



PLANNING COMMITTEE

Tuesday 10 November 2015 at 6.00 pm

Council Chamber, Ryedale House, Malton

Agenda

- 1 **Apologies for absence**
- 2 **Minutes of meetings held on 13 October and 20 October 2015** (Pages 3 - 9)
- 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, Kirby Misperton** (Pages 10 - 41)
- 6 **Schedule of items to be determined by Committee** (Pages 42 - 43)
- 7 **15/01012/MFUL - Mill House, Scarborough Road, East Knapton** (Pages 44 - 64)
- 8 **15/00801/FUL - Land To The West Of The Barn Scagglethorpe Manor Farm, Main Street, Scagglethorpe** (Pages 65 - 81)

- 9 **15/00802/FUL - Land At Fishers Farm, Town Street, Settrington** (Pages 82 - 100)
- 10 **15/00829/FUL - The Gables, The Gables Road, Marton** (Pages 101 - 113)
- 11 **15/00852/HOUSE - Orchard Cottage, Main Street, Burythorpe** (Pages 114 - 128)
- 12 **15/00922/FUL - Former Quarry, Cropton Lane, Cropton, Pickering** (Pages 129 - 145)
- 13 **Enforcement Report - Land West Of Partings Farm, Allerston, Pickering** (Pages 146 - 152)
- 14 **Any other business that the Chairman decides is urgent.**
- 15 **List of Applications determined under delegated Powers.** (Pages 153 - 160)
- 16 **Update on Appeal Decisions** (Pages 161 - 169)

Planning Committee

Held at Council Chamber, Ryedale House, Malton
Tuesday 13 October 2015

Present

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

Substitutes:

In Attendance

Jo Holmes, Gary Housden, Ellis Mortimer and Anthony Winship

Minutes

79 **Apologies for absence**

Apologies have been received from Councillor Maud.

80 **Minutes of meetings held on 15 & 29 September 2015**

Decision

That the minutes of the Planning Committee held on 15 September 2015 be approved and signed as a correct record.

[For 7 Against 0 Abstain 2]

Decision

That the minutes of the Planning Committee held on 29 September 2015 be approved and signed as a correct record.

[For 7 Against 0 Abstain 2]

81 **Urgent Business**

There was no urgent business.

82 **Declarations of Interest**

Councilor
Wainwright

Application
6

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

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

84 **15/00872/MFUL Coultas Farm, Habton Lane, Great Habton**

15/00872/MFUL - Erection of an agricultural building for the housing of 880no. pigs.

Decision

PERMISSION GRANTED - Subject to conditions as recommended.

[For 9 Against 0 Abstain 0]

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

85 **15/00460/FUL - Pickering Showground, Malton Road, Pickering**

15/00460/FUL - Use of the land for a drive-in cinema to include a projection/reception building and a steel frame mounted cinema screen.

Decision

APPLICATION REFUSED - As Recommended subject to rewording of condition No 1.

[For 9 Against 0 Abstain 0]

86 **15/00830/FUL - Poplar House Farm, Leppington Lane, Leppington**

15/00830/FUL - Erection of a general purpose agricultural building for the housing of livestock.

Decision

PERMISSION GRANTED - Subject to conditions as recommended, rewording of condition No 2 and an additional condition requiring retention of existing landscaping on site.

[For 9 Against 0 Abstain 0]

87 **15/01019/HOUSE - 4 Field View, Norton**

15/01019/HOUSE - Erection of two storey extension to rear elevation.

Decision

PERMISSION GRANTED - Subject to conditions as recommended.

[For 9 Against 0 Abstain 0]

88 **15/01059/HOUSE Rose Cottage, 2 South View, Kirby Misperton Lane, Great Habton**

15/01059/HOUSE - Erection of double garage and garden room following demolition of existing garage and stables.

Decision

PERMISSION GRANTED - Subject to conditions as recommended.

[For 9 Against 0 Abstain 0]

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

There was no urgent business.

90 **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.

91 **Update on Appeal Decisions**

Members' were advised of the following appeal decision.

Appeal Ref: APP/Y2736/W/15/3013905 - Former Council Depot, Manor Vale Lane, Kirkbymoorside YO62 6EG

The meeting closed at 6.40pm

Planning Committee

Held at West Wing, Malton School, Middlecave Road, Malton
Tuesday 20 October 2015

Present

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

Substitutes: Councillor D Cussons (for Councillor M J T Cleary)

In Attendance

Jo Holmes, Karen Hood, Gary Housden, Paul Hunt, Jill Thompson and Anthony Winship

Minutes

92 **Apologies for absence**

Apologies have been received from Councillor Cleary.

93 **Declarations of Interest**

Councillor	Application
Cussons	4
Jainu-Deen	4
Farnell	4
Frank	4
Goodrick	4
Hope	4
Windress	4
Maud	4
Thornton	4
Burr	4

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

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

95 **14/00678/MOUTE - Land North Of, Castle Howard Road, Malton**

14/00678/MOUTE - Outline application for the demolition of outbuildings associated with the existing veterinary surgery and erection of a mixed use residential led development for a maximum of 500 residential units (including retirement home), Employment (B1a and c), Community (D1/D2) and Retail

(A1/A3/A4) uses, Structural planting and landscaping, Informal public open space, Childrens play areas and Surface water attenuation.

Decision

APPLICATION REFUSED

Reasons For Refusal:

1. The proposed development is not in accordance with the Development Plan and does not comply with Policy SP2 of the Plan (The Ryedale Plan - Local Plan Strategy). The benefits of the development do not outweigh the harm to the intrinsic character and natural beauty of the open countryside and harm to an area of open countryside which by virtue of its natural beauty and intrinsic character forms an attractive approach to Malton. Furthermore, the proposed development is EIA development which at its closest point is 48m from the nationally protected landscape of the Howardian Hills Area of Outstanding Natural Beauty (AONB). The benefits of the proposed development do not outweigh the significant and demonstrable harm to the AONB by virtue of landscape and visual effects arising from the development in its totality, including proposed landscape mitigation. This is contrary to the requirements of Policy SP13 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.
2. The site is located at the edge of the Town and on elevated land relative to other parts of the Town. The existing residential development directly abutting the application site to the eastern side is of a predominantly traditional scale residential development. Policy SP16 of the Local Plan Strategy requires new development to reinforce local distinctiveness by respecting the context provided by its surroundings which includes the structure of the Town and the topography and landform that has shaped the structure of the Town. Based on the information submitted with the application, it has not been demonstrated that the proposed development of a maximum of 500 dwellings can be accommodated in a satisfactory manner that complies with Policy SP16 of the Ryedale Plan - Local Plan Strategy without significant detriment to the character of the Townscape.
3. The A64 Trunk Road is located adjacent to the western boundary of the application site and Castle Howard Road to its southern boundary. The application site is therefore subject to road traffic noise. Policy SP20 of the Ryedale Plan - Local Plan Strategy requires that new residential development meets the highest noise standards including those of the World Health Organisation, British Standards and wider international and national standards relating to noise. Based on the information submitted, it has not been demonstrated that 500 dwellings can be accommodated on the application site in a satisfactory manner, without experiencing unacceptable levels of road traffic noise both during day-time and night-time. The proposed development is

therefore contrary to the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

4. Policy SP3 of the Ryedale Plan - Local Plan Strategy seeks the provision of 35% on-site Affordable Housing from the application site. Policy SP3 also requires the Local Planning Authority to maximise this affordable housing provision to achieve this target having regard to the circumstances of the individual sites and scheme viability. The applicants have undertaken a financial viability assessment which concludes an affordable housing contribution is only viable at a much reduced provision, equating to a contribution of 9%- 10% affordable housing provision against the maximum number of 500 dwellings proposed. The viability assessment undertaken by the applicants has failed to justify this much reduced affordable housing contribution. In the absence of satisfactory justification, the proposal is therefore contrary to the requirements of Policy SP3 of the Ryedale Plan - Local Plan Strategy.

[For 10

Against 0

Abstain 0]

In accordance with the Members' Code of Conduct Councillors Cussons, Hope, Jainu-Deen, Farnell, Goodrick, Frank, Burr, Maud, Thornton and Windress declared a personal non pecuniary but not prejudicial interest.

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

There was no urgent business.

The meeting closed at 7.25pm

Agenda Item 5

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) 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, 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 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 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 exceedence 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 $100\text{mg}/\text{m}^2/\text{day}^1$ 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 HGVs 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.

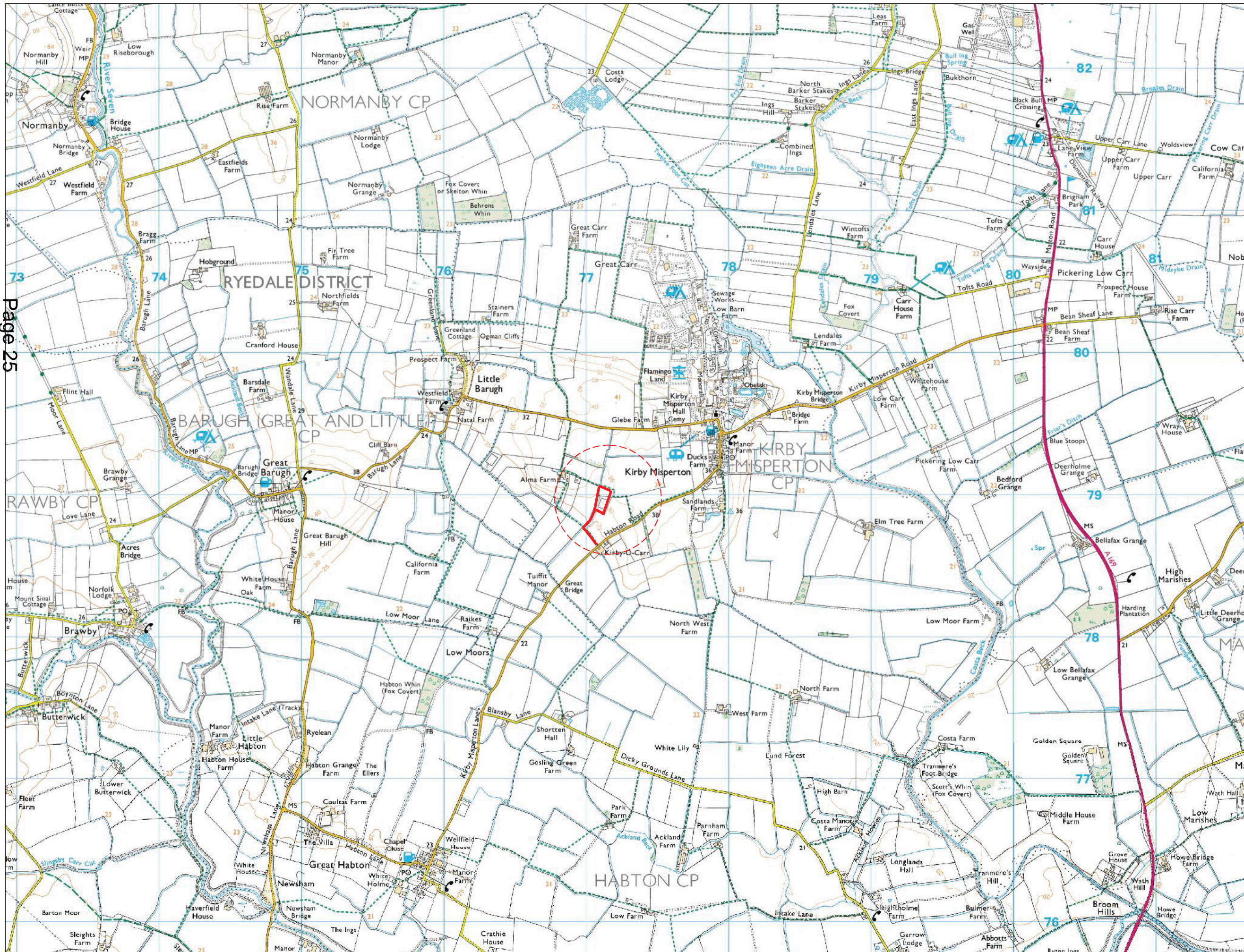
RECOMMENDATION - OBJECTION AND REFUSAL RECOMMENDED

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



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: 25,000 (Printed A3)

Drawn By:
Jonathan Foster

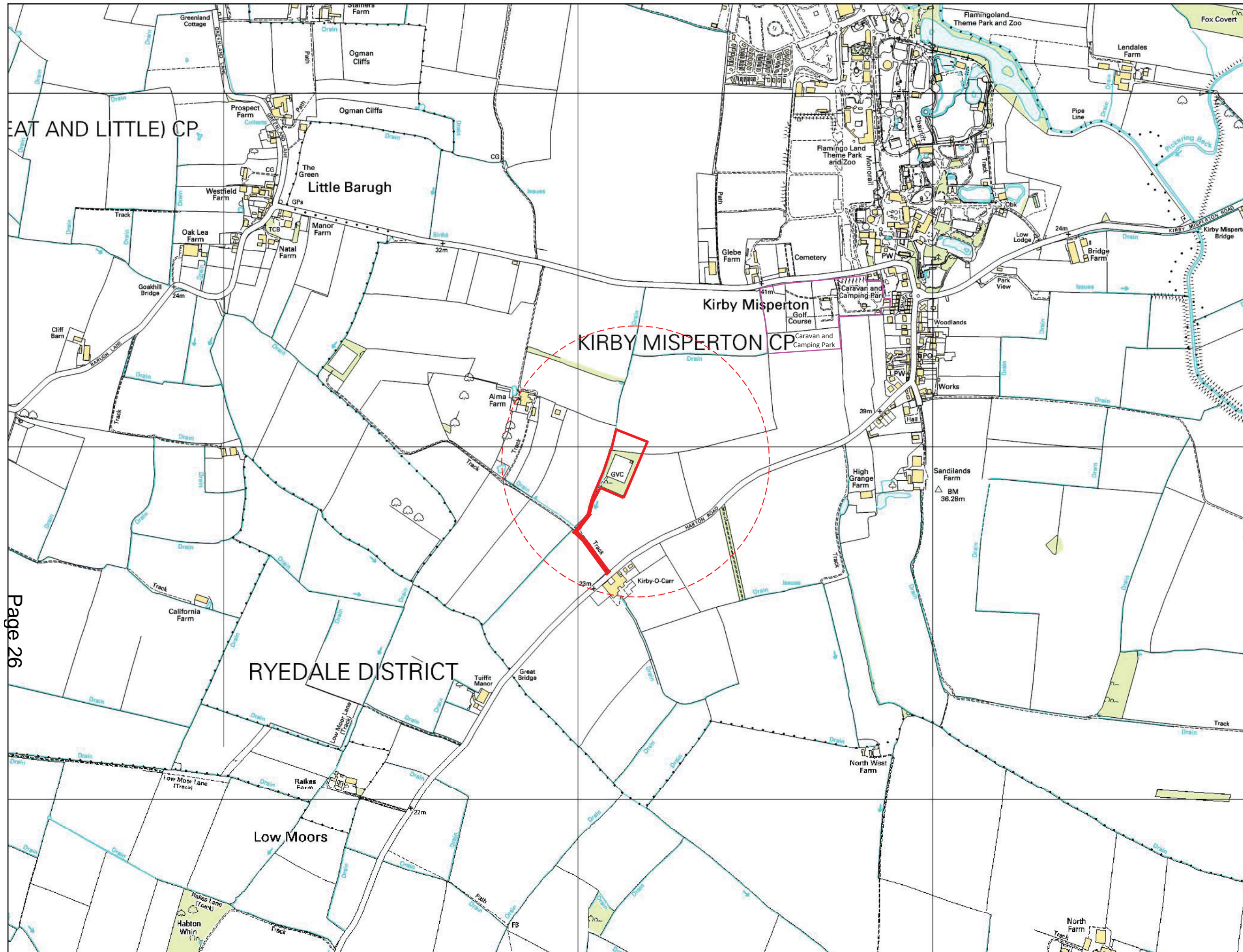
Date Drawn:
10/06/2015

Approved By:
Jonathan Foster

Date Approved:
10/06/2015

Drawing No:
PSSL/TE/KM8/HFS/PA/03

Rev: 0



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

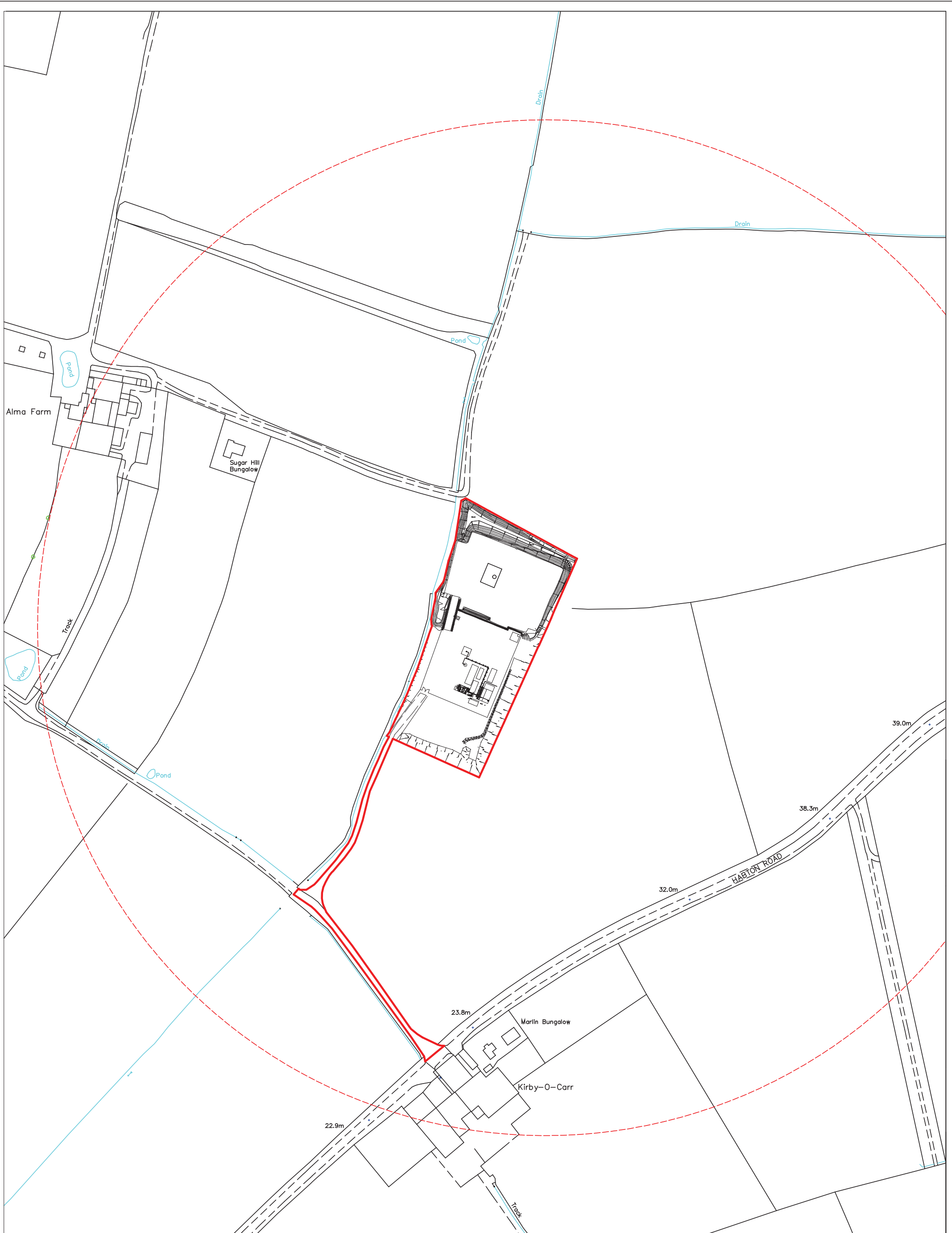
Date Drawn:
10/06/2015

Approved By:
Jonathan Foster

Date Approved:
10/06/2015

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


Rev: 0




Key:

- Planning Application Red Line Boundary (Surface Works)
- Extent of Subsurface Works (See Drawing PSSSL/TE/KM8/HFS/PA/002)
- Water Features (Ponds, Drains)

Page 27

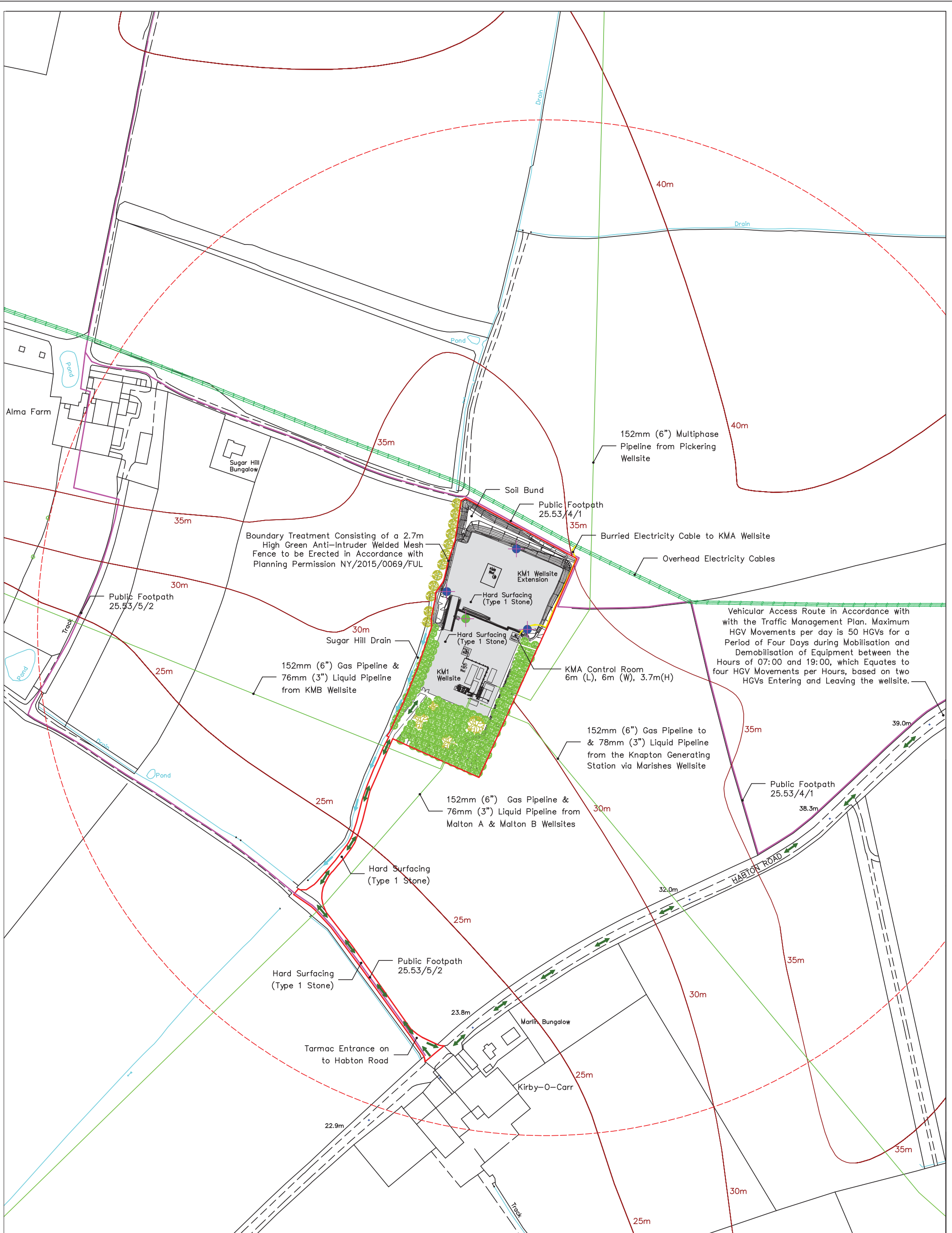




PSSSL
Petroleum Safety Services Limited

Client: Third Energy UK Gas Ltd	Drawn By: Jonathan Foster
Project: KM8 Hydraulic Fracturing Operation	Approved By: Jonathan Foster
Drawing Title: KMA Wellsite Red Line Boundary Plan	Date Approved: 10/06/2015
Scale: 1:2,500 (Print A3)	Drawing No: PSSSL/TE/KM8/HFS/PA/01
	Rev: 0

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



Key:	
	Planning Application Red Line Boundary (Surface Works)
	Extent of Subsurface Works (See Drawing PSSL/TE/KM8/HFS/PA/002)
	Water Features (Ponds, Drains)
	Public Rights of Way
	Overhead Electricity Cables
	Burried Electricity Cables
	Existing Wellsite Landscaping
	Shallow Groundwater Monitoring Boreholes (Subject to Planning Application NY/2015/0116/FUL)
	Deep Groundwater Monitoring Boreholes (Subject to Planning Application NY/2015/0116/FUL)
	Existing Underground Pipeline Route
	Contours at 5m Vertical Intervals (See Drawing PSSL/TE/KM8/HFS/PA/03 for further Contours)
	HGV Route
	Hard Standing Area



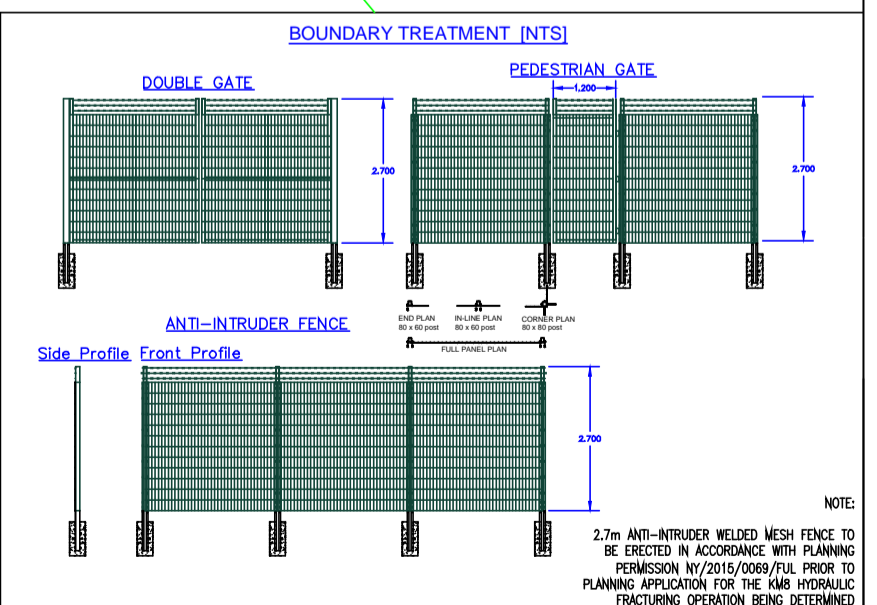
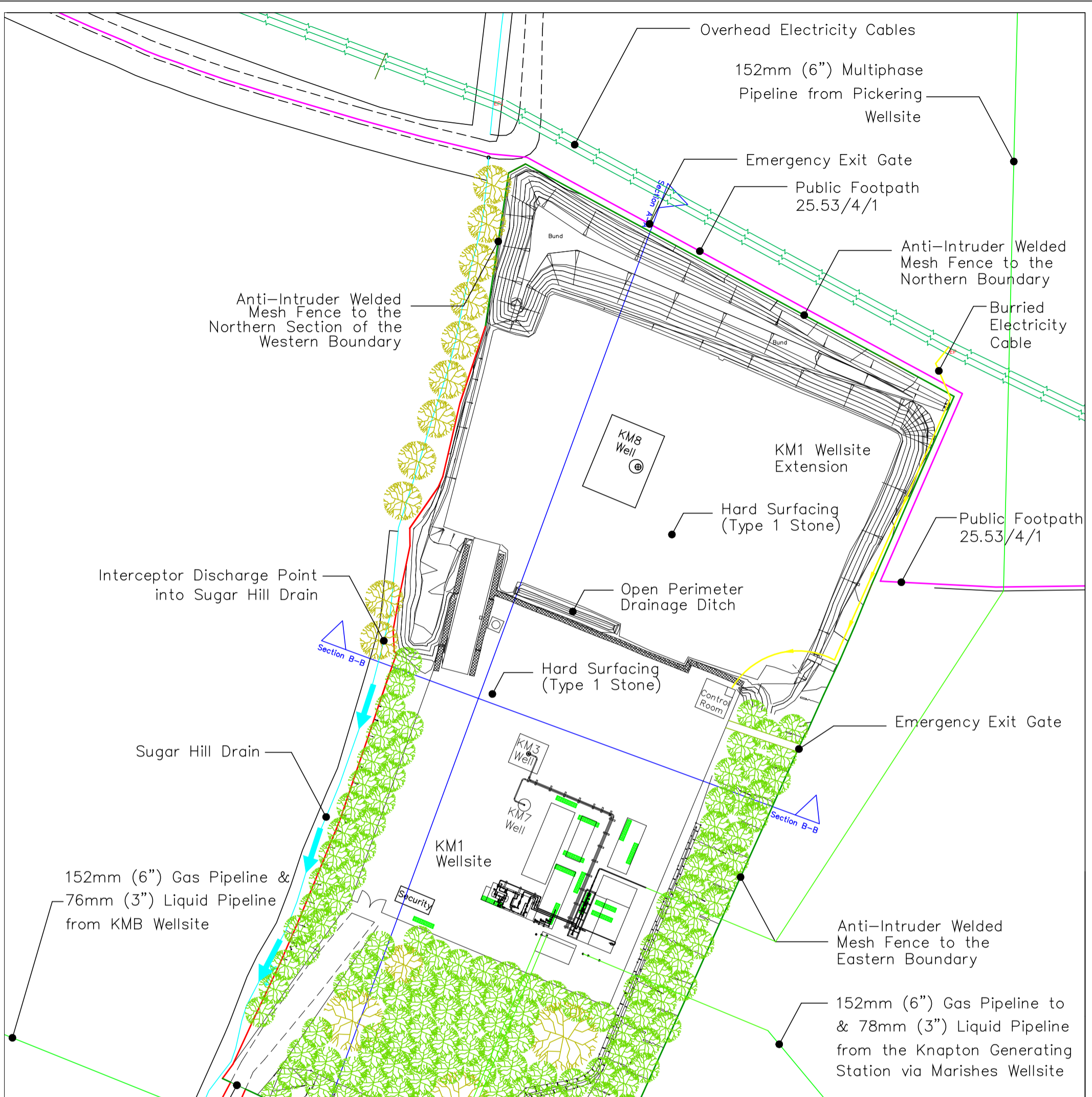
PSSL
Petroleum Safety Services Limited

Petroleum Safety Services Limited
 21 Hill Street
 Saltburn by the Sea
 TS12 1DJ

Client: Third Energy UK Gas Ltd	Drawn By: Jonathan Foster
Project: KM8 Hydraulic Fracturing Operation	Date Drawn: 10/06/2015
Approved By: Jonathan Foster	Date Approved: 10/06/2015
Drawing Title: KMA Wellsite Plan (Site Plan)	Drawing No: PSSL/TE/KM8/HFS/PA/04
Scale: 1:2,500 (Print A3)	Rev: 0

APPENDIX 2 – SITE LAYOUT PLANS

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Key:

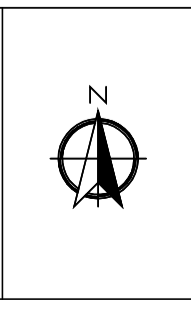
- Planning Application Red Line Boundary
- Water Features (Ponds, Drains)
- Water Features Direction of Flow
- Public Rights of Way
- Overhead Electricity Cables
- Buried Electricity Cables
- Underground Pipelines
- Existing Wellsite Landscaping
- Anti-Intruder Welded Mesh Fence

Lighting Specification Details:

- EX Linear Fluorescent Lamp (2 x 36W)

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Refer to Section Drawing: PSSL/TE/KM8/HFS/PA/10



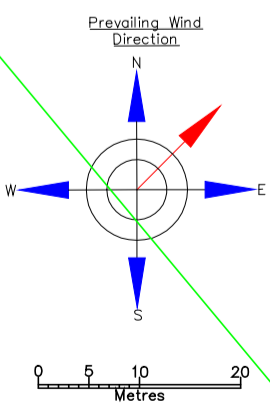
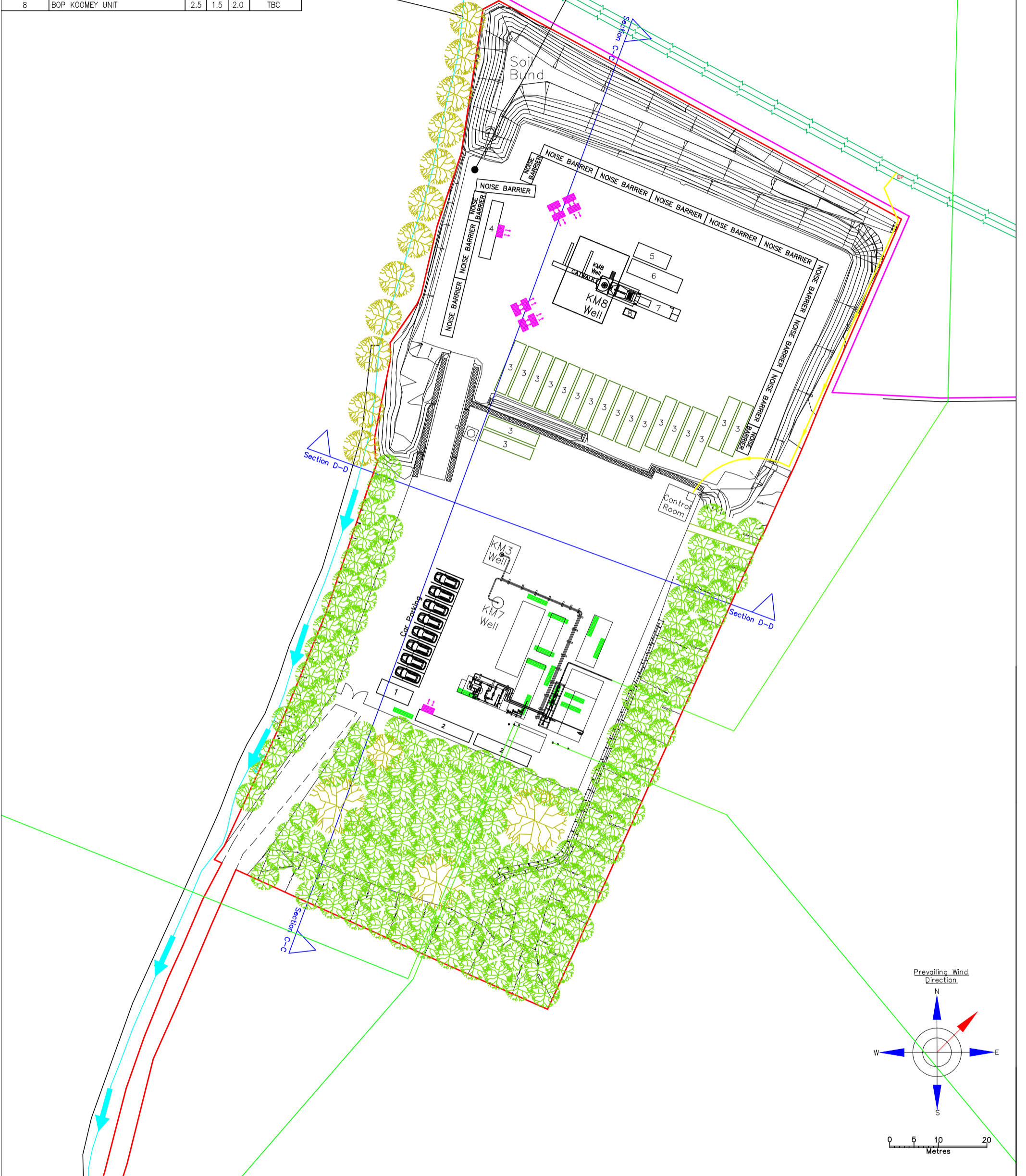
PSSL
Petroleum Safety Services Limited

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

Client: Third Energy UK Gas Ltd	Drawn By: Jonathan Foster
Project: KM8 Hydraulic Fracturing Operation	Date Drawn: 10/06/2015
Drawing Title: KMA Wellsite Existing Layout Plan	Approved By: Jonathan Foster
Scale: 1:750 (Print A3)	Date Approved: 10/06/2015
	Drawing No: PSSL/TE/KM8/HFS/PA/05
	Rev: 0

PRE-STIMULATION WORKOVER PHASE					
EQUIPMENT#	EQUIPMENT DESCRIPTION	DIMENSIONS			WEIGHT
		L	W	H	
WELLSITE ACCOMMODATION DESCRIPTION					
1	SECURITY CABIN	7.0	3.0	2.8	TBC
2	OFFICE ACCOMMODATION	12.00	2.44	3.2	TBC
WORKOVER EQUIPMENT DESCRIPTION					
3	ROADABLE TANKS	11.16	2.5	3.99	12,000 Kgs
4	TOOLPUSHER ACCOM/WORKSHOP	12.00	2.44	3.2	TBC
5	CIRCULATING TANK	7.32	3.05	2.0	TBC
6	FLUID PUMP TRUCK	11.28	3.05	3.0	TBC
7	WORKOVER RIG	17.5	2.54	37.0	TBC
8	BOP KOOMEY UNIT	2.5	1.5	2.0	TBC

The proposed development phases 1 to 4 (pre-stimulation workover, hydraulic fracture stimulation/well test, production test and production) do not propose any alterations to the construction, landscaping or boundary treatment of the KMA wellsite. For a full description of the KMA wellsite construction, landscaping and boundary treatment, refer to drawing: PSSL/TE/KM8/HFS/PA/05.



