

Scale	Date	Sheet	Total
1:100	07/08/15	MP	MM
1:100	02/12/15	01	01
1:100	02/12/15	02	02



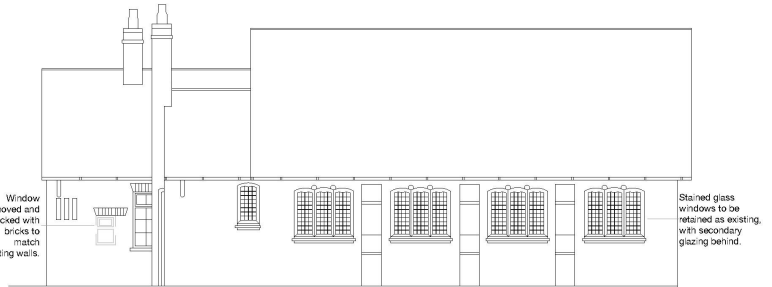
Front elevation (North)



Site elevation (West)



Rear elevation (South)



Site elevation (East)

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PLANNING ISSUE

DATE VALID
02/12/15

Rev.	Date	Drawn (DWM)	Checked (DWM)
01	07/08/15	AR30	MP
02	02/12/15	AR30	MP

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STONE + ASSOCIATES
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Job:
Barton-Le-Willows Methodist Chapel

Address:
Barton-le-Willows YO23 1DP

Client:
The Ryedale Methodist Circuit

Drawing:
Proposed elevations

Scale	Date	Drawn	Checked
1:100	07/08/15	AR30	MP
1:100	02/12/15	AR30	MP



4353_4.10_DAS_Rev.A

1st December 2015

The former Methodist Chapel , Steelmoor Lane, Barton-le-Willows, York YO60 7PD

Proposed change of use to form three bedroomed dwelling with on site parking, vehicle turning and garden / amenity area.

DESIGN AND ACCESS STATEMENT

1.0. The site and history.

- 1.1. The building is located on a corner site of restricted area on the south side of the village green in the centre of the village Conservation area for Barton le Willows. It faces northwards on to the green which is designated as a visually important undeveloped area as part of the previously adopted Ryedale Local Plan. The site comprises the original area curtilage of the chapel together with an enclosed area of former orchard land immediately to the south of it.
- 1.2. The chapel building dates from 1904 and is built in an attractive Arts and Crafts style with fine detailing, some of it in red terra cotta work. The building retains its original stained glass leaded light windows, terracotta opening surrounds, ventilation hoppers and original joinery work.
- 1.3. The building consists of the main chapel which has an unusual internally timber clad barrel vaulted roof, under a high steeply pitched roof. Ancillary rooms including Sunday school room and service rooms which are collected on the west side of the building under lower and narrower roofs of similar pitch. All sections of roof have overhanging eaves with exposed painted rafter feet, barge and fascia boards. The imposing main front entrance door faces northwards on to the village green.
- 1.4. The building is constructed in light buff brick with brick buttresses. It is decorated with contrasting red brick quoins, with terracotta surrounds to doors and windows, which are also subdivided by decorative terracotta mullions. The roof is clad in dark red plain tiling. The main chapel has simple but attractive leaded light stained glass, in muted green/orange/yellow.
- 1.5. The site is restricted in area, but larger than for most chapel properties, in that there is a variable width space, on average of 1 – 1.5 metres width around the outside the building, with a larger space at its south eastern corner rear to the service entrance. There is also currently a very large steel heating oil tank in the east facing site frontage. The site is enclosed by mature hedges on all four sides. These are mostly mixed species of Hawthorn, Blackthorn and Pyracantha. The garden area to the south of it is currently enclosed on four sides by mixed native species hedge. The total application site area is 0.053 hectares in area.
- 1.6. The chapel was closed for worship approximately two years ago.
- 1.7. An application for planning consent was made by a potential purchaser / developer in June 2014 to convert the building to a five / six bedroom house. (Ref: 14/00524/FUL). This necessitated the insertion of an additional floor to form a two storey dwelling, resulting in the addition of numerous roof light windows to light the new upper floor rooms. This application was refused for reasons of over development, resulting in windows overlooking nearby properties, unsympathetic

window replacement, undesirable subdivision of the spaces within the building, lack of sufficient parking for a large house and general damage to the original character of the building.

- 1.8. A further planning application was made in August 2015 for change of use to form a three bedroomed house. This application did not include the area of former orchard land to the south of the chapel and was withdrawn owing to concerns by the Highway Authority Area surveyor that vehicle turning could not be provided within the chapel site, and highways safety could therefore be prejudiced. (Planning application ref 15/01020/FUL). Discussions have since taken place with the owners of the adjacent enclosed land who are happy for it to be included with the application site. This area of land is vacant and not currently attached to any other dwelling.
- 1.9. The chapel building has been available officially on the property market for more than 15 months.

2.0. The Proposal.

- 2.1. It is proposed to convert the property to a single residential dwelling with three bedrooms. It is proposed to retain the existing chapel worship area as a single unbroken space, keeping its barrel vaulted roof as a single unbroken visual statement and retaining the existing folding glazed doors on its west side to light a new internal bedroom corridor in the subsidiary western wing.
- 2.2. It is proposed to convert the School Room and service wing to form three double sized bedrooms, bathroom and w.c. cloak room. The existing vertical sliding sash windows will give sufficient ventilation to these rooms to comply with current regulations. Their thermal performance can be increased by the use of internal secondary glazing units.
- 2.3. The existing cellar / plant room which is 1.5 storeys high, was originally designed as a combined coal and boiler house and can be converted to form a utility room and plant room accommodating a biomass / pellet boiler with fuel storage below. The storage can be accessed for delivery through the existing external hopper located near the rear door, which was previously used for coal delivery. This will mean that the existing prominently sited oil storage tank outside the building can be removed and all fuel storage contained within the building. Installation of a renewable form of energy into the building is a sustainable alternative.
- 2.4. An important feature of the proposal is the retention of the existing stained glass windows in the principal living area. To achieve the necessary increased thermal rating, internal clear secondary glazing panels will be installed. It is proposed to retain the existing ventilation hoppers, however as these do not give sufficient opening area to ventilate the whole space to the required level it is proposed to install a mechanical 'whole house' ventilation system which will ventilate this single space without the need to destroy the character of the existing leaded light windows by attempting to make them openable.
- 2.5. The individual bedrooms will be ventilated naturally via the existing vertical sash windows or new matching double glazed versions where these need replacement.
- 2.6. A parking area for two cars along with a turning area and area of garden land can be created to the south of the building. In order to create the necessary visibility along the highway road in both directions, the existing front boundary hedge will be removed and partially replaced or set back behind an agreed visibility splay. Vehicles leaving the site can do so in forward gear. Removal of the frontage boundary hedge

adjacent to the chapel has the benefit of exposing its side wall and creating a more clearly visible feature in the landscape.

3.0. Proposed landscaping and parking.

- 3.1. It is proposed to form two parking spaces to the south side of the house keeping the access as far north as possible to create the maximum visibility on the site frontage. This will result in the creation of a new access into the site and creation of a new verge crossing. The frontage boundary hedge will be removed in order to improve visibility, as described in paragraph 2.6.
- 3.2. It is proposed to finish the surface of the new parking area in permeable jointed buff/stone coloured block paving, sample to be agreed. The edge of the paving to be marked with a continuous drainage channel drained to a soakaway to prevent surface water run-off on to the highway in the position shown on the proposed plan.
- 3.3. It is proposed to retain all the remaining boundary hedges which are either mixed thorn species or plain Hawthorn. It is proposed to retain the existing shrubs, mainly Laurel bushes adjacent to the front entrance door.

4.0. Access Matters

- 4.1. As already described it is proposed to create a new vehicle access on to the highway together with two parking spaces and a vehicle turning area. This area will be hard paved to provide a suitable wheel chair usable surface connecting to level access into the dwelling.
- 4.2. The existing rear entrance into the building nearest to the parking area is currently level. It is intended to retain this as a wheel chair or accessible entrance.
- 4.3. The plan of the proposed dwelling is fully wheelchair accessible, being all on one floor and with at least one level entrance, nearest to the vehicle parking area. The proposed bathroom is large enough to accommodate a wheelchair friendly layout and all the bedrooms and living area are generously spaced. The proposed dwelling would be ideally suitable for a wheelchair bound or semi- ambulant person.

5.0. Ecology.

- 4.1. A report accompanies this application. Bat species have been identified as being present in the roof space. Disturbance should not be a problem as the proposed works do not affect the roof covering. It should be possible to carry out the proposed scheme without necessary disturbance, however attention is drawn to the section of the report which refers to action which must be taken if the roof covering is removed.

6.0. Local Occupancy Matters:

- 6.1. Barton le Willows is categorised as a non-service village under the currently adopted Local Plan Strategy for Ryedale. If the Local authority are minded to grant consent for this proposal it is requested that conditions which would normally be imposed for limiting occupancy to local residents and workers should be suspended for the reasons listed below.
- 6.2. The property has been marketed since July 2014, as being available to purchasers for general development purposes, subject to planning approval, through a local Estate Agency handling both commercial and development properties. The property has been advertised as having been suitable for conversion to either business or residential use. In

spite of a high level of interest during indifferent market conditions, no sale has been taken forward.

- 6.3. The suggested guide price is reasonable and certainly not excessive, taking account of the occupancy restrictions on the residential market. It has also been displayed on Right Move's national residential database, so the property has therefore been offered to the widest possible market and no serious offers have been made. A number of offers have been made on the property but no sale has been concluded. None of these have been from potential local occupiers. There is ample recorded evidence that buyers are willing to pay the market price for the building.
- 6.4. A letter from the Estate Agent is included as part of the application documentation attached to the application giving details of numbers of interested parties. Also included is a copy of the Estate Agent's particulars. To date no successful sale has come to pass in spite of over 40 enquiries and more than 15 formal viewings. Feedback from viewers collected by the agent cites the restricted occupancy policy making the project impractical for investment because of the uncertainties of obtaining mortgages given the nature of the building and the potential imposition of the local occupancy condition on any residential permission.
- 6.5. The building is large and an additionally expensive project to undertake, if the necessary specialist systems are to be employed to conserve it in its present form, retaining the external character and the character of the internal spaces. Potential purchasers / developers and mortgage lenders need to know that their investment is likely to be worthwhile, with a good possibility of being sold on in the future.
- 6.6. The building has now been empty for approaching two years and is beginning to suffer from neglect and lack of heating. It will continue to deteriorate and also be open to vandalism and further damage if left for a further prolonged period. Broken panes of glass in the main north window of the chapel facing the Green are a manifestation of this. As an existing key building valued in the street scape, special attention is justified in widening its market appeal to secure its future as soon as possible with a suitable buyer.
- 6.7. The planning authority, when receiving in August 2014 an application to convert the building to a larger dwelling, refused the application on the grounds that the building was being over developed and that its character would be damaged by the extensive window and roof alterations. The previous buyer had justified the scale of the proposal on grounds of creating a larger property to bring down the cost of conversion per square metre. This is a clear indication that the cost of the conversion in a sympathetic manner will be more costly.
- 6.8. Its prominent siting in the centre of Barton le Willows creating an attractive and historic landmark building is considered important to the village. Its retention is therefore very important, and justifies special consideration.
- 6.9. Discussions took place in April this year between the Revd. Mike Smith representing the Ryedale Methodist circuit and Jill Thompson and Daniel Wheelwright from Local Plans Section of Ryedale District Council. The purpose of the meeting was to discuss the matter of local occupancy conditions which are now having a serious impact on the sale of redundant chapels which are mostly located in non- service villages. Barton le Willows chapel is the largest and most significant of the group currently available and the one that is likely to be the most expensive to convert because of its size. It was suggested and agreed that an argument could be made for exemption where it can be argued that local occupancy is seriously limiting the chances of an alternative use being found. A planning application to achieve this was suggested.
- 6.10. The addition of land to the application site in order to create a safe turning area to satisfy the Highway Authority concerns makes development of the site even more expensive, further putting it beyond potential local occupier budgets.

7.0. Justification for the proposal:

(in addition to the points already made under section 6 relating to Local Occupancy restrictions.)

- 7.1.The property is vacant and no longer needed for worship purposes by the local Methodist Church. An alternative use needs to be found for it to achieve the widest possible interest, if it is to be retained as a significant key asset within the Conservation area.
- 7.2.The building can be easily converted to a three bedroom dwelling with virtually no external alteration.
- 7.3.Internally the the building can be adapted to provide a three bedroom dwelling without significant alteration, retaining internal features of character. It contributes positively to the variety and mix of new housing in the area.
- 7.4.Off road parking and turning for two cars can be achieved within the proposed site area, sufficient to serve a three bedroom dwelling.
- 7.5.The proposal seeks an alternative use, enabling the property to be converted to form another residential unit to meet housing demand in the area. The re-use of an existing building is sustainable and desirable.
- 7.6.There is no need for additional local assembly buildings in the village of Barton le Willows which already has a village hall with more modern facilities. The Village has no further current need for another large community space.
- 7.7.Its restricted site, fronting on to a narrow street makes it unsuitable for any business activity that would require parking for employees or large vehicles. Most commercial uses would give rise to undesirable incursion of commercial vehicles on the Green which would be unsightly, and difficult to control. A residential use would lead to only a limited need for parking which can be accommodated within the site area.
- 7.8.Its retention is considered important to the streetscape and efforts to find a suitable alternative use has not been successful so far. Ample opportunity had been given for someone to come forward to use it for non-residential purposes, but this has not happened.

8.0. Policy considerations.

National planning Policy Framework 2012 et seq.

Section 6. Delivering a wide choice of high quality homes

Section 7. Requiring good design.

Section 12 Conserving and enhancing the historic environment

Ryedale Plan. Adopted Local Plan Strategy 2014.

Policy SP2: Delivery and Distribution of New housing.

Policy SP4: Type and mix of new housing. The proposal provides a wheelchair accessible and usable dwelling of unique character, thereby extending choice.

Policy SP12: Heritage – Retention of this building contributes positively to the Conservation area of Barton-le-'willows

Policy SP21: Occupancy Restrictions: Barton le Willows is a non-service village so local occupancy restrictions would normally apply, however the cost of conversion severely limits the potential for finding a qualifying local occupier able to afford the conversion. The benefits of retaining a key existing building in a largely unaltered condition within the Conservation Area outweighs the arguments in favour of local occupancy in this particular case.

Site Photographs.



Eastern view of the building showing window detailing.



The south east view of the building as it faces on to The Green.



East view of service wing



Interior view of south window



Front entrance doorway.



interior of chapel looking southwards



Interior of chapel.

. . . MM/26/08/2015

Agenda Item 12

Item Number: 12
Application No: 15/01467/73A
Parish: Pickering Town Council
Appn. Type: Non Compliance with Conditions
Applicant: Maria Bennett
Proposal: Variation of Condition 04 of approval 11/00943/HOUSE dated 16.11.2011 to replace Drawings 'Site and Floor Plan', 'East Elevation', 'West Elevation' and 'North and South Elevation' with Drawing no. 081 215 1 A - revised garage details (retrospective).
Location: 20 Eastgate Pickering North Yorkshire YO18 7DU

Registration Date:
8/13 Wk Expiry Date: 4 February 2016
Overall Expiry Date: 23 February 2016
Case Officer: Tim Goodall **Ext:** 332

CONSULTATIONS:

Parish Council	Concerns
Building Conservation Officer	No objection
Environmental Health Officer	
Highways North Yorkshire	No objection
Parish Council	Concerns

Neighbour responses: Sue Ridley,

SITE:

The application site is occupied by a mid terraced dwelling located on Eastgate, Pickering. The dwelling has an 50m long rear garden to the north east of the dwelling, with a separate gated vehicular access onto Hawthorn Close.

The main dwelling was constructed in the eighteenth century and is Grade II listed. The site is also located within the Pickering (Town Centre) conservation area.

PROPOSAL:

The current planning application is retrospective and proposes the variation to the wording of condition 4 of planning permission 11/00943/HOUSE, granted 16.11.2011. Condition 4 was worded as follows:

The development hereby permitted shall be carried out in accordance with the following approved plans:-

- Site and Floor Plan (Scale 1:200) date stamped 7 Sep. 2011
- East Elevation (Scale 1:50) date stamped 7 Sep. 2011
- West Elevation (Scale 1:50) date stamped 7 Sep. 2011
- North and South Elevation (Scale 1:50) date stamped 7 Sep. 2011

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

The garage which was approved in 2011 had a dual pitched roof measuring 4.9 metres in height at its apex, 6.0 metres deep and 8.05 metres wide. The garage was to be set in 0.3 metres from the east elevation boundary of the garden.

The revised drawing numbered 081 215 1A is intended to supersede the previously approved drawings.

The revised proposal shows the garage at 5.5 metres in height at apex, 5.7 metres in width and 6.2 metres deep. The garage is set in approximately 2.0 metres from the east boundary.

The previously approved scheme proposed a dual pitched roof clad with pantiles and the walls to be timber clad. The garage that has been constructed has been of the correct materials. However the timber cladding had not been installed to the side elevations.

Plans and elevations of the previously approved scheme and those currently proposed are appended to this report.

CONSULTATION RESPONSES:

One objection was received from the occupier at 1 Hawthorn Close, a property which is located to the east of the site. In summary the objection raises the following points:

- Concern that it is not a double garage.
- Concern over the height of the building and that combined with the trees, there is a loss of light
- An internal staircase and woodburner have been installed
- The timber panelling has not been completed to the side elevation

Pickering Town Council responded to the public consultation to query why there is a wood burning stove in the garage. There is concern that the vapour from garaged vehicles would create a fire hazard. A site visit by officers was recommended to confirm the use.

As a result of the objections to the proposal, under the Council's scheme of delegation, the application is brought to Planning Committee to be determined by Members.

HISTORY:

10/00622/FUL - Approved - Change of use, alteration and extension of outbuilding to form a one bedroom self contained residential annex to include erection of lean-to extension and section of wall with gate

10/00623/LBC - Approved - Conversion, alteration and extension of outbuilding to form a one bedroom self-contained residential annex to include erection of lean-to extension, section of wall with gate, glazed door to replace garage door and installation of 2no. conservation rooflights

11/00943/HOUSE - Approved - Erection of detached double garage to the rear

POLICY:

Ryedale Plan - Local Plan Strategy

SP12 - Heritage

SP16- Design

SP19 - Presumption in Favour of Sustainable Development

SP20 - Generic Development Management Issues

National Planning Policy Framework

APPRAISAL:

Planning permission was granted in 2011 for the erection of a detached double garage. A complaint was received that the garage had not been constructed in accordance with the approved plans. Following a visit to the site by Council officers, this application was submitted to vary the approved plans in an attempt to regularise the breach of planning control.

Subsequent to the determination of the 2011 application, national and local planning policies have been amended with the publication of the National Planning Policy Framework (2012), National Planning Practice Guidance (2014) and the Ryedale Plan - Local Plan Strategy (2013).

The Local Planning Authority is required to consider whether the revisions to the garage are acceptable and whether they accord with the updated national and local planning policy.

When planning permission was granted in 2011, the following planning issues had been considered:

- i. Character and Form
- ii. Impact on Residential Amenity
- iii. Impact on the Listed Building and the Pickering Conservation Area
- iv. Other Matters
- v. Conclusion

- i. Character and Form

To accord with Policies SP16 (Design) and SP20 (Generic Development Management Issues) and reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings. Attention should be paid to the grain of settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings. Consideration must also be given to the type, texture and colour of materials, quality and type of building techniques and elements of architectural detail.

The revised scheme is located within the rear garden of the dwellinghouse and is set well back from the rear elevation. The garage has a dual pitched roof in keeping with the prevailing architecture of the surrounding area and is relatively well screened by existing buildings and also mature evergreen trees that are much higher than the building. The timber cladding to the side elevations of the building has not been completed. The applicant advised that work stopped when it became apparent a new planning application was required. A condition can be attached to any planning permission requiring the completion of the cladding within a reasonable timeframe. The character and form of the garage is considered to accord with Policies SP16 and SP20.

- ii. Impact on Residential Amenity

In accordance with Policy SP20 (Generic Development Management Issues), new development is required not have a material adverse impact on the amenity of present and future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.

The revised garage is 0.6 metres higher than the previously approved design. However, in mitigation, it is set further back from the boundary to the east of the site. The garage is visible from the rear gardens of the properties on Hawthorn Close, to the east of the site. However, the garage is significantly lower than the existing evergreen trees that form the site boundary. Furthermore, the garage is set back from the neighbouring boundary providing further distance with the rear elevations of the properties on Hawthorn Close. As such there is considered to be a neutral impact on residential

amenity in comparison to the 2011 approved scheme and on balance the proposal is considered to accord with Policy SP20.

iii. Impact on the Listed Building and the Pickering Conservation Area

Policy SP12 (Heritage) of the Ryedale Plan - Local Plan Strategy states that conservation areas will be conserved and where appropriate, enhanced. Proposals which result in 'less than substantial harm' will only be approved where the public benefit of the proposal is considered to outweigh the harm and the extent of the harm to the asset.

The garage is located within the curtilage of a grade II listed building and the Council's Building Conservation Officer was consulted. Due to the distance of the development from the listed building, Listed Building Consent was not required.

The development is sited within a domestic rear garden and within the conservation area. The garage is adjacent to an existing car repairs garage in commercial use that is to the west of the site. Within the context of its surroundings, the location, siting and design of the garage is considered to be acceptable in terms of its impact on the conservation area.

The Council's Building Conservation Officer was consulted and has no objection to the impact of the development on Pickering (Town Centre) Conservation Area.

iv. Other Matters

North Yorkshire County Council Highways Authority have no objection to the application.

The height of the flue and the use of the building have been considered as part of the planning application. However, these matters also fall under Building Regulations and have been brought to the attention of the relevant Building Inspector.

v. Conclusion

In conclusion, the revised application is considered to be in accordance with national and local planning policy, and is recommended for approval subject to the following conditions.

Conditions to follow.

RECOMMENDATION: Approval

Background Papers:

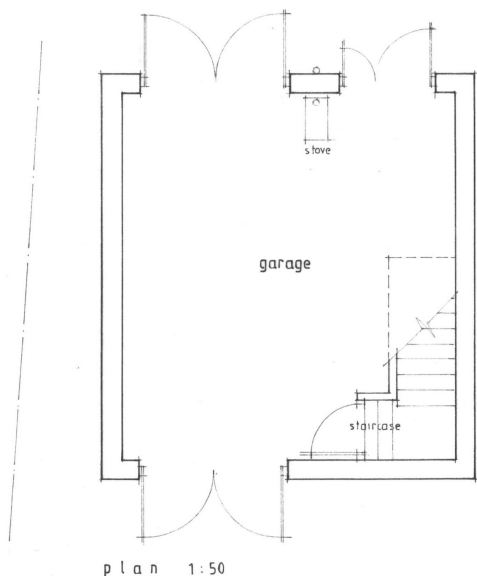
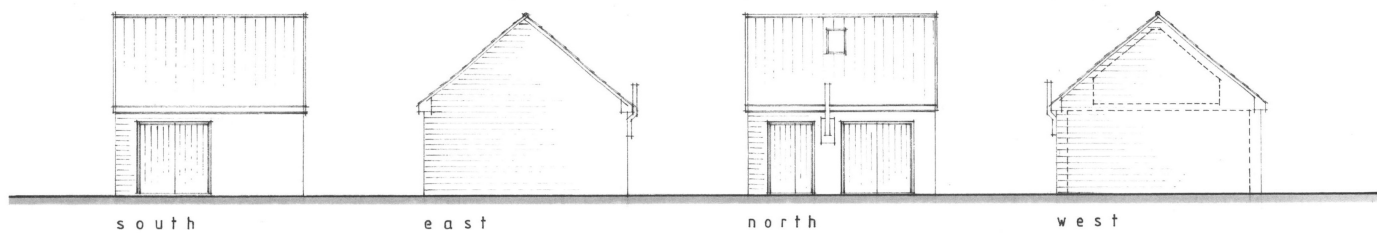
Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties



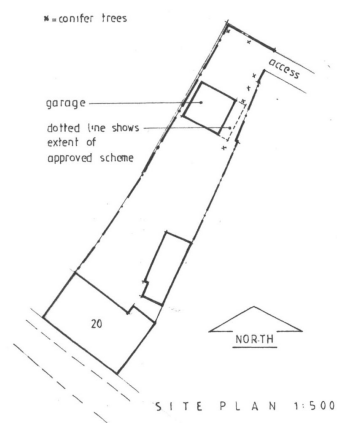
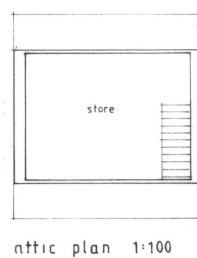
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RYEDALE DM
11/00943/House
- 7 SEP 2011
DEVELOPMENT
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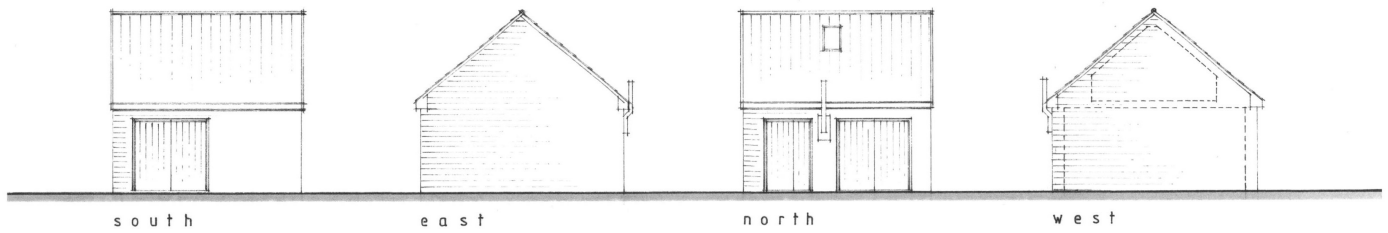
REVISED PLAN



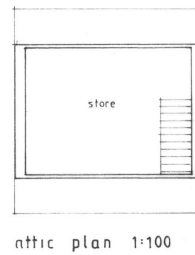
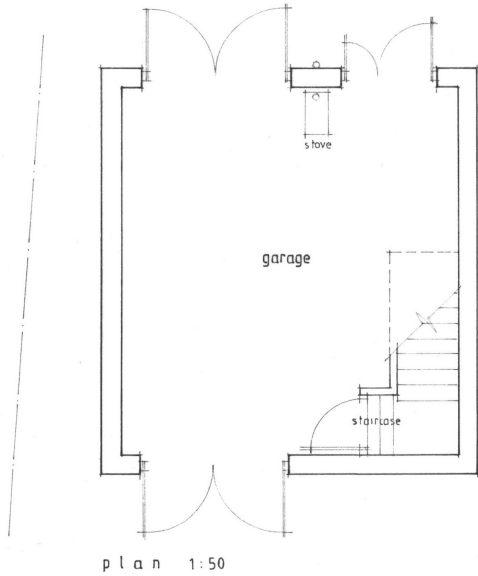
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GARAGE AT 20 EASTGATE PICKERING	DATE 03/03/16	Scales: 1:50 1:100 A3
MARIA BENNETT & TIM PICKERING	No:	081 215 1B



REVISED PLAN



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GARAGE AT 20 EASTGATE
 PICKERING
 DATE 09/02/16
 MARIA BENNETT & TIM PICKERING
 Scale: 1:50 1:100 A3
 No: 081 215 1A

Subject: FW: 15/01467/73A - revised garage details re 20 Eastgate.

From: Pickering Town Council

Sent: 06 January 2016 08:28

To: Development Management

Subject: 15/01467/73A - revised garage details re 20 Eastgate.

The council's planning committee wonders why there is a wood burning in the garage. There is a concern that vapour emanating from garaged vehicles could create a fire hazard. The committee assumes that the garage is being used as a garage and wonders whether an officer visit is required to confirm this.