Key:

- Red line: Planning Application Red Line Boundary
- Blue line: Water Features (Ponds, Drains)
- Blue arrow: Water Features Direction of Flow
- Pink line: Public Rights of Way
- Green line with cross-ticks: Overhead Electricity Cables
- Yellow line: Buried Electricity Cables
- Green line: Underground Pipelines
- Green tree symbol: Existing Wellsite Landscaping

Lighting Specification Details:

- Green dashed line: EX Linear Fluorescent Lamp (2 x 36W)
- Pink square: 2 X Portable Lighting Towers (4 x 1000W Metal Halide)
- Pink circle: EX Floodlight 400W

Refer to Section Drawing: PSSL/TE/KM8/HFS/PA/11

PSSL
Petroleum Safety Services Limited

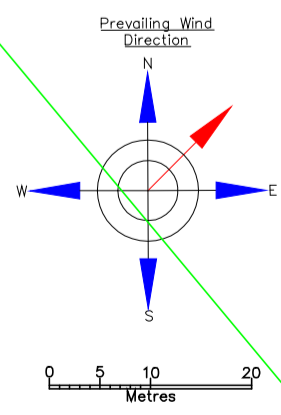
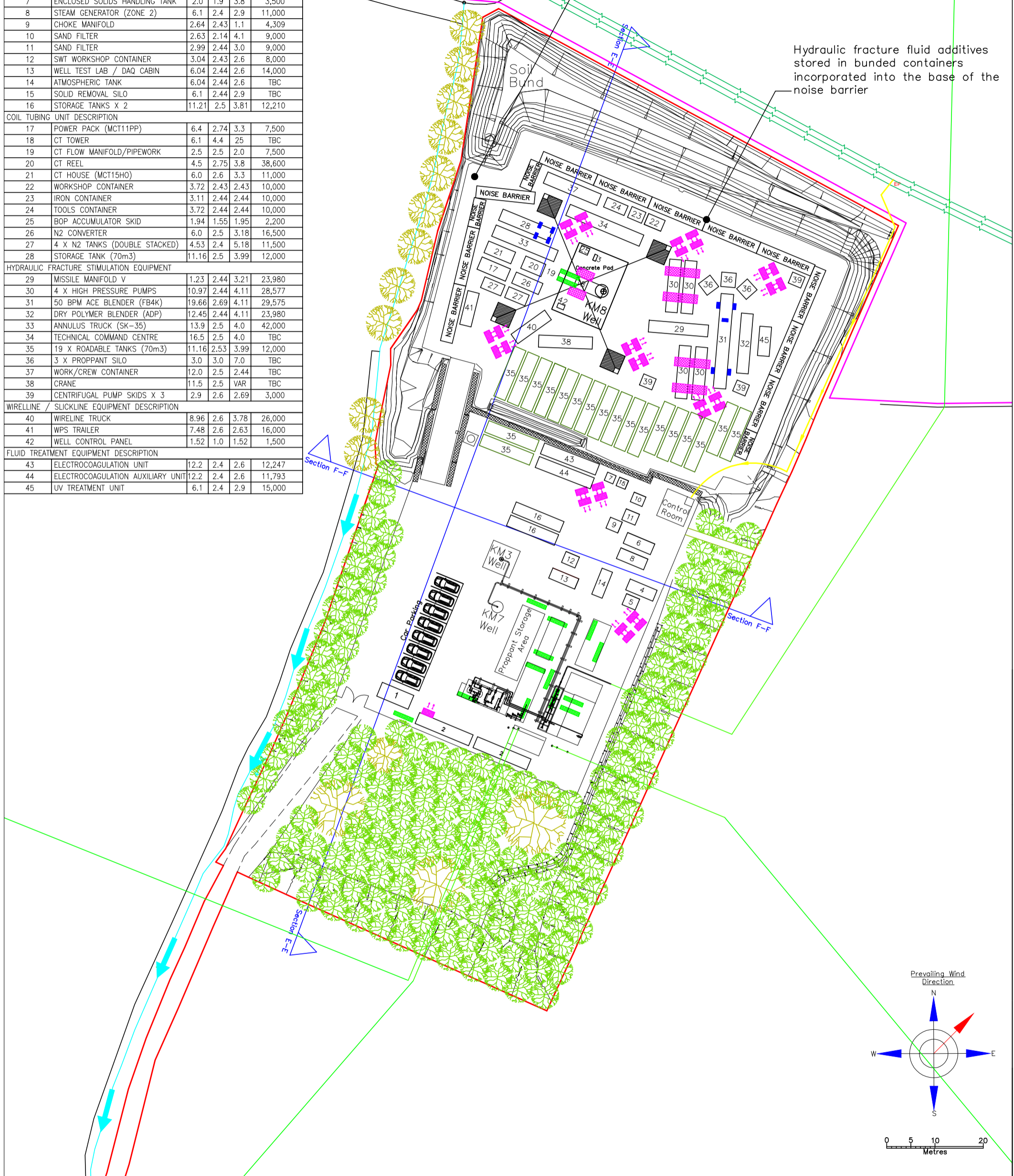
28 Milton Street
Saltburn by the Sea
TS12 1DJ

Client: Third Energy UK Gas Ltd	Drawn By: Jonathan Foster
Project: KM8 Hydraulic Fracturing Operation	Date Drawn: 10/06/2015
Drawing Title: KM8 Pre-Stimulation Workover Layout Plan	Approved By: Jonathan Foster
Scale: 1:750 (Print A3)	Date Approved: 10/06/2015
	Drawing No: PSSL/TE/KM8/HFS/PA/06
	Rev: 0

HYDRAULIC FRACTURE STIMULATION/WELL TEST PHASE					
EQUIPMENT#	EQUIPMENT DESCRIPTION	DIMENSIONS (M)			WEIGHT (KGS)
		L	W	H	
WELLSITE ACCOMMODATION					
1	SECURITY CABIN	7.0	3.0	2.8	TBC
2	OFFICE ACCOMMODATION	12.00	2.44	3.2	TBC
WELL TEST EQUIPMENT DESCRIPTION					
3	SURFACE SAFETY VALVE	1.36	0.6	1.5	907
4	3 PHASE SEPARATOR	6.06	2.44	2.6	15,460
5	DUAL COMPARTMENT SURGE TANK	2.95	2.44	6.06	15,200
6	STEAM HEAT EXCHANGER	6.1	2.4	2.9	12,000
7	ENCLOSED SOLIDS HANDLING TANK	2.0	1.9	3.8	3,500
8	STEAM GENERATOR (ZONE 2)	6.1	2.4	2.9	11,000
9	CHOKE MANIFOLD	2.64	2.43	1.1	4,309
10	SAND FILTER	2.63	2.14	4.1	9,000
11	SAND FILTER	2.99	2.44	3.0	9,000
12	SWT WORKSHOP CONTAINER	3.04	2.43	2.6	8,000
13	WELL TEST LAB / DAQ CABIN	6.04	2.44	2.6	14,000
14	ATMOSPHERIC TANK	6.04	2.44	2.6	TBC
15	SOLID REMOVAL SILO	6.1	2.44	2.9	TBC
16	STORAGE TANKS X 2	11.21	2.5	3.81	12,210
COIL TUBING UNIT DESCRIPTION					
17	POWER PACK (MCT11PP)	6.4	2.74	3.3	7,500
18	CT TOWER	6.1	4.4	25	TBC
19	CT FLOW MANIFOLD/PIPEWORK	2.5	2.5	2.0	7,500
20	CT REEL	4.5	2.75	3.8	38,600
21	CT HOUSE (MCT15HO)	6.0	2.6	3.3	11,000
22	WORKSHOP CONTAINER	3.72	2.43	2.43	10,000
23	IRON CONTAINER	3.11	2.44	2.44	10,000
24	TOOLS CONTAINER	3.72	2.44	2.44	10,000
25	BOP ACCUMULATOR SKID	1.94	1.55	1.95	2,200
26	N2 CONVERTER	6.0	2.5	3.18	16,500
27	4 X N2 TANKS (DOUBLE STACKED)	4.53	2.4	5.18	11,500
28	STORAGE TANK (70m3)	11.16	2.5	3.99	12,000
HYDRAULIC FRACTURE STIMULATION EQUIPMENT					
29	MISSILE MANIFOLD V	1.23	2.44	3.21	23,980
30	4 X HIGH PRESSURE PUMPS	10.97	2.44	4.11	28,577
31	50 BPM ACE BLENDER (FB4K)	19.66	2.69	4.11	29,575
32	DRY POLYMER BLENDER (ADP)	12.45	2.44	4.11	23,980
33	ANNULUS TRUCK (SK-35)	13.9	2.5	4.0	42,000
34	TECHNICAL COMMAND CENTRE	16.5	2.5	4.0	TBC
35	19 X ROADABLE TANKS (70m3)	11.16	2.53	3.99	12,000
36	3 X PROPPANT SILO	3.0	3.0	7.0	TBC
37	WORK/CREW CONTAINER	12.0	2.5	2.44	TBC
38	CRANE	11.5	2.5	VAR	TBC
39	CENTRIFUGAL PUMP SKIDS X 3	2.9	2.6	2.69	3,000
WIREFLINE / SLICKLINE EQUIPMENT DESCRIPTION					
40	WIREFLINE TRUCK	8.96	2.6	3.78	26,000
41	WPS TRAILER	7.48	2.6	2.63	16,000
42	WELL CONTROL PANEL	1.52	1.0	1.52	1,500
FLUID TREATMENT EQUIPMENT DESCRIPTION					
43	ELECTROCOAGULATION UNIT	12.2	2.4	2.6	12,247
44	ELECTROCOAGULATION AUXILIARY UNIT	12.2	2.4	2.6	11,793
45	UV TREATMENT UNIT	6.1	2.4	2.9	15,000

The proposed development phases 1 to 4 (pre-stimulation workover, hydraulic fracture stimulation/well test, production test and production) do not propose any alterations to the construction, landscaping or boundary treatment of the KMA wellsite. For a full description of the KMA wellsite construction, landscaping and boundary treatment, refer to drawing: PSSL/TE/KM8/HFS/PA/05.

Hydraulic fracture fluid additives stored in banded containers incorporated into the base of the noise barrier



Key:

- Planning Application Red Line Boundary
- Water Features (Ponds, Drains)
- Water Features Direction of Flow
- Public Rights of Way
- Overhead Electricity Cables
- Buried Electricity Cables
- Underground Pipelines
- Existing Wellsite Landscaping

Lighting Specification Details:

- EX Linear Fluorescent Lamp (2 x 36W)
- 8 X Portable Lighting Towers (4 x 1000W Metal Halide)
- EX Floodlight 400W
- 150W Tungsten Halogen Light

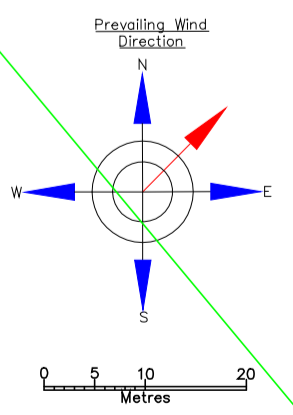
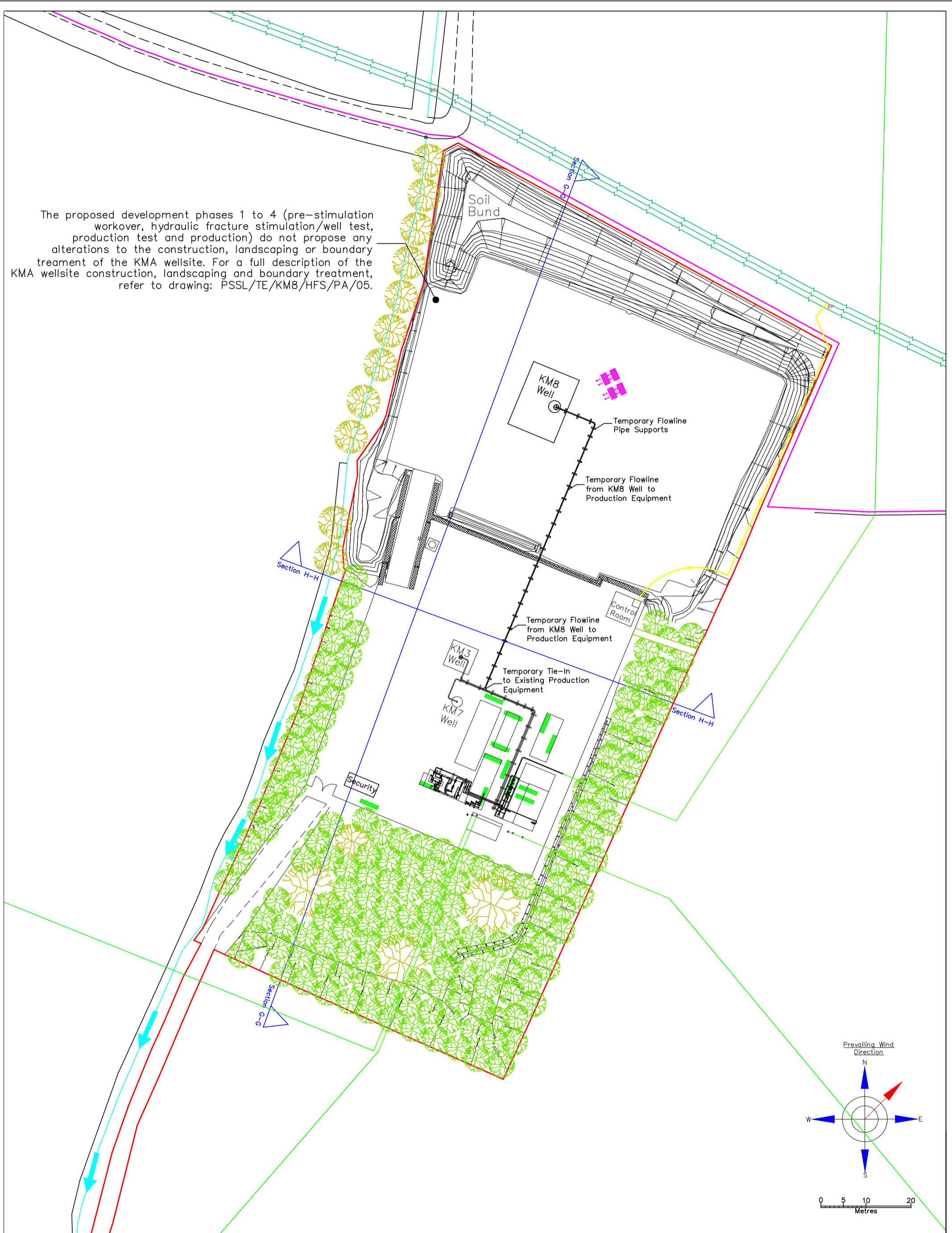
Refer to Section Drawing: PSSL/TE/KM8/HFS/PA/12

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

Client: Third Energy UK Gas Ltd	Drawn By: Jonathan Foster
Project: KM8 Hydraulic Fracturing Operation	Date Drawn: 10/06/2015
Drawing Title: KM8 Hydraulic Fracture / Well Test Layout Plan	Approved By: Jonathan Foster
Scale: 1:750 (Print A3)	Date Approved: 10/06/2015
	Drawing No: PSSL/TE/KM8/HFS/PA/07
	Rev: 0

The proposed development phases 1 to 4 (pre-stimulation workover, hydraulic fracture stimulation/well test, production test and production) do not propose any alterations to the construction, landscaping or boundary treatment of the KMA wellsite. For a full description of the KMA wellsite construction, landscaping and boundary treatment, refer to drawing: PSSL/TE/KM8/HFS/PA/05.



Key:

	Planning Application Red Line Boundary
	Water Features (Ponds, Drains)
	Water Features Direction of Flow
	Public Rights of Way
	Overhead Electricity Cables
	Burried Electricity Cables
	Underground Pipelines
	Existing Wellsite Landscaping

Lighting Specification Details:

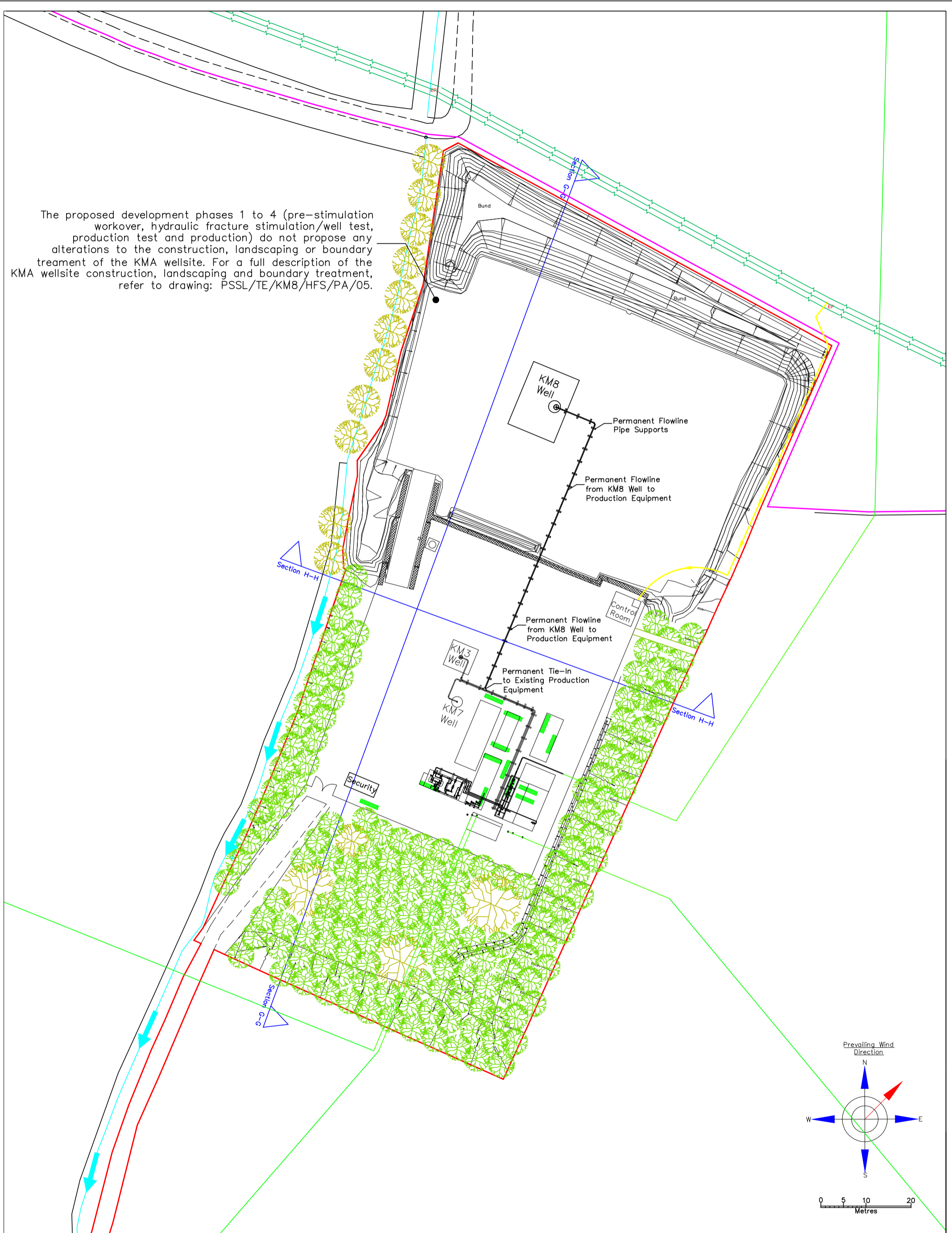
	EX Linear Fluorescent Lamp (2 x 36W)
	1 X Portable Lighting Tower (4 x 1000W Metal Halide)

Refer to Section Drawing: PSSL/TE/KM8/HFS/PA/13

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 28 Milton Street
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Client: Third Energy UK Gas Ltd	Drawn By: Jonathan Foster
Project: KM8 Hydraulic Fracturing Operation	Date Drawn: 10/06/2015
Drawing Title: KM8 Production Test Layout Plan	Approved By: Jonathan Foster
Scale: 1:750 (Print A3)	Date Approved: 10/06/2015
	Drawing No: PSSL/TE/KM8/HFS/PA/08
	Rev: 0

The proposed development phases 1 to 4 (pre-stimulation workover, hydraulic fracture stimulation/well test, production test and production) do not propose any alterations to the construction, landscaping or boundary treatment of the KMA wellsite. For a full description of the KMA wellsite construction, landscaping and boundary treatment, refer to drawing: PSSL/TE/KM8/HFS/PA/05.



Key:

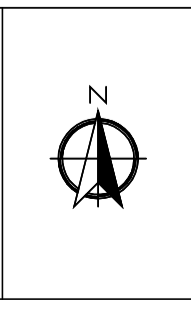
- ▭ Planning Application Red Line Boundary
- ▬ Water Features (Ponds, Drains)
- ▬ Water Features Direction of Flow
- ▬ Public Rights of Way
- ▬ Overhead Electricity Cables
- ▬ Burried Electricity Cables
- ▬ Underground Pipelines
- 🌳 Existing Wellsite Landscaping

Lighting Specification Details:

- ▬ EX Linear Fluorescent Lamp (2 x 36W)

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Refer to Section Drawing: PSSL/TE/KM8/HFS/PA/14



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Saltburn by the Sea
TS12 1DJ

Client:
Third Energy UK Gas Ltd

Project:
KM8 Hydraulic Fracturing Operation

Drawing Title:
KM8 Production Layout Plan

Scale:
1:750 (Print A3)

Drawn By:
Jonathan Foster

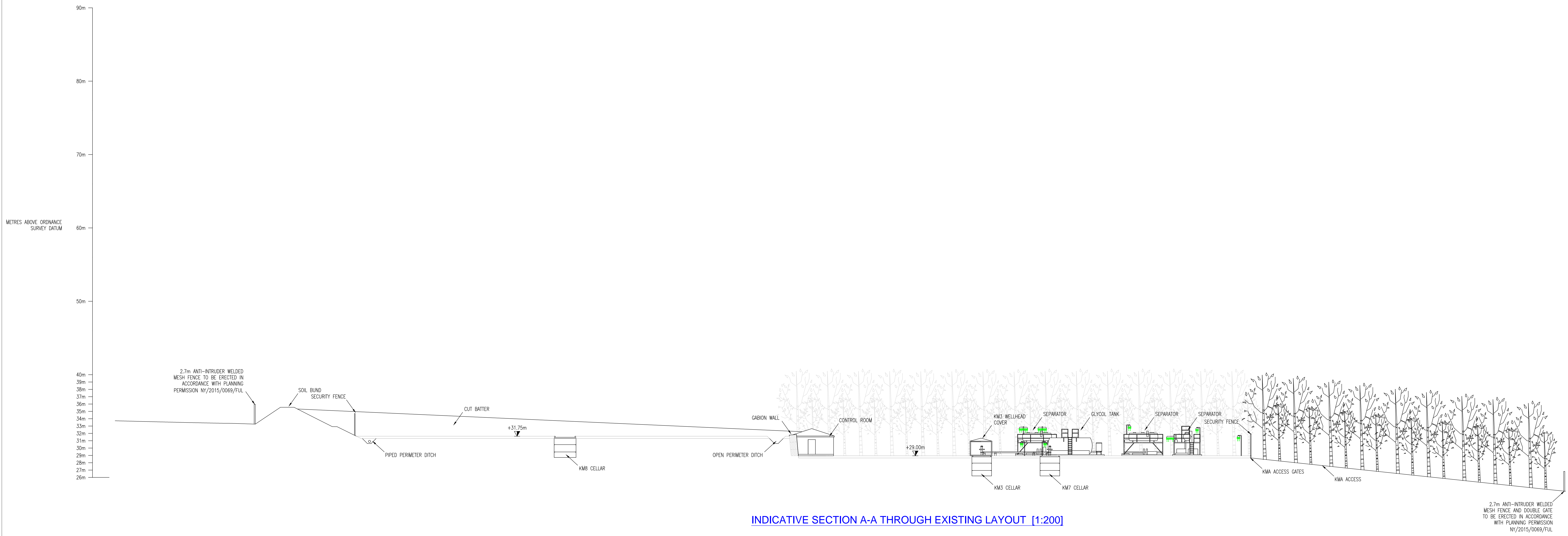
Date Drawn:
10/06/2015

Approved By:
Jonathan Foster

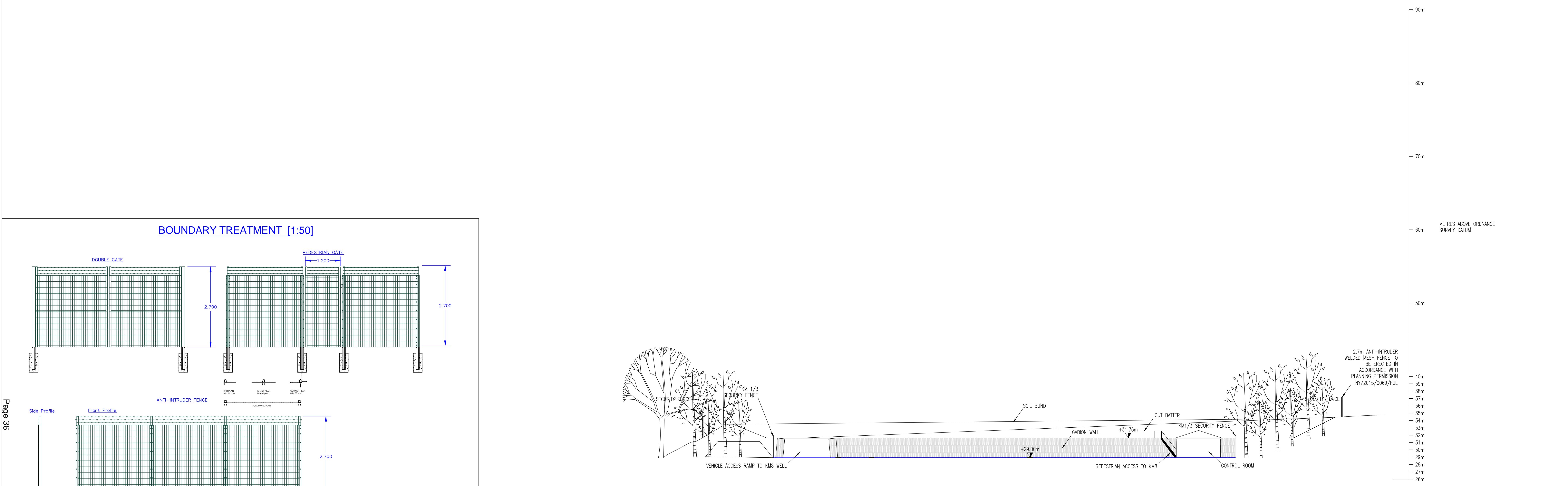
Date Approved:
10/06/2015

Drawing No:
PSSL/TE/KM8/HFS/PA/09

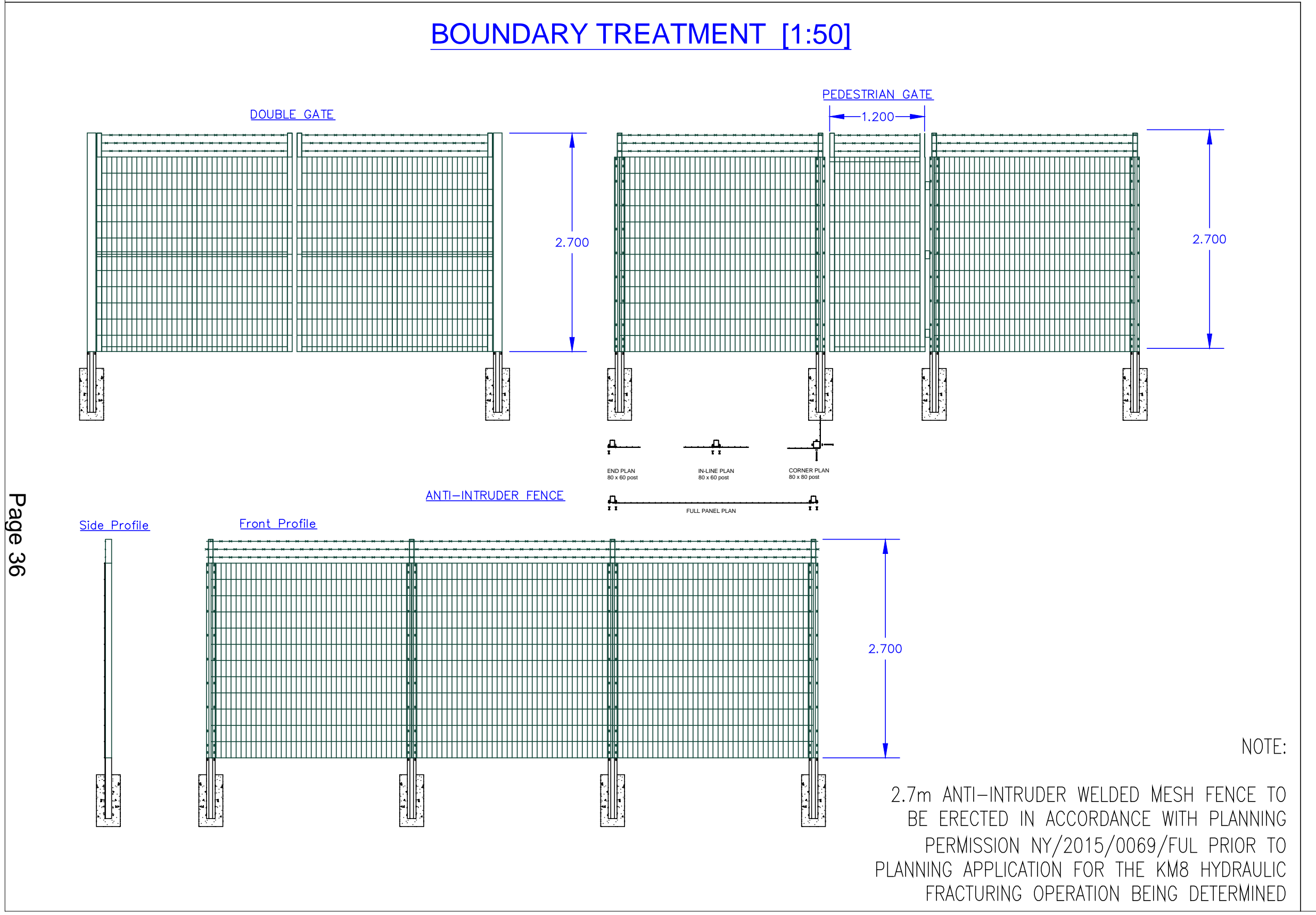
Rev:
0



INDICATIVE SECTION A-A THROUGH EXISTING LAYOUT [1:200]



INDICATIVE SECTION B-B THROUGH EXISTING LAYOUT [1:200]



Key:

Lighting Specifications Details:
 05 User Flourescent Lampy (2 x 36W)

Refer to Drawing: PSSL/KMB/HF/PA10

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Client:
 Third Energy UK Gas Ltd

Project:
 KMB Hydraulic Fracturing Operations

Drawing Title:
 Section Through KMA Wellsite Existing Layout

Scale: 1:200 (Printed A0)

Drawn By:
 Jonathan Foster

Date Drawn: 10/06/2015

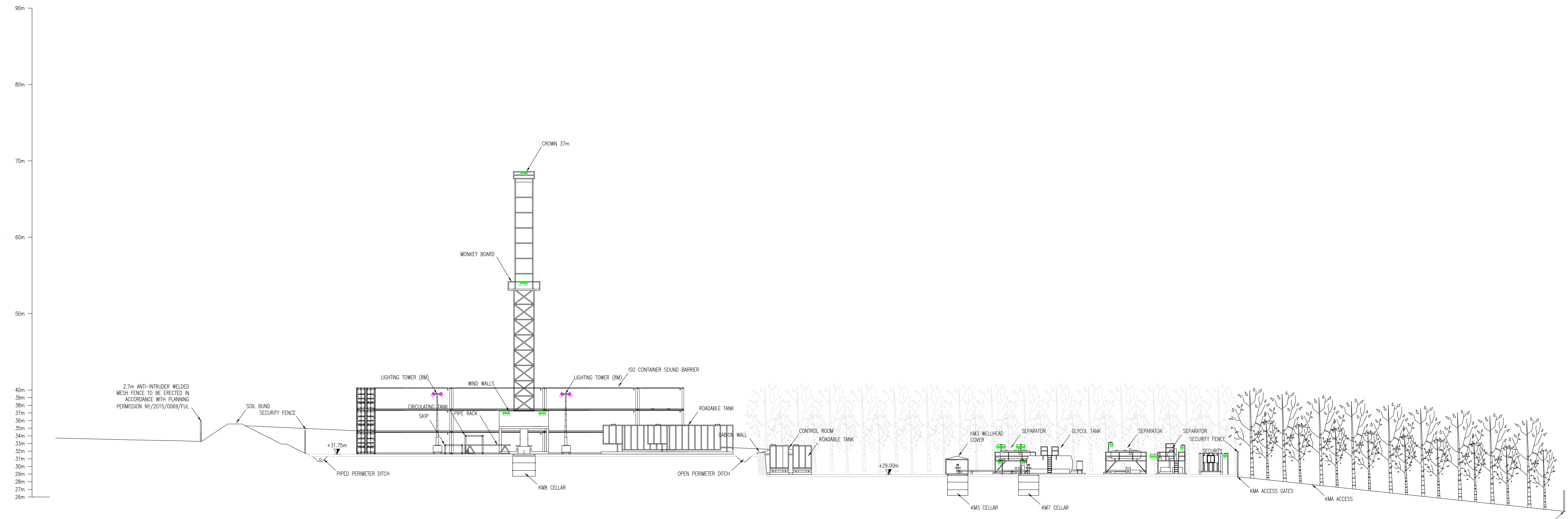
Approved By:
 Jonathan Foster

Date Approved: 10/06/2015

Drawing No:
 PSSL/TE/KMB/HF/PA10

Rev: 0

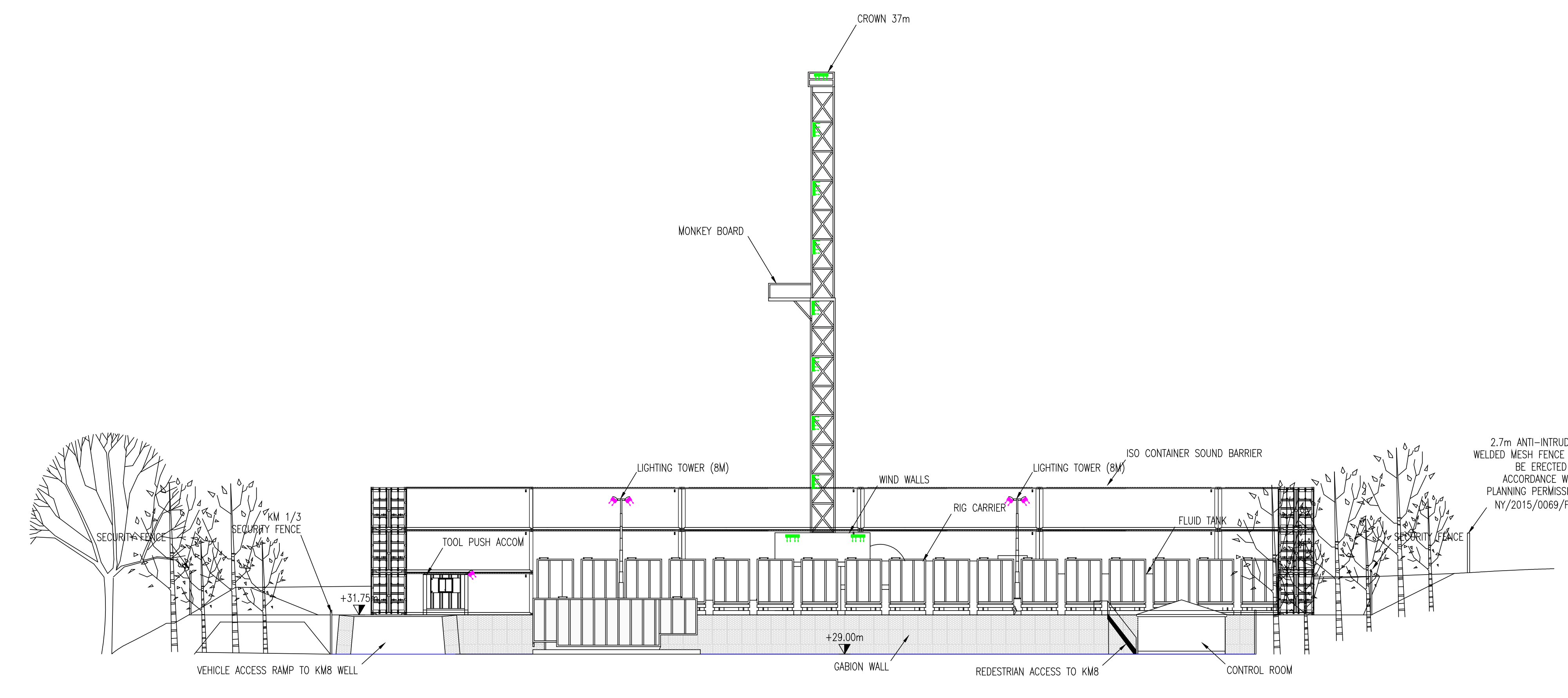
METRES ABOVE ORDNANCE SURVEY DATUM



INDICATIVE SECTION C-C THROUGH PRE-STIMULATION WORKOVER [1:200]

2.7m ANTI-INTRUDER WELDED MESH FENCE AND DOUBLE GATE TO BE ERECTED IN ACCORDANCE WITH PLANNING PERMISSION NY/2015/0069/FUL

METRES ABOVE ORDNANCE SURVEY DATUM



INDICATIVE SECTION D-D THROUGH PRE-STIMULATION WORKOVER [1:200]

Key:

Lighting Specifications Details:
 8M User Flourescent Lamp (2 x 30W)
 2 x Pyralis Lighting Tower (4 x 100W Metal Halide)
 8M Floodlight: K09

Refer to Drawing: PSS/LTKM8/HFS/PA/11

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 TS12 1DJ

Client:
 Third Energy UK Gas Ltd

Project:
 KMB Hydraulic Fracturing Operations

Drawing Title:
 Section Through KMB Pre-Stimulation Workover Layout

Scale: 1:200 (Printed A0)

Drawn By:
 Jonathan Foster

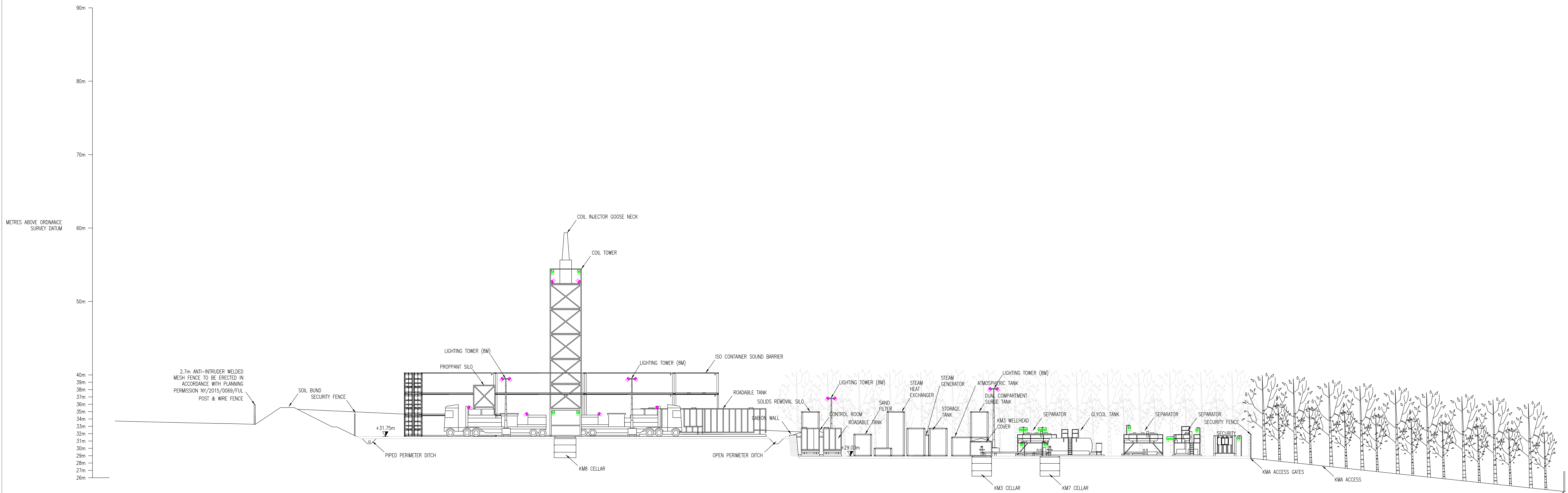
Date Drawn: 10/06/2015

Approved By:
 Jonathan Foster

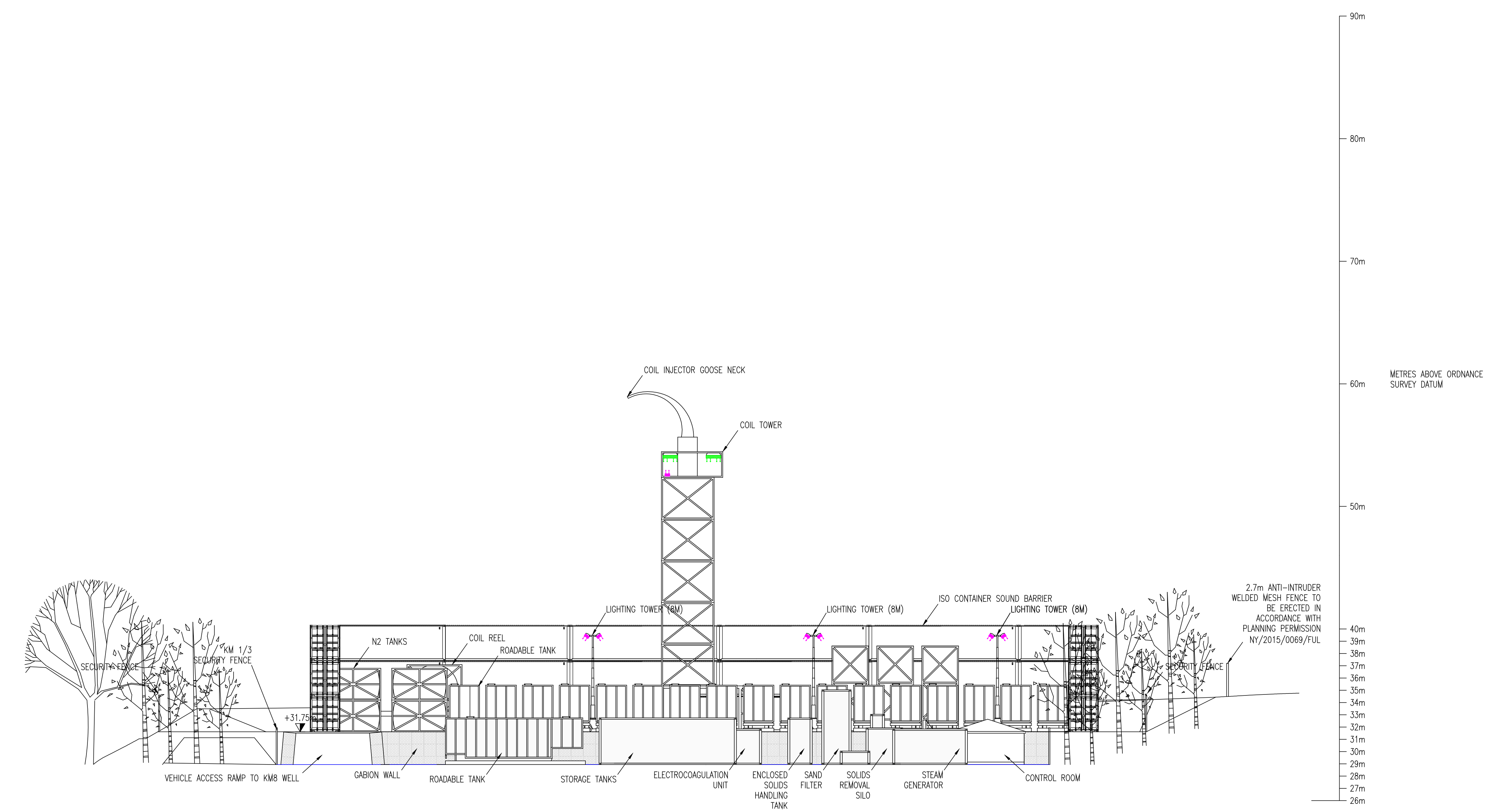
Date Approved: 10/06/2015

Drawing No:
 PSS/LTKM8/HFS/PA/11

Rev: 0



INDICATIVE SECTION E-E THROUGH HYDRAULIC FRACTURE STIMULATION/WELL TEST PHASE [1:200]



INDICATIVE SECTION F-F THROUGH HYDRAULIC FRACTURE STIMULATION/WELL TEST PHASE [1:200]

Key:

Lighting specifications details:
 0.5m x 0.5m Fluorescent Light (2 x 30W)
 1.5m x 1.5m Pyralis Lighting Tower (2 x 100W Metal Halide)
 1.5m x 1.5m Pyralis Lighting Tower (2 x 100W Metal Halide)
 1.5m x 1.5m Pyralis Lighting Tower (2 x 100W Metal Halide)
 1.5m x 1.5m Pyralis Lighting Tower (2 x 100W Metal Halide)
 1.5m x 1.5m Pyralis Lighting Tower (2 x 100W Metal Halide)

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Client:
 Third Energy UK Gas Ltd

Project:
 KMB Hydraulic Fracturing Operations

Drawing Title:
 Section Through KMB Hydraulic Fracture Stimulation Well Test Layout

Scale: 1:200 (Printed A0)

Drawn By:
 Jonathan Foster

Date Drawn: 10/06/2015

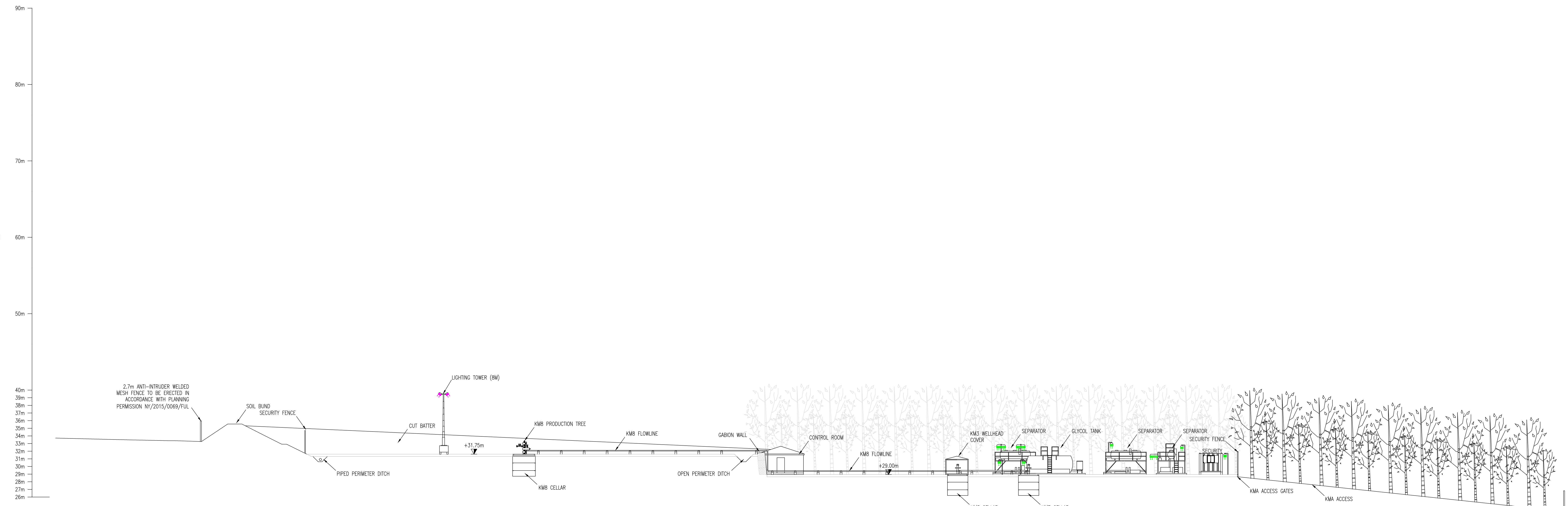
Approved By:
 Jonathan Foster

Date Approved: 10/06/2015

Drawing No:
 PSSL/TE/KMB/HFS/PA/12

Rev: 0

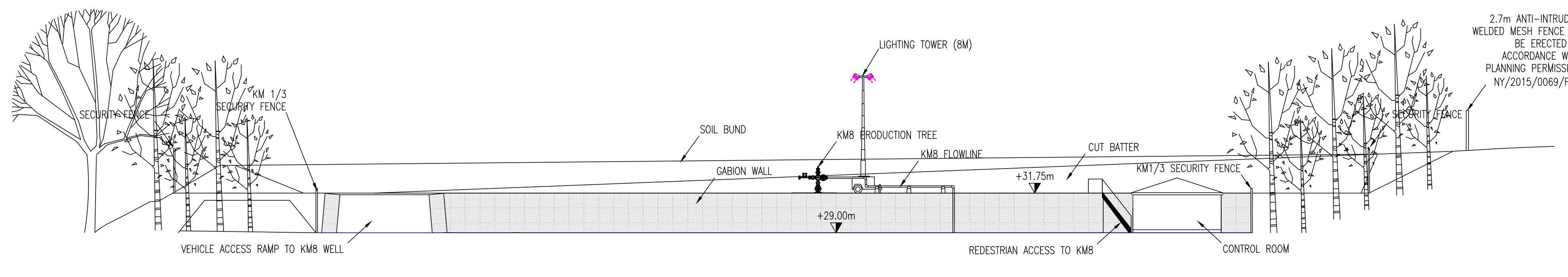
METRES ABOVE ORDNANCE SURVEY DATUM



INDICATIVE SECTION G-G THROUGH PRODUCTION TEST PHASE [1:200]

2.7m ANTI-INTRUDER WELDED MESH FENCE AND DOUBLE GATE TO BE ERECTED IN ACCORDANCE WITH PLANNING PERMISSION NY/2015/0069/FUL

METRES ABOVE ORDNANCE SURVEY DATUM



INDICATIVE SECTION H-H THROUGH PRODUCTION TEST PHASE [1:200]

Key:

Lighting Specifications Details:

Refer to Drawing: PSS/L/TKM8/HFS/PA13

PSSL
 Petroleum Safety Services Limited

Client:
 Third Energy UK Gas Ltd

Project:
 KMB Hydraulic Fracturing Operations

Drawing Title:
 Section Through KMB Production Test Layout

Scale: 1:200 (Printed A0)

Drawn By:
 Jonathan Foster

Date Drawn: 10/06/2015

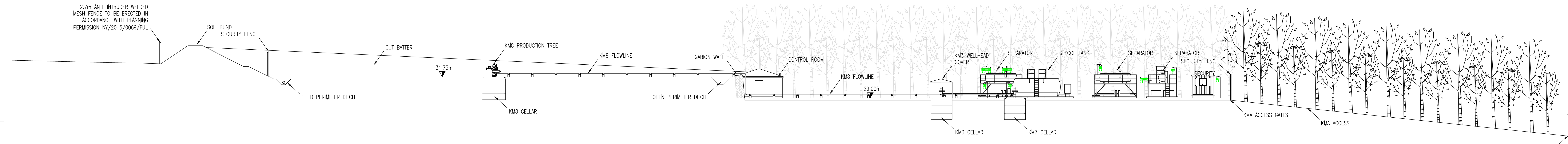
Approved By:
 Jonathan Foster

Date Approved: 10/06/2015

Drawing No:
 PSS/L/TKM8/HFS/PA13

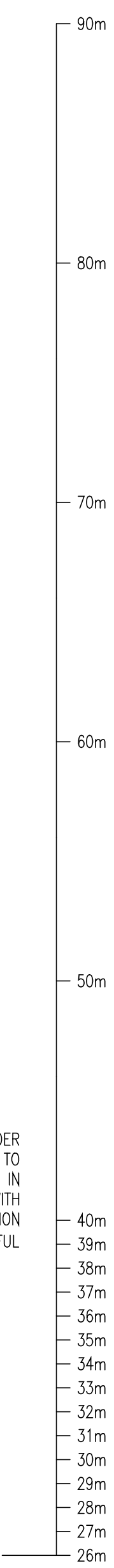
Rev: 0

METRES ABOVE ORDNANCE SURVEY DATUM

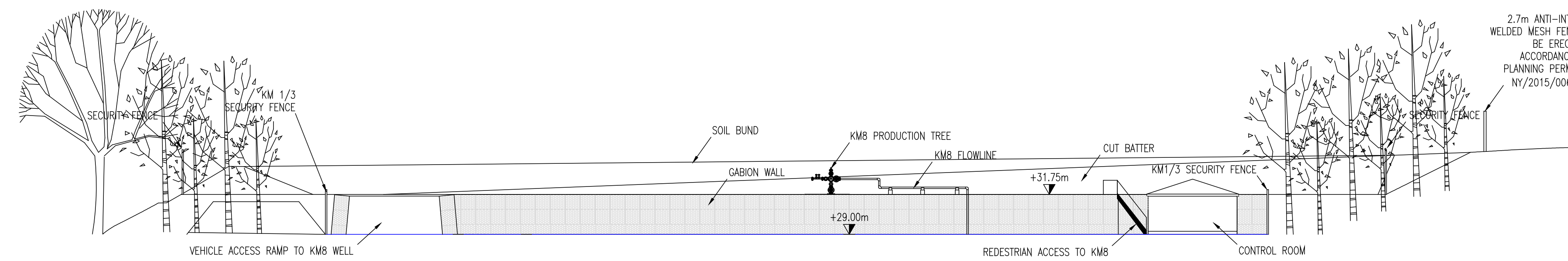


INDICATIVE SECTION I-I THROUGH PRODUCTION PHASE [1:200]

2.7m ANTI-INTRUDER WELDED MESH FENCE AND DOUBLE GATE TO BE ERECTED IN ACCORDANCE WITH PLANNING PERMISSION NY/2015/0069/FUL



METRES ABOVE ORDNANCE SURVEY DATUM



INDICATIVE SECTION J-J THROUGH PRODUCTION PHASE [1:200]

Key:

Lighting Specifications Details:
 60 User Flumelet Lamp (2 x 200)

Refer to Drawing: PSS/L/TKM8/HFS/PA14

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 Saltburn by the sea
 TS12 1DJ

Client:
 Third Energy UK Gas Ltd

Project:
 KMB Hydraulic Fracturing Operations

Drawing Title:
 Section Through KMB Production Layout

Scale: 1:200 (Printed A0)

Drawn By:
 Jonathan Foster

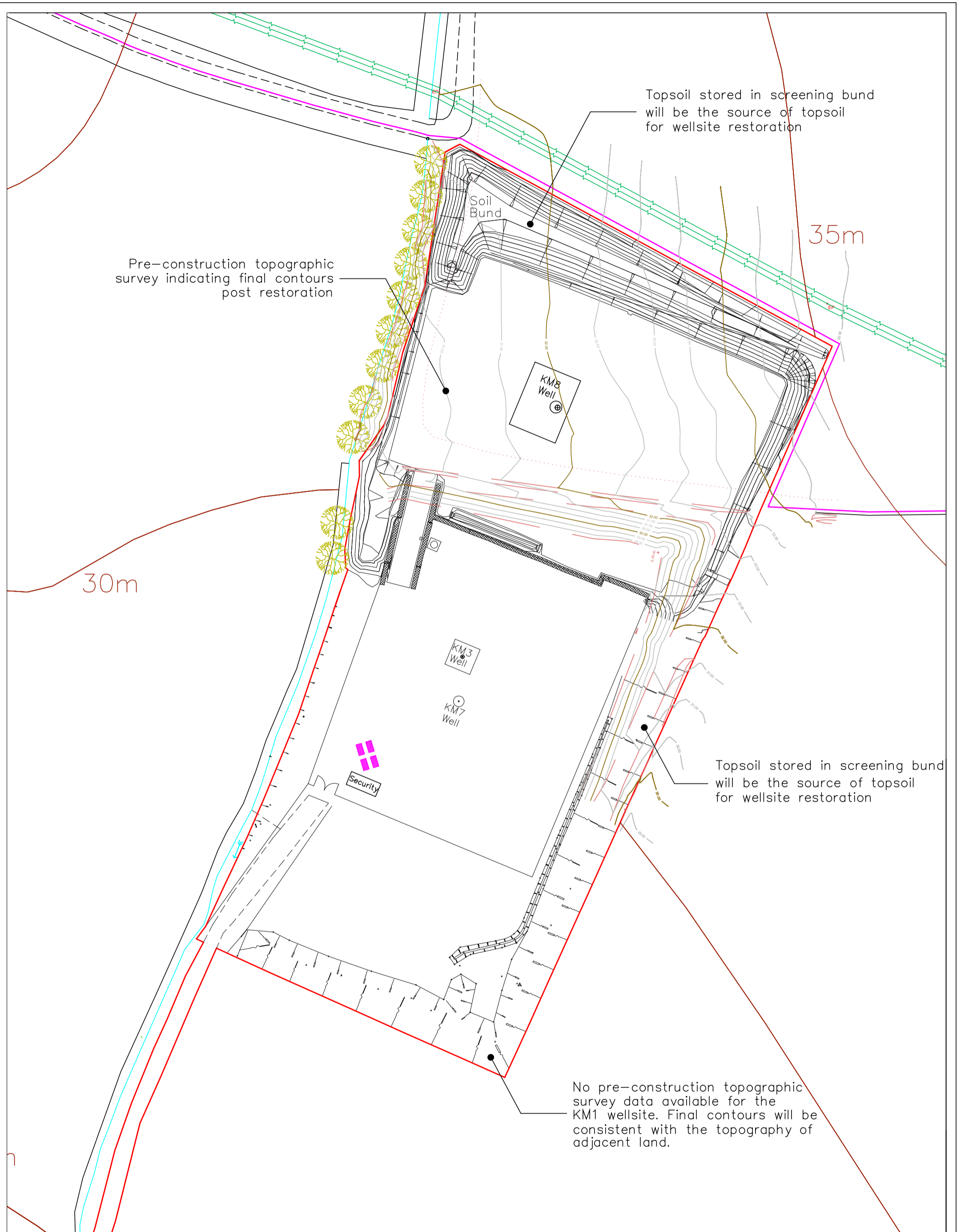
Date Drawn: 10/06/2015

Approved By:
 Jonathan Foster

Date Approved: 10/06/2015

Drawing No:
 PSS/L/TKM8/HFS/PA14

Rev: 0



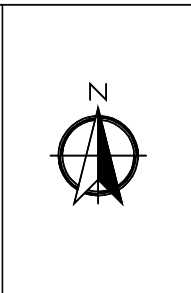
Key:

	Planning Application Red Line Boundary
	Water Features (Ponds, Drains)
	Public Rights of Way
	Overhead Electricity Cables
	Contours at 5m Vertical Intervals

Lighting Specification Details:

	1 X Portable Lighting Towers (4 x 1000W Metal Halide)
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23a Milton Street
Saltburn by the Sea
TS12 1DJ

Client: Third Energy UK Gas Ltd
Project: KM8 Hydraulic Fracturing Operation
Drawing Title: KMA Wellsite Restoration Plan
Scale: 1:750 (Print 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/15
Rev: 0

Agenda Item 6

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 10/11/15

7

Application No: 15/01012/MFUL

Application Site: Mill House Scarborough Road East Knapton Malton North Yorkshire YO17 8JA

Proposal: Change of use and alteration of farm building to form office and small parts storage, erection of attached office building with three bedroom on-site managers apartment to first floor together with erection of warehouse building and workshop building, formation of parking and upgrading of vehicular access - all works to form a commercial dealership for agricultural, forestry and horticultural equipment (revised details to approval 14/00900/MFUL dated 13.11.2014)

8

Application No: 15/00801/FUL

Application Site: Land To The West Of The Barn Scagglethorpe Manor Farm Main Street Scagglethorpe Malton North Yorkshire

Proposal: Installation of 10 no. banks of ground mounted solar panels totalling 400 no. panels giving 100kw peak output to generate electricity for residential with any surplus fed into the National Grid

9

Application No: 15/00802/FUL

Application Site: Land At Fishers Farm Town Street Settrington Malton North Yorkshire

Proposal: Installation of 10no. banks of ground mounted solar panels totalling 400no. panels giving 100kw peak output to generate electricity for on farm use with any surplus fed into the National Grid.

10

Application No: 15/00829/FUL

Application Site: The Gables The Gables Road Marton Kirkbymoorside YO62 6RD

Proposal: Erection of a replacement agricultural building for the housing of livestock following removal of existing building

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 10/11/15

11

Application No: 15/00852/HOUSE

Application Site: Orchard Cottage Main Street Burythorpe Malton North Yorkshire YO17 9LJ

Proposal: Erection of two storey extensions to the rear and side with side bin store, removal of existing single storey lean to extension and installation of patio doors and adjacent windows to rear elevation of existing dwelling

12

Application No: 15/00922/FUL

Application Site: Former Quarry Cropton Lane Cropton Pickering North Yorkshire

Proposal: Change of use of land for camp site and erection of associated toilet and shower facility following removal of existing temporary toilet

Agenda Item 7

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

Item Number: 7
Application No: 15/01012/MFUL
Parish: Scampston Parish Council
Appn. Type: Full Application Major
Applicant: Ryetec Ltd (Mr Mark Harrison)
Proposal: Change of use and alteration of farm building to form office and small parts storage, erection of attached office building with three bedroom on-site managers apartment to first floor together with erection of warehouse building and workshop building, formation of parking and upgrading of vehicular access - all works to form a commercial dealership for agricultural, forestry and horticultural equipment (revised details to approval 14/00900/MFUL dated 13.11.2014)
Location: Mill House Scarborough Road East Knapton Malton North Yorkshire YO17 8JA

Registration Date: 3 September 2015
8/13 Wk Expiry Date: 3 December 2015
Overall Expiry Date: 2 November 2015
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

Highways England	Recommend conditions
Countryside Officer	Comments and conditions recommended
Land Use Planning	No views received to date
Environmental Health Officer	No objection
Sustainable Places Team (Yorkshire Area)	Comments made
Building Conservation Officer	No views received to date
Parish Council	No views received to date
Highways North Yorkshire	No objection
Archaeology Section	Advised a scheme of archaeological mitigation recording - and additional comments made

Neighbour responses: None

SITE:

Mill House is situated on the northern side of the A64 at East Knapton. It originally comprised a farmhouse and outbuildings set within a 2.6 hectare site. The farmhouse is set back approximately 90m metres from the main road and is accessed via a track. Its most recent use was as a guest house. Planning permission was granted in November 2010 for alterations and extensions together with the demolition of the farmhouse to form a 12 bedroom hotel and restaurant. Revised details were approved in June 2011 to increase the number of rooms to 20. The relevant conditions were discharged, and worked commenced on site.

This included the partial demolition of the existing farmhouse, and other buildings, together with the concrete base for the new build aspect of the hotel. Work subsequently ceased and the site was sold.

The area is predominantly agricultural, however there are three residential buildings to the east of the site, one of which was previously associated with a large scaffolding company. It is noted that an outbuilding associated with a neighbouring dwelling lies on the boundary with the application site. The access track is well screened by existing mature trees. The existing buildings are visible from the A64, but partially screened by a mature hedge.

PROPOSAL:

Planning permission was granted in October 2014 for the re-location of an existing business which sells specialist machinery for farming, forestry and general amenity use. This included:

- The change of use and extension of the former farmhouse at Mill House to provide exhibition space, parts department and offices on the ground floor, together with a three bedroom managers flat, meeting room, and first floor parts department at first floor level. The extensions will be rendered at ground floor level with timber boarding above, and a slate roof.
- Erection of workshop to the rear of the above mentioned building. It will have a footprint of 15m by 36m with a ridge height of 8.4m. It will be constructed from steel sheeting above a 2metre high plinth and a fibre cement roof
- Erection of warehouse at right angles to the workshop. It will have a footprint 25m by 42m, with a ridge height of 9.7m. It will also be constructed from steel sheeting above a concrete plinth under a fibre cement roof. This building will be adjacent to the eastern boundary of the site where it abuts the former commercial scaffolding business.
- The area between the buildings will be used as secure external storage.
- The plans also show a planting strip to the rear of the neighbouring domestic property, together with parking for 14 vehicle.
- Area for the demonstration of machines to members of the public.

During the consideration of the application, it became apparent that alterations and extensions to the former farm house could have implications for ecology. The application was considered at a time that was sub-optimum for ecological surveys. Accordingly, the part of the proposed development that related to the former farmer house was withdrawn.

A detailed ecological survey has now been carried out, and permission is now sought for the alteration and extension of the former farmhouse to form a parts department and exhibition/meeting room, together with revised details to include an increase in the size of the maintenance building, together with a reduction in the size of the warehouse building.

HISTORY:

1999: Permission granted for demolition of dwelling and change of use of barns to B1, B2 and B8

2003: Permission granted for change of use of agricultural building to bed and breakfast

2010 Permission granted for the change of use and demolition of former farmhouse and barns to form a 12 bedroom hotel, together with managers accommodation and leisure facilities

2011: Revised details approved to increase bedrooms to 20

2014: Permission granted for the change of use of farm buildings to form office, parts storage, site managers accommodation and warehouse and workshop building.

POLICY:

National Planning Guidance

National Planning Policy Framework
National Planning Policy Guidance

Ryedale Plan – Local Plan Strategy

Policy SP 1 - General Location of development and Settlement Hierarchy
Policy SP 6 - Delivery and Distribution of employment Land and premises
Policy SP 9 - The Land Based and Rural Economy
Policy SP 10 - Physical Infrastructure
Policy SP 14 - Biodiversity
Policy SP 16 - Design
Policy SP 19 - Presumption in favour of sustainable development
Policy SP 20 - Generic Development Management Issues

APPRAISAL:

The principle of the proposed use has been accepted. The main issues in the consideration of the application relate therefore to the changes to the size of the proposed buildings together with the principle of the parts department, meeting room and exhibition space:

Principle of use

Both local and national policy provides support for businesses that benefit the local economy.