Andrew Husband

Clerk to Pickering Town Council

Subject: Recent planning applications

From: Pickering Town Council
Sent: 01 March 2016 19:35
To: Development Management
Subject: Recent planning applications

Councillors discussed the five applications listed below and had no objections to any of them:

- 16/00241/TPO – reduce north easterly limbs which extend over 21 Corbie Way by 1.5m, reduce south easterly limbs which extend towards 19 Corbie Way by 2m and crown thin by 10% T1 Oak within TPO no 113/1988, at 19 Corbie Way;
- 16/00240/CAT – remove one side of crown and reduce by 3m in height to improve light and weight T1 Beech, reduce height of T2 and 2A (Sycamore) by 4m to reduce crowns on supermarket side to clear roof, reduce height of T3 and 3A (Sycamores) by 3m, remove all but one or two stems referred to as T4-11 along beck side, all trees to the east of the Ropery car park;
- 16/00197/HOUSE – erection of single storey extension to north-east elevation together with extension and raising of roof height of existing garage following demolition of stables at Priestley Butts, Whitby Road;
- 16/00266/LBC – external and internal alterations to include erection of single storey extension to replace existing conservatory to rear elevation, installation of replacement double glazed timber sliding sash windows to front elevation and replacement timber casement windows to rear elevation and alterations to internal layout at Hill Top Cottage, 9 Castlegate;
- 16/00249/HOUSE – erection of single storey extension to replace existing conservatory to rear elevation at Hill Top Cottage, 9 Castlegate.

On 15/01467/73A – variation of Condition 04 of approval 11/00943/HOUSE dated 16 November 2011 to replace Drawings “Site and Floor Plan”, East Elevation”, “West Elevation” and “North and South Elevation” with Drawing nos 081 215 1 – revised garage details (retrospective), at 20 Eastgate, councillors did no more than reiterate the queries that they had made on 5 January 2016. – please see email below.

From: Pickering Town Council
Sent: Wednesday, January 06, 2016 8:28 AM
To: dm@ryedale.gov.uk
Subject: 15/01467/73A - revised garage details re 20 Eastgate.

The council’s planning committee wonders why there is a wood burning in the garage. There is a concern that vapour emanating from garaged vehicles could create a fire hazard. The committee assumes that the garage is being used as a garage and wonders whether an officer visit is required to confirm this.

Andrew Husband
Clerk to Pickering Town Council

Item Number: 13
Application No: 15/01482/FUL
Parish: Scackleton Parish Council
Appn. Type: Full Application
Applicant: Mrs Carol Hudson
Proposal: Extension and alteration of existing dwelling to form a five bedroom dwelling to include incorporation of unused adjacent dwelling as additional domestic accommodation, erection of two storey rear extension, removal of detached outbuilding and remains of other outbuildings and change of use of agricultural land to form extension to domestic curtilage and formation of vehicular access track to Grange Lane - part retrospective application (revised details to approval 13/01402/FUL dated 06.03.2014)
Location: Grange Cottage Grange Lane Scackleton YO62 4NB

Registration Date:
8/13 Wk Expiry Date: 7 March 2016
Overall Expiry Date: 18 February 2016
Case Officer: Tim Goodall **Ext:** 332

CONSULTATIONS:

Howardian Hills AONB JC	
Countryside Officer	Recommend condition
Highways North Yorkshire	No objection
Parish Council	No objection

Neighbour responses:

SITE:

Scackleton Grange Farm lies 1 km south west of the village of Scackleton, within the Howardian Hills Area of Outstanding Natural Beauty (AONB). The main farmhouse is occupied by a tenant farmer and his family, who farm the land and use the associated buildings for general agricultural purposes.

Scackleton Cottage, the subject of the application, is detached from the working farm and set back approximately 200 metres from Grange Lane. The Cottage was only constructed as three workers cottages but was altered to form 2 cottages some time ago.

The dwelling has a dual pitched, clay pantile roof and is of stone wall construction.

PROPOSAL:

Planning permission was granted in 2014 (ref: 13/01402/FUL) for:

Extension and alteration of existing dwelling to form a five bedroom dwelling to include incorporation of unused adjacent dwelling as additional domestic accommodation, erection of two storey rear extension, removal of detached outbuilding and remains of other outbuildings and change of use of agricultural land to form extension to domestic curtilage and formation of vehicular access track to Grange Lane

Members are advised that the current application is for the same development that was approved, with the following alterations.

- A reduction in the domestic curtilage of the dwelling to an area of approximately 0.33 hectares.
- Alterations to the internal vehicle access track including the filling in of the cattle grid and the siting of a post and wire fence.

The current application is part-retrospective as the internal vehicle access track has already been laid out.

CONSULTATION RESPONSES:

Hovingham with Scackleton Parish Council have no objection to the application.

The AONB Manager has objected to the planning application for the following reasons:

- The proposed fence is considered to have an unacceptable visual impact on the AONB landscape
- The proposed cattle grid has not been constructed, only the base.
- Plastic conduits have been installed near the entrance.
- A lighting condition should have been imposed to the original permission
- The alterations to the access track are not minor

In response to the objection, the applicant's agent provided a response that is summarised below:

- The cattle grid was not finished following the decision of the farmer to change his method of moving livestock around the farm , so that cattle now transfer between fields via an internal gated crossing of the access track . The change means cattle will not need to use the public highway.
- The post and rail fence reflects existing fences , will weather down and become less visible . They are likely to be permitted development

As a result of the objection to the proposal from the A.O.N.B. Officer, under the Council's scheme of delegation the application is brought to Planning Committee to be considered by Members.

HISTORY:

13/01402/FUL - Approved - Extension and alteration of existing dwelling to form a five bedroom dwelling to include incorporation of unused adjacent dwelling as additional domestic accommodation, erection of two storey rear extension, removal of detached outbuilding and remains of other outbuildings, part rebuilding of barn to include re-roofing to form double garage with domestic storage, change of use of agricultural land to form extension to domestic curtilage and formation of vehicular access track to Grange Lane.

POLICY:

Ryedale Plan - Local Plan Strategy (adopted 2013)

SP13 - Landscapes

APPRAISAL:

Planning permission was granted in 2014 for the original development. The original application considered the principle of the development, the character and form of the development and the use of materials and impact on the wider area.

As a new full planning application has been submitted, these matters will be considered with particular attention paid to the revisions included as part of the current application.

- i. Principle of development
- ii. Character and form, including the use of materials
- iii. Use of materials and impact on the wider area, including the AONB
- iv. Other matters
- v. Conclusion

- i. Principle of development

The development proposes bringing back into use two dwellings, following their conversion to a single dwelling. As noted by the Planning Officer in 2014, the conversion of two attached dwellinghouses into one dwellinghouse is not a material change requiring planning permission in itself. As such the principle of the conversion is considered to be acceptable.

- ii. Character and Form, including the use of materials

To accord with Policies SP16 (Design) and SP20 (Generic Development Management Issues) and reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings. Attention should be paid to the grain of settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings. Consideration must also be given to the type, texture and colour of materials, quality and type of building techniques and elements of architectural detail.

The main external alteration to the existing building is the erection of a two storey rear extension. The proposed extension has a dual pitched roof slope with a ridge height that sits below that of the main roof ridge. The proposed extension to the rear was considered to be acceptable when assessed against current national and local planning policy as part of the previous application and there are not considered to be any material changes that would result in a different recommendation.

The access track has been constructed and follows a different contour to the approved route. The applicant's agent advises that the alternative route has been used to follow better the natural contours of the land. The revised track is of a similar length to the approved track and the deviation to the routing is considered to be a reasonable alteration.

- iii. Impact on the AONB

In accordance with Policy SP13 (Landscapes), development proposals in the AONB will be supported where they do not detract from the natural beauty and special qualities of this nationally protected landscape.

The proposal includes the construction of a two storey rear extension, the demolition of existing outbuildings and the construction of an access track. Since the 2014 planning permission, the main change has been the revised layout to the access track. Furthermore a post and wire fence has been erected along the length of the track. It is noted that the principle of the track is acceptable as it is necessary to provide access to the site. The alterations to the layout of the track are not considered to detract from the natural beauty and special quality of the AONB.

The post and wire fence is similar to other boundary treatment on Grange Lane. The fence is no more than 1.0 metre in height and as such constitutes 'permitted development', not requiring planning permission for its retention. The plastic conduits referred to in the AONB Manager's objection are considered due to their size to be 'de minimis' and do not constitute development requiring planning permission.

The limestone used in the construction of the track is considered to be an appropriate material for the location. The materials will weather and further blend in with the surroundings over time. As such it is not considered the impact of the track will detract from the natural beauty and special quality of the AONB.

iv. Other Matters

North Yorkshire County Council Highways Authority have no objection to the application.

The Council's Countryside Officer was consulted on the submitted Bat Survey and has recommend a condition be attached to any planning permission.

v. Conclusion

In conclusion, the application is considered to be in accordance with national and local planning policy, and is recommended to Members for approval subject to the following conditions.

RECOMMENDATION: Approval

- 1 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

- 2 The following works - demolition, roof stripping, scaffolding, pointing, stone repair, new doors/windows, internal roof works shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

1. A license issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or
2. A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a license.

Reason: In order to ensure that there is adequate protection of those protected species identified in the Wildlife and Countryside Act and to comply with Policy SP14 (Biodiversity) of the Ryedale Local Plan Strategy and the National Planning Policy Framework.

- 3 Prior to the commencement of the development hereby permitted, 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 Policies SP13 and SP16 of the Ryedale Plan - Local Plan Strategy.

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

Site Location Plan Rev 1 date stamped 11 Jan 2016

06-15360-01 rev B date stamped 11 Jan 2016

1315.LP1 date stamped 11 Jan 2016

Ground Floor: Planning Application 1315.11 date stamped 11 Jan 2016

First Floor: Planning Application 1315.12 date stamped 11 Jan 2016

Elevations: Planning Application 1315.13 date stamped 11 Jan 2016

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

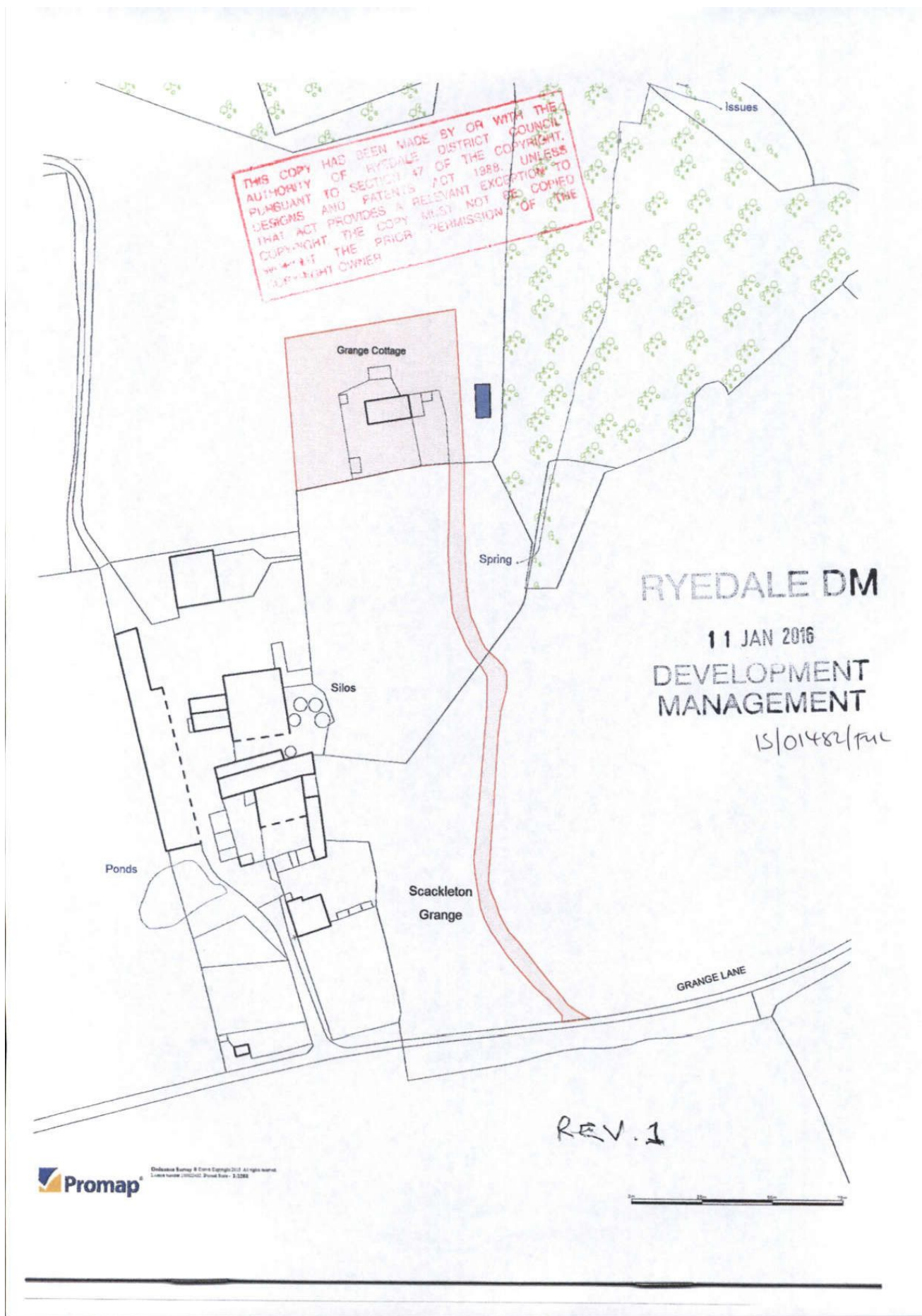
Background Papers:

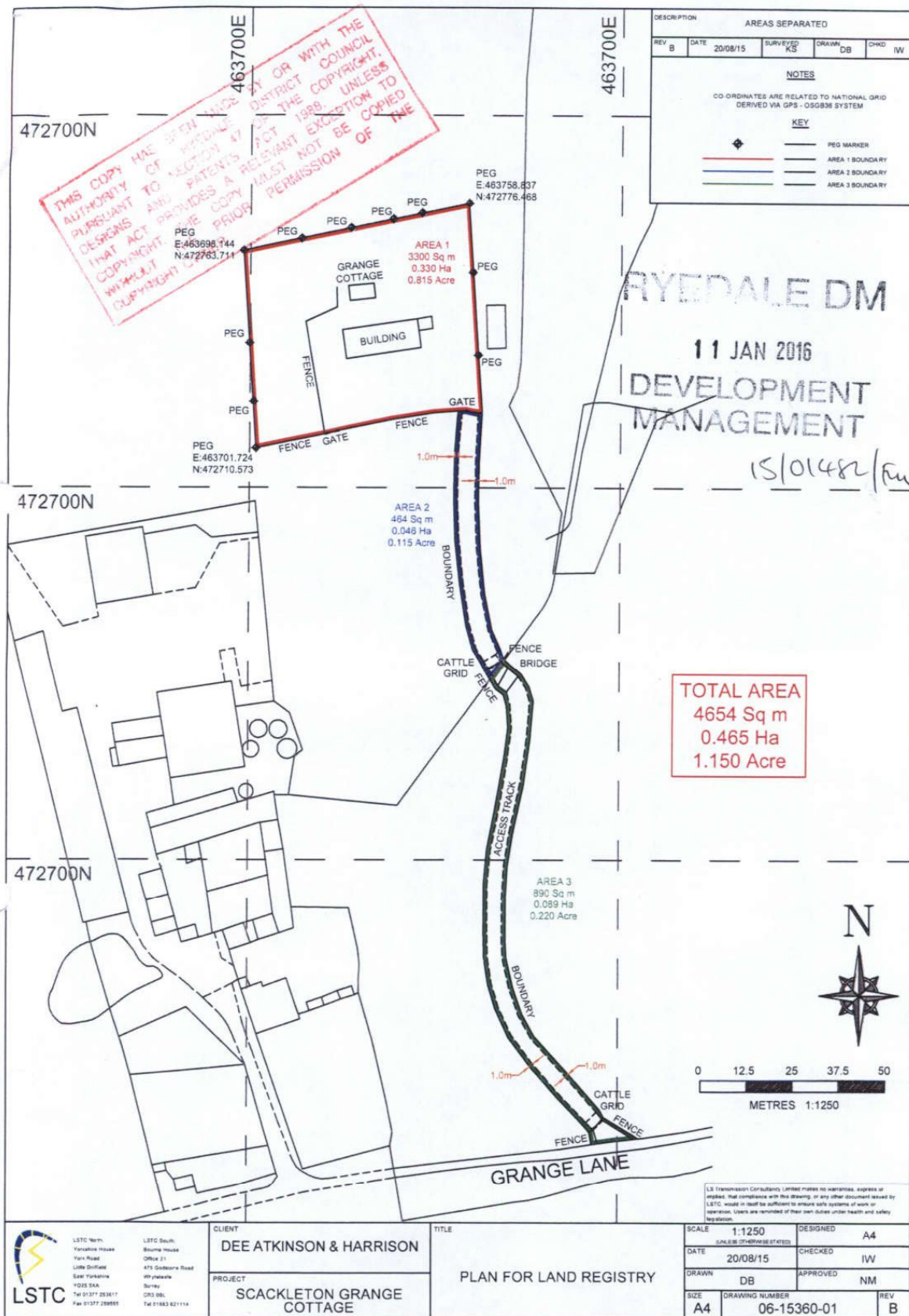
Adopted Ryedale Local Plan 2002

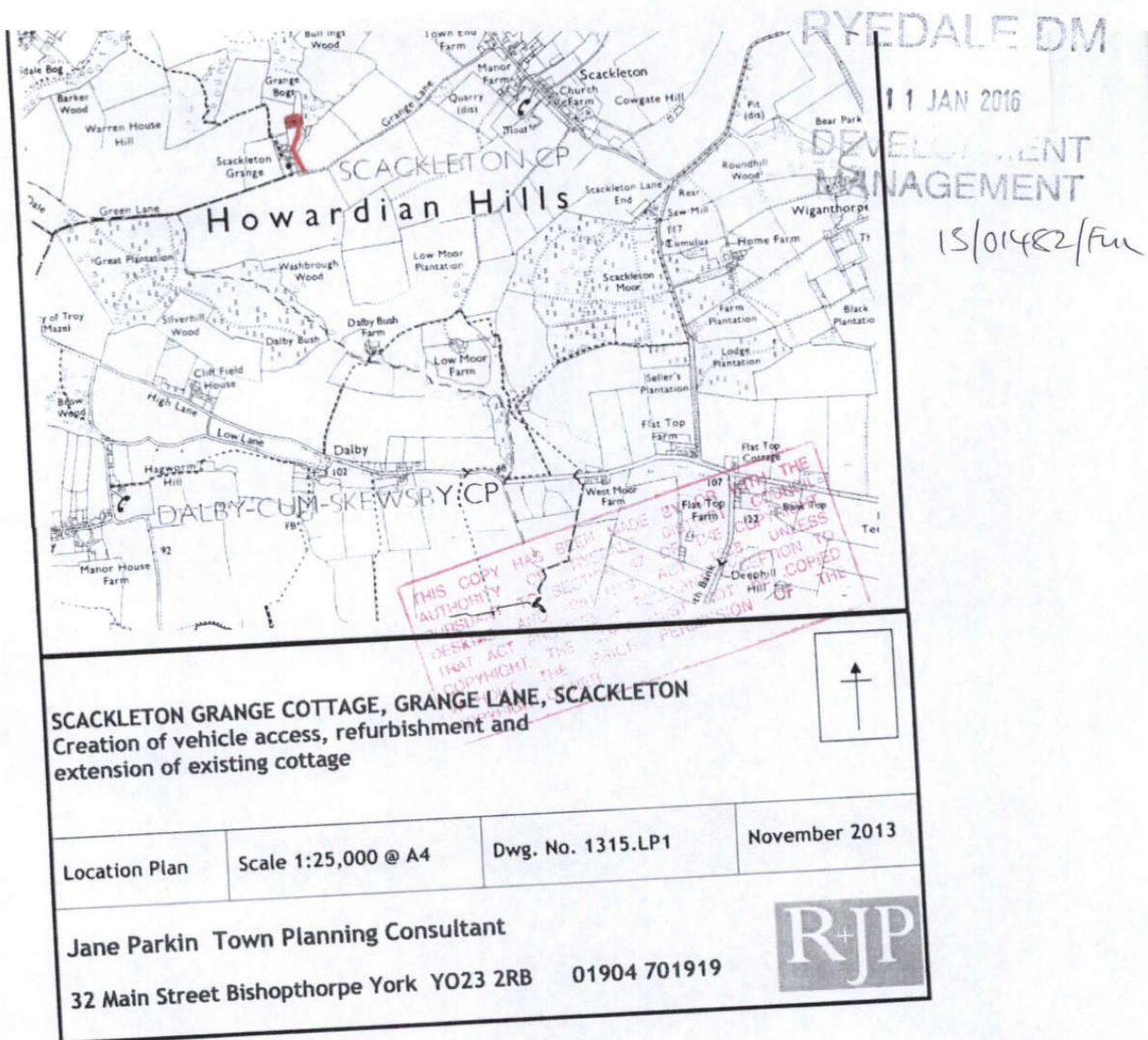
Local Plan Strategy 2013

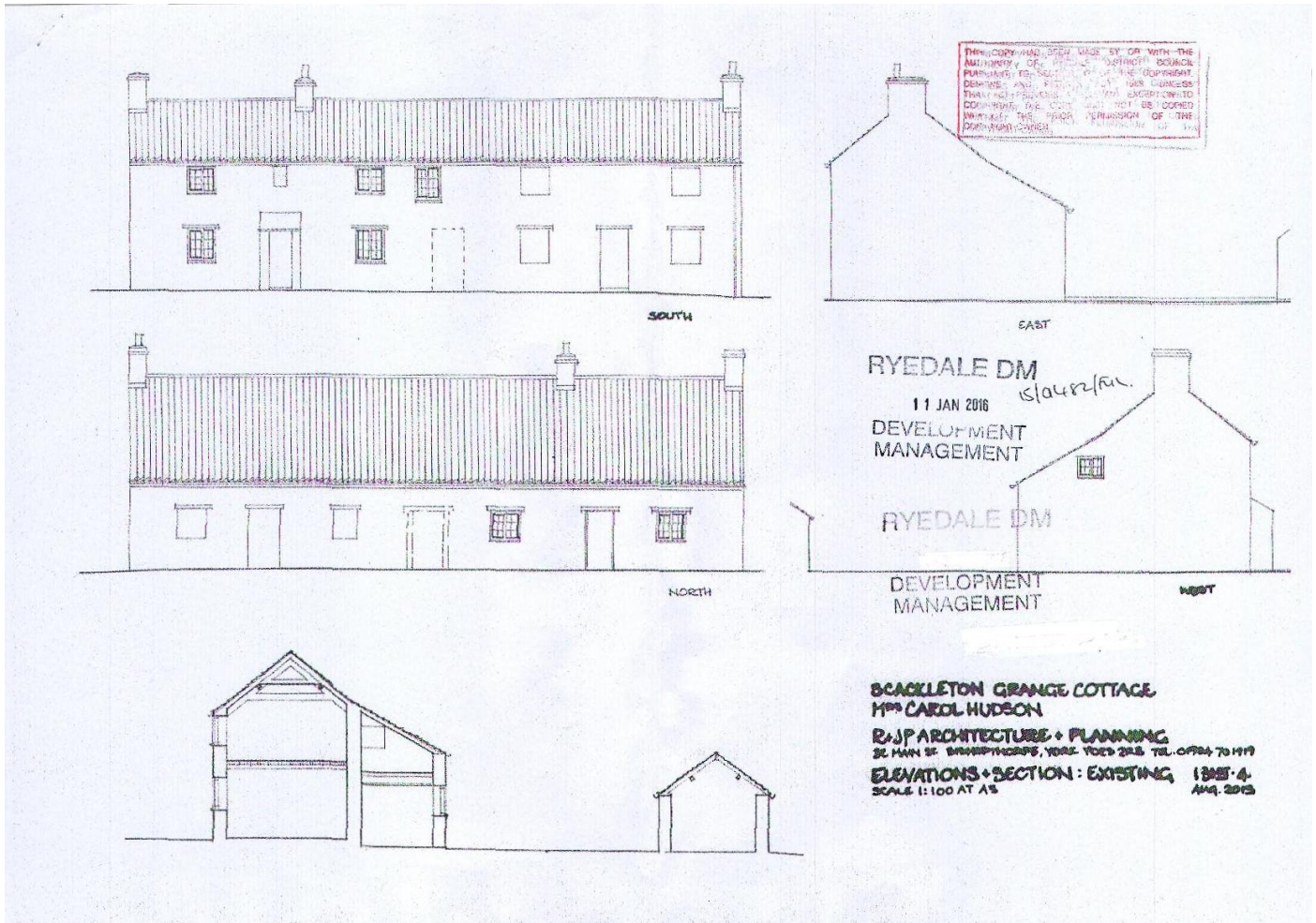
National Planning Policy Framework

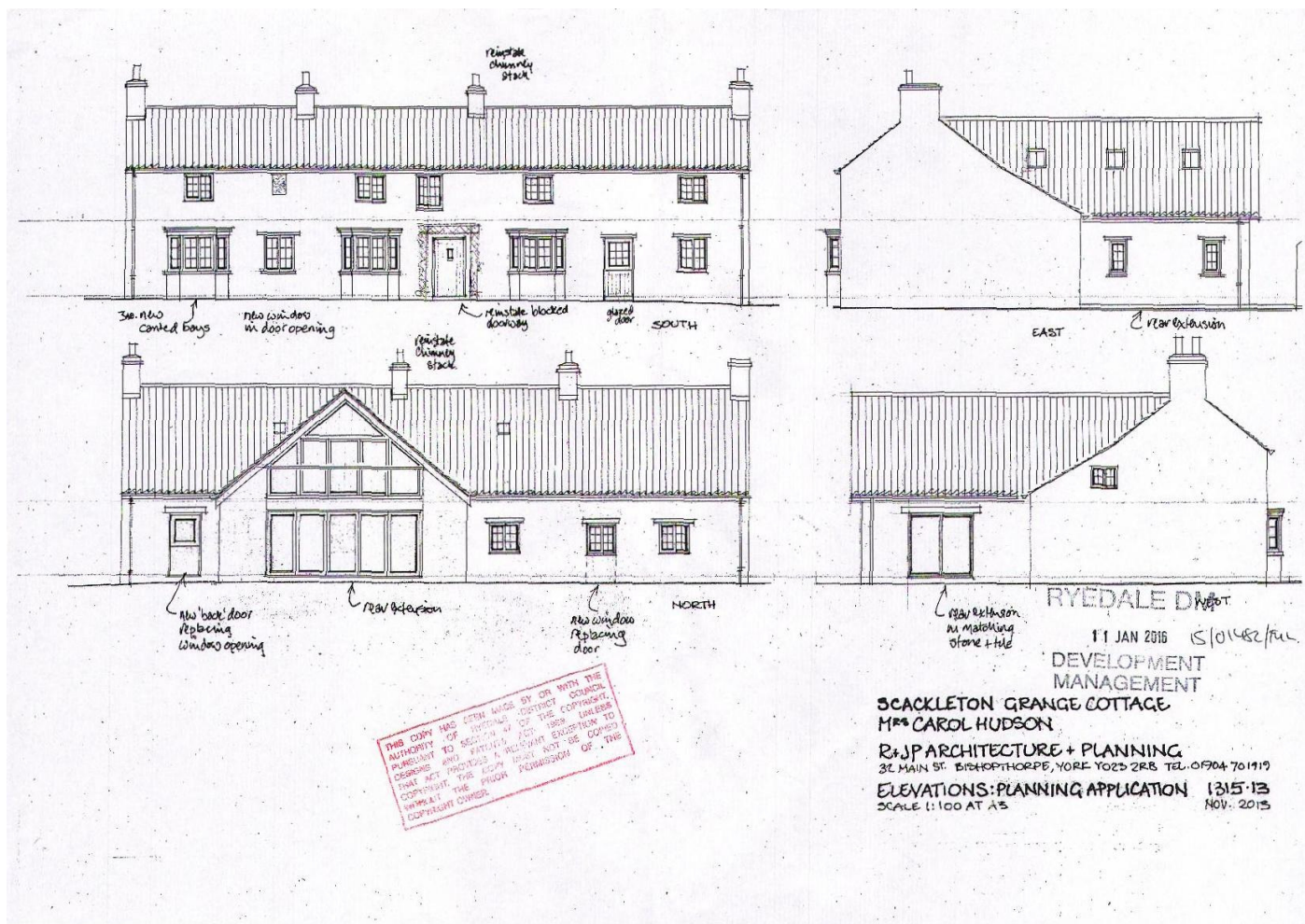
Responses from consultees and interested parties