Section 3 Para 28 of the National Planning Policy Framework (NPPF), states:

28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit 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; and
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

In relation to the Ryedale Plan –Local Plan Strategy, (Ryedale Plan), Policy SP 6- Delivery and Distribution of Employment/industrial Land and Premises is particularly relevant. This states that new land and buildings for employment will be supported from the following sources in the following locations:

Wider Open Countryside

Expansion land for existing major employers/ established businesses; small scale conversion of existing buildings or provision of new buildings to support appropriate rural economic activity in line with the provisions of Policy SP9

The following extract from Policy SP 9 is also particularly relevant to this application:

SP9 The Land-Based and Rural Economy

Ryedale's land based economy will be sustained and diversified with support for:

New buildings that are necessary to support land based activity and a working countryside, including for farming, forestry and equine purposes.

The previous application was approved in this countryside location for operational reasons in relation to the needs of the business. It relates to large pieces of agricultural machinery and therefore needs to be located on a site where there is good access to major transport routes. There is also a requirement for enough space to enable large machinery to be demonstrated when required. During consideration of the previous application it was considered that few opportunities exist within or adjacent to existing employment areas due to their restricted site area. Whilst the meeting room, and parts department was excluded from the previous application, it is considered that it relates well to the needs of the business. It is also considered that the development on the site relates to one planning unit, and indeed a condition on the previous application restricted the occupation of the site to a commercial dealership for agricultural, forestry and horticultural equipment. As such the individual buildings cannot be utilised by separate companies. It is therefore considered that the principle of the proposed use is in accordance with both local and national policy, subject to other material considerations being satisfied.

Neighbouring Amenity

The impact of the proposed development on neighbouring amenity was a significant issue during the consideration of the previous application. It was acknowledged that the site is located in a predominantly rural area. Nevertheless, there are two neighbouring properties that are situated in close proximity to the application site, together with further dwellings to the east. Concerns were raised from neighbouring occupiers regarding noise and light disturbance. At that time, the case officer visited the site, with the Council's Environmental Health Officer to consider noise from the development. The applicant positioned a tractor on the site with a piece of machinery for slicing and splitting timber. Noise levels were taken and compared to background levels. Taking account of the levels, the Environmental Health Officer advised that subject to appropriate conditions, the development would not have a significant adverse impact on the existing amenities of neighbouring occupiers. Such mitigation included;

- Operations on the site restricted to 7.30am until 6pm Monday to Friday and Saturdays 7.30am until 1pm.
- Demonstrations of machinery restricted to a limited number of hours per week. With the exception of two exhibition events.
- A set location for the demonstration of most equipment to be identified away from neighbouring residences. The exception to this would be grass cutting equipment which will operate within restricted hours to the front of the site.
- All repairs and assembly of machinery to take place in the workshop with doors closed.

- Agreed location for any generator/ extraction unit.
- Any lorries needing to enter or leave the site outside office hours will be parked away from neighbouring residences.

It is recommended that the same conditions will be imposed on the current application. As such, it is not considered that the revisions to the application will have a significant impact on the existing amenities of neighbouring occupiers. It is of note that the current application includes details that discharge the requirement of some of the conditions previously imposed. This includes 750m² of planting against the eastern boundary, and 800m² against the southern boundary. The plan also shows identified areas for the equipment demonstration, the generator position, and lorry routing.

In relation to the increase in the size of the workshop, this is in the form of an extension on the buildings western boundary which is situated on the far side of the site to neighbouring properties. Accordingly it is not considered that the increase in size of the workshop nor the siting of the parts building and exhibition/meeting room will have a significant adverse impact on the existing amenities of neighbouring occupiers.

Design

The design of the proposed buildings is considered acceptable, and will not look dissimilar in the landscape to a farm house and associated agricultural buildings. The parts building will be constructed from rendered block work under a pantiled roof. The workshop and warehouse will be a dark green. It is considered that the colour reflects the agricultural nature of the business, and its dark colour will ensure that the buildings recede into their setting. The site is well screened from the A64, and the existing and proposed landscaping will screen the buildings for much of the year. Whilst there may be some views of the site from footpaths to the south, these are likely to be of the roofs of the buildings, and also partly screened by existing planting belts in the vicinity of the site.

Ecology

The bat survey undertaken at the property has detected two bat roosts for pipistrelle and brown long eared bats. Accordingly a European protected species licence will be required. In view of this, the Council's Countryside Officer has not objected to the application. However he has recommended a number of conditions. These include the prohibition of any work to the relevant building until a licence has been issued by Natural England, or they have stated that a licence is not required. Provision for barn owls is also required.

Contamination

During consideration of a previous application on the site for the change of use of the buildings to a boutique hotel, land contamination surveys were carried out. These comprised 8 borehole locations around the buildings and yard. Analysis of soil samples showed no elevated levels of contaminants. As such the report concludes that there is no significant risk to the end users and therefore no protective measures were required. Whilst the Environmental Health Officer requested further information on the choice of location of the bore holes it is not considered that any further survey or mitigation work is required, given the use proposed in the current application.

Archaeology

The proposed development lies in an area of archaeological interest and potential. The wider landscape is of high archaeological significance. In the immediate vicinity of the site, the Historic Environment Record contains evidence of a number of prehistoric features including ring ditches, round barrows, enclosures and ditches. Accordingly it is recommended that if planning permission is granted it is be subject to a condition requiring the submission of a scheme of archaeological mitigation and recording.

Access

The site is accessed by a single unmade track direct from the A64. The previous application required the upgrading of the access. The views of the Highways England have yet to be received. Nevertheless it is not considered that the revisions proposed would result in a change in the access requirements. It is therefore recommended that any approval is subject to conditions requiring the upgrade of the access.

Recommendation

It is not considered that the revisions to the previously approved scheme raises any material considerations that would warrant refusing the application. Accordingly, and in view of the compliance with policy, the recommendation is 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 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the buildings the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted for approval to the Local Planning Authority shall include sound installation to the maintenance building.

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

3 The development hereby approved shall only be used as a commercial dealership for agricultural, forestry and horticulture equipment and parts, together with the servicing of machinery sold by the dealership, and for no other purpose.

Reason: To ensure compliance with Policies SP6, SP7, SP9 and SP20 of the Ryedale Plan - Local Plan Strategy.

4 Operations on site shall be restricted to 7.30am until 6pm Monday to Friday, and 8am until 1pm Saturdays, with no working on Sundays and bank holidays. The exception to these hours is when emergency servicing of equipment purchased from the commercial dealership at Mill House, is required. Such repairs shall be carried out in accordance with an emergency repair management plan, which shall first be submitted to, and approved in writing by the Local Planning Authority.

Reason: In the interests of maintaining the existing amenities of neighbouring occupiers, and to Satisfy the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy

5 Unless otherwise agreed in writing by the Local Planning Authority, the demonstration of all machinery and/or equipment shall only be carried out on the area identified on Drwg 02 rev G (site plan). Thereafter, with the exception of the open days all demonstration and operation of external machinery and other noise generating equipment shall be carried out in accordance with the approved plan.

Reason: In the interests of maintaining the existing amenities of neighbouring occupiers, and to satisfy the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy.

- 6 With the exception of the identified open days, the external operation/running of machinery and other noise generating equipment shall be limited to a maximum of 10 hours per week between the hours of 8am until 6pm Monday to Saturday. A maximum of two hours of which can be on Saturdays between the hours of 8am until 1pm. Such running/operation of equipment and machinery shall be limited to those areas approved under condition 5.

Reason: In the interests of maintaining the existing amenities of neighbouring occupiers, and to satisfy the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy.

- 7 A management plan for the operation of any open days held to enable the public to view the machinery and equipment shall be submitted to, and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, such open days shall be restricted to two events per year.

Reason: In the interests of maintaining the existing amenities of neighbouring occupiers, and to satisfy the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy

- 8 Any lorries leaving or arriving outside the approved hours of operation identified in condition 4, shall be parked in the vehicle dispatch holding area identified on dwg 02 rev G (proposed site plan). There shall be no loading or unloading of such vehicles outside the approved hours of operation stated in condition 4 and all engines shall be switched off.

Reason: In the interests of maintaining the existing amenities of neighbouring occupiers, and to satisfy the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy.

- 9 Precise details of the type and siting of any generators to be used on the site shall be submitted to, and approved in writing by the local planning authority prior to their installation on site. Thereafter such generators shall only be operational during the approved hours of operation, and in accordance with the location and details shown in the approved details.

Reason: In the interests of maintaining the existing amenities of neighbouring occupiers, and to satisfy the requirements of policy SP20 of the Ryedale Plan – Local Plan Strategy.

- 10 There shall be no external lighting, unless precise details together with a lighting management plan have first been submitted to, and approved in writing by the Local Planning Authority. Thereafter, all lighting shall be operated in accordance with the approved details.

Reason: In the interests of maintaining the existing amenities of neighbouring occupiers, to reduce light pollution, and to satisfy the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy and para 125 of the National Planning Policy Framework.

- 11 Before the development hereby approved is first brought into use, a close boarded boundary fence shall be erected along the eastern boundary of the site, where it adjoins the domestic curtilage of the neighbouring property, details of which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of maintaining the existing amenities of neighbouring occupiers, and to satisfy the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy

- 12 Before any part of the development hereby approved commences, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development. 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 in 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 and to comply with the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 13 Unless otherwise agreed in writing by the Local Planning Authority, prior to commencement of the approved use, a workplace transport plan shall be submitted to, and approved in writing by the Local Planning Authority. The plan shall include procedures to reduce potential reversing movements, and to minimise the need for audible warning systems. Thereafter the site shall be operated in accordance with the approved plan.

Reason: In the interests of maintaining the existing amenities of neighbouring occupiers, and to satisfy the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy

- 14 No construction work shall operate outside the hours 7.30am until 6pm Monday to Friday, and 8am to 1pm on Saturdays, with no working Sundays or bank holidays

Reason: In the interests of maintaining the existing amenities of neighbouring occupiers, and to satisfy the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy

- 15 The flat hereby approved shall only be occupied by a person or persons and /or the dependents of such persons, whose main employment is in the business hereby approved.

Reason: It is not considered that an independent residential property would be acceptable in this location, and to satisfy the requirements of Policy SP20 of the Ryedale Local Plan – Local Plan Strategy.

- 16 Notwithstanding the submitted details, precise details of both surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority. Such details shall demonstrate that if surface water is to drain to soakaway, an appropriate assessment is carried out in accordance with BRE Digest 365. If satisfactory results are not achieved, alternative methods of surface water drainage shall be submitted to, and approved in writing by the Local Planning Authority.

- 17 The development shall be carried out in accordance with the details contained in section 7 of the Extended Habitat Survey for Mill House, East Knapton (Wold Ecology 2014) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: To satisfy the requirements of the Wildlife and Countryside Act, and the Habitats Direction.

- 18 Unless otherwise agreed in writing by the Local Planning Authority no part of the site outside any building shall be used for the storage or display of any goods or parts.

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

- 19 Unless otherwise agreed in writing by the Local Planning Authority all repairs, servicing and assembly of equipment and machinery shall be carried out in the workshop shown on the approved plans, with the windows and doors closed during such works.

Reason: In the interests of maintaining the existing amenities of neighbouring occupiers, and to satisfy the requirements of policy SP20 of the Ryedale Plan – Local Plan Strategy

- 20 Before the site is first brought into use, the access to the site shall be upgraded in accordance with details which have first been submitted to, and agreed in writing by the Local Planning Authority in conjunction with Highways England. The design shall be appropriate for HGV access and comply with DMRB standards.

Reason: In the interests of highway safety and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 21 Unless otherwise agreed in writing by the Local Planning Authority the development of the site shall be commenced in accordance with the written scheme of investigation by York Archaeological Trust March 2011.

Reason: To satisfy the requirements of Policy SP12 of the Ryedale Plan - Local Plan Strategy and to satisfy the requirements of the NPPF.

- 22 The following works – 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: a) 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 b) 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: to secure the long-term protection of the species, and to satisfy the requirements of the NPPF and the Wildlife and Countryside Act 1981

- 23 A Barn Owl roosting/nesting box shall be provided for Barn Owls within 200 metres of the development to which this consent applies at least 30 days before any part of the site used by Barn Owls is altered in any way. This provision should be made at the earliest possible stage, not subjected to direct disturbance and remain in place until at least 30 days after permanent provision has been made, in accordance with the Natural England guidance and in accordance with details that shall have first been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To secure the long-term protection of the species by maintaining continuity of occupation (by providing temporary additional roosting/nesting places on-site), and to satisfy the requirements of the Wildlife and Countryside Act 1981, and the NPPF.

- 24 No building and construction work shall be commenced unless evidence has been provided to the Local Planning Authority that no birds are nesting (at the development site to which this consent applies) immediately prior to work commencing.

Reason: to ensure that nesting Barn Owls are not disturbed by development works and to enable the Local Authority to fulfil its obligation under Section 25 (1) of the Wildlife and Countryside Act 1981.

- 25 A permanent accessible nesting space for Barn Owls shall be provided within one or more of the developed buildings to which this consent applies, and thereafter maintained, in accordance with details that shall have first been submitted to, and approved in writing by, the Local Planning Authority, and in line with Natural England guidance.

Reason: to secure the long-term protection of the species, and to satisfy the requirements of the NPPF and the Wildlife and Countryside Act 1981

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

Dwg 02 – Site plan revision G
Dwg 05 – Office building and dwelling details revision G
Dwg 06 – Maintenance building revision G
Dwg 07 – Warehouse building Revision G

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

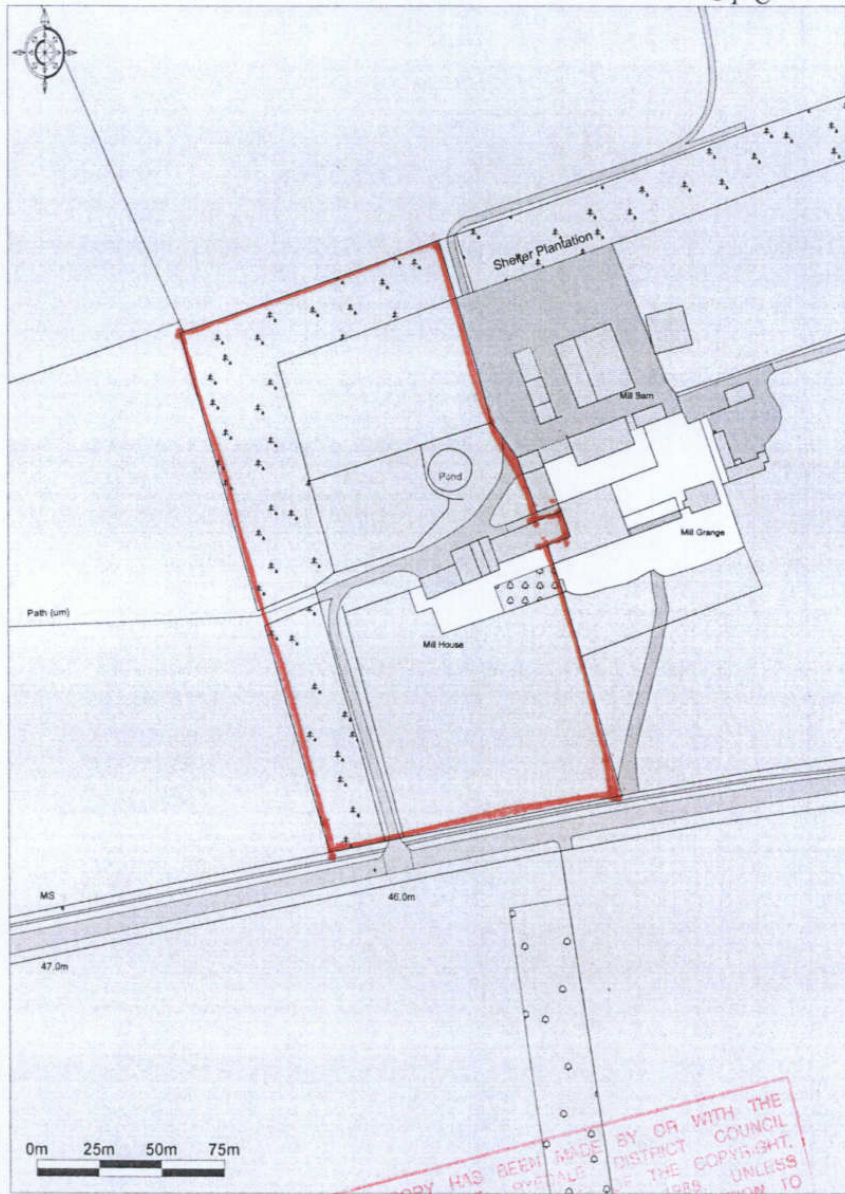
INFORMATIVES:

- 01 The applicant is advised that an environmental permit from the Environment Agency may be required for water discharge activity.
- 02 The applicant is advised that a European protected species license is required prior to work on the site.

Background Papers:

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

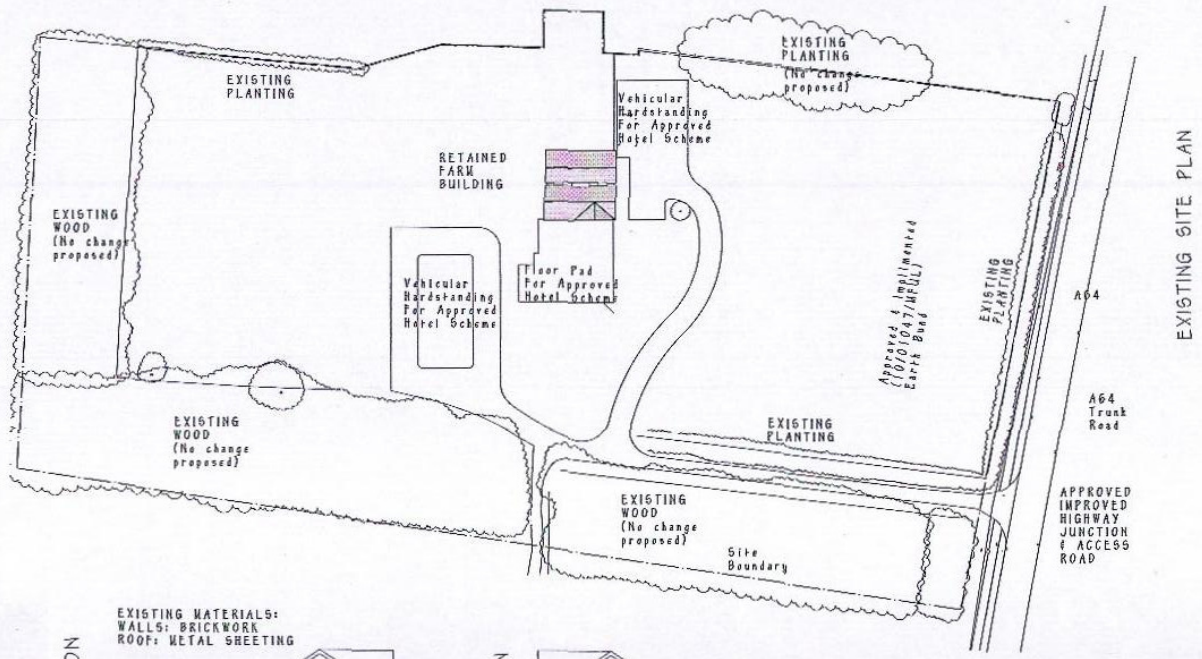
Mill House
East Knapton



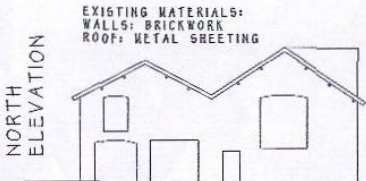
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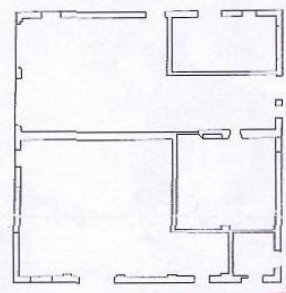
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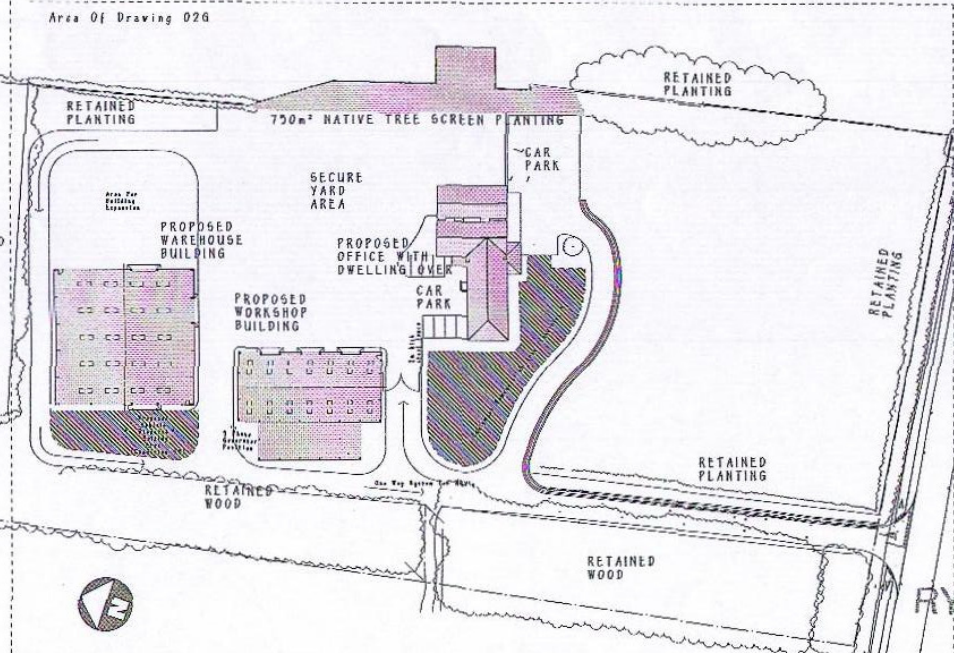
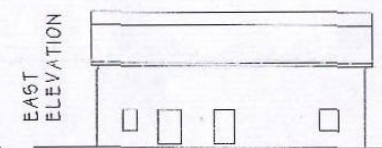
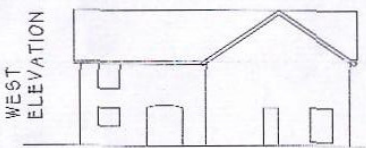
EXISTING SITE PLAN



GROUND FLOOR PLAN



RETAINED FARM BUILDING DETAILS



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PROPOSED SITE PLAN

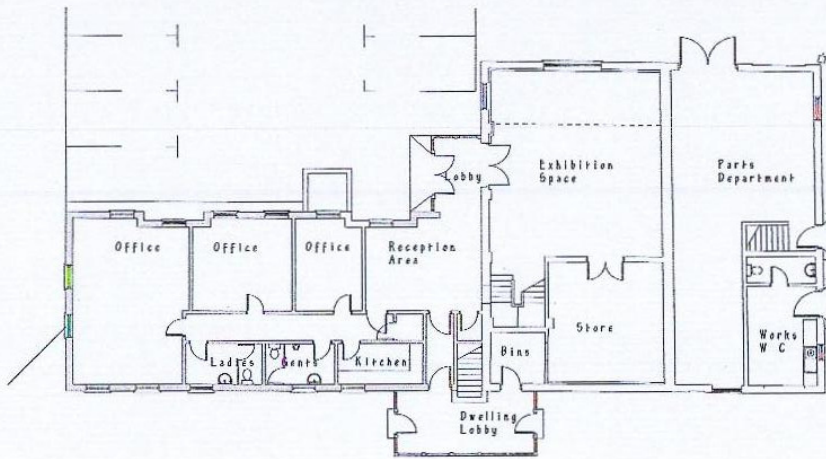
APPROVED (10/01047/MFUL) HIGHWAY JUNCTION IMPROVEMENTS

RYEDALE DR

- 3 SEP 2015

DEVELOPMENT MANAGEMENT

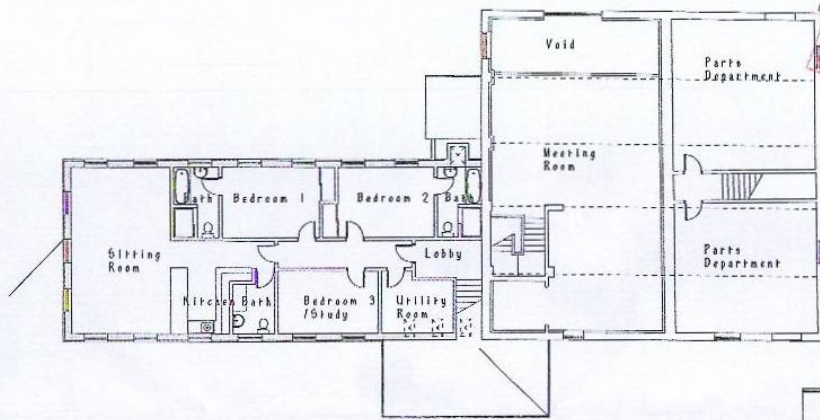
PROPOSED CHANGE OF USE OF FARMHOUSE & FARM BUILDINGS TO BECOME COMMERCIAL DEALERSHIP FOR AGRICULTURAL EQUIPMENT & DWELLING at MILL HOUSE FARM, EAST KNAPTON, MALTON, YO17 8JA for RYETEC LIMITED
DRAWING 01 EXISTING & PROPOSED SITE PLANS SCALE 1:1000
EXISTING BUILDING DETAILS SCALE 1:250
REVISION G AUGUST 2015
David Ward Architectural Ltd 01653 658 229 davidward589@btinternet.com



GROUND FLOOR PLAN

PROPOSED MATERIALS:
 NEW BUILD:
 ROOF: CLAY PANTILES
 WALLS: CEDAR HORIZONTAL BOARDING
 RENDERED BLOCKWORK
 TIMBER WINDOWS & DOORS

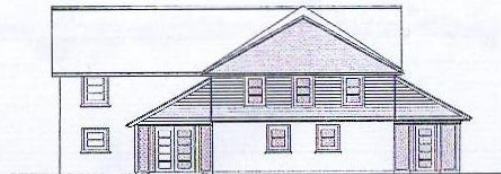
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FIRST FLOOR PLAN

NEW BUILD (on existing foundations)

WEST ELEVATION



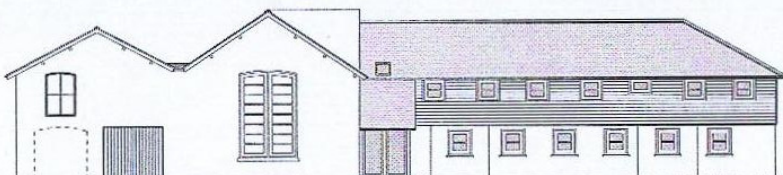
SOUTH ELEVATION



EAST ELEVATION



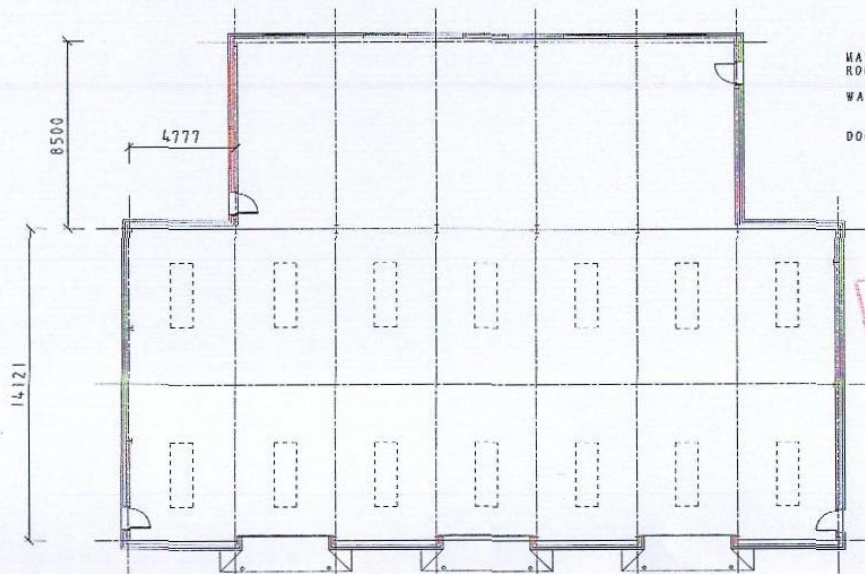
NORTH ELEVATION



RYEDALE D.C.
 - 3 SEP 2015
 DEVELOPER
 MANAGER



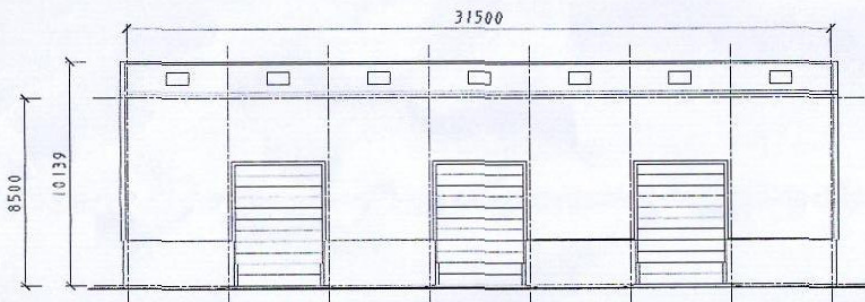
PROPOSED CHANGE OF USE OF FARMHOUSE & FARM BUILDINGS to become
 COMMERCIAL DEALERSHIP FOR AGRICULTURAL EQUIPMENT & DWELLING
 at MILL HOUSE FARM, EAST KNAPTON, MALTON, YO17 8JA for RYETEC LIMITED
 DRAWING 05 OFFICE BUILDING & DWELLING DETAILS SCALE 1:200
 REVISION G August 2015
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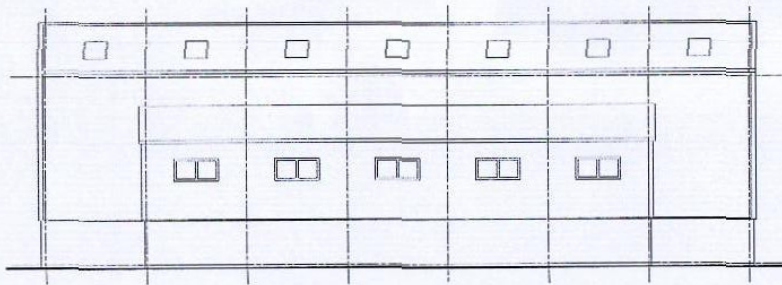
MATERIALS:
 ROOF: COMPOSITE STEEL SHEETING
 10% ROOFLIGHTS
 WALLS: CONCRETE DADO WALL (TO 2m)
 STEEL SHEETING,
 STEEL FRAMED WINDOWS
 DOORS: SECTIONAL ROLLER SHUTTER,
 STEEL ESCAPE DOORS

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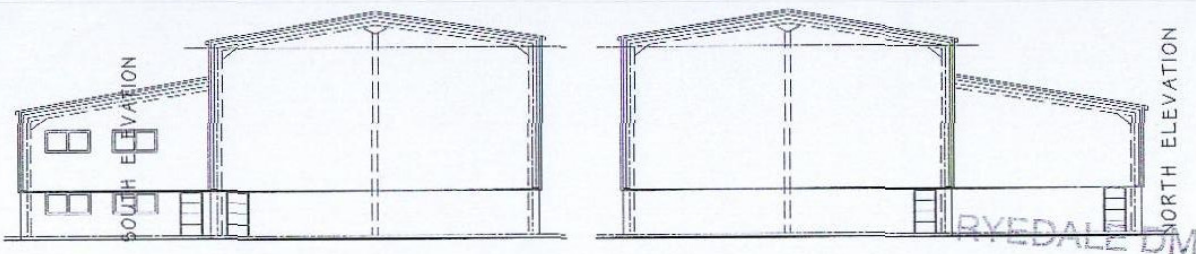
GROUND FLOOR PLAN



EAST ELEVATION



WEST ELEVATION

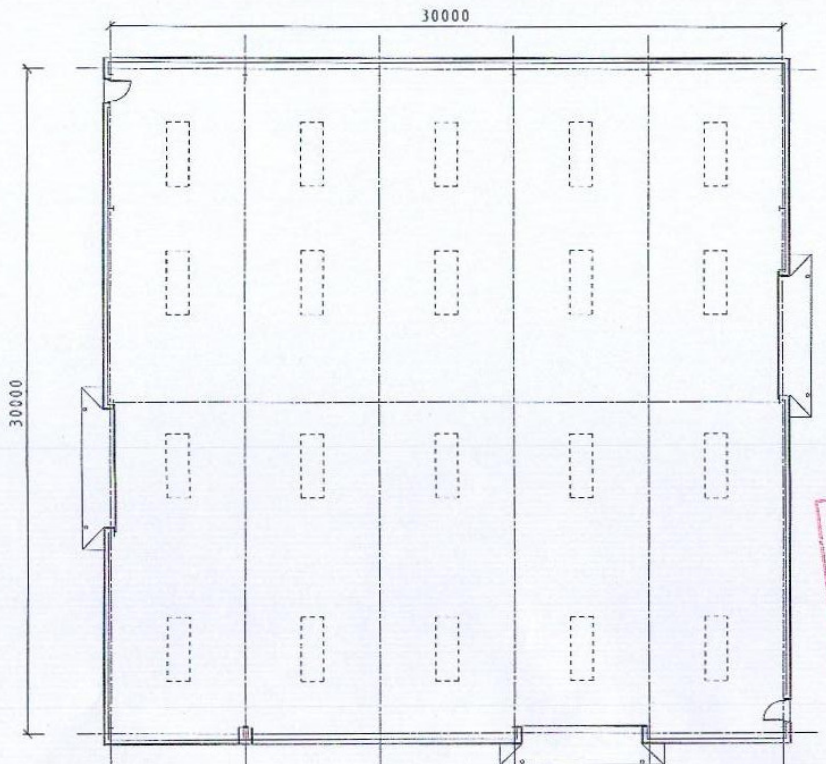


NORTH ELEVATION

PROPOSED CHANGE OF USE OF FARMHOUSE & FARM BUILDINGS to become
 COMMERCIAL DEALERSHIP FOR AGRICULTURAL EQUIPMENT & DWELLING
 at MILL HOUSE FARM, EAST KNAPTON, MALTON, YO17 8JA for RYETEC LIMITED
 DRAWING 06 MAINTENANCE BUILDING DETAILS SCALE 1:200
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- 3 SEP 2015
 DEVELOPMENT
 MANAGEMENT

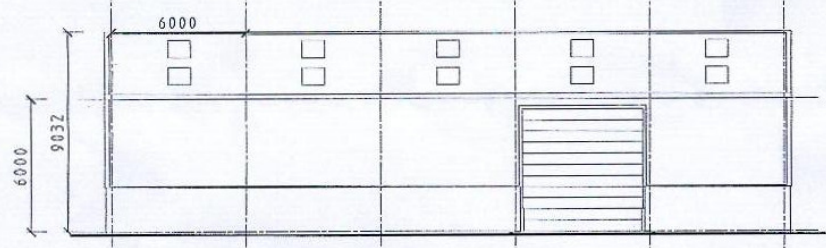




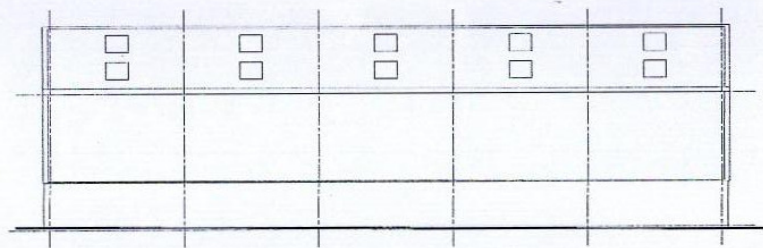
MATERIALS:
 ROOF: COMPOSITE STEEL SHEETING
 10x ROOFLIGHTS
 WALLS: CONCRETE PADO WALL (TO
 STEEL SHEETING
 DOORS: SECTIONAL ROLLER SHUTTER

GROUND FLOOR PLAN

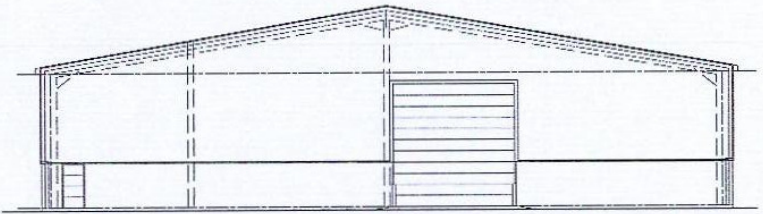
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 OTHERWISE.



SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION
 WEST ELEVATION

RYEDALE DM
 - 3 SEP 2015
 DEVELOPMENT
 MANAGEMENT



PROPOSED CHANGE OF USE OF FARMHOUSE & FARM BUILDINGS to become
 COMMERCIAL DEALERSHIP FOR AGRICULTURAL EQUIPMENT & DWELLING
 at MILL HOUSE FARM, EAST KNAPTON, MALTON, YO17 8JA for RYETEC LIMITED
 DRAWING 07 WAREHOUSE BUILDING DETAILS SCALE 1:200
 REVISION G AUGUST 2015
 David Ward Architectural Ltd 01653 658 229 davidward589@btinternet.com

NOTES:

SITE AREA: 24,050 m²

RETAINED FARM BUILDINGS
(not part of this application)
GROUND FLOOR: 215 m²
FIRST FLOOR: 215 m²
TOTAL AREA: 430 m²

PROPOSED AREAS:

OFFICE
GROUND FLOOR: 150 m²
(new build)

DWELLING
FIRST FLOOR: 150 m²
(new build)

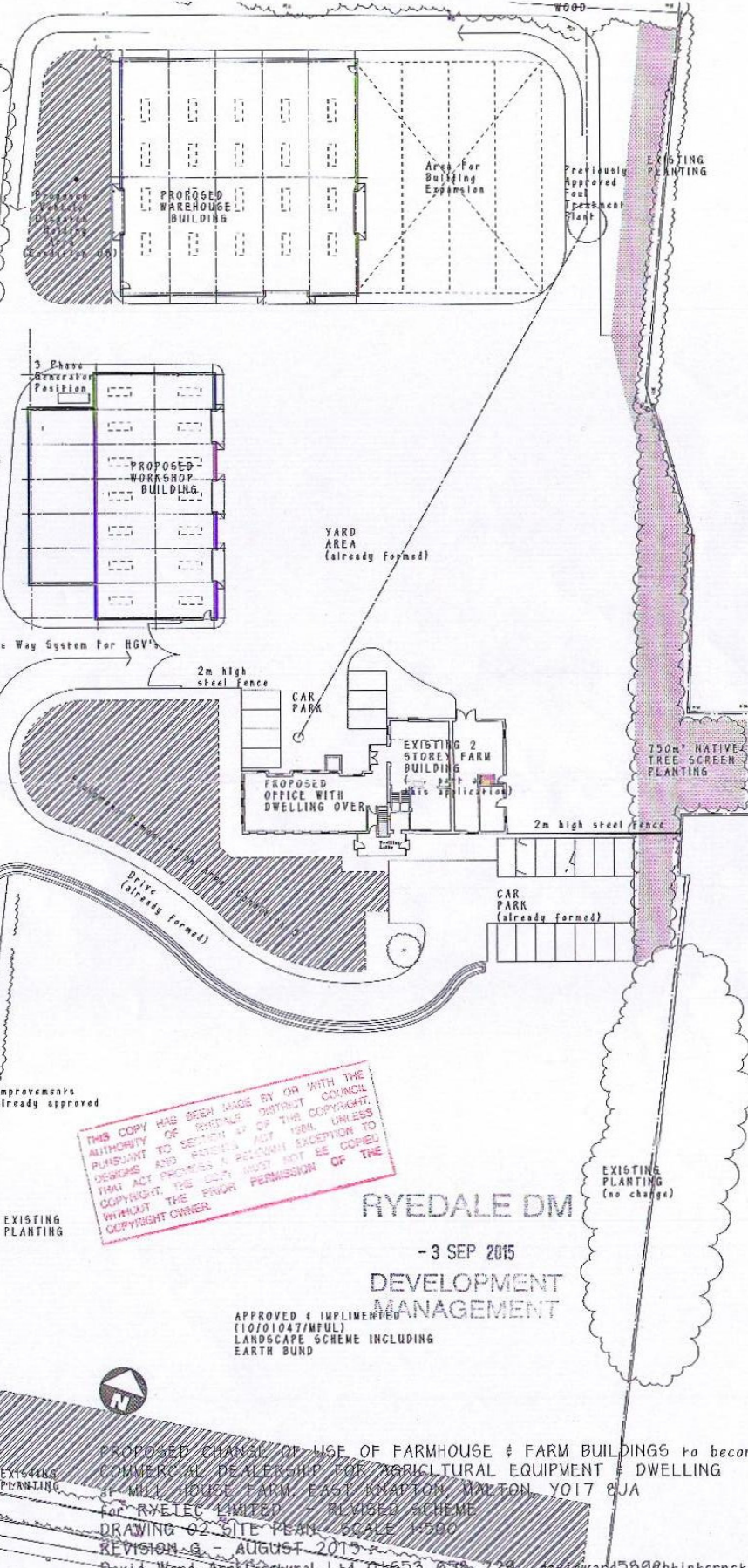
NEW MAINTENANCE BUILDING
TOTAL AREA: 640 m²

NEW WAREHOUSE BUILDING
TOTAL AREA: 900 m²

OFFICE CAR PARKING
5 CARS
DWELLING & OVERSPILL CAR PARK
15 CARS

750m² NATIVE TREE
SCREEN PLANTING
(shown shaded on east boundary) &
800m² NATIVE TREE PLANTING
(shown hatched at the south adjacent to A64)
Comprising: 50% Hawthorn
20% Blackthorn, 10% Hazel,
10% Dogrose
5% Wild Crab
5% Bullace.
All planted as
30/40cm transplants in grow tubes
81.5m centres. All planted spring 2016
Any falling plants to be replaced
No planting within 2m of buildings.

EXISTING
WOOD
(reduced)



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- 3 SEP 2015

DEVELOPMENT
MANAGEMENT

APPROVED & IMPLEMENTED
(10/01047/MFUL)
LANDSCAPE SCHEME INCLUDING
EARTH BUND



PROPOSED CHANGING OF USE OF FARMHOUSE & FARM BUILDINGS TO BECOME
COMMERCIAL DEALERSHIP FOR AGRICULTURAL EQUIPMENT & DWELLING
AT MILL HOUSE FARM, EAST KNAPTON, DALTON, YO17 8JA

FOR RYELEC LIMITED - REVISED SCHEME
DRAWING 02 SITE PLAN SCALE 1:500
REVISION G - AUGUST 2015

David Ward Architectural Ltd 01653 658 224 dward589@btinternet.co.uk

A64
Trunk
Road

APPROVED
(10/01047/MFUL)
HIGHWAY JUNCTION
IMPROVEMENTS

DESIGN & ACCESS STATEMENT

page 1 of 5

To accompany

FULL PLANNING APPLICATION:

**PROPOSED CHANGE OF USE of FORMER FARMHOUSE & FARM BUILDINGS
to become COMMERCIAL DEALERSHIP for AGRICULTURAL EQUIPMENT &
DWELLING at MILL HOUSE, EAST KNAPTON, MALTON, YO17 8JA
for RYETEC LTD.**

REVISED DETAILS

BACKGROUND SITUATION. Ryetec Ltd is a local Ryedale firm that was established by Mark Harrison 21 years ago as an offshoot of the established Harrison Hire business which in turn was established 45 years ago. Ryetec sell specialist machinery for farming, forestry and general amenity use and have recently seen very rapid growth especially in specialist agricultural and lumber processing equipment as the use of wood as a primary domestic heating source has dramatically expanded over the last few years. The business is currently located on a shared and congested site (with Harrison Hire) in the middle of Settrington Village. The physical limits and awkward shape of the current site have become a limiting factor on the growth of the business, the success of which also depends on being able to demonstrate the equipment on site to prospective customers. An opportunity to move arose when a large site at Mill House, East Knapton was offered as a distressed sale when the previous owner became insolvent. In 2010 this previous owner had obtained permission to change the use of the farm house and farm buildings to become a hotel, restaurant, leisure complex and managers flat and to improve the junction with the A64 trunk road. An addition planning approval was granted to further intensify this initial approval in 2011. Work had only just started, principally with regard to demolitions, site levelling and foundations, when the receivers were called in and the site was subsequently offered for sale. After marketing the site for more than a year there was zero interest and it was decided to take the property to auction where it failed to reach the reserve at two previous auctions, the third attempt was in April of this year. Mark Harrison took the precaution of speaking in outline terms with Ryedale Planners and Forward Planners to gain a degree of comfort that there was unlikely to be any great difficulties gaining permission to make the site the new home for his expanding business prior to purchasing the site which he subsequently did at auction the week after the enquiry having satisfied himself that RDC would be sympathetic to his proposals.

The Mill House site is in the open countryside and extends to 24,050 square metres. The farm buildings were/are set in the middle of the site some 100 metres back from the trunk road on ground which is gradually sloping down away from the road. The building line (such as it is) for Mill Farm and its two adjoining neighbours to the east is along this line. The vendor has demolished all the buildings on the site with the exception of a 2 storey barn, footprint 215 square metres, which was to be incorporated within the hotel design. In addition the foundations and floor slab for part of the hotel complex had been laid together with a compacted sub-base and kerbs for in site roadways and parking areas. This current application makes use of all this unfinished work and by implication this has informed the proposed overall layout of the site. There is no immediate plan to develop in front of the building line and the landscape plan approved as part of the hotel scheme and as partly implemented on site will be carried forwards with the new use and application. It is the intention of the applicant that the existing approved (but as yet unimplemented) vehicular access to the site will be kept as already designed and approved.

As stated above the Ryetec business is currently located in the middle of Settrington in a set of converted farm buildings and sheds. The nature of the activity of the business, the need to demonstrate equipment on site and store larger items outside (with consequent security and

Cont... page 2

disruption implications) all mitigate against the current location and for the new location. In addition any further expansion on the existing site is not possible due to the physical constraints of the site and this is proving a limiting factor on the expansion of the business and the desire to expand the workforce. The remote location of the application site will allow the business to grow unfettered by space constraints and without causing disruption to neighbours and will consequently improve the amenity for Settrington residents.

PROPOSAL. The application is for the conversion of the remaining building left on the site to become part office and part small parts storage for the commercial enterprise and for the development of a ground floor office building on existing foundations and floor slab attached to this existing two storey building. It is proposed that a second storey of this proposed new build is to become a residential apartment for an on-site manager who will be responsible for security. To the rear two new industrial buildings are proposed around the partially completed external hard standing area. To the west a detached steel framed storage building is positioned parallel to the east boundary. The space behind this building, together with the blank east boundary wall, will form two sides of a proposed secure external storage area. To the north a larger detached steel framed storage building is proposed. The existing approved highway junction and site road improvements are also used in the new scheme as are the allocated and partly made up car parking areas. This together with the existing approved site landscaping scheme (including an earth bund and planting between the highway and the site) are also adopted as part of the current proposals.

PLANNING HISTORY. The previous applications for this site 10/01047/MFUL - 26 Nov 2010 and 11/00194/MFUL - 13 June 2011 were for the part demolitions and change of use of the existing farm house and farm buildings and the formation of a hotel and leisure complex with on-site manager's residential accommodation together with landscaping and highway junction improvements. This venture floundered when only partly implemented. Work had started on site and consequently these approvals are still current. The applicant bought the site at auction following a brief pre-application discussion with Gill Thompson and Rachel Smith (both also involved in the initial hotel applications). In October 2015 approval was granted for the change of use of the site to become an agricultural dealership - 14/00900/MUL. At that time the bat survey was inconclusive and the scheme was modified so as to not involve the existing buildings on the site. Now this has been done and the scheme currently under consideration reverts back to the initial design as discussed. Furthermore the applicant has purchased a second hand building and the site layout and detailed design has been changes to accommodate these changes. In addition the applicant has revised the warehouse building shape (and size) to accommodate the likelihood of him being able to source a second hand building for this part of the development also. The area of development on the site (the sum total of all the areas) remains the same, as the maintenance building has increased in size the warehouse building has correspondingly decreased in size so that the overall developed area (and hence fee) remains the same. For the purposes of this application I have assumed (on advice from RDC) that this application is for change of use from the previous farm and farmhouse use rather than from the approved and partly implemented hotel use.

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

Policy SP6: Delivery and Distribution of Employment/Industrial Land and Premises - the site is in the wider open countryside and the policy supports appropriate rural economic activity. The proposed agricultural commercial use is a perfect fit with these aspirations.

Policy SP9: The Land Based & Rural Economy - supports the provision of new buildings to support farming and forestry and promotes the rural skills of woodland management.

Cont... page 3

Policy SP14: Biodiversity – The site is subject to an extensive landscape plan including the planning of native species and an earth bund forming a visual separation between to development on the site and the trunk road.

Policy SP16: Design - requires that new buildings should respect local distinctiveness and that the materials, details and form of the development should respect the context of the surroundings. The conversion of the existing retained building on site and the extension to this forming the new office and residential accommodation are achieved in a sympathetic manner. The new portal shed buildings appear as modern agricultural buildings in terms of scale, materials and design. The tight grouping of the buildings minimises the overall impact of the development in the countryside.

Policy SP18: Renewable & Low carbon Energy – The office incorporates solar thermal water heating, the large sheds are unheated.

Policy SP19: Sustainable Development – The proposals uses the existing foundation and drainage work already implemented on the site as the basis for the new buildings. The business is based on the sale of equipment which promotes a more sustainable future.

Policy SP20: Generic Development Management Issues – restates these requirements. All the various relevant parts of these policies have been considered in generating the proposals. NPPF sections 1 & 3 are relevant in that the proposals will boost employment in the area and have a positive effect on the wider rural economy.

USE. The use of the proposed development is to be a commercial dealership for agricultural equipment together with a single dwelling for a site manager.

(This is not a new dwelling - there has always been a permeant dwelling on the site, initially the farm house and subsequently through approvals 10/01047/MFUL - 26 Nov 2010 and 11/00194/MFUL – 13 June 2011 a manager's flat in association with the hotel business.)

AMOUNT OF DEVELOPMENT. The floor area of the existing retained brick farm building is 450square metres and the footprint of the foundation and floor slab left as a consequence of the failed hotel venture is 260 square metres. It is proposed to develop a two storey building (as originally approved) on the unused floor slab. These two elements combined will form a 150 square metre dwelling in the first floor of the new build element and the ground floor of the new build element and part of the converted building will yield a 370 square metres office and the balance of the conversion is to become a 180 square metre small parts storage area for the business. In addition two single storey new portal framed steel warehouse type buildings are also proposed. The first orientated north south is 640 square metres, the second orientated east west is 900 square metres. In addition car parking for 21 vehicles is proposed in two parking areas and together with a vehicular hard standing area and secure external equipment storage area is also proposed. The improvements to the highway junction and on site landscaping are already approved as a consequence of the previous current approvals 10/01047/MFUL 26.11. 2010 & 11/00194/MFUL 13.06. 2011.

The total amount of floor area development on site is 15% less than previously approved.

SCALE PERAMETERS. The retained brick agricultural building is almost the tallest building on site taking into account the falling away of the ground level into the site to the north (5 metres over the depth of the site). This two storey brick building is 15.5 x 15 metres, 5 metres to the eaves and 7.8 metres to the apex. The proposed new extension to this building forms the office (at ground floor level) and dwelling (at first floor level). This two storey brick and timber clad building is 18.5 x 8.1 metres, 5 metres to the eaves and 7.8 metres to the apex. The smaller of the two new industrial buildings is 14.1 x 31.5 metres with a 8.5 x 23.5 metre lean-to extension to the rear, 8.5 metres to the eaves and 10.1 metres to the apex. The larger of the two new industrial building is 30 x 30 metres on plan, 6.0 metres to the eaves and 9 metres to the apex.

Cont... page 4

LAYOUT & DESIGN. As has already been mentioned the existing foundations, floor slab and road and vehicular hard standing areas from the failed hotel scheme form the basis for the site organisation of the proposed scheme together with the integration and re-use of the remaining building on the site. This has resulted in a tight cluster grouping around the central hard standing area. The smaller new industrial shed is carefully positioned so as to form a barrier (visual, acoustic and security) to the blank high boundary wall of the property to the east. This permits the formation of a secure external storage area with the minimum of 2 meter high security fencing. The second larger industrial building is located behind all the rest at the rear and lower part of the site. The buildings form a tight cluster and is inward looking onto the central hard standing area. The design is kept as simple and unpretentious as possible whilst appearing to be agricultural in nature. Already approved landscaping between the development and the trunk road will obscure the development from the highway.

APPEARANCE. The materials used in the proposed new office and dwelling are complimentary to those of the existing host building to which it is attached. The design is simple and horizontal in feel being built of rendered blockwork at ground floor level with horizontal timber cladding at first floor level. (as a nod to the principle activity of the business) The hipped roof is clad in clay pantiles and the roofs sweep down to first floor level to signify the office and dwelling entrances which are on opposite sides of the building thus keeping the uses and their external amenity spaces separate.

The industrial shed buildings are of simple pitched design mimicking agricultural sheds with composite steel cladding roof and corrugated steel sheet sides over block dado walls with roller shutter doors. The access road is tarmacked and the on-site roads and hard standing areas of compacted crushed stone.

EMPLOYMENT LEVELS & ON-SITE ACTIVITIES. The growth of the business is currently inhibited by the constraints of the site it currently occupies in Settrington where currently 8 people are employed on site. This new facility would allow them to immediately increase this number by 2 people to 10 full time employees on site. Mr Harrison anticipates at current growth rates that the business could reasonably anticipate growing by 2 employees per year for the next 5 years. The hours of business conform to reasonable national standards. The business sells specialist machinery for farming and forestry and amenity machinery to clients all over the UK. They require good road links for easy access, yard space for loading and unloading large machinery, workshop space for maintenance, service and repair, storage for plant and spares and most importantly external areas where the machines can be demonstrated to potential clients – yard space where timber processing machines can be run and demonstrated and grass surfaces, from fine turf to field pasture, where specialist grass cutting machinery can be demonstrated. These are all agricultural type processes similar to those that would have prevailed on the land were it to have remained a farm.

An appended Transport Assessment is appended to this statement which shows a great reduction (75%) in the projected traffic level for the application use over the proposed hotel use. There will be a degree of HGV vehicular movements which the hotel would not generate, these are itemized in the Transport Assessment and are certainly less than the initial farm use would generate. The approved Travel Plan for the hotel use is still relevant, it is proposed to adopt in full the consequential highway junction improvements which flowed from this more intensive leisure complex use as part of the current proposals.

ACCESS. The means of access to the site remains unaltered from the previous approved scheme which the applicant will implement in full. Within the site there is ample parking and turning areas separated for the residential and business uses. The previously agreed one way system and dispatch lorries holding areas remain on the new proposals.

CONTEXT & LANDSCAPE. The site slopes down to the north away from the trunk road and there is no proposed development within 100 meters of the highway. The previously approved landscape scheme, which called for an earth bund parallel to the truck road has already been implemented. The wooded area to the west boundary is retained and screen planting along the bund will be implemented as already approved. The impact on the landscape is minimal.

ECOLOGY, ENVIRONMENTAL & FLOODING. There are no ecology issues associated with the proposed development. A recently completed bat survey accompanies the application and the limited mitigation required is included in the proposals. There are no flooding issues relating to the site, the free draining sandy land is perfect for percolation of ground waters. The previously approved hotel scheme included a foul water treatment plant and the proposed new use will generate less than 10% of this approved volume of foul waste. The proposed dwelling and offices will be heated by oil with solar thermal backup hot water generation. The sheds are not heated.

David Ward.

25 AUGUST 2015.

Agenda Item 8

Item Number: 8
Application No: 15/00801/FUL
Parish: Scagglethorpe Parish Council
Appn. Type: Full Application
Applicant: Birdsall Estates (Mr James Willoughby)
Proposal: Installation of 10 no. banks of ground mounted solar panels totalling 400 no. panels giving 100kw peak output to generate electricity for residential with any surplus fed into the National Grid
Location: Land To The West Of The Barn Scagglethorpe Manor Farm Main Street Scagglethorpe Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 5 October 2015
Overall Expiry Date: 19 November 2015
Case Officer: Helen Bloomer **Ext:** 328

CONSULTATIONS:

North Yorkshire Police Architectural Liaison Officer Recommendations made
Parish Council Concerns
Highways North Yorkshire No objection
Tree & Landscape Officer No views received to date

Neighbour responses: Mr Alan Hodgson, Caron Robinson, David & Elizabeth Arnott, Peter And Emma Elwess, Mr Christopher Rorke,

SITE:

The application site is land to the west of the former farmstead know as Manor Farm on the southern end of the village of Scagglethorpe. The application site is outside of the development limits and is therefore within the open countryside.

A public foot path runs the length of the development site approximately 76 metres to the north beyond the existing hedgerow which is the existing boundary treatment along the northern boundary of the site

PROPOSAL:

Planning approval is being sought for the temporary change of use from agricultural to the continued agriculture use together with the installation and operation of 10 no. banks of ground mounted solar panels (totalling 400 panels) giving 100kw peak output to the new housing development. It is proposed that the development would enable the Birdsall Estate to reduce its reliance on fossil fuels and carbon emissions.

The application as originally submitted proposed that the installation of the panels was to serve the existing farmstead with any excess going back into the grid. Members may be aware that under application reference 09/01306/MFUL the farmstead known as Manor Farm planning approval was granted for the conversion/redevelopment of the site for residential use. The agent confirmed that the description of the development was an internal error. The description and Design and Access Statement have been amended accordingly. It was also noted that the plan submitted to show the proposed siting of the solar panels did not collate with the submitted red line plan. Once in receipt of the aforementioned plan, the consultees were re-consulted. The expiration for further comments is the 9 November. The initial comments received have been included within this report. Members will however be updated if any further comments are received.

The development site would be situated approximately 38 metres west of the neighbouring properties western boundary. The application site is approximately 225metres x 6 metres and would be sited adjacent to the existing northern boundary hedge. The arrays would measure approximately 20.36 metres with 40 panels in each array . The arrays are proposed to be approximately 2.73 metres high.

SITE HISTORY:

The application site has no planning history.

POLICY:

The Adopted Ryedale Plan – Local Plan Strategy

Policy SP1: General Location of Development and Settlement Hierarchy

Policy SP13: Landscapes

Policy SP14: Biodiversity

Policy SP16: Design

Policy SP18: Renewable and Low Carbon Energy

Policy SP19: Presumption in Favour of Sustainable Development

Policy SP20: Generic Development Management Issues

National Planning Policy Framework

National Planning Policy Guidance

APPRAISAL:

The key considerations are:-

- i) Principle
- ii) Landscape Character
- iii) Highway Safety
- iv) Neighbour Amenity
- v) Biodiversity
- vi) Other Issues

Principle in terms of Policy

Local Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty previously imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

The Ryedale Plan – Local Plan Strategy is the adopted Plan. Policy SP1 (General Location of Development and Settlement Hierarchy sets out Ryedale’s future development requirements and the distribution, accordingly with the Spatial Strategy Summary. Development within all other villages, hamlets and in the open countryside will be restricted to the following;

- Which is necessary to support a sustainable, vibrant and healthy rural economy and communities, or
- Which can be justified in order to secure significant improvements to the environment or conservation of significant heritage asset in accordance with the National Enabling Development Policy and SP12 of this Plan, or
- Which is justified through the Neighbourhood Planning process.

The proposed development would be classified within the second bullet point, SP1 supports the principle of development within the open countryside whereby it has the potential to *'foster appropriate renewable energy production.'*

Policy SP18 (Renewable and Low Carbon Energy) is the primary principle of which consideration is given to developments which are, such as this, proposing a form of renewable energy. The policy acknowledges that there is a balance to be made with the requirement to produce renewable energy production and protecting the landscapes, one of Ryedale's key assets. It states that development that generates renewable and / or low carbon sources of energy will be supported providing that individually and cumulatively proposals:

- Can be satisfactorily assimilated into the landscape or built environment, especially in respect of the setting of the North York Moors National Park, the Howardian Hills Area of Outstanding Natural Beauty (and its setting), the Wolds and the Vale of Pickering;
- Would not impact adversely on the local community, economy, or historical interests, unless their impact can be acceptably mitigated;
- Would not have an adverse impact on the nature conservation, in particular in relation to any sites of international biodiversity importance, unless their impact can be acceptably mitigated;
- Would not have an adverse impact on air quality, soil and water resources in Policy SP17, unless their impact can be acceptably mitigated.

The appropriateness of the development will be covered in the latter section of the appraisal section of this report however the initial principle of the proposal is supported by Policy SP1 and Policy SP18 of the Ryedale Plan – Local Plan Strategy.

National Planning Policy

National Planning Policy Framework:

The NPPF (Paragraph 215) indicates that *due weight should be given to relevant policies in existing adopted development plans, in this instance the Ryedale Plan – Local Plan Strategy.* The relevant policies have been considered above.

Paragraph 97 within the NPPF states that to help increase the use and supply of renewable and low carbon energy, Local Planning Authorities should recognise the responsibilities on all communities to contribute to energy generation from renewable or low carbon sources. It says that LPA's should;

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources
- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Paragraph 98 requires LPA's, when determining planning applications:

... not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions

The National Planning Policy Guidance

The NPPG states that by increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

Officers sought clarification from the applicant as to why it had not been proposed to affix the panels to existing buildings. At Manor Farm the agent concluded that on the basis that the modern agricultural buildings were to be demolished, they would have to ground mount them. Furthermore they concluded that south facing panels set at 30 degrees would perform approximately 15% better than if they had been building mounted. The National Planning Policy Guidance alerts us to the ;

importance of siting systems in situations where they can collect the most energy from the sun;

Landscape Character

Policy SP13 (Landscapes) of the Ryedale Plan – Local Plan Strategy clearly states that *development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are as a result of historical and cultural influences, natural features and aesthetic qualities.*

The application site itself does not benefit from any national or local landscape designations.

The main public vantage points from which the solar panels could be most visible is when travelling through Scagglethorpe in a northern direction along Bull Piece Lane. The view however would be limited by the existing mature hedgerow along the southern boundary of the agricultural field.

Whilst there is the existing hedgerow to the north of the application site, it is not substantial enough to completely screen the view from the footpath which runs to the rear of the arrays. Officers are considering therefore that a condition requiring the enhancement of the existing hedgerow is necessary.

At the time of writing the no comments had been received by the Council's Tree and Landscape Officer, Members will however be updated at Planning Committee.

Highway Safety

Because of the distance from the highway, the existing boundary treatment and the proposed height of the arrays it is officers opinion that the proposed development would not result in any glint or glare which would impact on highway safety.

North Yorkshire County Council Highways Authority has raised no objection to the proposed development.

Neighbour Amenity

The main impact on the occupiers of residential properties to the east of the application site would be the potential for glint and glare. However as already stated the application site would be approximately 30 + metres away from the boundary of the closest residential property, White House and in excess of 70 metres to the property itself. The panels would also face in a southern direction to enable them to be as efficient as possible. Officers are therefore satisfied that the impact in terms of 'glint and glare' would be minimal.

However officers consider that if Members approved the application the aforementioned landscaping condition is extended to include the eastern boundary of the application site to ensure that any impact on the amenity of the neighbouring properties is kept to a minimum.

It has been raised by one of the objectors that the panels would be visible through gaps in their boundary hedge. However, as Members will appreciate there is no right to a private view.

Other Issues

Police Architectural Liaison Officer

The Police Architectural Liaison Officer has raised no objection to the proposed development. However a number of recommendations have been made. If the application approved these requirements can be dealt with by conditions and informatives.

Parish Council

The Parish Council have not objected to the application. They have however raised concerns over the inaccuracies in the original submission which have since been corrected. At the time of writing no further comments had been received from the Parish Council following the reconsultation. The full letter of response from the Parish Council is appended to this report.

Neighbours

At the time of writing a total of six letters of objection have been received. Whilst the full versions are available on public access, a summary has been provided below;

- Inaccurate information submitted
- View from adjacent residential properties
- Does not consider the impact assessment considers the significance of the setting
- The solar panels should be put on the buildings they are proposed to serve.
- Proximity to public footpath
- Size of the panels would be an eyesore
- Wish to see the hedgerows higher
- Money made should be fed back to the grid
- Occupy Grade 2 arable land
- Be within 400 metres of the village and 100metres of the public footpath
- Existing hedgerow is 'gappy'
- Would require fencing

The relevant material issues raised by the objectors have already been appraised in this report.

Notwithstanding the concerns raised above the application is considered to be acceptable subject to the conditions recommended below.

In light of the above the recommendation to Members, is 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 development hereby approved shall be discontinued and the land restored to its former condition on or before the ___ November 2040 in full accordance with a decommissioning Plan, which should be submitted to and agreed in writing by the Local Planning Authority.

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

- 3 In the event that the development ceases to be operational for the generation of energy before the end of the period defined in condition No.02, then all associated development on, under or above the application site shall be removed from the site and the land returned to its former condition in accordance with the Decommissioning Plan within six months of the cessation of the generation of energy from the site.

Reason: In the interest of amenity and the circumstances of the use and in compliance with Policy SP 13, 16 and SP20 of the Ryedale Plan - Local Plan Strategy

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

Reason: To ensure the panels are checked and maintained in the interest of visual amenity and to ensure best practise are maintained and in compliance with Policy SP 16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 5 The solar arrays hereby approved shall have a non-reflective and matt finish.

Reason: In order to protect the character and appearance of the area and to satisfy Policy SP 13 of the Ryedale Local Plan Strategy

- 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, 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 and in compliance with Policy SP 13 and SP 16 of the Ryedale Plan - Local Plan Strategy

- 7 Prior to the commencement of the development hereby approved a scheme of crime prevention and security measures shall be submitted to and agreed in writing by the Local Planning Authority. This shall include the construction phase and the name of the contractor and signage with an emergency contact telephone number at several places on the perimeter.

Reason: In the interest of crime prevention and in accordance with the 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):.

GHS391-2/M/23/GA01 Rev D Proposed Ground Mount Solar PV Layout
Site Location Plan Received by the Local Planning Authority 10 August 2015.

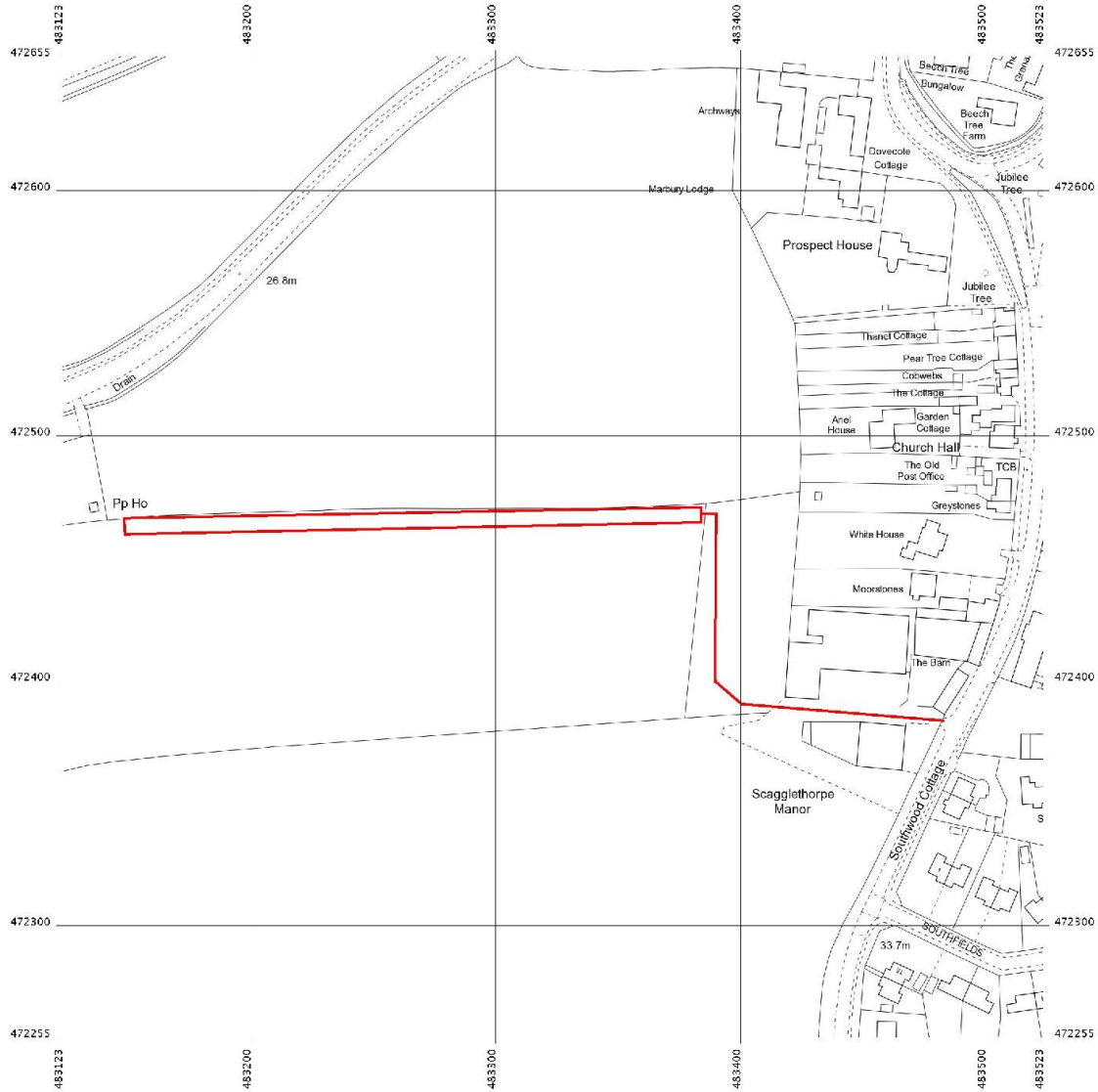
Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVE:

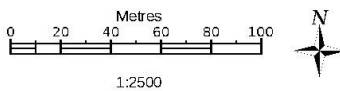
- 01 The applicant is advised that a European protected species license is required prior to work on the site.