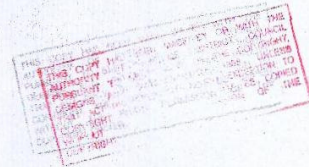
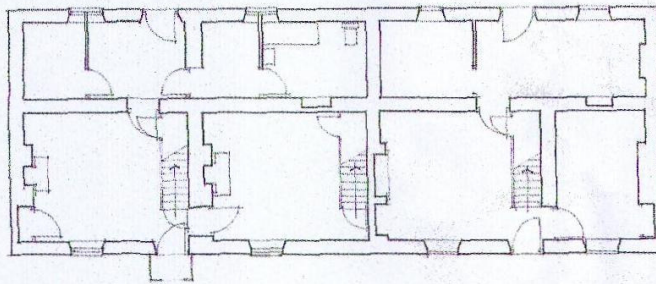
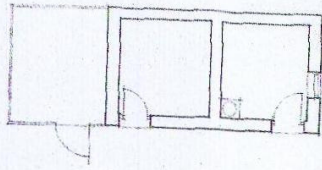












RYEDALE DM

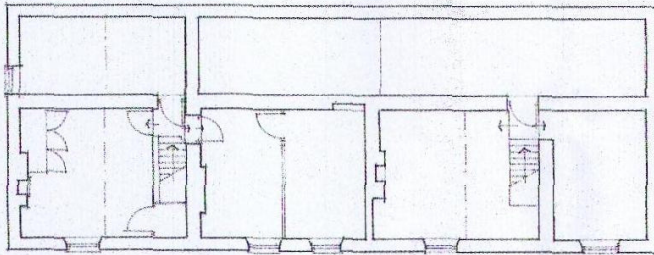
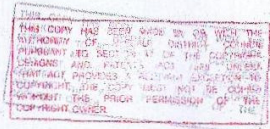
DEVELOPMENT
MANAGEMENT

SCACKLETON GRANGE COTTAGE FOR
MRS CAROL HUDSON

R.J.P ARCHITECTURE & PLANNING
32 MAIN ST. BISHOPSTHORPE, YORK YO15 2ER TEL. 01904 701919

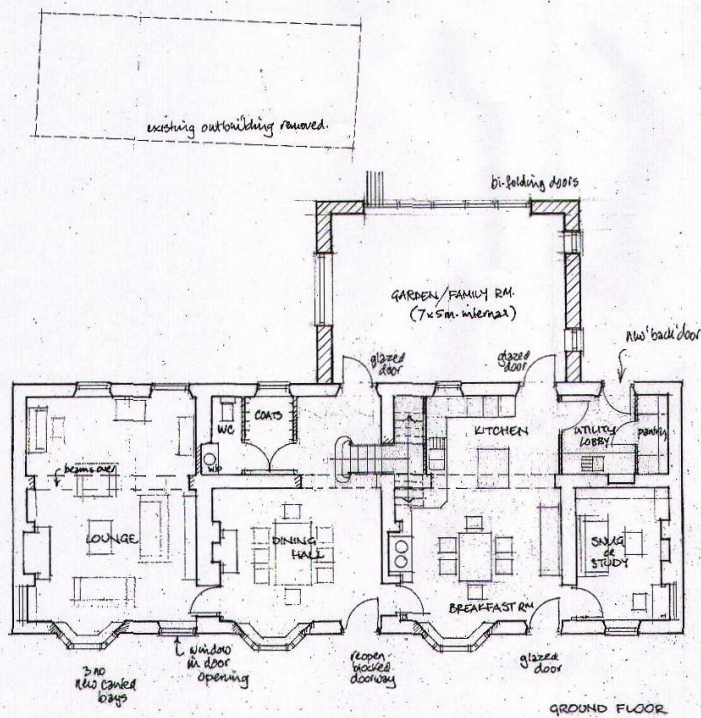
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SCALE 1:100 AT A5

1915.2
AUG. 2015



DEVELOPMENT MANAGEMENT

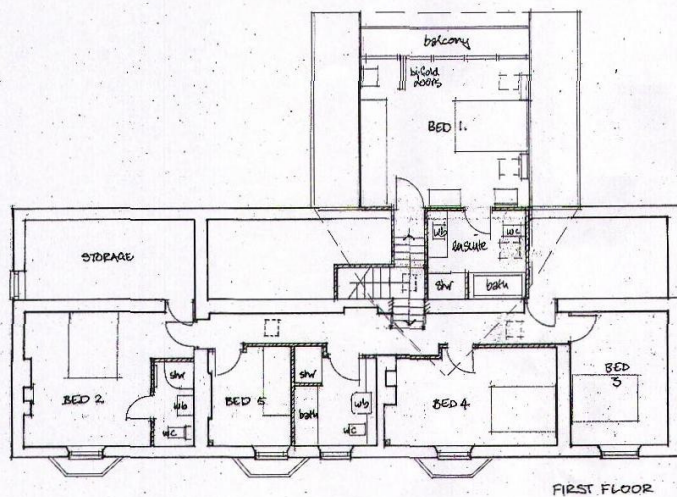
SCACKLETON GRANGE COTTAGE FOR
MRS CAROL HUDSON
R+JP ARCHITECTURE + PLANNING
32 HAIN ST. BISHOPSTORPE, YORK YO23 2NS TEL: 01904 701117
FIRST FLOOR: EXISTING
SCALE 1:100 AT A3 1315.3
AUG. 2013



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SCACKLETON GRANGE COTTAGE FOR
MRS CAROL HUDSON

R+JP ARCHITECTURE + PLANNING
52 MAIN ST. BISHOPSTHORPE, YORK YO23 2BB TEL. 01904 701919
GROUND FLOOR: PLANNING APPLICATION
SCALE 1:100 AT A3
1315/11
NOV. 2013



FIRST FLOOR

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SACKLETON ORANGE COTTAGE FOR
MRS CAROL HUDSON

R + JP ARCHITECTURE + PLANNING

52 MAIN ST. BISHOPSTHORPE, YORK YO23 2RB TEL: 01904 701919

FIRST FLOOR: PLANNING APPLICATION
SCALE 1:100 AT A3

13/5/12
NOVEMBER 2013

REVISED PLANNING SUPPORT STATEMENT IN RELATION TO
PLANNING APPLICATION FOR THE CHANGE OF USE OF
AGRICULTURAL LAND TO RESIDENTIAL , REFURBISHMENT AND
EXTENSION OF EXISTING COTTAGE AND CONSTRUCTION OF
VEHICULAR ACCESS AT SCACKLETON GRANGE COTTAGE
SCACKLETON YO62 4NB

2015 DALE DM

DECEMBER 2015

11 JAN 2016

15/01482/FUL

1.0 INTRODUCTION

DEVELOPMENT
MANAGEMENT

1.1 This application follows recent discussions with Mr. Colin Douthwaite ,
Development Management . It seeks full planning permission for the same
development approved under planning ref. 13/01402/FUL dated 6th March
2014 , but now amended as per the attached drawing no. 06 -15360 - 01/B
to include the following changes : -

1. A reduction in the curtilage area as shown in red on drawing REV 1. This
change , which is required to better facilitate the operation of the adjoining
farm , reduces the site area for the immediate residential curtilage to
approximately 0.33 ha . This change is not considered to be significant in
planning terms , as it still leaves the converted Scackleton Grange Cottage
with good sized garden space , enabling it to be used as an independent
residential unit separate from the adjoining farm . The total application site
area including the access track is 0.465 ha .

2. Retrospective approval of the internal vehicle access track as built which
differs slightly from that approved under ref. 13/01402/FUL dated 6th March
2014 subject to condition no. 4 , and as subsequently approved under ref.
14/00746/COND by letter dated 15th August 2015 . This track has been
constructed and laid out on a slightly different route to that previously
approved as a result of ground conditions , and the opportunity to have a
less intrusive construction by following land contours more closely . The
access as built includes a well engineered connection to Grange Lane ,
which addresses the previously required highway specification . The point
of connection to the highway is slightly changed from the previously
approved plans , but it is not considered this change has any impact on
highway safety . Photographs of the site including the revised access as built
dated October 2015 are submitted for information .

1.2 It is understood from pre - application liaison with Mr. Douthwaite that as this application is otherwise the same as that approved under ref. 13/01402/FUL , only details of the revised residential [red line] curtilage and the revised access route details are required as new information . On this basis the same drawings and supporting information as submitted under ref. 13/01402/FUL are put forward for consideration again , together with the additional information submitted with this application .

1.3 Mr. Douthwaite has specifically advised that following discussions with officers , the Council would rely on the previous bat survey dated September 2013 from Wold Ecology Ltd, , although this proposal brings no additional ecological impacts .

1.4 However , new planning application forms are submitted , together with this updated planning support statement to explain the changes listed in paragraph 1.1 above .

2.0 PROPOSED DEVELOPMENT

2.1 This substantive proposal remains the same as that approved under ref. 13/01402/FUL and proposes the creation of a single five bedroom detached house by means of internal and external alterations , including a two - storey rear extension . A change of use element is again included as part of the application site has been in agricultural rather than residential use .

2.2 The changes tabled here relate to the revised [reduced] residential curtilage area and the revised access track as described in paragraph 1.1 above . A location plan [no. 1315.LP1] and a revised site plan [REV.1] are submitted .

2.3 Other than these curtilage and access track revisions the proposed use , amount of development , layout , scale , landscaping and appearance are intended to remain the same as described in the Planning Support Statement submitted under ref. 13/01402/FUL .

PLANNING POLICY AND GUIDANCE

3.1 The planning policy context for this application remains generally as set

out in the original Planning Support Statement submitted with planning application ref. 13/01402/FUL . This original document is a background document for this current proposal .

3.2 At the national level the National Planning Policy Framework [NPPF] makes it clear that for sustainable development there is a clear presumption in favour . It seeks to ensure that new development is not only inherently sustainable but also sees the achievement of good design as a key element of good planning . This proposal to convert existing farm buildings complies with the NPPF on both these counts , where there is a sympathetic relationship to the rest of the surrounding area , and entitles it to the support set out in the national planning policy .

3.3 The key planning policies at the local level were previously contained in the 2002 Ryedale Local Plan , but this has now been largely replaced by the new Ryedale Plan - Local Plan Strategy , which forms the main element of the Development Plan . This has policies which recognise the planning merits of the conversion and retention of traditional farm buildings , and giving them a viable future use .

3.4 The Ryedale Plan - Local Plan Strategy , in Policy SP2 - Delivery and Distribution of new housing , supports the principle of proposals involving the conversion of traditional farm buildings to residential use . Whilst only indirectly relevant to this proposal , given that the subject building is already in residential use , and the change of use element relates only to a small area of land previously in agricultural use , this policy shows that the new local plan is broadly supportive of this kind of development which provides a viable future for traditional farm buildings .

3.5 A key planning issue here is the impact on the Howardian Hills AONB . In recently granting planning permission under ref. 13.01402/FUL the Local Planning Authority has already accepted the sustainable planning merits of this proposed residential conversion and extension , particularly in the context of Policy SP13 - Landscapes . This is confirmed in the officers delegated report .

3.6 Policy SP14 - Biodiversity , requires new development schemes to require net gain in biodiversity , and the use of native and locally characteristic species in landscaping schemes . In addition , Policy SP16 -

Design , sets out design criteria relating to development proposals such as this .

3.7 This national and local planning policy context provides support for this proposal . The scale and impact of this proposal is appropriate for this location , resulting in the limited conversion and extension of traditional farm buildings with no adverse impact on the visual and environmental quality of the immediate area . This provides a sustainable development .

4.0 ASSESSMENT OF PROPOSED CHANGES TO RESIDENTIAL CURTILAGE AND VEHICLE ACCESS

4.1 As identified in paragraph 1.1 above the only substantive changes to the previously approved development under ref. 13/01402/FUL are to the proposed residential curtilage and the route and position of the vehicle access track . The main development proposals involving the refurbishment of Scackleton Grange Cottage remain as per those submitted and accepted by the LPA under ref. 13/01402/FUL .

4.2 With regard to the revised residential curtilage , as shown on the submitted drawing no.06 - 15360 - 01 , this reduces the residential curtilage by a small amount . The resulting curtilage is still entirely fit for purpose , but because it is slightly smaller will have no impact on any material planning considerations such as sustainability or landscape impact , and should still be acceptable to the LPA .

4.3 The revised access position and route is now constructed and shown on drawing no. 06 - 15360 - 01 . This track is also shown on the submitted photographs . The winding route as built has been chosen to closely follow the contours in a natural manner , thereby reducing any visual impact .

5.0 CONCLUSION

5.1 This substantive development , involving the refurbishment and extension of the existing Scackleton Grange Cottage , together with a new access , already benefits from the recent grant of full planning permission under ref. 13/01402/FUL .

5.2 This application seeks to regularise changes to the previously approved

scheme only in relation to a slightly reduced residential curtilage and a slightly revised route for the access track , which has already been constructed .

5.3 Neither of these changes has any adverse environmental or highway impacts , and it is considered that the Council can in effect renew the full planning permission granted under ref. 13/01402/FUL with the revised curtilage and access layout tabled here .

5.4 This proposal is a modest revision to a small scale sustainable form of development , where the proposed changes cause no detrimental effect on the amenities of neighbouring properties or on the safety and convenience of highway users . The NPPF introduced a presumption in favour of sustainable development , and this proposal meets this requirement . There are no significant adverse impacts associated with this development that would outweigh the benefits it will bring , or justify refusal of planning permission in this case , including landscape impact , or effect on the character of the surrounding area .

5.5 This Planning Support Statement confirms that this proposed development is acceptable in planning terms , and complies with planning policy at both the national and the local level . Accordingly it is considered that planning permission should be granted in this case .

No objection TG

DATE
25/01/16

Hovingham with Scackleton Parish Council
Clerk to the Parish Council, Mrs Susan Wainwright
Hall Farm, Hovingham, York YO62 4LF
Telephone 01653 628364
Email: parishclerk@hovingham.org.uk

Chairman. Councillor P. Chapman

Planning Officer
Development and Planning
Ryedale District Council
Ryedale House
Malton
North Yorkshire
YO17 7HH

25th January 2016

Dear Karen Hood,

Application No.	13/01402/FUL
Applicant	Mrs Carol Hudson
Description	Extension and alteration of existing dwelling to form a five bedroom dwelling to include incorporation of unused adjacent dwelling as additional domestic accommodation, erection of two storey rear extension, removal of detached outbuildings and change of use of agricultural land to form extension to domestic curtilage and formation of vehicular access track to Grange Lane –part retrospective application (revised details to approval 13/01402/FUL dated 06.03.2014)
Location	Grange Cottage, Grange Lane, Scackleton YO62 4NB

The members of Hovingham with Scackleton Parish Council have considered this application and have no objection.

Yours faithfully,

Susan Wainwright

Item Number: 14
Application No: 16/00053/HOUSE
Parish: Welburn (Malton) Parish Council
Appn. Type: Householder Application
Applicant: Mr And Mrs C Foster
Proposal: Erection of a single storey extension to rear elevation, erection of a front porch, attached timber clad storage shed to the side (west elevation) and erection of a detached outbuilding (part retrospective application)
Location: Low Meadow Church Lane Welburn Malton YO60 7EG

Registration Date:
8/13 Wk Expiry Date: 9 March 2016
Overall Expiry Date: 13 March 2016
Case Officer: Tim Goodall **Ext:** 332

CONSULTATIONS:

Parish Council No objection

Neighbour responses: A And M Hewitt, David & Patricia Tildesley, Philip & Lesley Benham,

SITE:

The site contains a single storey dwellinghouse with an existing attached garage and a front and rear garden. The existing dwelling is of natural stone construction with a pitched roof hung with concrete pantiles.

The dwelling is located within the settlement limit of Welburn, to the south east of a designated conservation area. The site also lies within the Howardian Hills Area of Outstanding Natural Beauty (AONB).

PROPOSAL:

Planning permission is sought for the erection of a single storey extension to the rear elevation and the erection of a front porch to the dwelling.

Retrospective planning permission is sought for the retention of an existing attached timber clad storage shed to the side (west elevation) of the dwelling and the retention of a detached timber outbuilding.

The proposed single storey rear extension will have a dual pitched roof and will measure 5.4 metres deep, 7.4 metres wide and a maximum of 5.9 metres high. There will also be an flat roof infill section to the extension connecting the dual pitched section with the rear elevation of the existing garage. The proposed extension will have two rear facing windows and one side facing window that is obscure glazed. A roof light is proposed to the west facing side elevation to provide natural light to an internal bathroom.

The proposed porch will be 1.6 metres deep, 2.1 metres wide and 3.25 metres high with a dual pitch roof. The existing attached storage shed measures a maximum of 2.5 metres wide, reducing to 0.8 metres and is 5.25 metres deep.

The existing outbuilding has a maximum width of 5.13 metres, reducing to 3.2 metres. The building is 7.25 metres in length. The outbuilding sits on a concrete pad and is 3.0 metres in height with a shallow dual pitched roof. The storage shed and outbuilding are of timber construction.

PUBLIC CONSULTATION RESPONSES:

Four objections were received from local residents. These objections are available to view on the Council's website a summary has been provided below.

The occupiers of Ebb Cottage have responded to advise they would object to any future change of use to a part commercial use within a residential area as it would have an impact on the enjoyment of other owners and would have a downward effect on property prices. It would also result in more vehicles on Church Lane.

The occupiers of Strathway have responded to object to the application on a number of points which are summarised below.

- No objection to the front porch providing the design is in keeping with the dwelling
- They were informed that the timber storage shed was originally going to be temporary. They object as it is constructed of inferior materials and rainwater is directed towards their property.
- Extreme concern over the size and visual impact of the detached outbuilding as it is built beneath mature trees and a concrete base. There also concerns over where rain water will go and that it will be used as a business premises
- No objection in principle to the single storey rear extension providing the construction does not result in disruption to the public highway
- The building has been erected without planning permission and it and the concrete pad should be removed

The occupiers of Walnut House have objected to the application and set out 68 points and also a summary of these concerns. The full objection is available to view on the Council's website. The summary of the objection is set out below:

- The applicant intends to use the dwelling and outbuilding for running a business. Concerns over what is being stored in the outbuilding and side extension
- This proposed development is not in keeping with the philosophy of an AONB and should not be allowed or the spirit of the Howardian Hills development plan 2014-2019
- The proposed height of the outbuilding is flawed as it is not from the original ground level and the concrete pad is too high.
- The proposed development would over develop the site and would bring the rear wall much closer to Walnut House
- Concerns of overlooking, light pollution, noise of rainfall on roof and loss of privacy
- Loss of garage
- A compressor has been installed.
- There is a tree too close to the outbuilding, within falling distance. The tree should be protected.
- Concerns over drainage and flooding
- The outbuilding is 4 to 5 times larger than a normal garden shed. Domestic activity should not typically need this amount of covered storage
- All the proposed changes to the main building and the outbuilding in their current plans and unauthorised build impact negatively on our property
- The site borders onto a conservation area. Concerns that this development is directly affecting a property within the conservation area. Ryedale conservation policy states:
- Development will not be permitted if it would generate levels of traffic, parking, noise or environmental problems which would be detrimental to the character or appearance of the area.
- The requested developments at Low Meadow will impact negatively on Walnut House which is a building within a conservation area.
- Should planning permission be granted it would set a significant precedent for other developments and increase the density of buildings in an AONB to a significant degree.
- In combination the plans for the main building and storage shed look to account for a 70-80% increase in the size of the existing property of the plot.

- These requested developments do not maintain the historic appeal of the village of Welburn.
- There are 5 properties surrounding Low Meadow which are all in an AONB and three of which are also in a conservation area. How could a development of this nature possibly be permitted?

The occupiers of Maple House have objected to the application for a number of reasons and a summary of the objection is set out below:

- Concern that the development went ahead without planning permission and that pipes visible suggest a possible business use
- An explanation of the term 'part retrospective' would be welcomed
- No objection to the principle of a rear extension, however this will increase the floor area of the dwelling by around 50% which is considered to be excessive
- The ground floor windows of the extension could overlook our property to an extent not currently possible
- Two high intensity lights have been installed to the rear elevation of the dwelling, disturbing sleep and increasing light pollution
- The extension would be more acceptable if reduced in depth by 1.25 metres
- No comments over the porch and no concerns over the timber shed provided it is not used for business purposes
- The outbuilding by virtue of its size and appearance is not in keeping with its immediate surroundings within the AONB
- The building is visually obtrusive, in terms of shape, size, roof materials and height
- The raised platform is a concern and appears to be contrary to AONB guidelines. It is unclear what impact was had on drainage and trees.
- Drainage is of particular concern
- There is concern that the outbuilding will be for business use and this is inappropriate within a quiet residential area within the AONB.

Welburn (Malton) Parish Council have no objection to the proposal.

The objections include a number of material planning considerations relevant to the determination of the application. As the application is recommended for approval, in accordance with the Council's scheme of delegation it is brought before Members of the Planning Committee for consideration and determination.

HISTORY:

15/01410/HOUSE - Application withdrawn - Erection of a single storey extension to rear elevation, erection of a porch to front elevation and erection of a detached outbuilding (part-retrospective)

POLICIES:

National Planning Policy Framework
National Planning Practice Guidance

Ryedale Plan - Local Plan Strategy
SP12 - Heritage
SP13 - Landscapes
SP16 - Design
SP19 - Presumption in Favour of Sustainable Development
SP20 - Generic Development Management Issues

APPRAISAL

- i. Character and Form
- ii. Impact on the setting of the Welburn Conservation Area
- iii. Impact on the Howardian Hills AONB

- iv. Neighbouring Amenity
- v. Commercial Use of the Outbuilding
- vi. Other Matters
- vii. Conclusion

i. Character and Form

To accord with Policies SP16 (Design) and SP20 (Generic Development Management Issues) and reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings. Attention should be paid to the grain of settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings. Consideration must also be given to the type, texture and colour of materials, quality and type of building techniques and elements of architectural detail.

The proposed development includes the erection of a porch extension to the front elevation of the dwelling and a single storey rear extension. Planning permission is also sought for the retention of the existing side extension. The extensions are considered to be of a scale that respect the host dwelling. The application site is relatively well screened from Church Lane to the north and the proposed porch extension and the existing side extension will be/are less visible as a result. The porch and the side extension are modest additions to the dwelling.

The proposed rear extension is no higher than the existing dwelling and will have a dual pitched roof of a similar design and pitch to that of the dwelling. The extension will not be visible from the public highway and will not project beyond the existing side elevation of the dwelling. The proposed materials will match those of the existing dwelling. As such, the character and form of the proposed rear extension is considered to accord with Policies SP16 and SP20. The existing outbuilding has a shallow, dual pitched roof and is of timber construction. The outbuilding sits on a concrete pad that in itself does not require planning permission.

ii. Impact on the setting of the Welburn Conservation Area

Policy SP12 (Heritage) of the Ryedale Plan - Local Plan Strategy states that conservation areas and their setting will be conserved and where appropriate, enhanced. Proposals which result in less substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm and the extent of the harm to the asset.

The application site lies to the south of the Welburn conservation area. The nearest part of the development to the conservation area boundary is the existing outbuilding. The proposed outbuilding, while larger than many garden sheds only marginally exceeds 'permitted development' tolerances. The outbuilding primarily only affects the setting of the conservation area, when viewed from the applicant's dwelling. The outbuilding due to its design and location is not considered to result in harm to the setting of the conservation area and as such accords with Policy SP12.

The Council's Building Conservation Officer has been consulted on the proposal and considered the impact on the setting of the Welburn Conservation Officer. The Building Conservation Officer has no objection.

iii. Impact on the Howardian Hills AONB

In accordance with Policy SP13 (Landscapes), development proposals in the AONB will be supported where they do not detract from the natural beauty and special qualities of this nationally protected landscape. Proposals will be supported by seek to facilitate the delivery of the Howardian Hills AONB Management Plan Objectives.

The application site is located within the development limit of Welburn and surrounded on all sides by residential development. The proposal is for residential extensions and a detached outbuilding in the rear garden.

The development will be primarily obscured from view from any public rights of way and is not considered to detract from the natural beauty and special qualities of the AONB.

iv. Neighbouring Amenity

New development will not have a material adverse impact on the amenity of present and future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.

The proposed porch extension and the existing side shed extension are due to their size and location not considered to result in a materially adverse impact to the amenity of the occupiers of neighbouring buildings.

The proposed rear extension will be no higher than the existing single storey dwelling and will be not extend past the side elevations of the existing dwelling. The existing dwelling has a staggered rear elevation and is sited a minimum of 16.25 metres from the rear boundary of the applicant's garden. While, the proposed extension to the rear will bring the building line of the dwelling closer to the rear elevations of Walnut House and Maple House by up to 5.4 metres in places, it will remain a minimum of 15 metres from the rear shared boundary. The proposed extension is single storey in design and therefore it is relevant to consider that under the 'larger' household extension permitted development rights, a single storey extension up to 8 metres deep could be constructed without planning permission. Due to its design, scale and location, the proposed rear extension is not considered to result in a materially adverse impact to the amenity of the occupiers of neighbouring buildings.

The existing outbuilding for which retrospective planning permission is sought does not have any windows and is set back from the boundary by a minimum of 1.8 metres. If the outbuilding were to be set back a further 0.2 metres, the outbuilding would constitute permitted development and not require planning permission. The outbuilding reaches a maximum height of 3.0 metres and is in a corner of the garden that is relatively well screened by the existing planting. As such the outbuilding is not considered to result in an a materially adverse impact on the amenity of the occupiers of the neighbouring buildings.

v. Commercial Use of the Outbuilding

The objections refer to concerns that the outbuilding is, or might in the future, be used for commercial purposes. The change of use of the outbuilding to commercial use is not the subject of this application and would require a separate planning permission. A condition is proposed restricting the building for domestic use.

vi. Other Matters

The proposed drawings show the conversion of the attached garage to habitable space. This in itself does not require planning permission. It is noted that the remaining off street parking area (the drive) provides space for 2 vehicles. This meets the North Yorkshire County Council Interim Parking Standards for a 3 bedroom dwelling.

The objections also refer to a district heating system to the rear of the dwelling. This heating system meets permitted development requirements and therefore planning permission is not required for its retention. Additionally, the objectors raise concerns over drainage, specifically in relation to the existing structures. These structures are set in from the boundaries and rainwater will continue to drain into the ground.

vii. Conclusion

In conclusion, the proposal is considered to accord with national and local planning policy and is recommended for approval subject to the follow conditions.

Local Plan Strategy - Policy SP12 Heritage
Local Plan Strategy - Policy SP13 Landscapes
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
Local Plan Strategy - Policy SP20 Generic Development Management Issues
National Planning Policy Framework
National Planning Policy Guidance

RECOMMENDATION: Approval

- 1 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
- 2 Unless otherwise approved in writing by the Local Planning Authority, the materials, colour and external finish to the external walls and the roof tiles of the single storey rear extension and porch extension hereby permitted shall match that of the existing dwelling, currently known as 'Low Meadow'.

Reason:- To ensure a satisfactory external appearance and to comply with Policy SP16 (Design) of the Ryedale Plan - Local Plan Strategy.
- 3 Unless otherwise agreed in writing by the Local Planning Authority, there shall be no windows or doors constructed on the northern elevation of the detached outbuilding.

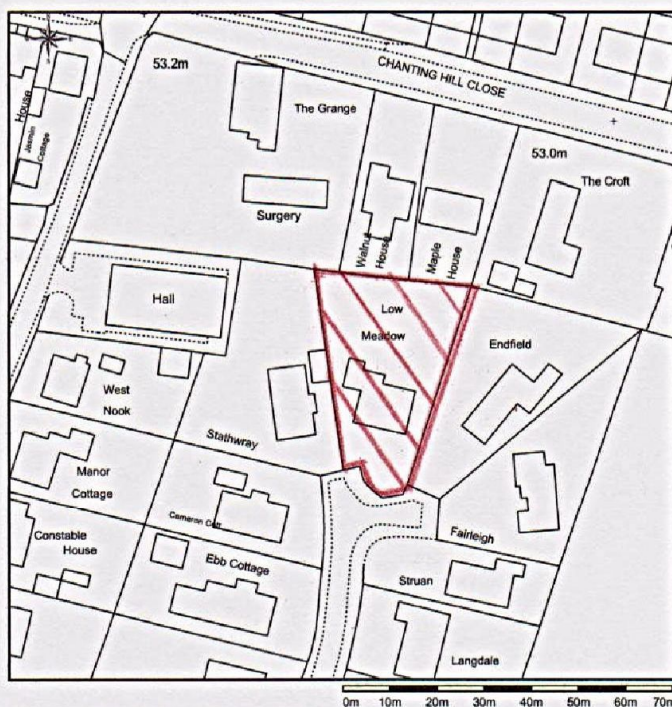
Reason:- To protect the amenity of adjoining properties and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.
- 4 The development of the outbuilding hereby permitted shall be used for domestic purposes only, in connection with the dwelling currently known as Low Meadow and shall not be sold or let off separately.