Background Papers:

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



Produced 07 Jul 2015 from the Ordnance Survey MasterMap (Topography) Database and incorporating surveyed revision available at this date.



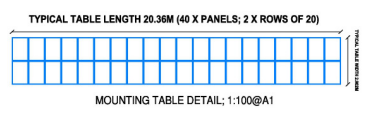
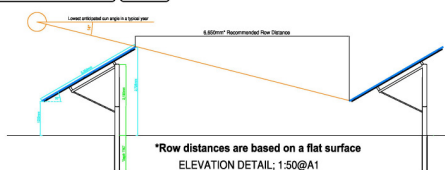
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10/08/15

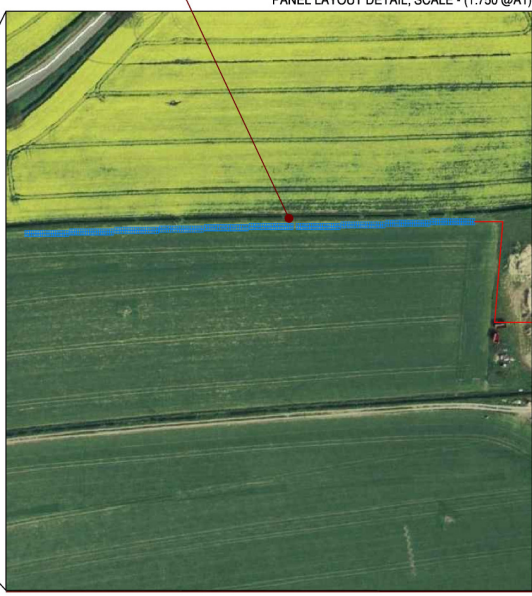
DRAWING NO: GHS398-2 / M / 23 / GA01 REV: D



REVISED PLAN

TABLES TO SIT 2 METERS FROM THE HEDGE LINE AT THE BACK OF THE ARRAY ACROSS THE ENTIRE ROW

PANEL LAYOUT DETAIL; SCALE - (1:750 @A1)



TYPICAL ARRANGEMENT DETAIL; SCALE 1:1250 @A1

PROPOSED CABLE ROUTE

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LEGEND

400 X 250W PV MODULES (1665999x335mm)
150.00M² TOTAL (Spill over 19 x tables with 40 modules)

TYPICAL CLAMPING ZONES FOR PV MODULES
 SCALE: 1:25 @A1

B	REVISED LOCATION OF ARRAY TO GO A-LINE WITH PLANNING APPLICATION	15/03/2015
C	PROPOSED CABLE ROUTE DETAILS	15/03/2015
D	REVISED CABLE ROUTE DETAILS FROM PARALLEL TO THE HEDGE LINE	20/06/2015
A	FOR APPROVAL 2015	20/06/2015
REV	DATE	SCALE

G&H Friends Hill, South Parade, Putney, Leeds LS10 6AD
 T: 0113 255 6433
 F: 0113 255 6435
 E: info@g&hsolar.co.uk
 W: www.g&hsolar.co.uk

CONTACT:
 BIRDSALL ESTATES
 MANOR FARM
 SETTRINGTON

TITLE:
 PROPOSED GROUND
 MOUNT SOLAR PV LAYOUT

FOR APPROVAL

SCALE: SEE DRAWING @ A1	DATE: 30/06/2015	DRW: S.K
DRAWING NO: GHS391-2 / M / 23 / GA01	REV: D	

DATE 20/10/15

SUPPORTING PLANNING STATEMENT Erection of a ground mounted solar PV system



1. Developer Information

Company Name	G&H Sustainability Ltd
Address	Firlands Mill South Parade Pudsey Leeds LS28 8AD
Contact	Andrew Hudson
Telephone	0113 255 6433
E-mail	andrewhudson@ghsustainability.co.uk

2. Site Details

Applicant	Birdsall Estates
Address	Manor Farm Village Street Scagglethorpe Malton YO17 8DU
OS Grid Reference	SE 83457 72414

3. Proposal

To install a 100kWp ground mounted solar PV system in a field belonging to Birdsall Estates. The PV system will be installed in accordance with Birdsall Estates site wide carbon reduction plan. The site will at Manor farm has been selected further to discussions with Northern Power Grid and in consideration of restrictions on the local network. The system will generate electricity and reduce the estate's reliance on fossil fuels and the carbon emissions. The system will be connected to a building within the new housing development and the energy generated will benefit both the immediate and wider properties. The estimated annual electricity generation from the ground mounted PV system is 90,400 kWh which equates to a carbon saving of circa 47 tones. The energy generated will be used for the electricity needed for the building to which the system is connected and export to the National Grid. The proposal will therefore contribute towards the regional targets for renewable energy generation. Cables from the array to the farm will be laid in an underground duct so will not be seen.

4. Layout

There will be ten ground mounted structures with a combined total of 400 panels.

Each ground mount array will consist of 10 blocks of 40 panels; these will be laid out in rows one beside another running east to west with the panel orientation due south.

For scaled elevation drawings of the ground mount development, please see the submitted side and front elevation drawings and bird's eye view layout plan.

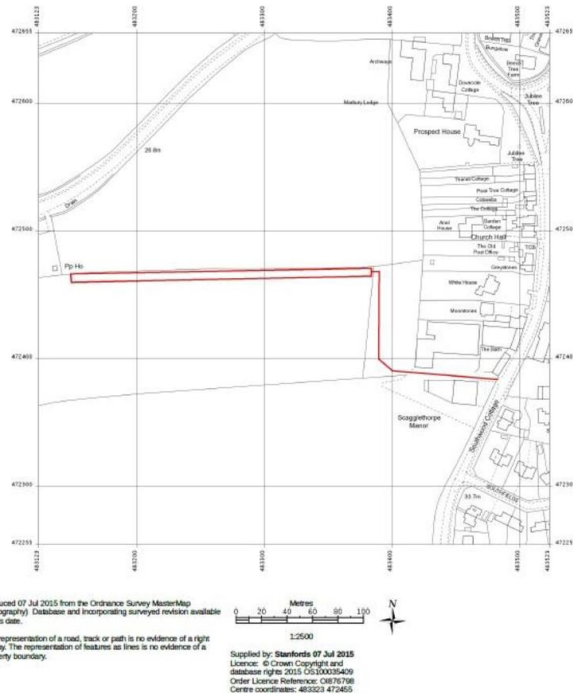
REVISED DOCUMENT

SUPPORTING PLANNING STATEMENT

Erection of a ground mounted solar PV system



5. Site Location



OS Map showing the site. The red rectangle shows the approximate area of the ground mounted system.



Aerial photo of Manor Farm. The blue areas are the proposed locations of the panels.

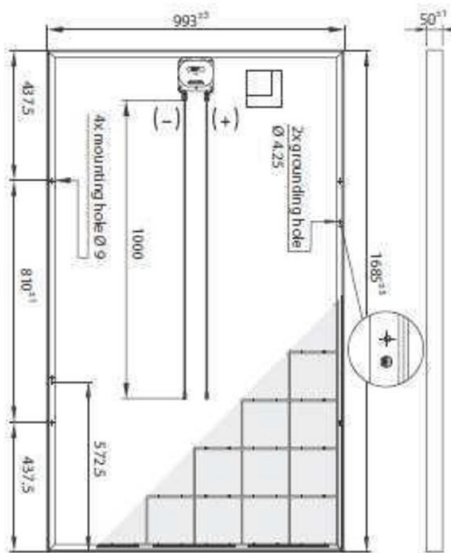
SUPPORTING PLANNING STATEMENT Erection of a ground mounted solar PV system



6. PV System Details

Panel manufacturer	Winaico
Panel model	WST 250P
PV system generation capacity	100kWp
Number of panels	400
Type of mounting	Ground mounted
Panel dimensions	1650mm x 993mm
Panel weight	Approx 20kg

7. Technical Drawing and picture of the Schott 240 Solar Panel



8. Technical Details:

Foundation

Each array will be driven into the ground with a screw

Cabling

The PV system is connected to the building power supply at the main fuse box via an electrical cable.

Colour

As is evident from the picture below the photovoltaic panel has dark blue cells encased in an aluminum frame.

Please see the submitted Schott data sheet for more information on the Solar Panels.

SUPPORTING PLANNING STATEMENT
Erection of a ground mounted solar PV system



Mounting System

The panels will be ground mounted on a free standing custom built structure. Below are some photographs of installation of previous ground mounted PV systems. Each individual structure will look similar to the photos below.



Photos of an installed 20kW ground mounted PV system.



Photo of an installed 30kW ground mounted PV system.

Please see the submitted layout drawings that shows the dimensions of each ground mounted structure.

SUPPORTING PLANNING STATEMENT Erection of a ground mounted solar PV system



9. Visual Impact

9.1 Photomontages

The photographs below have been taken from the site of the proposed ground mount PV structure and illustrate the character of the landscape and its immediate surroundings.



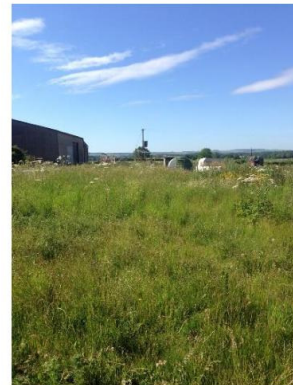
Looking North



Looking East



Looking South



Looking South

The proposed PV system is to be located adjacent to a boundary hedge. The ground mounted PV system will be surrounded by a boundary of thick hedgerows from the North, West and East; to the south is an open agricultural field. The array is set back over 250m from the main road and therefore will not cause a visual distraction from the road.

Further, the PV system is not located in close proximity to neighboring residences. As the PV system will be installed on a freestanding ground mounted structure, it will not affect the character of the property as it will not be attached to any existing building. It is important to note that the system will not be a permanent fixture, as the panels and the freestanding ground mount structure can be easily removed and dismantled at the end of its life span.

SUPPORTING PLANNING STATEMENT Erection of a ground mounted solar PV system



10. Planning Policy

10.1 National Policy

National Planning Policy Framework – March 2012

Paragraph 94 states that:

'Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations'.

Paragraph 97 outlines how local planning authorities should determine planning applications for renewable energy. To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;
- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighborhood planning;
- Identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Paragraph 98 states that when determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- Approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

10.2 Regional Policy

Local Plan Strategy

Section 7.32 states that

'In order to assist in the decarbonisation of the UK's electricity and heat supply Ryedale will realise its potential for renewable and low carbon energy sources (both electricity and heat)'

Paragraph 7.37 states that

'It is important to recognize and support the contribution of community-led and farm-scale renewable and low carbon solutions. Small scale Small scale wind turbines, anaerobic digestion, biomass boilers and other forms of energy and heat generation,(notably solar power, hydro-electricity, ground and air-source heat pumps) will be supported in principle

SUPPORTING PLANNING STATEMENT

Erection of a ground mounted solar PV system



11. Access

Access will be via the applicant's own property. No permanent roads will need to be constructed for the works as the erection of the ground mounted PV system will be the only occasion heavy vehicles will need to access the site.

Excavations for the foundation and cable trenches will be carried out by small, tracked mini-digger. All excavations, protection, cable laying, builders work, holes through existing walls etc. will be carried out in accordance with relevant health and safety requirements and good construction practice and the safe use of tools and equipment. Care will be taken to ensure that tree roots are not interfered with. If roots are encountered then hand dig techniques will be used to ensure they are not damaged and that the viability of the hedgerow and trees are protected.

12. Conclusion

The site for the ground mounted PV system has been carefully chosen to ensure that the structures can be absorbed by the local landscape. Where distinguishable from close vantage points on the public and private right of ways the visual effects of the PV system have been minimised through appropriate siting and design, and are outweighed by the economic, social and environmental benefits of the proposal outlined above.

13. Additional Information

The information contained within this application provides a comprehensive assessment of the landscape, visual effects and other aspects of the proposed development. It also provides details of the specific environmental, economic and social benefits that arise from this renewable energy project. As such it provides the necessary objective criteria based information for the planning authority to address the key Development control issues and to determine the application.

However the applicant recognises that notwithstanding the contents of this submission, local politicians and stakeholders may have questions or may require further information. The applicant (and representatives) is prepared to meet with politicians and stakeholders to provide any further information and in order to address any subjective concerns as part of the planning application determining process. Should the planning authority be minded to refuse the application based on any such concerns, then the applicant would wish to have the opportunity to provide further information, to modify the application, submit to relevant conditions or negotiate a developer obligation before a refusal was issued.

HBL

Concerns

SCAGGLETHORPE PARISH COUNCIL

RYEDALE DM

16. Southfield,
Scagglethorpe,
Malton,
YO178DS

22/09/2015

23 SEP 2015

DEVELOPMENT
MANAGEMENT

23/9/15 - cm

With reference to planning application 15/0080 Mful installations of solar panels on land at Scagglethorpe Manor Farm for Birdsall Estate.

The parish council have concerns and they are as follows:-

The application states that the solar panels would produce electricity for farm use with the excess fed into the national grid. R.D.C. have given permission for houses on this farm site(09/01306/mful)so there is going to be no farm as the farm buildings are being taken down in readiness for re-development, this statement in the application is very misleading.

Regarding the planning application the line drawing of the proposed site of these solar panels and the main photo drawings of where these panels are to be sited does not correspond, as one is showing them sited near to properties and the other further away. I went to R.D.C. and spoke to a member of the planning department about this and I was told they knew about this fault and that new plans would be re-issued showing the correct positioning, as yet this has not happened.

Several villagers have come to me expressing their concerns regarding the position of these panels which are felt to be too close to residential properties and the huge size of the panels which would look out of place so near to the village.

Yours faithfully

P.T.Douthwaite

Clerk to Scagglethorpe Parish Council.

Agenda Item 9

Item Number: 9
Application No: 15/00802/FUL
Parish: Settrington Parish Council
Appn. Type: Full Application
Applicant: Birdsall Estates (Mr James Willoughby)
Proposal: Installation of 10no. banks of ground mounted solar panels totalling 400no. panels giving 100kw peak output to generate electricity for on farm use with any surplus fed into the National Grid.
Location: Land At Fishers Farm Town Street Settrington Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 5 October 2015
Overall Expiry Date: 19 November 2015
Case Officer: Helen Bloomer **Ext:** 328

CONSULTATIONS:

Parish Council	Objection
Highways North Yorkshire	No objection
Building Conservation Officer	No objection
North Yorkshire Police Architectural Liaison Officer	Comments and recommendations made
Tree & Landscape Officer	No views received to date

Neighbour responses: David & Audrey Woollard, Mrs Anne-Marie Heuck, Mr And Mrs S Adair, Susan Quinn, R L And L M Jones, Mr P H Mason,

SITE:

The application site is land to the north east of Fishers Farm, on the western end of the village of Settrington. The application site is outside of the development limits and of the defined Conservation Area.

PROPOSAL:

Planning approval is being sought for the temporary change of use from agricultural to the continued agriculture use together with the installation and operation of 10.No banks of ground mounted solar panels (totalling 400 panels) giving 100kw peak output to generate electricity for use in association with the farmstead, with any surplus fed into the National Grid. It is proposed that the development would enable the Birdsall Estate to reduce its reliance on fossil fuels and carbon emissions.

The proposed development would be located approximately 40 metres north of the boundary from the Bellwood Cottage Stables. On the northern boundary of the stables is a covered horse walker. The arrays would measure approximately 20.36 metres with 40 panels in each array. The arrays would be approximately 2.73 metres high.

The field boundaries are all existing hedgerows , although in places these have some gaps.

SITE HISTORY:

The application site has no planning history

POLICY:

The Adopted Ryedale Plan – Local Plan Strategy

Policy SP 1: General Location of Development and Settlement Hierarchy

Policy SP 12: Heritage

Policy SP 13: Landscapes

Policy SP 14: Biodiversity

Policy SP 16: Design

Policy SP 18: Renewable and Low Carbon Energy

Policy SP 19: Presumption in Favour of Sustainable Development

Policy SP 20: Generic Development Management Issues

National Planning Policy Framework

National Planning Policy Guidance

APPRAISAL:

The key considerations are:-

- i) Principle
- ii) Impact on the Conservation Area.
- iii) Landscape Character
- iv) Highway Safety
- v) Neighbour Amenity
- vi) Biodiversity
- vii) Other Issues

Principle in terms of Policy

Local Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty previously imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

The Ryedale Plan – Local Plan Strategy is the adopted Plan. Policy SP1 (General Location of Development and Settlement Hierarchy sets out Ryedale's future development requirements and the distribution, accordingly with the Spatial Strategy Summary. Development within all other villages, hamlets and in the open countryside will be restricted to the following;

- Which is necessary to support a sustainable, vibrant and healthy rural economy and communities, or
- Which can be justified in order to secure significant improvements to the environment or conservation of significant heritage asset in accordance with the National Enabling Development Policy and SP12 of this Plan, or
- Which is justified through the Neighbourhood Planning process.

The proposed development would be classified within the second bullet point, SP1 supports the principle of development within the open countryside whereby it has the potential to *'foster appropriate renewable energy production.'*

Policy SP18 (Renewable and Low Carbon Energy) is the primary principle of which consideration is given to developments which are, such as this, proposing a form of renewable energy. The policy acknowledges that there is a balance to be made with the requirement to produce renewable energy production and protecting the landscapes, one of Ryedale's key assets.

It states that development that generates renewable and / or low carbon sources of energy will be supported providing that individually and cumulatively proposals:

- Can be satisfactorily assimilated into the landscape or built environment, especially in respect of the setting of the North York Moors National Park, the Howardian Hills Area of Outstanding Natural Beauty (and its setting), the Wolds and the Vale of Pickering;
- Would not impact adversely on the local community, economy, or historical interests, unless their impact can be acceptably mitigated;
- Would not have an adverse impact on the nature conservation, in particular in relation to any sites of international biodiversity importance, unless their impact can be acceptably mitigated;
- Would not have an adverse impact on air quality, soil and water resources in Policy SP17, unless their impact can be acceptably mitigated.

The appropriateness of the development will be covered in more detail later in the appraisal section of this report however the initial principle of the proposal is supported by Policy SP1 and Policy SP18 of the Ryedale Plan – Local Plan Strategy.

National Planning Policy

National Planning Policy Framework:

The NPPF (Paragraph 215) indicates that *due weight should be given to relevant policies in existing adopted development plans, in this instance the Ryedale Plan – Local Plan Strategy*. The relevant policies have been considered above.

Paragraph 97 within the NPPF states that to help increase the use and supply of renewable and low carbon energy, Local Planning Authorities should recognise the responsibilities on all communities to contribute to energy generation from renewable or low carbon sources. It says that LPA's should;

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources
- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Paragraph 98 requires LPA's, when determining planning applications:

... not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions

The National Planning Policy Guidance

The NPPG states that by increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

Officers sought clarification from the applicant as to why it had not been proposed to affix the panels to existing buildings. At Fishers Farm the agent considered that because of the orientation of the existing farm buildings, it would be better to ground mount them. Furthermore they concluded that south facing panels at 30 degrees would perform approximately 15% better than if they were mounted on buildings. The National Planning Policy Guidance alerts us to the ;

importance of siting systems in situations where they can collect the most energy from the sun;

Impact on the Conservation Area and Setting of the Listed Buildings.

The Councils Building Conservation Officer was consulted and raised the following comments;

Fishers Farmhouse is a Grade II listed building lying within the Settrington Conservation Area. This application lies in pasture land c. 150m to the rear of the farmhouse. Although the application site itself lies outside the conservation area, it is close to the boundary and therefore consideration of the character and appearance of the conservation area should be taken into account. The application site is bounded by patchy hedgerows and is on level topography.

In addition to Fishers Farm, there are a number of Grade II listed buildings along Town Street including No.s 1,3,5,6,7, Plum Tree Cottage and Bellwood Cottage. They are all sited at least c.150m from the development site. These properties are all found close up to the edge of the footpath and by virtue of their attached nature and proximity to each other, views through to the open countryside are limited. There are no public rights of way running to the north of the village.

The above application proposes 'Installation of 10no. banks of ground mounted solar panels totalling 400no. panels giving 100kw peak output to generate electricity for on farm use with any surplus fed into the National Grid.'

The proposed solar panels measure c. 2.7m high and are proposed to be 10 rows of c. 20m long running east-west facing south.

No Heritage Statement has been provided with the application.

At present, Fishers Farm is a working village farm with a considerable amount of large steel framed portal sheds to the rear of the village street set behind the cottages and farmhouses. In addition, a large stables with associated horse walkers and hay storage lies to the south east of the proposed development site behind a neighbouring Town Street property. Open countryside lies to the north, east and west of the development site.

In my opinion the primary setting of the above mentioned listed buildings can be defined as their relationship with Town Street itself and the group value associated with the other frontage buildings. The significance of the listed buildings in this context can be described as a vernacular village dwellings set within a village street setting. The domestic curtilage including outbuildings, gardens, boundary walls and greenery forms the immediate setting to the listed buildings and these all contribute to their significance as they emphasise a village cottage and its functions. Rear boundaries are defined by fences or hedges and often outbuildings are located to the rear of the frontage properties forming an enclosed curtilage. Glimpses of the gardens/yards through side accesses often include outbuildings, fences and hedges truncating views out into the immediate countryside to the rear of the properties.

The wider expansive setting rooting the buildings into the surrounding countryside can predominantly be defined as the open space to the front of the cottages, and the juxtaposition of the dwellings with longer distance views into the rising Wolds. These emphasise the rural quality of the listed buildings and contribute to their significance as rural structures. The open pasture sited on level topography to the rear of the listed buildings makes some contribution to the wider setting but this is very much a subsidiary consideration due to the formal tight rear curtilages making a greater contribution to significance.

In my opinion this application will not affect the primary immediate setting of the listed buildings as this can be defined by the relationship with the street and the group value derived by the homogenous nature of the cottages. The immediate setting to the rear of the dwellings is predominantly tightly drawn and often enclosed. I am of the opinion that due to the above considerations combined with distance from the application site and screening from buildings, trees, hedges and fences, level topography and height of the proposed development that the immediate setting of the listed buildings and how it contributes to the significance of the listed buildings, will not be unduly harmed.

In addition, I am of the opinion that the primary wider setting of the listed buildings will not be unduly harmed as this can be defined as the open land to the front of the cottages and the more expansive views into the rising Wolds. There will be some degree of harm to the secondary wider setting by virtue of the change in visual appearance however I am of the opinion that by virtue of existing large buildings, screening, level topography and the relatively low height of the proposed development that this harm will be very much less than less than substantial.

In my opinion the character of the conservation area in the vicinity of the development site is at the cusp of open countryside and of working village properties including farms and stables with some large scale portal farmbuildings. This open countryside emphasises the rural qualities of the conservation area although clear views of the fields to the rear of Town Street from public areas are somewhat restricted. More distant views into the rising Wolds provide a dramatic backdrop to the village and form part of the wider setting to the village. Large scale modern outbuildings and buildings associated with equine management dominate the northern boundary of the conservation area at this point. Ancillary domestic outbuildings and defined domestic boundary treatments can also be found behind the cottages and houses. These provide an immediate and definite full stop between the domestic curtilages and the open countryside.

The solar panels will alter the character of the field from previously undeveloped pasture. There will therefore, be some effect in that they will alter the visual appearance on the boundary of the conservation area and have a small impact on the visual rural qualities of the landscape. They are however a static and tranquil alteration outside the conservation area itself. Due to the built up quality of Town Street, views through into the countryside are restricted and the panels to some extent will be screened by trees and hedgerows.

In my opinion there will be some degree of harm caused to the conservation area as the panels will be visible when looking out and looking into the conservation area and be visually discordant. According to the NPPF the degree of harm should be assessed as being substantial or less than substantial. In my opinion the degree of harm caused to the character of the conservation area will be very much less, than less than substantial harm and be of a very minor nature. The NPPF requires that when proposals will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.

In my opinion the primary significance of both the conservation area and the listed buildings will be preserved. Potential harm has been identified as very much less, than less than substantial. Any harm identified will be mitigated to a large extent by the nature of the development and screening.

Landscape Character

Policy SP13 (Landscapes) of the Ryedale Plan – Local Plan Strategy clearly states that *development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are as a result of historical and cultural influences, natural features and aesthetic qualities.*

The application site itself does not benefit from any national or local landscape designations, one of the few areas within Ryedale.

Due to the proposed siting of the proposed development and the topography of the application site, views from public vantage points would be limited. It is anticipated that it may be possible to get glimpses when travelling along Town Street but any views that are not screened by existing buildings and hedgerows would be seen in conjunction with the farmstead. It is considered that this could also be the case with any views from the public vantage points at a higher level to the west of the application site.

As previously referenced the existing hedgerow has some gap. Officers consider therefore that a landscaping condition to enhance the existing hedgerow is required if permission is granted as this would further reduce public views onto the site.

At the time of writing the no comments had been received from the Councils' Tree and Landscape Officer, Members will however be updated at Planning Committee.

Highway Safety

Because of the distance from the highway, the existing boundary treatment and the proposed height of the arrays it is officers opinion that the proposed development would not result in any glint or glare which would impact on highway safety.

North Yorkshire County Council Highways Authority has raised no objection to the proposed development

Neighbour Amenity

The main impact on the occupiers of residential properties to the south of the application site would be the potential for glint and glare. However as already stated the application site would be approximately 40 + metres away from the closest boundary which is Bellwood Cottage Stables. Officers are therefore satisfied that the impact in terms of 'glint and glare' would be minimal. However officers consider that if Members approve the application the aforementioned landscaping condition is extended to the southern boundary of the application site to ensure that any impact on the amenity of the neighbouring properties is kept to a minimum.

Other Issues

Police Architectural Liaison Officer

The Police Architectural Liaison Officer has raised no objection to the proposed development, however a number of recommendations have been made Officers consider that these can be dealt with as a number of conditions and informatives.

Parish Council

The Parish Council have objected to the proposed development. The full letter of response from the Parish Council is appended to this report, A summary has however been provided below;

- Application was flawed in terms of the information submitted
- Close proximity to the village
- will be visible from neighbouring properties and the road
- set a precedent
- concern over type of landscaping
- impact of the panels on the racing yard
- prefer them to be sited to the western field
- feel it would justify a visit from a members of the planning committee

Neighbours

At the time of writing a total of eight letters of objection have been received. Whilst the full versions are available on public access, a summary has been provided below;

- At the time of purchasing the property was assured that there would be no development on the land
- impact of the construction phase
- impact on value of the property
- loss of a view, will be seen from first floor
- impact on the conservation area
- would be directly behind their business
- inadequate screening
- set a precedent
- impact of noise from the panel and maintenance of the panels
- what type of weed control would be used

The relevant material issues raised by the objectors have already been appraised in this report. Notwithstanding the concerns raised the application is considered to be acceptable subject to the conditions recommended below. In light of the above recommendation to Members, in 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

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 development hereby approved shall be discontinued and the land restored to its former condition on or before the __ November 2040 in full accordance with a decommissioning Plan, which should be submitted to and agreed in writing by the Local Planning Authority.

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

3 In the event that the development ceases to be operational for the generation of energy before the end of the period defined in condition No.02, then all associated development on, under or above the application site shall be removed from the site and the land returned to its former condition in accordance with the Decommissioning Plan within six months of the cessation of the generation of energy from the site.

Reason: in the interest of amenity and the circumstances of the use and in compliance with Policy SP 13, 16 and SP20 of the Ryedale Plan - Local Plan Strategy

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

Reason: to ensure the panels are checked and maintained in the interest of visual amenity and to ensure best practise are maintained and in compliance with Policy SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 5 The solar arrays hereby approved shall have a non-reflective and matt finish.

Reason: In order to protect the character and appearance of the area and to satisfy Policy SP13 of the Ryedale Local Plan Strategy

- 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, 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 and in compliance with Policy SP13 and SP16 of the Ryedale Plan - Local Plan Strategy

- 7 Prior to the commencement of the development hereby approved a scheme of crime prevention and security measures shall be submitted to and agreed in writing by the Local Planning Authority. This shall include the construction phase and the name of the contractor and signage with an emergency contact telephone number at several places on the perimeter.

Reason: in the interest of crime prevention and in accordance with the 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):.

GHS391-1/M/23/GA01 Rev A Proposed Ground Mount Solar PV Layout
Site Location Plan Received by the Local Planning Authority 10 August 2015.

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

INFORMATIVE:

- 01 The applicant should notify their insurance company of the installation of these solar panels.

Background Papers:

Adopted Ryedale Local Plan 2002

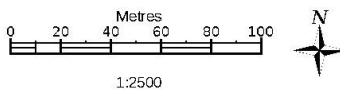
Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties



Produced 07 Jul 2015 from the Ordnance Survey MasterMap (Topography) Database and incorporating surveyed revision available at this date.



The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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 Order Licence Reference: O1876811
 Centre coordinates: 482909 470930

SUPPORTING PLANNING STATEMENT

Erection of a ground mounted solar PV system



1. Developer Information

Company Name	G&H Sustainability Ltd
Address	Firlands Mill South Parade Pudsey Leeds LS28 8AD
Contact	Andrew Hudson
Telephone	0113 255 6433
E-mail	andrewhudson@ghsustainability.co.uk

2. Site Details

Applicant	Birdsall Estates
Address	Fisher Farm Town Street Settrington North Yorkshire YO17 8NR
OS Grid Reference	SE 82897 70834

3. Proposal

To install a 100kWp ground mounted solar PV system in a field belonging to Birdsall Estates. The PV system will be installed in accordance with Birdsall Estates site wide carbon reduction plan. The system will be located at the Fishers farm site and has been selected further to discussions with Northern Power Grid and in consideration of restrictions on the local network. The system will generate electricity and reduce the estate's reliance on fossil fuels and the carbon emissions. The system will be connected to the existing farm building. The estimated annual electricity generation from the ground mounted PV system is 90,400 kWh which equates to a carbon saving of circa 47 tones. The energy generated will primarily be used for the electricity needed for the building to which; however any surplus will be fed back into the National Grid. The proposal will therefore contribute towards the regional targets for renewable energy generation. Cables from the array to the farm will be laid in an underground duct so will not be seen.

4. Layout

There will be ten ground mounted structures with a combined total of 600 panels.

Each ground mount array will consist of 40 panels; these will be laid out in ten rows one behind another as indicated on the proposal drawings.

For scaled elevation drawings of the ground mount development, please see the submitted side and front elevation drawings and bird's eye view layout plan.

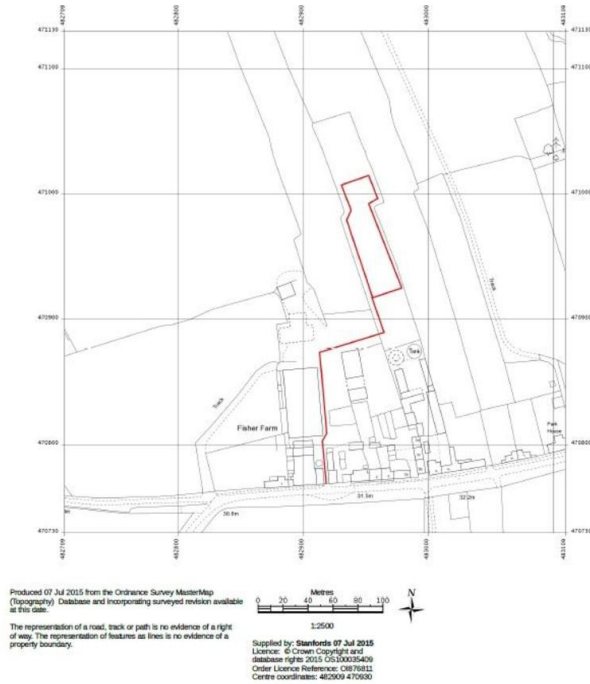
REVISED DOCUMENT

SUPPORTING PLANNING STATEMENT

Erection of a ground mounted solar PV system



5. Site Location



OS Map showing the site. The red rectangle shows the approximate area of the ground mounted system and the red line shows the direct route to the main road



Aerial photo of the Farm. The blue areas are the proposed locations of the panels.

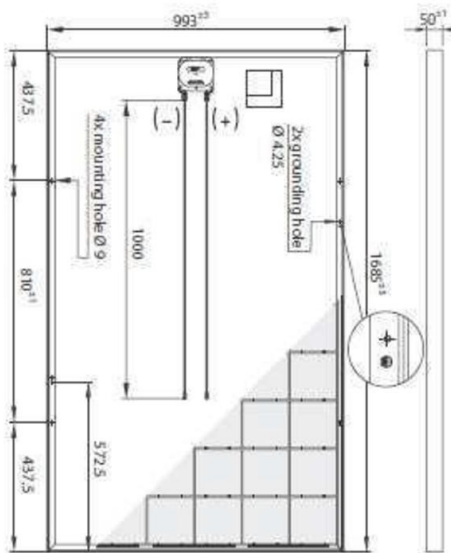
SUPPORTING PLANNING STATEMENT Erection of a ground mounted solar PV system



6. PV System Details

Panel manufacturer	Winaico
Panel model	WST 250P
PV system generation capacity	100kWp
Number of panels	400
Type of mounting	Ground mounted
Panel dimensions	1650mm x 993mm
Panel weight	Approx 20kg

7. Technical Drawing and picture of the Schott 240 Solar Panel



8. Technical Details:

Foundation

Each array will be driven into the ground with a screw

Cabling

The PV system is connected to the building power supply at the main fuse box via an electrical cable.

Colour

As is evident from the picture below the photovoltaic panel has dark blue cells encased in an aluminum frame.

Please see the submitted Schott data sheet for more information on the Solar Panels.

SUPPORTING PLANNING STATEMENT
Erection of a ground mounted solar PV system



Mounting System

The panels will be ground mounted on a free standing custom built structure. Below are some photographs of installation of previous ground mounted PV systems. Each individual structure will look similar to the photos below.



Photos of an installed 20kW ground mounted PV system.



Photo of an installed 30kW ground mounted PV system.