Reason: For the avoidance of doubt and in order to satisfy policy SP20 of the Ryedale Plan - Local Plan Strategy.
- 5 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.

Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties



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Scale: 1:1250, paper size: A4

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Low Meadow, Church Lane, Welburn.

DATE VALID
13/01/16

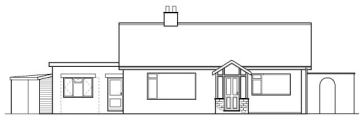
plans ahead by emapsite™

Prepared by: Mike Punchard, 24-11-2015

Check All Dimensions on Site.



Proposed West Elevation.



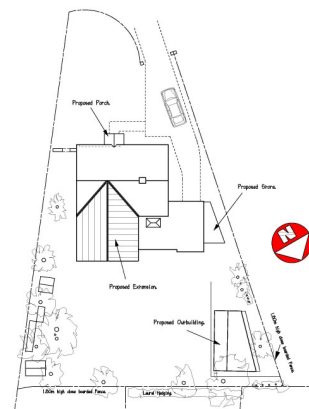
Proposed South Elevation.



Proposed East Elevation.



Proposed North Elevation.



Block Plan. 1:200.

DATE VALID
13/01/16

TITLE :- Proposed Extensions & Alterations.
SCALES :- 1:100, 1:50, 1:200.

AT :- Low Meadows, Church Lane, Welburn, York.
DATE :- Nov 2015.

FOR :- Mr & Mrs C. Foster.
DRAWING No. :- 15-1118-4.

MIKE PUNCHARD
PLAN DRAWING SERVICE
9 THE AVENUE, NORTON, MALTON,
N. YORKS. YO17 9EF
TEL:- 01653 694276

Check All Dimensions on Site.



West Elevation.



South Elevation.

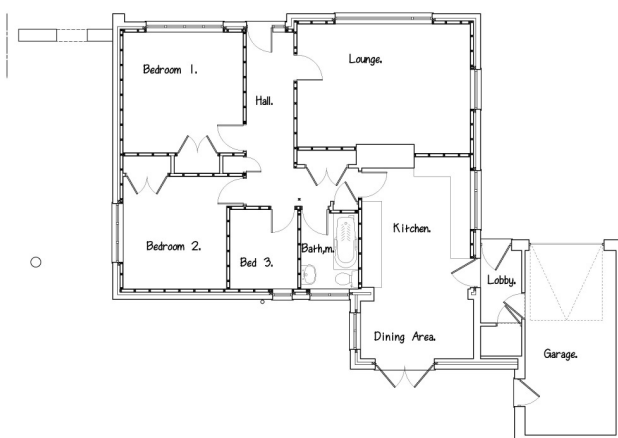


East Elevation.

REVISED PLAN

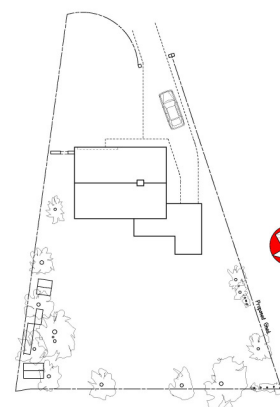


North Elevation.



Existing Floor Layout.

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Block Plan. 1:200.

DATE
25/02/16

**MIKE PUNCHARD
PLAN DRAWING SERVICE**
9 THE AVENUE, NORTON, MALTON,
N. YORKS. YO17 9EF
TEL:- 01653 694276

TITLE :- Survey of Existing Bungalow.

AT :- Low Meadow, Church Lane, Welburn, York.

FOR :- Mr & Mrs C. Foster.

SCALES :- 1:100, 1:50, 1:200.

DATE :- Nov 2015.

DRAWING No. :- 15-1118-1.

No objection

TG

DATE
04/02/16

Subject: Planning application no 16/000053/HOUSE

From: Mildred Reiniers
Sent: 03 February 2016 20:37
To: Development Management
Subject: Planning application no 16/000053/HOUSE

Dear Karen

The Council decided at their meeting last Monday that they don't have objections to the above planning application.

Kind regards

*Mildred Reiniers
Clerk Welburn (Malton) Parish Council
Fairtamiddlin
Castle Howard Station Road
Welburn YO60 7EW
01653 619 990*

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,

.....
Members response to this consultation response is requested.

A brief report will follow on the Late Pages.

RECOMMENDATION: **Members' views are requested**

Agenda Item 17

RYEDALE DISTRICT COUNCIL

APPLICATIONS DETERMINED BY THE DEVELOPMENT CONTROL MANAGER IN ACCORDANCE WITH THE SCHEME OF DELEGATED DECISIONS

PERIOD 08.02.2016 TO 04.03.2016

-
1.
Application No: 15/00363/FUL **Decision: Approval**
Parish: Flaxton Parish Council
Applicant: Mr John Jackson
Location: Elm Tree Farm Main Street Flaxton Malton YO60 7RJ
Proposal: Erection of 1no. five bedroom dwelling (Plot 1) with 2no. open car ports and 1no. three bedroom dwelling (Plot 3) with 1no. open car port to include amenity areas and rebuilding of an existing outbuilding to serve Plot 1 and Elm Tree Farmhouse
-
2.
Application No: 15/00389/LBC **Decision: Approval**
Parish: Flaxton Parish Council
Applicant: Mr John Jackson
Location: Elm Tree Farm Main Street Flaxton Malton YO60 7RJ
Proposal: Demolition of existing fold yard and adjacent steel framed building, part demolition of southern outbuilding and demolition and rebuilding of south west outbuilding to serve Plot 1 and Elm Tree Farmhouse
-
3.
Application No: 15/00942/FUL **Decision: Approval**
Parish: Wharram Parish Council
Applicant: The Birdsall Estates Company Ltd
Location: Wharram Percy Farm Cottages Salents Lane Wharram Le Street Malton North Yorkshire
Proposal: Alterations to existing detached dwelling to form 1no. 4 bedroom dwelling and 1no. 2 bedroom dwelling together with erection of single-storey extension to the rear elevation of the two bedroom dwelling and widening of existing access
-
4.
Application No: 15/00994/FUL **Decision: Approval**
Parish: Barton-le-Street Parish Meeting
Applicant: Mrs Judy Hardy
Location: Outbuildings At The Haybarn Main Street Barton Le Street Malton North Yorkshire
Proposal: Change of use and alteration of detached outbuildings to form a two bedroom dwelling with parking and amenity areas and 1.6m high stone boundary wall
-
5.
Application No: 15/01071/FUL **Decision: Approval**
Parish: Warthill Parish Council
Applicant: Mr & Mrs M Hamilton
Location: Chapel Adjacent To Agar Cottage Rudcarr Lane Warthill
Proposal: Change of use, alteration and extension of chapel to form a 3no. bedroom dwelling together with associated parking.
-
6.
Application No: 15/01123/OUT **Decision: Approval**

Parish: Pickering Town Council
Applicant: Mr E F King
Location: 114 Outgang Road Pickering North Yorkshire YO18 7EL
Proposal: Erection of 2no. dwellings with detached garages following demolition of existing gym (site area 0.0548ha)

7.
Application No: 15/01145/FUL **Decision: Approval**
Parish: Swinton Parish Council
Applicant: Mr Simon Pope
Location: Land To North Of Low Farm East Street Swinton Malton North Yorkshire
Proposal: Erection of a 4no. bedroom detached dwelling and detached double garage

8.
Application No: 15/01208/FUL **Decision: Approval**
Parish: Kirby Grindalythe Parish Council
Applicant: Mr Iain Simpson
Location: Home Farm Salents Lane Duggleby Malton North Yorkshire YO17 8BN
Proposal: Change of use of land to equestrian and agricultural (retrospective) and the erection of an equestrian building comprising of 2no. stables and general storage area together with formation of area of hardstanding and a 20m x 40m horse riding manege for private use

9.
Application No: 15/01214/FUL **Decision: Approval**
Parish: Hovingham Parish Council
Applicant: Hovingham Estate
Location: Building Adjacent To Brinkburn Barn Brookside Hovingham
Proposal: Change of use and alterations to existing barn to form a 2no. bedroom dwelling to include erection of a single storey extension with roofspace bedroom accommodation and erection of detached garage.

10.
Application No: 15/01228/FUL **Decision: Approval**
Parish: Ebberston Parish Council
Applicant: Mr & Mrs M Spaven
Location: Westwood Barn 79A Main Street Ebberston Scarborough North Yorkshire YO13 9NR
Proposal: Change of use and alteration of barn to form a three-bedroom dwelling with use of existing garage and garden area

11.
Application No: 15/01268/FUL **Decision: Partial Approve/Refuse**
Parish: Edstone Parish Meeting
Applicant: Mr Peter Johnson
Location: Little Edstone House Great Edstone Kirkbymoorside YO62 6NY
Proposal: Change of use of 2no. holiday letting units (Foxcover and Bedford Corner) to form 2no. residential dwellings with permanent occupancy and change of use and alteration of 2no. ancillary buildings (swimming pool complex and games room) to form 2no. holiday cottages with minimal occupancy restrictions

12.
Application No: 15/01269/73A **Decision: Approval**
Parish: Edstone Parish Meeting
Applicant: Mr Peter Johnson

Location: Little Edstone House Great Edstone Kirkbymoorside YO62 6NY
Proposal: Variation of Condition 02 of approval 02/01156/FUL dated 06.02.2003

13.

Application No:	15/01385/FUL	Decision: Refusal
Parish:	Habton Parish Council	
Applicant:	Mr & Mrs J & B Cuthbertson	
Location:	Bulmer Farm House Riggs Road Ryton Malton North Yorkshire YO17 6SA	
Proposal:	Change of use of 16 no. holiday lodges to form 16 no. residential dwellings (Use Class C3)	

14.

Application No:	15/01423/LBC	Decision: Approval
Parish:	Pickering Town Council	
Applicant:	Mr G P Wilkinson	
Location:	38 Hungate Pickering North Yorkshire YO18 7DG	
Proposal:	External alterations to include installation of 2no. rooflights to rear facing roofslope	

15.

Application No:	15/01427/HOUSE	Decision: Approval
Parish:	Sinnington Parish Council	
Applicant:	Mr D Smith	
Location:	1 Station Cottages Marton Road Sinnington YO62 6RA	
Proposal:	Extension of existing mono-pitched roof to cover remaining flat-roofed area to form additional domestic living space to west elevation to include installation of 2no. rooflights	

16.

Application No:	15/01450/HOUSE	Decision: Approval
Parish:	Nawton Parish Council	
Applicant:	Mr & Mrs Howard Penn	
Location:	The Old Methodist Chapel Main Road Nawton Helmsley YO62 7RF	
Proposal:	Erection of a single-storey extension to rear elevation	

17.

Application No:	15/01468/LBC	Decision: Refusal
Parish:	Pickering Town Council	
Applicant:	Mr Jeremy Smith	
Location:	105 Westgate Pickering North Yorkshire YO18 8BB	
Proposal:	External alterations to include installation of 6no. replacement double glazed windows to north and east elevations	

18.

Application No:	15/01469/HOUSE	Decision: Approval
Parish:	Wombledon Parish Council	
Applicant:	Mr Steve Gridley	
Location:	High Bank High Street Wombledon Kirkbymoorside YO62 7RR	
Proposal:	Raising of roof pitch on north side of dwelling to increase first floor accommodation, erection of a single storey workshop extension to the north elevation, rebuild and extend the attached garage to form a summer room to include a monopitch roof and erection of a covered porch area to the west elevation	

19.

Application No:	15/01473/FUL	Decision: Approval
------------------------	--------------	---------------------------

Parish: Barton-le-Willows Parish
Applicant: Strickland Estates
Location: Little Holme And Hill View Barton Hill Malton YO60 7PD
Proposal: Erection of 1 no.three bedroom detached dwelling and 1no.pair of two bedroom semi-detached dwellings, demolition of open fronted storage building, formation of individual vehicular accesses to each dwelling and erection of garden sheds for each semi-detached dwelling

20.
Application No: 15/01474/HOUSE **Decision: Approval**
Parish: Lillings Ambo Parish Council
Applicant: Mr & Mrs P Woodhouse
Location: Ambleside House Goose Track Lane West Lilling North Yorkshire YO60 6RP
Proposal: Erection of a single storey garage extension to north elevation for storage purposes

21.
Application No: 15/01475/HOUSE **Decision: Approval**
Parish: Broughton Parish Meeting
Applicant: Ms Bunmi Lana
Location: Dhekelia Moor Lane Broughton Malton North Yorkshire YO17 6QJ
Proposal: Installation of timber cladding to rear elevation and to front apex of garden room (retrospective application)

22.
Application No: 15/01476/FUL **Decision: Approval**
Parish: Aislaby, Middleton & Wreton Parish
Applicant: Mr Robert Turnbull
Location: Broomfield House High Street To Bypass Wreton Pickering YO18 8PF
Proposal: Erection of a replacement agricultural building to be used for lambing and storage following removal of existing building.

23.
Application No: 15/01477/FUL **Decision: Approval**
Parish: Pickering Town Council
Applicant: Northern General Properties Ltd.
Location: Unit 1 Thornton Road Industrial Estate Road Pickering North Yorkshire YO18 7JB
Proposal: Formation of new vehicular access and 15no. car parking spaces together with erection of covered cycle store

24.
Application No: 15/01492/HOUSE **Decision: Approval**
Parish: Flaxton Parish Council
Applicant: Mr Aldersley
Location: Greenside Main Street Flaxton Malton YO60 7RJ
Proposal: Erection of 2no. single storey rear extensions, installation of a glass flat roof and screen to infill courtyard forming additional domestic living space, installation of 6no. rooflights following removal of existing rooflights and blocking-up of 2no. windows to south east elevation.

25.
Application No: 15/01493/LBC **Decision: Approval**
Parish: Flaxton Parish Council
Applicant: Mr Aldersley
Location: Greenside Main Street Flaxton Malton YO60 7RJ

Proposal: External and internal alterations to include the erection of 2no. single storey rear extensions, installation of a glass flat roof and screen to infill courtyard forming additional domestic living space, installation of 6no. rooflights following removal of existing rooflights and blocking-up of 2no. windows to south east elevation together with alterations to internal layout.

26.

Application No:	15/01503/FUL	Decision: Approval
Parish:	Ganton Parish Council	
Applicant:	Mr & Mrs D Sixsmith	
Location:	Haybridge Farm Station Road Ganton Scarborough North Yorkshire YO12 4PD	
Proposal:	Erection of a replacement three-bedroom dwelling following demolition of existing three-bedroom dwelling	

27.