Please see the submitted layout drawings that shows the dimensions of each ground mounted structure.

SUPPORTING PLANNING STATEMENT Erection of a ground mounted solar PV system



9. Visual Impact

9.1 Photomontages

The photographs below have been taken from the site of the proposed ground mount PV structure and illustrate the character of the landscape and its immediate surroundings.



Looking North West



Looking West



Looking South West



Looking South

As highlighted by the above photographs, the proposed PV system is to be located in the corner of an agricultural field. The ground mounted PV system will be surrounded by a boundary of thick hedgerows from the North, West and East; to the south is an open agricultural field. The array is set back over 250m from the main road and therefore will not cause a visual distraction from the road.

Further, the PV system is not located in close proximity to neighboring residences. As the PV system will be installed on a freestanding ground mounted structure, it will not affect the character of the property as it will not be attached to any existing building. It is important to note that the system will not be a permanent fixture, as the panels and the freestanding ground mount structure can be easily removed and dismantled at the end of its life span.

SUPPORTING PLANNING STATEMENT Erection of a ground mounted solar PV system



10. Planning Policy

10.1 National Policy

National Planning Policy Framework – March 2012

Paragraph 94 states that:

'Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations'.

Paragraph 97 outlines how local planning authorities should determine planning applications for renewable energy. To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;
- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning;
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Paragraph 98 states that when determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

10.2 Regional Policy

Ryedale Plan; Local Plan Strategy

Section 7.32 states that

'In order to assist in the decarbonisation of the UK's electricity and heat supply Ryedale will realise its potential for renewable and low carbon energy sources (both electricity and heat)'

Paragraph 7.37 states that

'It is important to recognize and support the contribution of community-led and farm-scale renewable and low carbon solutions. Small scale Small scale wind turbines, anaerobic digestion, biomass boilers and other forms of energy and heat generation,(notably solar power, hydro-electricity, ground and air-source heat pumps) will be supported in principle'

SUPPORTING PLANNING STATEMENT

Erection of a ground mounted solar PV system



11. Access

Access will be via the applicant's own property. No permanent roads will need to be constructed for the works as the erection of the ground mounted PV system will be the only occasion heavy vehicles will need to access the site.

Excavations for the foundation and cable trenches will be carried out by small, tracked mini-digger. All excavations, protection, cable laying, builders work, holes through existing walls etc. will be carried out in accordance with relevant health and safety requirements and good construction practice and the safe use of tools and equipment. Care will be taken to ensure that tree roots are not interfered with. If roots are encountered then hand dig techniques will be used to ensure they are not damaged and that the viability of the hedgerow and trees are protected.

12. Conclusion

The site for the ground mounted PV system has been carefully chosen to ensure that the structures can be absorbed by the local landscape. Where distinguishable from close vantage points on the public and private right of ways the visual effects of the PV system have been minimised through appropriate siting and design, and are outweighed by the economic, social and environmental benefits of the proposal outlined above.

13. Additional Information

The information contained within this application provides a comprehensive assessment of the landscape, visual effects and other aspects of the proposed development. It also provides details of the specific environmental, economic and social benefits that arise from this renewable energy project. As such it provides the necessary objective criteria based information for the planning authority to address the key Development control issues and to determine the application.

However the applicant recognises that notwithstanding the contents of this submission, local politicians and stakeholders may have questions or may require further information. The applicant (and representatives) is prepared to meet with politicians and stakeholders to provide any further information and in order to address any subjective concerns as part of the planning application determining process. Should the planning authority be minded to refuse the application based on any such concerns, then the applicant would wish to have the opportunity to provide further information, to modify the application, submit to relevant conditions or negotiate a developer obligation before a refusal was issued.

HBL

Object

Lorraine Merrett

From: Bruce Skinner
Sent: 14 September 2015 14:29
To: Development Management
Subject: Objection to Planning Application 15/00802/FUL

Dear Ms Hood

Settrington Parish Council (having had an Extra-Ordinary Meeting, well attended by concerned residents, to discuss the issue), whilst having no objection to solar panel arrays per se, wishes to Object to this Application on the following grounds:

1. The Application is flawed and in some instances erroneous in that:
 - There was no pre application consultation with the local community
 - The application does not include an Environmental Impact Assessment or a Visual Impact Assessment
 - The application states that the energy generated will primarily be used for the farm, whereas we understand that the farm's energy usage has greatly reduced since the grain dryer has been removed; energy consumption on those premises will now be primarily for domestic dwellings
 - Visual Impact
 - The photographs presented in the application omit contentious compass directions and the photos that are presented do not match reality
 - The text states that the array is to be sited in the corner of a field – in fact it occupies the full width of most of the field; that to the south is an open agricultural field – in fact 40m in front of the array there is a racing stable; and that it is surrounded by a boundary of thick hedgerows – in fact the deciduous hedgerows are best described as 'spindly', even when in full leaf
 - Further, the text states that the array 'is not located in close proximity to neighbouring residences', which is clearly not the case
 - The Certificate of Ownership states that 'none of the land to which the application relates is, or is part of an agricultural holding' – but surely it is
 - Planning Policy: NPP Paragraph 97 also states that adverse impacts should be addressed satisfactorily, including cumulative landscape and visual impacts – we believe that the application does not satisfy this criterion
 - We totally disagree with the Conclusion that the site for the array has been 'carefully chosen to ensure that the structures can be absorbed by the local landscape' and that 'the visual effects of the PV system have been minimised through appropriate siting'
2. The Parish Council is concerned that the unnecessarily close proximity of the array to the village needless adversely affects its Conservation Area, 'rural idyll' character.
3. In particular, residents of the nearby properties have reasonable, serious concerns that:
 - despite the assertions of the application, the array will clearly be visible from their properties and from the road
 - it will spoil their current, uninterrupted view of rural tranquillity and consequently detract from the desirability of their properties
 - it could set a precedent for extension or further such development on adjoining meadows
 - mooted screening planting would in itself spoil the view, and evergreen hedges would be almost as offensive as the array itself
 - in particular, the owner of the racing stables in front of the proposed location is concerned at the effect of reflections from the PV panels on thoroughbreds using the horse-walker

(Many of the concerned residents have raised their concerns directly to you and have copied this

correspondence to the Parish Council – this Objection endorses those concerns)

The Extra-Ordinary Parish Council Meeting mentioned in the introduction was held on 8 September to discuss this application.

It was attended by representatives of the Town Street properties most affected by the Application; they voiced their concerns at the meeting, adding that they would not object in principle to the proposed development were the array to be sited one field further West and at a distance further North from the Conservation Area.

Mr James Willoughby, the Applicant, who was also at the meeting, agreed to give this proposal serious consideration.

Meanwhile, we consider that the strength of feeling held by residents who would be affected by the proposed development and the short-comings of the application elaborated above fully justify a site visit by the Ryedale District Council Planning Committee.

We would appreciate it if Parish Council representatives could be invited to attend that site visit.

Yours sincerely

Bruce Skinner, Parish Clerk
for Settrington Parish Council

Item Number: 10
Application No: 15/00829/FUL
Parish: Marton Parish Meeting
Appn. Type: Full Application
Applicant: W Chambers And Son (Mr R Chambers)
Proposal: Erection of a replacement agricultural building for the housing of livestock following removal of existing building
Location: The Gables The Gables Road Marton Kirkbymoorside YO62 6RD

Registration Date:
8/13 Wk Expiry Date: 16 September 2015
Overall Expiry Date: 2 November 2015
Case Officer: Rachel May **Ext:** 329

CONSULTATIONS:

Highways North Yorkshire No objection
Parish Council No response
Building Conservation Officer No objections
Sustainable Places Team (Yorkshire Area) Fall outside scope of issues the EA wish to be consulted on
Environmental Health Officer Final comments awaited
Neighbour responses: Mr Colin Coote,

SITE:

The application site is located in the village of Marton, and is accessed locally off Back lane adjacent to the south eastern edge of the village development limit and within the designated conservation area. The Gables is a long established farm complex and is comprised of a farmhouse and a range of agricultural buildings. The nearest neighbouring dwellings are located to the north of Back Lane and two other properties are located further to the east of the site, shown as Rise Lea and The Quarrels on the attached location plan.

PROPOSAL:

The application proposes the construction of a replacement agricultural building for the housing of livestock following the removal of the existing dilapidated building that is located on the site. The proposed building would measure 27.43metres x 24.38 metres and has eaves and apex heights of 5 and 6.4 metres respectively. The building would directly abut existing portal framed farm buildings on its south and western sides. The only visible elevations will be the north and east elevations which are shown with concrete clad and Yorkshire boarded walls. The roof is proposed to be clad in fibre cement sheeting. A gated entrance is shown into the building is shown on the eastern elevation and this would face onto the existing concreted yard area serving the farm.

Plans showing the site location, floor plans & elevations of the proposed building and an agricultural justification statement submitted by the applicants area appended to this report for Members information. Photos of the existing buildings on site provided by the applicant are also attached.

Members may wish to note that the plans submitted and described above are amended from those originally submitted to show additional solid concrete walling to the east elevation, The applicant has also confirmed that livestock to be kept in the building will be mainly cattle and some ewes kept during the lambing period. The applicants have confirmed that they would be happy to accept a restriction prohibiting the housing/ keeping of pigs within the proposed building.

During the processing of the application the applicant's agent has clarified the detail of stock levels and how the business operates from the site - the detail of which is also appended for Members information.

RELEVANT HISTORY:

June 2015 Agricultural Notification - Erection of livestock building-Determined that planning permission was required because of proximity of protected buildings within 400metres of site.

POLICY:

National Policy Guidance

NPPF
NPPG

Ryedale Plan - Local Plan Strategy

Policy SP1 General Location of Development
Policy SP9 The Land Based and Rural Economy
Policy SP12 Heritage
Policy SP13 Landscapes
Policy SP16 Design
Policy SP19 Sustainable Development
Policy SP20 Generic Development Management Issues

APPRAISAL:

The following considerations are considered to be relevant to this application.

- Principle of development.
- Heritage impacts.
- Landscape/visual impacts.
- Design.
- Development Management /Amenity considerations.

Principle of Development

The site is an established farmstead located on the edge of the village of Marton. Farming is an integral part of the land based economy and Policy SP9 seeks to support in principle new buildings that are necessary to support land based activity and a working countryside. The existing building that is proposed to be replaced are considered to be out dated and is in a dilapidated condition limiting their use. The proposed building occupies a larger footprint than the building it is proposed to replace. However it is considered to be well related to the existing farmstead and officers have no objection in principle to the application.

Heritage impacts

The site is located within the designated conservation area. The Local Planning Authority therefore has a duty to determine whether the application preserves or enhances the character of the Conservation Area. In this instance it is considered that the dilapidated appearance of the existing buildings are detrimental to the appearance of the immediate area of Back Lane.

The proposed modern portal framed building occupies a larger footprint but is modest in scale with eaves and apex heights of 5 metres and 6.4 metres respectively. Subject to details of the proposed materials officers consider that the proposal represents an opportunity to enhance the character of this part of the conservation area. The Council's Building Conservation officer has also confirmed that she has no objection to the proposal. In addition the general character of the farmstead accessed off Back Lane is also considered to be preserved and there is no adverse impact on the heritage asset. In these circumstances Policy SP 12 is also considered to be satisfied.

Landscape Impact

The site is located within the Vale of Pickering landscape character area as identified in the Local Plan Strategy. Whilst located on the edge of the village the proposed development is located within the farmstead and obscured on two sides by existing farm buildings, these screen the new building to a significant extent when viewed from the adjacent countryside. The buildings are modest in scale and subject to details of materials in not considered to detract from the locally valued landscape. The proposal is therefore considered to satisfy the requirements of Policy SP 13 of the Local Plan Strategy.

Design

The proposed building is utilitarian in form and is typical of the type of modern agricultural buildings found elsewhere in the district. The design and proportions of the building have been chosen to reflect the scale of other buildings within the farmstead and it can also be accessed by modern farm machinery. As submitted officers consider that the design approach satisfies Policy SP 16.

Generic Development Management Issues

Policy SP20 covers a number of development management considerations which have in part already been considered above in terms of design, landscape/visual impact and impacts on the character of the locality.

In terms of access, parking and servicing Members will note that NYCC Highways have raised no objection to the proposal which is considered to be acceptable in this respect.

In terms of amenity impacts Members will note that the site is relatively close to the built up area of the village and several residences are located close to the site.

The occupier of The Quarrels (which is located approximately 45 metres to the east of the proposed building) has objected to the application, raising a number of concerns including,

- Lack of information.
- Concerns over smell and noise.
- Suggested revisions to the design including a reduction in the size of building.
- Possible additional vermin.
- Possibility of keep pigs within the new building.
- Concerns over storage of waste/ location of manure.
- Possible additional light pollution.

Following re-consultation on the amended plan and additional information submitted the neighbour has maintained his objection which are repeated in respect of the adequacy of information submitted and the potential for additional noise and smell.

Full copies of the submitted objection letters can be viewed on the Council's website.

In this instance it is accepted that the farmstead is located close to the village and in relatively close proximity to dwellings that are not associated with the farm business. It is of note, however, that The Quarrels is a relatively modern dwelling which was approved in 1992 as a second agricultural workers dwelling to facilitate the farm business located at The Gables Marton. As a result the siting of The Quarrels was by necessity relatively close to the existing farmhouse and farmstead. The occupation of The Quarrels was also limited by condition to that of a person wholly or mainly employed locally in agriculture (or dependents of such a person). Ordinarily an agricultural workers dwelling within the agricultural unit or a dwelling on another unit used for or in connection with agriculture is not regarded as a 'protected building'.

The applicant's agent has confirmed that he is prepared to accept a condition prohibiting the housing of pigs within the proposed building and also manure management plan including details of the keeping, siting of manure heaps and disposal of manure is required to be agreed. A further letter has been sent to the objector setting out these possible limitations if permission is granted and Members will be appraised of any further response on the late pages or at the committee meeting together with the final comments of the Council's Environmental Health Officer.

It is considered, however, subject to the implication of appropriate conditions that the impact of the development can be mitigated in order to minimise the likely impacts on the amenities of nearby residents.

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

(NB Pursuant to this condition the applicant is asked to complete and return the attached proforma before the development commences so that materials can be agreed and the requirements of the condition discharged)

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

- 3 The Manure Management Plan submitted to and agreed by the Local Planning Authority shall be reviewed annually and submitted to the Local Planning Authority prior to any major change occurring.

Reason: To ensure that the development does not have an adverse impact on the existing amenities of neighbouring occupiers nor water courses in the area. And to satisfy the requirements of Policies SP20 and SP17.

- 4 The building hereby approved shall not be used for the housing of pigs, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of neighbouring occupiers and to satisfy the requirements of Policy SP20 and of the Ryedale Plan - Local Plan Strategy

- 5 There shall be no external lighting on the outside of the building, or within its curtilage, unless 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.

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

Location Plan - Red and Blue lines Scale 1:1250

Footprint Plan - Scale 1:100 Dated July 2015

Revised Elevations Plan - Scale 1:100 Dated 2nd September 2015

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

Background Papers:

Adopted Ryedale Local Plan 2002

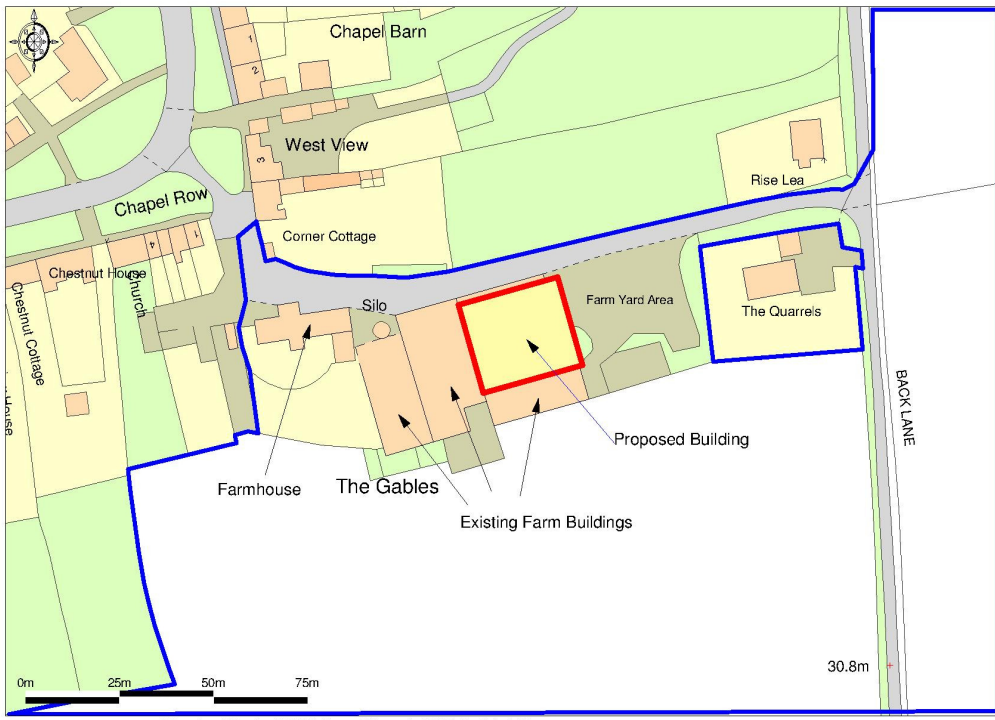
Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties

The Gables, Marton

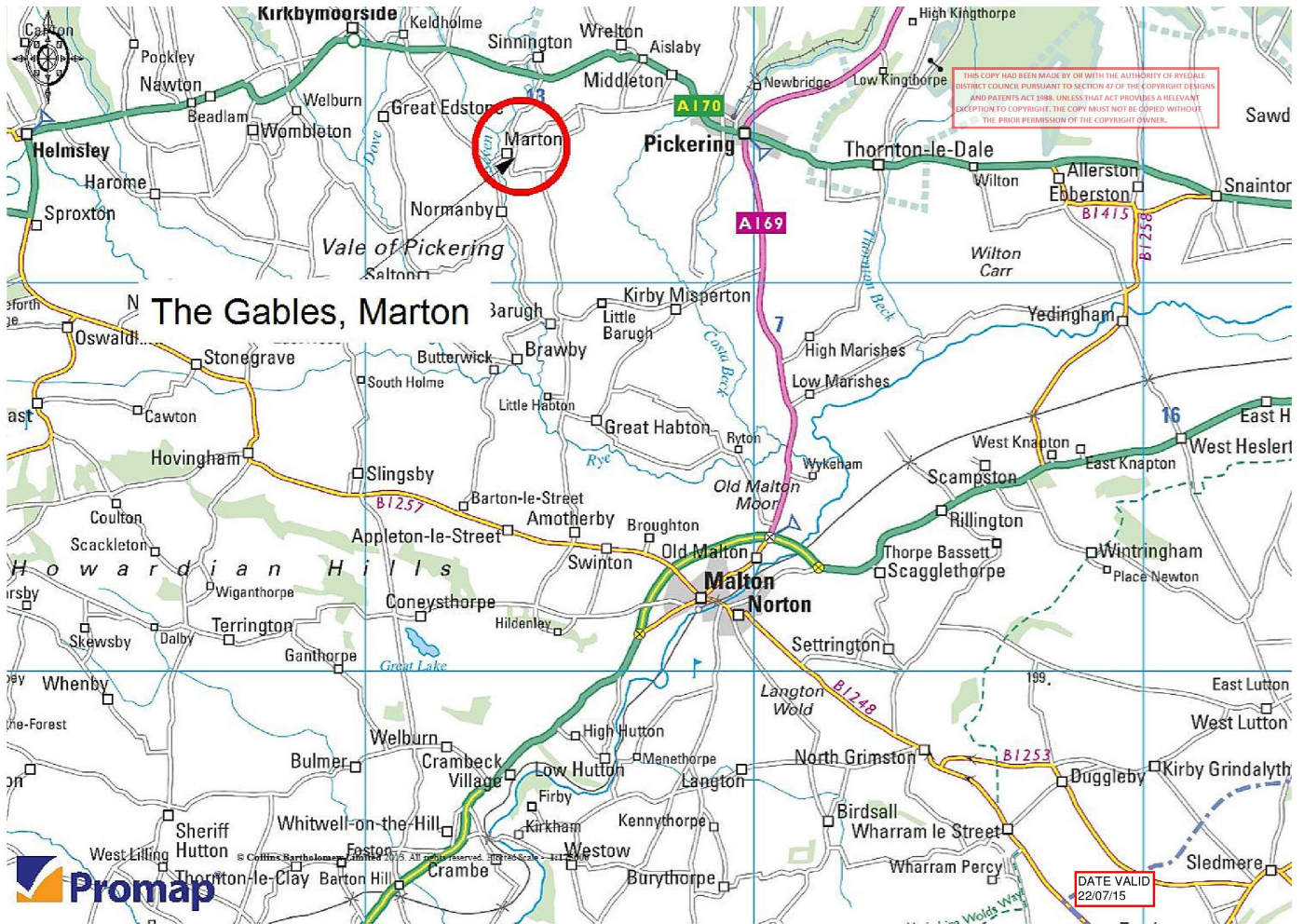
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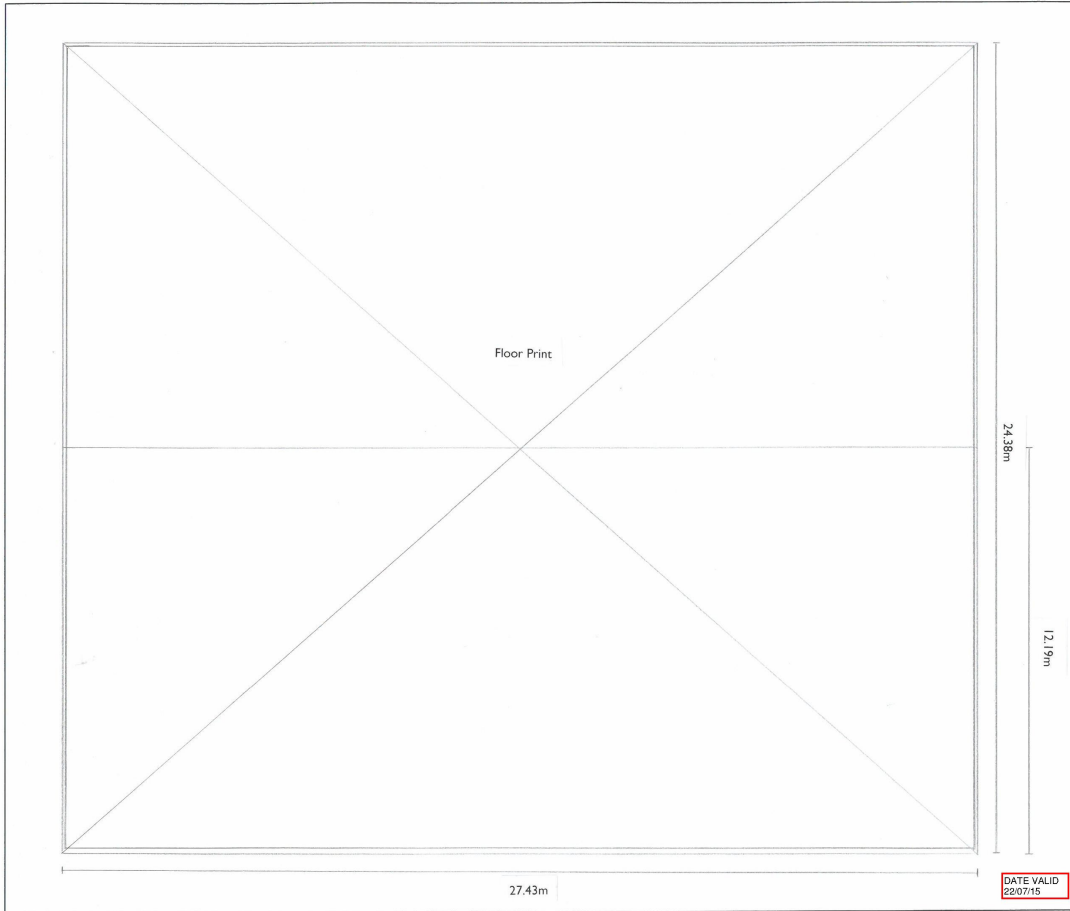


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Applicant - W Chambers and Son

DATE VALID
22/07/15





Date: July 2015

Ref: WFT

Notes:

Planning Application plans for a livestock building at The Gables, Marton, Sinnington, York



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Title: The Gables, Marton

Client: W Chambers and Son

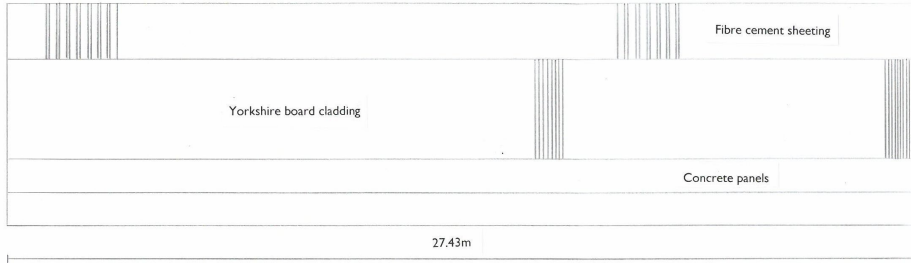
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REVISED PLAN

South elevation adjoining existing building

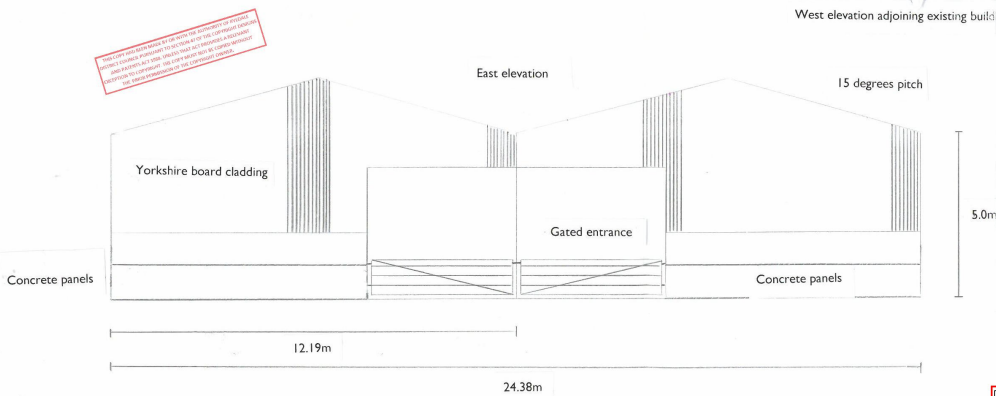
North elevation



West elevation adjoining existing building

East elevation

15 degrees pitch



Date: July 2015

Ref: WFT

Notes:

Planning Application plans for a livestock building at The Gables, Marton, Sinnington, York

Title: The Gables, Marton

Client: W Chambers and Son

Scale: 1:100 scale



DATE: 02/09/15

Cundalls

15 Market Place, Malton, North Yorkshire, YO17 7LP
t. 01653 697820
malton@cundalls.co.uk
www.cundalls.co.uk

AGRICULTURAL JUSTIFICATION STATEMENT

Incorporating Design and Access Statement

PROPOSED LIVESTOCK BUILDING

AT

The Gables
Marton
Sinnington
York
YO62 6RD

APPLICANT

W CHAMBERS AND SON

July 2015

CONTENTS

Building Justification Statement

Conclusions

Appendices (if any)

JUSTIFICATION STATEMENT

1.0 INTRODUCTION

Cundalls have been instructed by Messrs W Chambers and Son (the applicant) of The Gables, Marton, Sinnington to prepare this report for the justification and requirements for a replacement livestock building within the main farmstead at The Gables

2.0 THE CURRENT BUSINESS

W Chambers and Son have farmed at The Gables for many years growing a rotation of arable crops and grassland in the surrounding farmland. All main arable operations are completed in hand by the family with all produce stored on farm and sold throughout the calendar year.

In addition to the arable enterprise the applicants also farm breeding cattle and sheep which are finished to an adequate slaughter weight and sold through local livestock markets and abattoirs. All livestock are housed, fed and managed by the applicant and his family.

3.0 THE PROPOSED BUILDING

The proposed livestock building is to replace an out-of-date and dilapidated livestock building within the farm stead at The Gables with a modern, steel portal framed structure more suitable for modern livestock housing.

The current building cannot be access by modern farm machinery and is in a dilapidated state of repair therefore the decision has been taken to replace it.

The proposed building is to be used for addition livestock housing for the applicant's cattle and will also be used for the safe, undercover storage of farm machinery and feed when cattle are out at grazing.

The proposed building has been designed the mirror the adjacent steel portal framed building with similar materials and design being used. The building will be of similar height and scale as the other adjoining farm buildings within the holding.

The proposed building is modest, well designed and in keeping with this traditional Ryedale farmstead and will have now adverse effect whatsoever on the surrounding landscape and natural environment.

The current use of the existing building is agriculture and it has been used for livestock housing in the past therefore there will be no change of use for this structure.

4.0 LANDSCAPING AND ENVIRONMENTAL CONSIDERATIONS

4.1 SITING

The proposed building has been sited on an existing brownfield site and is to replace an existing building with a modern equivalent. The proposed building will not affect the surrounding farm buildings or yard in any way.

4.2 DESIGN

The building has been designed to mirror adjoining buildings around the proposed site and the new building will be of the same eaves and ridge height as the existing building thus having no adverse effect on the skyline or local character of the farmstead.

The building's design and appearance will not detract the natural beauty or special qualities of the local area or the surrounding landscape in anyway given the use of traditional materials and naturally coloured roof and side cladding proposed.

4.3 DRAINAGE AND RAINWATER

The building will be fitted with standard guttering and drainage pipework which will direct rainwater into the existing soak-a-way system.

4.4 WASTE AND MANURE

All manure and waste produced from the proposed building and housed livestock within it will be stored and spread on the applicants own land within Marton to naturally decay into the soils.

5.0 CONCLUSIONS

In summary, the proposed development at The Gables is a modest, well designed farm building to support the existing livestock business at the holding. The building is to be located on a brownfield site within the main farm holding and is positioned adjoining other existing livestock buildings.

The proposal will have no effect on the yard drainage system and there is no change of use from agriculture.

Therefore as the proposal is in keeping with the local character and surrounding landscape of Marton and we would hope that it will be given the support of the planning department and receive approval in due course.

Agenda Item 11

Item Number: 11
Application No: 15/00852/HOUSE
Parish: Burythorpe Parish Council
Appn. Type: Householder Application
Applicant: Mrs E Pang
Proposal: Erection of two storey extensions to the rear and side with side bin store, removal of existing single storey lean to extension and installation of patio doors and adjacent windows to rear elevation of existing dwelling
Location: Orchard Cottage Main Street Burythorpe Malton North Yorkshire YO17 9LJ

Registration Date:
8/13 Wk Expiry Date: 16 September 2015
Overall Expiry Date: 2 November 2015
Case Officer: Charlotte Comforth **Ext:** 325

CONSULTATIONS:

Highways North Yorkshire Parish Council	Concerns - await amended documents Comments made
Highways North Yorkshire Parish Council	Recommend conditions No views received to date

Neighbour responses: David & Wendy Scaife, Ms J A Brown,

SITE:

Orchard Cottage is an end of terrace property located within the Development Limits of Burythorpe. The property adjoins Wayside Cottage to the south and the detached property known as Conifer House is to the north of the property. The property benefits from a linear rear garden space and also additional curtilage to the north.

PROPOSAL:

Erection of two storey extensions to the rear and side with side bin store, removal of existing single storey lean to extension and installation of patio doors and adjacent windows to rear elevation of existing dwelling.

The initial scheme resulted in 2 letters of objections from the occupiers of Wayside Cottage and Fairview. Wayside Cottage is the adjoining property to the south of Orchard Cottage and Fairview is located approximately 55 metres to the south of Orchard Cottage. Their full letters of objection can be viewed on the Council's website. A summary of the comments from the occupiers of Wayside Cottage include:

- *The proposed extension will have an overbearing presence on the rear of our garden*
- *The visual effect of the proposed extension will be loom over our rear garden area and block light for our rear bedroom window*
- *The current small pebbled area at the rear of Orchard Cottage acts as a buffer between the two properties*
- *The proposed extension is not sympathetic to the character and appearance of the original property and its neighbours in terms of scale*
- *The proposed extension will increase the overall size of Orchard Cottage by more than 50%*
- *Concerns regarding the practical aspects of the plans, in particular how the proposed extension would join with our existing walls and accommodate the fall pipe from the rear of our property*

A summary of the comments from the occupier of Fairview include:

- *The proposed extension will increase the overall size of Orchard Cottage by more than 50% which will have a detrimental impact on the adjoining dwelling of Wayside Cottage*
- *The applicant owns another cottage in the terrace Cobweb Cottage and this could be adapted to suit the needs of the applicants father*
- *Another small traditional cottage within the village will be lost*

Comments were also made from the Parish Council with regard to the scheme and they consulted with the immediate neighbours. They stated:

The initial response would be one of approval as the design seems to sit well with the existing building and seems to meet the needs of the applicant. However, the two storey rear extension will appear large and oppressive to the neighbours on the south side, and much larger than their existing single storey extension; this is in opposition to what the architect says: 'The neighbouring cottage to the south has a rear extension of similar scale to the one proposed here.'

We understand that the applicant has not discussed the plans with her neighbours, who are concerned about the size, about access for building should approval be given, about party walls, about privacy when the new extension moves much closer and looks over their garden, and about plans for existing drainage.

Furthermore, comments were made from the Local Highway Authority stating the following:

I have concerns that the proposed development would take up the remaining area within the application site for on-site vehicle parking, therefore potentially resulting in vehicles being parked outside the site on the county highway to the detriment of the free flow of traffic and road safety. However, I note that the applicant has additional land shown in blue which has vehicular access onto the public highway leading up to The Park & church. Although planning permission has been granted to develop this area, the consent has lapsed (as confirmed by the applicant's agent), and therefore the opportunity still exists to ensure a continuation of off-street parking by suitable provision being identified within the blue land. Any future new application for development would then need to safeguard and accommodate this access and parking area for Orchard Cottage as part of any proposal.

The Case Officer also raised concerns regarding the bin store on the front elevation of the property

A revised scheme has been submitted with the following changes:

- The bin store has been removed from the front elevation and placed on the side of the extension
- The two front windows have been centrally aligned
- The dormer window to the rear being reduced slightly in size
- The provision of two car parking spaces to the rear of the property that is within the applicants ownership

HISTORY:

The planning history of the property includes:

- 95/00398/OLD - Planning permission granted - 3/20/66/FA Change of use and alteration of stone barn to two bedroom house.
- 95/00399/OLD - Planning permission granted - 3/20/66A/FA Erection of detached single garage.