Application No:	15/01508/FUL	Decision: Approval
Parish:	Welburn (Malton) Parish Council	
Applicant:	Mr Matthew Haynes	
Location:	10 Crambeck Village Welburn Malton North Yorkshire YO60 7EZ	
Proposal:	Change of use of strip of land to become additional domestic curtilage, erection of detached single garage with vehicle access from adjacent car park and formation of a gable end loft window to south west elevation	

28.

Application No:	15/01509/LBC	Decision: Approval
Parish:	Malton Town Council	
Applicant:	The Trustees Of Malton Museum	
Location:	36 Yorkersgate Malton North Yorkshire YO17 7AB	
Proposal:	Internal alterations to ground floor to improve accessability to include handrails and internal automatic glazed sliding doors, central adjustable lighting tracks, wall mounted grid display system and removal of doors to alcoves	

29.

Application No:	15/01513/FUL	Decision: Approval
Parish:	Swinton Parish Council	
Applicant:	The Behrens Family C/o Mr Peter Elwess	
Location:	Trigger Castle Braygate Street Swinton Malton North Yorkshire YO17 6QT	
Proposal:	Change of use, alteration and partial rebuilding of attached agricultural barns to form an extension to the domestic accommodation of the existing dwelling to include removal of fold yard roof to allow formation of a walled garden, use of stable block as garden sheds and use of ground floor shed at eastern end of barns as domestic garaging	

30.

Application No:	15/01519/FUL	Decision: Approval
Parish:	Pickering Town Council	
Applicant:	Mr Brian & Mrs Beverley Wray	
Location:	Low Mill Lendales Lane Pickering North Yorkshire YO18 8EE	
Proposal:	Change of use of former mill to form a 4no. bedroom holiday cottage and installation of wood pellet boiler with associated flue protruding from rear-facing garage roofslope.	

31.

Application No:	15/01523/CLEUD	Decision: Approval
Parish:	Luttons Parish Council	

Applicant: Mr H J N Cholmley
Location: Haverdale Farm Green Lane West Lutton Malton YO17 8TL
Proposal: Certificate of Lawfulness that confirms works have been undertaken that constitute a "material operation" and consequently work has commenced on site and the planning permission has been implemented in accordance with Condition 01 of approval 13/00354/FUL dated 14.06.2013

32.
Application No: 15/01528/HOUSE **Decision: Approval**
Parish: Scampston Parish Council
Applicant: Mr Steven Walker
Location: Hartwood Bungalow Scarborough Road East Knapton Malton North Yorkshire YO17 8JA
Proposal: Erection of a porch to rear elevation.

33.
Application No: 16/00004/HOUSE **Decision: Approval**
Parish: Swinton Parish Council
Applicant: Mr & Mrs P Scholefield
Location: Cherry Tree Cottage Malton Road Swinton Malton YO17 6SQ
Proposal: Erection of a single storey side extension to form additional garage.

34.
Application No: 16/00005/FUL **Decision: Approval**
Parish: Norton Town Council
Applicant: Shepherd Group Ltd
Location: Cheesecake Farm Beverley Road Norton Malton North Yorkshire YO17 9PH
Proposal: Replacement of existing play equipment (excluding the Springer) by the Playdale New Wave Plus (green) plastic slide system within the Public Open Space area

35.
Application No: 16/00008/73A **Decision: Partial Approve/Refuse**
Parish: Scrayingham Parish Council
Applicant: Mr Peter Stacey
Location: Land At Manor Farm Leppington Lane Leppington Malton North Yorkshire
Proposal: Variation of the Plans Condition added to approval 07/00586/FUL dated 04.09.2007 by approval 14/01311/AMEND dated 28.01.2015 to replace Drawing Nos. 2007-8-40 and 2007-8-40-P1 by Drawing Nos. 02A.2015.PA01 Proposed Floor Plans & Elevations and 02A.2015.PA02 Proposed Site Block Plan and remove Drawing No. 2007-8-40 Street (Revisions to dwelling on Plot 1 and revision to access)

36.
Application No: 16/00009/FUL **Decision: Refusal**
Parish: Sand Hutton Parish Council
Applicant: Professor Colin Garner
Location: Sand Hutton Walled Garden Stamford Bridge Road Sand Hutton Malton
Proposal: Erection of 2no. six bedroom detached dwellings with attached garages together with formation of shared vehicular access and repairs to existing wall.

37.
Application No: 16/00011/73A **Decision: Refusal**
Parish: Thornton-le-Clay Parish Council
Applicant: Mr & Mrs J White
Location: Land Adjacent To Quoyotere Lane Street Thornton Le Clay

Proposal: Removal of Condition 12 (Local Occupancy restriction) of allowed appeal reference APP/Y27360/A/13/2205968 dated 25.03.2014 following refusal 13/00600/FUL dated 09.09.2013.

38.

Application No:	16/00020/FUL	Decision: Approval
Parish:	Sheriff Hutton Parish Council	
Applicant:	Mr D Rooke	
Location:	West Mill House Farm Stittenham Hill Bulmer YO60 7TP	
Proposal:	Alterations to existing vehicular access to include new kerbing	

39.

Application No:	16/00022/HOUSE	Decision: Approval
Parish:	Flaxton Parish Council	
Applicant:	Mr & Mrs Mark Newby	
Location:	Hill Dene Rice Lane Flaxton North Yorkshire YO60 7RN	
Proposal:	Erection of a two storey extension to rear elevation	

40.

Application No:	16/00024/HOUSE	Decision: Approval
Parish:	Norton Town Council	
Applicant:	Mr Kevin Stone	
Location:	38 Evergreen Way Norton Malton North Yorkshire YO17 8BY	
Proposal:	Erection of attached single garage to side of dwelling	

41.

Application No:	16/00025/LBC	Decision: Approval
Parish:	Malton Town Council	
Applicant:	Mr Alexander Reppold	
Location:	40 Old Maltongate Malton North Yorkshire YO17 7EG	
Proposal:	Installation of roof light to rear elevation	

42.

Application No:	16/00026/TPO	Decision: Approval
Parish:	Gate Helmsley Parish Council	
Applicant:	Mr Marley	
Location:	Foxcroft The Lane Gate Helmsley YO41 1JT	
Proposal:	To fell T1 Horse Chestnut within TPO No. 281/2002	

43.

Application No:	16/00030/ADV	Decision: Approval
Parish:	Kirkbymoorside Town Council	
Applicant:	Marshall Aerospace (Ms Sandra Walsh)	
Location:	Marshall Aerospace Ings Lane Kirkbymoorside YO62 6EZ	
Proposal:	Display of 1no. internally illuminated fascia sign to north elevation.	

44.

Application No:	16/00032/TPO	Decision: Approval
Parish:	Welburn (Malton) Parish Council	
Applicant:	Mr Charles Lowry	
Location:	32 Crambeck Village Welburn Malton North Yorkshire YO60 7EZ	
Proposal:	To fell 3no. Sycamores and 1no. Larch within W1 of TPO No 202B/1994	

45.

Application No:	16/00044/LBC	Decision: Refusal
Parish:	Ebberston Parish Council	
Applicant:	Mrs C Foster	
Location:	The Old Vicarage Main Street Yedingham Malton North Yorkshire YO17 8SL	
Proposal:	Internal alterations to include removal of internal wall to form additional kitchen space.	

46.

Application No:	16/00064/FUL	Decision: Approval
Parish:	Huttons Ambo Parish Council	
Applicant:	Mr Edward Button	
Location:	Low Farm Cottage Low Hutton Malton YO60 7JB	
Proposal:	Erection of single storey rear lean to extension to form rear entrance hall, erection of pitched roof to existing flat roof extension and change of use and alteration of attached barn to form additional domestic accommodation together with demolition of existing porch.	

47.

Application No:	16/00073/FUL	Decision: Approval
Parish:	Barton-le-Willows Parish	
Applicant:	Sir F Strickland-Constable	
Location:	Village Hall Barton Hill Malton YO60 7PD	
Proposal:	Erection of single storey flat roofed extension to side (south) elevation	

48.

Application No:	16/00097/LBC	Decision: Approval
Parish:	Hovingham Parish Council	
Applicant:	Mrs J M Boggett	
Location:	Beck Cottage Market Square Hovingham Helmsley YO62 4JX	
Proposal:	External and internal alterations to include installation of replacement timber boarded door to front elevation and installation of replacement joists to first floor (part-retrospective).	

49.

Application No:	16/00098/FUL	Decision: Approval
Parish:	Pickering Town Council	
Applicant:	S Taylor And Son	
Location:	Hungate Joinery Works Hungate Pickering North Yorkshire YO18 7DA	
Proposal:	Erection of single storey extension to northern part of workshop following demolition of former office.	

Appeal Decision

Site visit made on 26 January 2016

by Mrs A Fairclough MA BSc(Hons) LLB(Hons) PGDipLP(Bar) IHBC MRTPI

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

Decision date: 17 February 2016

Appeal Ref: APP/Y2736/D/15/3136405

44 Wold Street, Norton, Malton YO17 9AA

- 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 Miss T.M. Millburn against the decision of Ryedale District Council.
 - The application Ref: 15/00811/HOUSE, dated 9 July 2015, was refused by notice dated 3 September 2015.
 - The development proposed is described as the "erection of a single storey lean-to extension to replace a porch and bay window".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. An amended plan and additional supporting information were submitted on 25 August 2015 (Drawing Ref No 15-1094-2). The Council determined the appeal based on these amended plans. I will therefore determine the appeal on the basis of those plans.
3. The description of the development above is taken from the planning application form and refers to a lean-to extension. Amendments to the scheme were submitted and accepted by the Council that showed a flat roofed extension. This was reflected in the description of the development by the Council in the decision notice and the appellant on Part E of the appeal form as "erection of single storey extension to front elevation following removal of porch and bay window". It is on this basis that I determine the appeal.

Main Issue

4. The main issue in this case is whether the proposed development would preserve or enhance the character or appearance of the Norton Conservation Area (NCA).

Reasons

5. The appeal site is within the NCA. The NCA is large with various characters. However, it is defined by the mix of properties and their uses. There is a mix of dwelling types and many of these are constructed in a variety of traditional materials and finishes, some of which exhibit fine architectural details such as traditional windows and doors. The variety of dwelling types and use of materials and finishes when combined with the cohesive homogeneity of architectural features contributes positively to the character of the NCA.

6. No 44 Wold Street is a semi-detached property, which is small and narrow and is set back from Wold Street along with No 46, the attached property. They are not of equal size and No 46 is larger with a wider frontage. Both properties are finished in a smooth render painted pale yellow under a slate roof and they exhibit similar architectural features such as sash style windows and panelled doors. A timber fence panel and a hedge of tall shrubs and trees some of which are evergreen separate the front gardens of the properties. Although Nos 44 is set back from the adjacent properties, it is visible from public vantage points on Wold Street and glimpses can be seen from parts of Langton Road. Overall, I consider that the appeal dwelling contributes positively to the character and appearance of the locality and the NCA as a whole.
7. The proposed development would remove the square projecting porch and a separate square bay window on the front elevation of the appeal dwelling and would replace it with single storey front extension with a lantern rooflight. The existing bay window is positioned close to the projecting porch and a side window overlooks it. There is also an unusable gap between the porch and the sidewall of No 42. However, separate bays and porches are typical features of properties this age and relate well to the function and aesthetics of the building.
8. Given that the proposed extension would project significantly forward of the host dwelling, by approximately 2.5m and would span almost the full width of the front elevation, I consider that it would dominate the front elevation of this small dwelling. The existing porch and bay feature are in proportion with the existing front elevation of the dwelling, whereas what is proposed would appear discordant and out of proportion with the dwellings small frontage.
9. Although the appeal property is set well back from the road and there is a tall front boundary fence on the appeal site frontage and a greenhouse in the front garden area, the upper part of the proposed development would be seen from the east over the top of the fence and through the glazing. Furthermore, No 46 has an open timber post fence above a low wall fronting Wold Street and there would be angled views of the proposed development from the south east through the fence across the garden and above the low party fence which abuts the appeal building. Additionally, as the proposed development would be significantly larger than the bay window and porch it would replace, it would be more visible in views across the garden of No 46 than the existing features. In my view, it would appear as a discordant and incongruous addition to the front of No 44 when viewed from the east and southeast.
10. Whilst the appellant considers that the set back of the property, behind its neighbours to the north and south, supports the proposal, I have found that it would be visible within the streetscene and would detract from the character and appearance of the NCA.
11. In addition, the appellant states that if the trees were removed from the appeal site, the proposed extension would blend into the backdrop formed by the host dwelling. I disagree, if the trees were removed then the proposed extension would be more prominent and result in greater harm to the character and appearance of the NCA,
12. I note that the Council consider that extensions of this form should be limited to rear elevations. However, the appeal property has no rear access or rear garden and such a scheme is not before me. Therefore, I consider it would

appear dominant and discordant and would not preserve or enhance the character or appearance of the streetscene or the NCA.

13. On that basis, it would be contrary to the provisions of s72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, which states that there is a special duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. This is a weighty statutory requirement. In addition, it would conflict with Policies SP12, SP16 and SP20 of the *Ryedale Plan: Local Plan Strategy* (LP) dated 5 September 2013. These policies in various ways require development to be of the highest architectural or urban design quality taking into consideration context and local distinctiveness and to preserve and enhance the character or appearance of the NCA.
14. Given that the proposal is a small-scale development in the large conservation area, the harm caused to the NCA's significance, as a heritage asset, would be less than substantial in terms of paragraph 134 of the *National Planning Policy Framework* (the Framework). The Framework requires that this harm should be weighed against the public benefits of the proposal. Although the Council indicates there are no public benefits to the scheme, I note that the appellant states that he wishes to improve his home, including rectifying structural, thermal and damp issues, and by maximising the dead spaces between the porch and the bay window and the porch and the side wall to No 42. General improvements to the housing stock are considered a public benefit. However, I consider that the small public benefit would not outweigh the harm that I have identified to the NCA. Consequently, the appeal proposal would conflict with the Framework and the LP Policies already referred to above.

Other Matters

15. I note the appellant is dissatisfied by the way the Council handled the application. I am also aware of the appellant's reference to the failure of the Council to repair the street. However, these are matters that are not relevant to the determination of this appeal.

Conclusions

16. For the reasons given above, I conclude the appeal should be dismissed.

Mrs A Fairclough

INSPECTOR