Members should also note that the land within the applicants ownership to the rear of the property gained approval in 2010 for a new dwelling which wasn't implemented and the permission has now lapsed. (Reference 10/00457/FUL - Erection of a four-bedroom dwelling, detached single garage and block of 2no. stables with tack room/feed store)

POLICY :

The relevant policy criteria includes:

The Ryedale Plan - Local Plan Strategy (2013)

Policy SP16 Design
Policy SP19 Presumption in Favour of Sustainable Development
Policy SP20 Generic Development Management Issues

National Planning Policy Framework (2012)

Chapter 7 - Requiring good design

National Planning Practice Guidance (2014)

APPRAISAL:

The main considerations to be taken into account when considering the revised proposal are:

- i. Character and form
- ii. Impact upon the street scene
- iii. Impact upon neighbouring amenity
- iv. Highway safety
- v. Other matters
- vi. Conclusions

i. Character and form

Policy SP16 of the Ryedale Plan - Local Plan Strategy states that development proposals will be expected to well integrate with their surroundings and which re-force local distinctiveness.

Furthermore, the policy states:

Extensions and alterations to existing buildings will be appropriate and sympathetic to the character and appearance of the host building in terms of scale, form and use of materials and in considering proposals for the alteration, re-use or extension of individual historic buildings the Council will seek to ensure that:

- *A building is capable of conversion to the use proposed without the need for extensions or alterations that would be detrimental to its character*
- *Proposed extensions and alterations, considered acceptable in principle, that are of an architectural style which complements the traditional character of the main building*
- *Appropriate materials and traditional construction methods and techniques are used*

The proposed two storey rear extension will on the southern boundary have a depth of 1.4m and a width of 6.1m. It will have an eaves height of 3.9m and a ridge height of 6.4m. The proposed two storey side extension will measure 6m in depth, 3.3m in width, 4.4m to the eaves on the front elevation and 6.9m to the ridge. It will set in on the front elevation by 0.1m and at ground level combine a bin store.

The proposed two storey rear extension is considered to be appropriate and sympathetic to the character and appearance of the host building in terms of scale, form and use of materials. Similarly, the proposed two storey side extension is considered to be appropriate and sympathetic to the character and appearance of the host building in terms of scale, form and use of materials. The extensions will be constructed of stone and a clay pantile roof. The existing total area of the property is 134 square metres and the additional area proposed is 65 square metres. Therefore whilst the proposed extensions are relatively large, they do not will not increase the overall size of Orchard Cottage by more than 50%. The installation of patio doors and adjacent windows to the rear elevation of the existing dwelling are also considered to be acceptable.

ii. Impact upon the street scene

It is considered that the proposed two storey side extension will not be detrimental to the street scene of Main Street. The dwelling is part of a terrace and, the extension does therefore not create an unbalanced appearance. The centrally aligned windows on the front elevation reflect those of the existing dwelling. The re-siting of the bin store is also considered to not be detrimental to the street scene.

iii. Impact upon neighbouring amenity

The re-consultation has again resulted in 2 letters of objections from the occupiers of Wayside Cottage and Fairview. The occupiers of Wayside Cottage consider the changes to be very minor and they state that the changes do not address any of their concerns. Therefore their original grounds of objection remain as previously outlined in this report. The occupier of Fairview has asked for their original objection to still stand and they also note that there is potential in their view for four cars in the household at any one time. As a result the provision of two car parking spaces to the rear of the cottage will do little to resolve the situation in their opinion.

Policy SP20 of the Ryedale Plan - Local Plan Strategy states the following with regard to 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

It is considered that the proposed two storey rear extension will not result in material adverse impact in terms of loss of light to the rear bedroom window of the occupiers of Wayside Cottage. Orchard Cottage is located to the north of Wayside Cottage and due to the orientation of the sun, impact upon shading and loss of daylight is considered to be minimal. There may be some impact in terms of loss of natural light, but this is considered to be minimal and officers consider that it would not warrant a reason for refusal. The proposed two storey extension will extend by 1.4m further than the existing single storey lean to extension of the neighbouring property of Wayside Cottage.

It is noted that the rear garden of Wayside Cottage is to some extent, immediately behind Orchard Cottage. However, it is considered that the two storey rear extension will not be overbearing to the rear garden of Wayside Cottage. Members should also note that Wayside Cottage has a relatively large existing two storey extension. The dormer window is positioned on the two storey side extension which will not directly face onto Wayside Cottage or its rear garden. There may be oblique views from the dormer window onto the neighbouring property of Conifer House to the north of the side, but this is considered minor and would not warrant refusal for this element of the proposal. The two storey side extension is in close proximity to the boundary of Conifer House, but Conifer House is set further back within its plot. It is considered that the proposed two storey side extension will not be overbearing in presence, nor will it cause any significant loss of natural light or loss of privacy.

iv. Highway safety

The revised scheme shows provision for 2 car parking within the applicants ownership. The Local Highway Authority has raised no objection to the proposal, subject to conditions regarding the private access/verge crossings and the parking provision for the dwelling to be retained.

v. Other matters

There has been no response from Burythroe Parish Council regarding the revised scheme. Their initial comments have however been considered in this report.

With regard to other points that were raised during the consultation period, the practical aspects of the plans, in particular how the proposed extension would join with the existing walls of Wayside Cottage and accommodate the fall pipe from the rear of our property are considered to be civil matters and would be considered through The Party Wall Act.

Other matters raised relating to the applicant owning another cottage in the terrace (Cobweb Cottage which could be adapted to suit the needs of the applicant's father) is irrelevant to this planning application that is required to be considered on its own individual merits.

vi. Conclusions

On balance and following careful consideration of the objections from the neighbours it is considered that the proposed development meets the relevant policy criteria contained within Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy and within the National Planning Policy Framework. The proposal is therefore 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 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 SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

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

(ii)(b) The existing access shall be improved by widening and upgrading of construction specification in accordance with approved Drawing No 01 Revision C and Standard Detail Number E6.

(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 2m 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.

- 4 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing 01, Revision C. 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.

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

Site Location Plan date stamped 22.07.2015.

Drawing 01 Revision C

Drawing 03 Revision C

Drawing 04 Revision C

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

INFORMATIVE:

- 01 You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Background Papers:

Adopted Ryedale Local Plan 2002

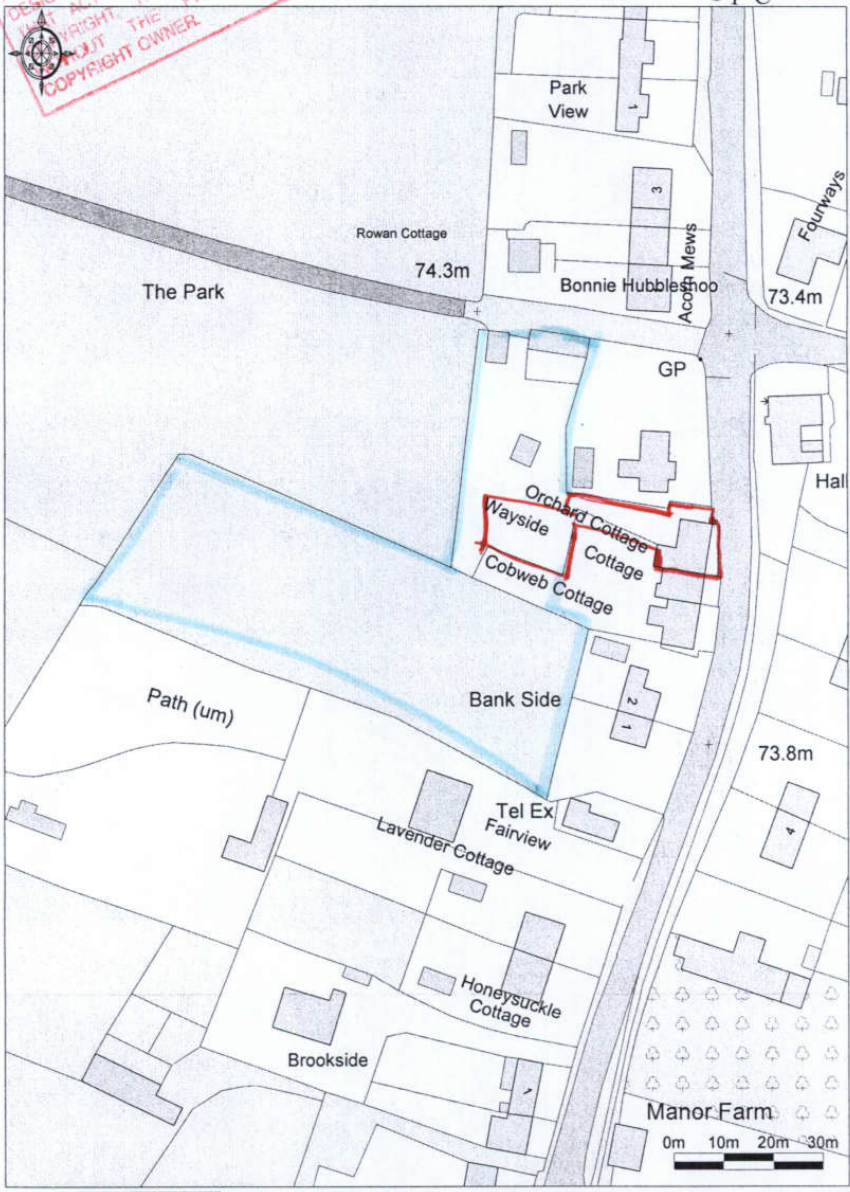
Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties

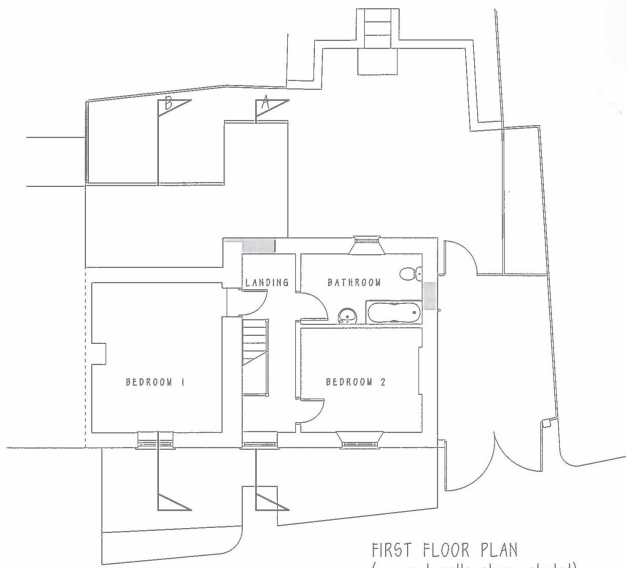
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Orchard Cottage
Burythorpe



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FIRST FLOOR PLAN
(removed walls shown shaded)

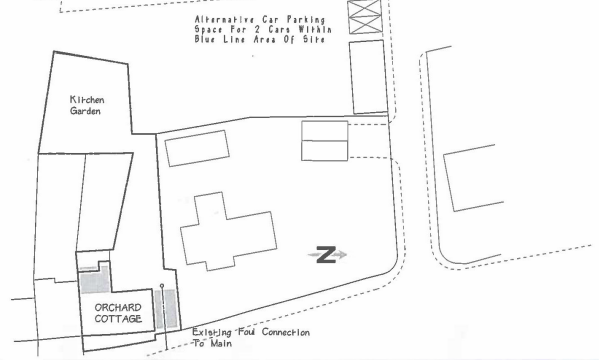
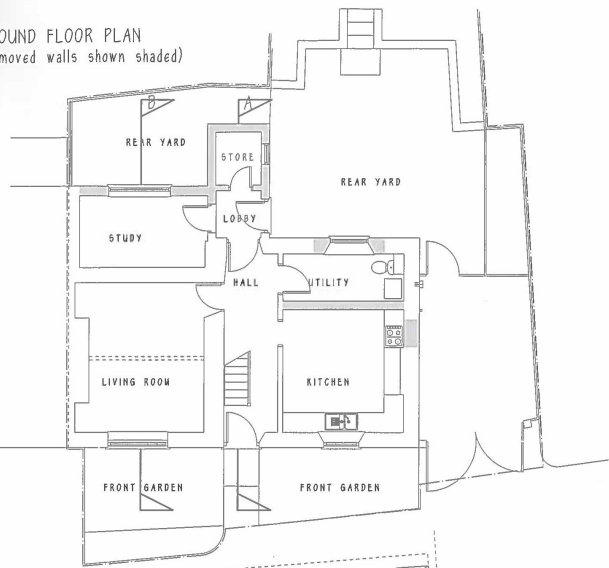
REVISED PLAN

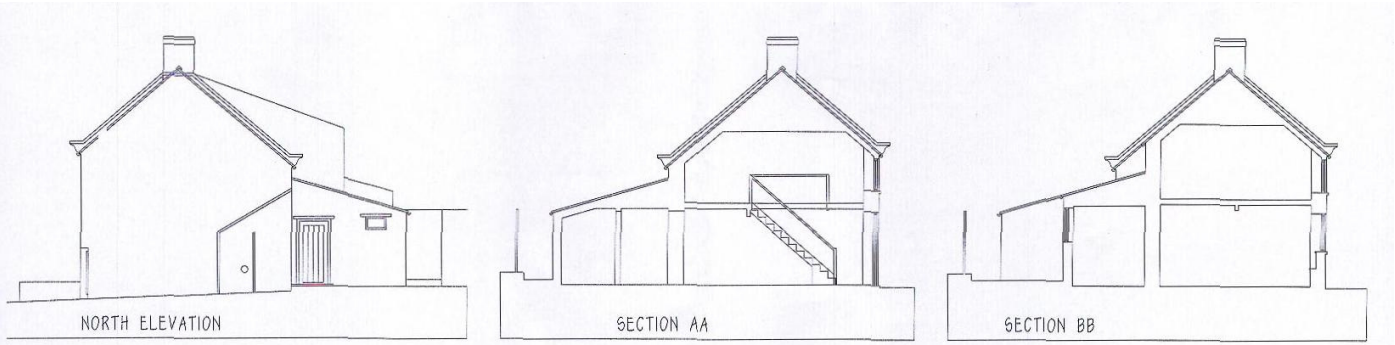
NOTES:
 SITE AREA 490 m²
 EXISTING DWELLING GROUND FLOOR ... 70 m²
 EXISTING DWELLING FIRST FLOOR ... 50 m²
 PROPOSED DEMOLISHED AREA 14 m²

SITE PLAN 1:500
 (proposed extensions
 shown shaded)

PROPOSED ALTERATIONS & EXTENSION TO EXISTING DWELLING
 OR ORCHARD COTTAGE, BUTYTHORPE, MALTON, YO17 9LJ
 FOR MRS ELIZABETH PANG
 DRAWING 01 EXISTING PLANS Scales: 1:100 & 1:500 @ A3
 REVISION C SEPT 2015
 David Ward Architectural 01653 658 229 davidward589@btinternet.com

GROUND FLOOR PLAN
(removed walls shown shaded)



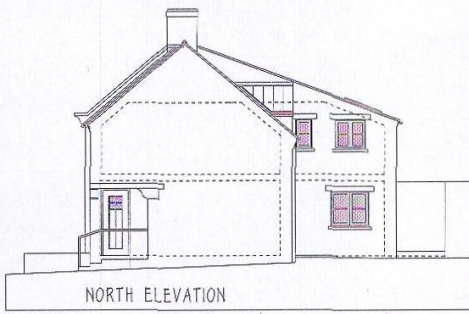


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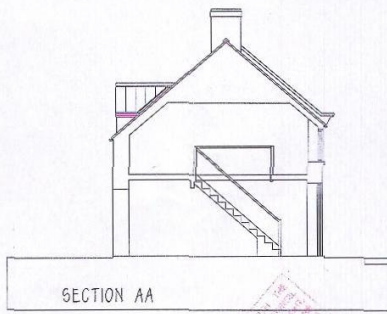


PROPOSED ALTERATIONS & EXTENSION TO EXISTING DWELLING
 AR ORCHARD COTTAGE, BUTYTHORPE, MALTON, YO17 9LJ
 FOR MRS ELIZABETH PANG
 DRAWING 02 EXISTING ELEVATIONS & SECTIONS Scale: 1:100 @ A3
 REVISION B JULY 2015
 David Ward Architectural 01653 658 229 davidward589@btinternet.com

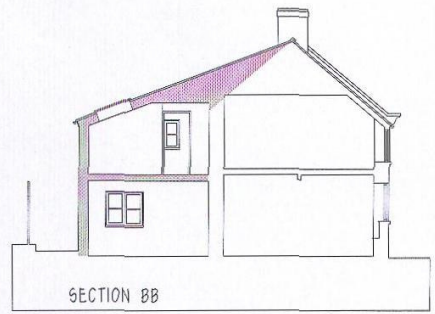
NOTES
 EXISTING MATERIALS:
 ROOF: CLAY PANTILES, VELUX ROOF LIGHTS
 WALLS: STONE LAID TO COURSE
 WINDOWS & DOORS: TIMBER FRAMED OPENING CASEMENTS



NORTH ELEVATION



SECTION AA



SECTION BB

REVISED

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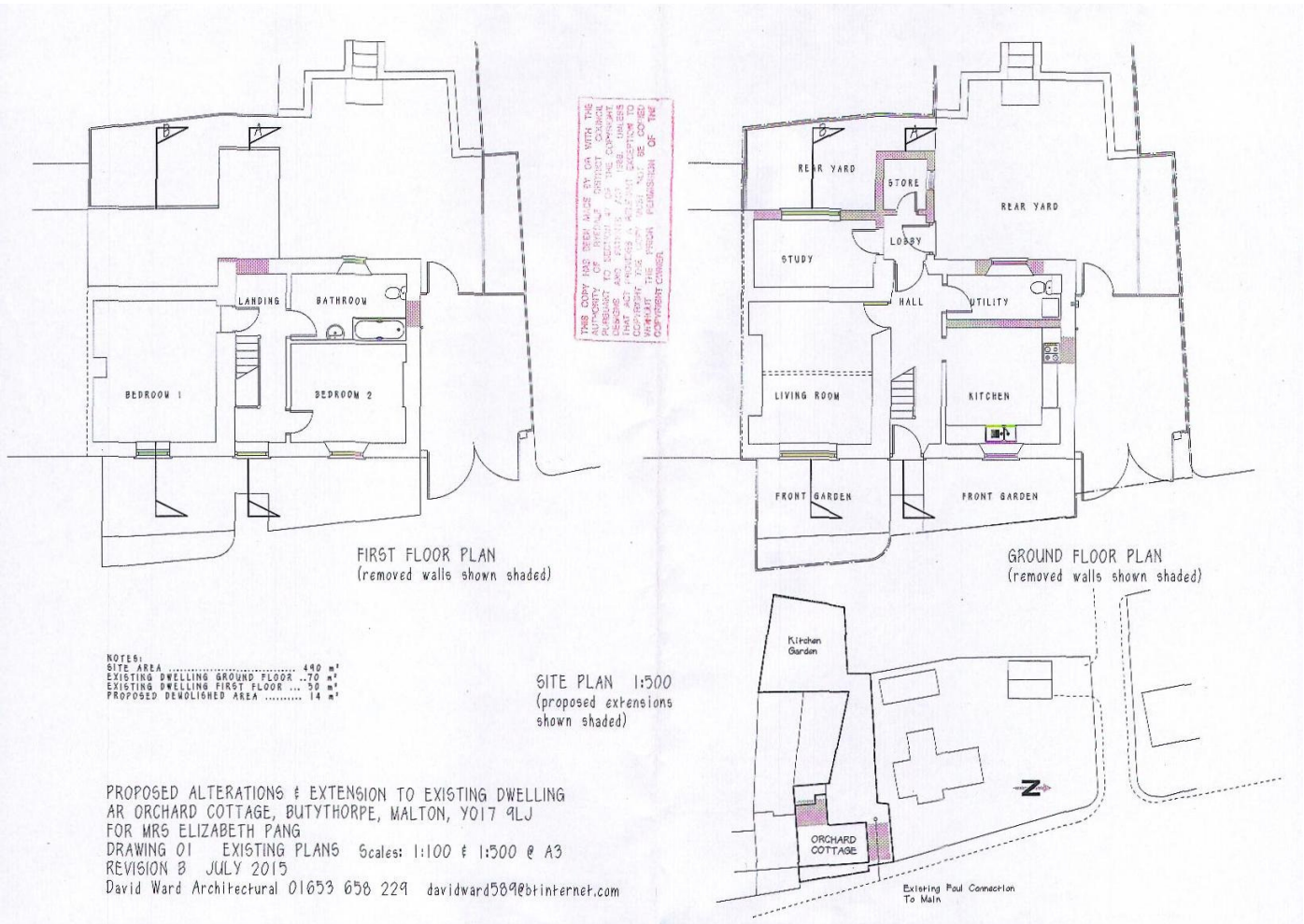
EAST ELEVATION

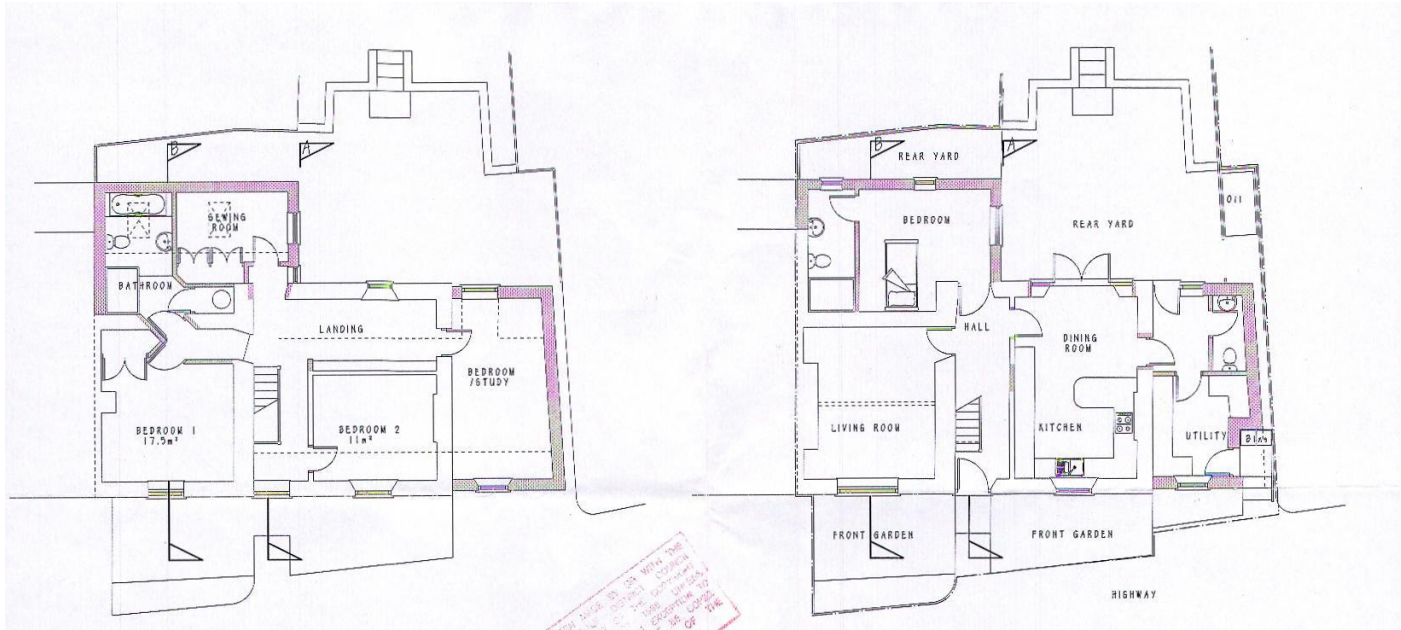


WEST ELEVATION

PROPOSED ALTERATIONS & EXTENSION TO EXISTING DWELLING
 AN ORCHARD COTTAGE, BUTYTHORPE, MALTON, YO17 9LJ
 FOR MRS ELIZABETH PANG
 DRAWING 04 PROPOSED ELEVATIONS & SECTIONS Scale: 1:100 @ A3
 REVISION C SEPT 2015
 David Ward Architectural 01653 658 229 davidward589@btinternet.com

NOTES
 PROPOSED MATERIALS:
 ROOF: CLAY PANTILES, VELUX ROOF LIGHTS
 WALLS: STONE LAID TO COURSE
 WINDOWS & DOORS: TIMBER FRAMED OPENING CASEMENTS





FIRST FLOOR PLAN
(new walls shown shaded)

GROUND FLOOR PLAN
(new walls shown shaded)

This copy of the plan is to be used for the purpose of planning only and is not to be used for any other purpose without the consent of the architect.

REVISE

PROPOSED ALTERATIONS & EXTENSION TO EXISTING DWELLING
 AR ORCHARD COTTAGE, BUTYTHORPE, MALTON, YO17 9LJ
 FOR MRS ELIZABETH PANG
 DRAWING 03 PROPOSED PLANS Scale: 1:100 @ A3
 REVISION C SEPT 2015
 David Ward Architectural 01653 658 229 davidward589@btinternet.com

NOTES:

RESIDUAL DWELLING GROUND FLOOR	...56 m ²	
GABLE EXTENSION GROUND FLOOR	.....14 m ²	
REAR EXTENSION GROUND FLOOR	.....10 m ²	
TOTAL GROUND FLOOR AREA	.....80 m ²	+ 32 m ²
EXISTING DWELLING FIRST FLOOR	.....50 m ²	
GABLE EXTENSION FIRST FLOOR	.....10 m ²	
REAR EXTENSION FIRST FLOOR	.....18 m ²	
TOTAL FIRST FLOOR AREA	.....78 m ²	+ 38 m ²
TOTAL ADDITIONAL AREA	.....82 m ²	

DESIGN & ACCESS STATEMENT

page 1 of 2

To accompany

HOUSEHOLDER PLANNING APPLICATION:

Proposal: REAR & SIDE EXTENSION TO EXISTING DWELLING

At: ORCHARD COTTAGE, BURYTHORPE, MALTON, YO17 9LJ

PROPOSAL.

Mrs Pang and her family have lived at Orchard Cottage for many years. Very recently Mrs Pang's father has had a stroke and this has caused Mrs Pang to seek to modify her home so that he can move in and be cared for by his daughter. All the changes proposed are to make this amalgamation possible as he is unable to continue living independently.

The end of terrace property is not listed and is within the village development limits for Burythorpe. All the works are to the private rear of the property where a small cottage garden is accessed from the rear and to the blank gable elevation. To the rear a two storey cat slide extension is proposed to replace the existing lean-to extension. To the side a subservient two storey gable extension is proposed.

PLANNING HISTORY.

There is no planning history relating to the property but an approval for a new dwelling at the rear (on land outlined in blue on the site map) was obtained recently. This approval (10/00457/FUL – 15 July 2010) has now lapsed.

POLICY BACKGROUND.

The recently adopted Local Plan Strategy forms the policy background to the proposed scheme. Policy SP 16 (Design) which requires that extensions to existing buildings should respect local distinctiveness and that the materials, details and form of the development should respect the context of the surroundings. Policy 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 use of the proposed development is to remain a single unencumbered dwelling.

AMOUNT OF DEVELOPMENT.

The existing footprint of the dwelling is 70 square metres. The gross floor area on two floors is 120 square metres. It is proposed to demolish 14 square metres of existing footprint at the rear and add a two storey rear extension with a footprint of 18 square metres. To the side an addition footprint of 14 square metres. The revised footprint increases to 88 square metres and the overall floor area increases from 171 square metres. The site area remains unchanged at approximately 490 square metres, the increase in footprint still leaves a substantial rear garden which also contains the domestic paraphernalia - oil tank etc., the bins are located in a new bunker at the front of the house.

SCALE PARAMETERS.

The existing dwelling has an eaves height of 4.3 metres and an apex height of 7 metres. The side extension is indented on the front wall and whilst the eaves height remains the same the apex is 100mm lower. The kneeler and water tabling are retained. At the rear of the side extension the water tabling is removed and a small dormer gives light to the upper room at this point. The rear extension follows the roof line of the attached house next door and this slopes down to an eaves height of 3.3 metres. There are no first floor windows at this point, the upper rooms being lit by velux roof lights.

Cont... page 2...

LAYOUT & DESIGN.

The existing dwelling forms part of an informal terrace with a uniform street elevation. At the rear of the terrace all the dwellings have been altered and have different formats presenting a much less formal elevation when viewed from the private rear gardens. The neighbouring cottage to the south has a rear extension of similar scale to the one proposed here. The property is of conventional design with living rooms at ground floor level and bedrooms at first floor level. A ground floor bedroom is proposed for the applicants father. The kitchen is enlarged removing an inner wall and the rear wall of the house is opened up to light this space. A new door at the front allows the bins to be easily accessed in a tidy and workman like manner. A new utility room and rear lobby make for a practical solution for the intensification of use which is an inevitable consequence of the additional bedroom. Upstairs the existing bathroom is relocated in the new extension together with a sewing room – the existing bathroom becomes a access way to the first floor study for the applicants father. The number of bedrooms increase by one to three .

APPEARANCE.

The existing rear of the dwelling is finished in stonework laid to course under a pantile roof. The new work is finished in stone to match the existing under a pantile roof. Matching timber windows are used in the extension. The overall appearance of the dwelling is traditional following in the local vernacular tradition.

ACCESS.

The means of access to the site remains unaltered.

CONTEXT & LANDSCAPE.

All the proposed new works are subservient to the existing bulk of the original cottage. No trees are removed or planted.

ECOLOGY, ENVIRONMENTAL & FLOODING.

There are no ecology issues associated with the proposed development. The foul waste connects to the main. The proposed dwelling will continue to be heated by oil but a solar thermal collector is located on the new rear roof slope to help heat the hot water.

David Ward.

22 JULY 2015.

cc 14/08/15

Lorraine Merrett

RYEDALE CIV

From: Saskia Syms
Sent: 13 August 2015 15:58
To: Development Management
Cc:
Subject: 15/00852/HOUSE

14 AUG 2015
DEVELOPMENT
MANAGEMENT 14/8/15
LM

Burythorpe Parish Council has looked at this application and consulted with immediate neighbours.

The initial response would be one of approval as the design seems to sit well with the existing building and seems to meet the needs of the applicant. However, the two storey rear extension will appear large and oppressive to the neighbours on the south side, and much larger than their existing single storey extension; this is in opposition to what the architect says: 'The neighbouring cottage to the south has a rear extension of similar scale to the one proposed here.'

We understand that the applicant has not discussed the plans with her neighbours, who are concerned about the size, about access for building should approval be given, about party walls, about privacy when the new extension moves much closer and looks over their garden, and about plans for existing drainage.

Saskia Syms
Clerk to Burythorpe Parish Council

Item Number: 12
Application No: 15/00922/FUL
Parish: Cropton Parish Council
Appn. Type: Full Application
Applicant: Mr Philip Lee
Proposal: Change of use of land for camp site and erection of associated toilet and shower facility following removal of existing temporary toilet
Location: Former Quarry Cropton Lane Cropton Pickering North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 4 November 2015
Overall Expiry Date: 2 November 2015
Case Officer: Helen Bloomer **Ext:** 328

CONSULTATIONS:

Highways North Yorkshire	No objection
Highways North Yorkshire	No views received to date
Parish Council	No objection in principle - recommend conditions
Highways North Yorkshire	No objection
Housing Services	Object
Sustainable Places Team (Yorkshire Area)	Do not wish to make detailed comments - but advice given
Tree & Landscape Officer	No views received to date
Land Use Planning	Comments made regarding groundwater protection
Neighbour responses:	Mrs David Stephenson,

SITE:

The application site is a former quarry to the west of Cropton Lane. The site being a former quarry is set down from the highway. This in addition to the existing mature landscaping round the perimeter of the site, results in the site being largely screened from public vantage points.

The application site is within the boundary of the Fringe of the Moors Area of High Landscape Value. It is also within the Green Water Protection Zone.

The site currently operates as a temporary campsite under Schedule 3 Part 5 Class C (use of land by members of certain recreational organisations) of The Town & Country Planning (General Permitted Development) (England) Order 2015.

This enables the use of land by members of a recreational organisation for the purposes of recreation or instruction, and the erection or placing of tents on the land for the purposes of the use.

PROPOSAL:

Planning approval is being sought by the applicant, who is also the publican of the New Inn, north of the application site, for the change of use of the site for the purpose of a tented camp site. The camp site will operate in a very similar to way to how it does now under the temporary 'permitted development' arrangement rules. The permanent permission is required to justify the investment of the proposed toilet and shower block.

The toilet and shower block would be sited on the north east boundary of the site, adjacent, albeit at a lower level, to Cropton Lane. The block would measure 12 metres x 5.5 metres with eave height of 2.7 metres (at the highest point) and ridge height of 4.4 metres. Due the difference in ground levels and the existing hedgerow, approximately 0.3 metres of the roof would be visible from the public highway.

In the addendum to the Design and Access Statement the applicant has confirmed that Bank Holidays are the busiest periods with about 30 tents occupying the site. On the other spring/ summer/ early autumn weeks the numbers are expected to be between 10-20 dependant on the weather.

Permission is also being sought for the erection of a permanent toilet/ shower block to replace the existing portacabin block.

The access would remain as existing.

PLANNING HISTORY:

There is no known planning history on the site.

POLICY:

National Policy Guidance

National Planning Policy Framework
National Planning Policy Guidance

Ryedale Plan – Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy
Policy SP8 - Tourism
Policy SP13 - Landscapes
Policy SP16 - Design
Policy SP19 - Presumption in Favour of Sustainable Development
Policy SP20 - Generic Development Management Issues

APPRAISAL:

The main considerations are:

- i) Principle
- ii) Character and Landscape Setting.
- iii) Residential Amenity
- iv) Highway Safety
- v) Foul Waste

Principle

The application site is outside the Development Limits of Cropton, Pickering (as defined by the 'Saved' Ryedale Plan) and therefore in the open countryside. Policy SP1 (General Location of Developments and Settlement Hierarchy) of the Ryedale Plan - Local Plan Strategy, supports the principle of development within the open countryside were it is necessary to support a sustainable, vibrant and healthy rural economy and community.

Policy SP8 (Tourism) acknowledges that a key contributor to Ryedale's rural economy is tourism, and where sustainable the Council will seek to support and encourage appropriate new camping sites where they can be accommodated without an unacceptable visual intrusion and impact on the character of the locality.

The National Planning Policy Framework seeks to support development that benefits the rural economy. The Good Practice Guidance on Planning for Tourism also details the value of tourism to the national and rural economy.

Furthermore the site is already operating on a temporary basis under Schedule 3 Part 5 Class C of The General Permitted Development Order 2015.

Character and Landscape Setting.

The application site is within the Fringe of the Moors Area of High Landscape Value it is therefore imperative that any development does not cause harm to its intrinsic qualities. The former quarry is set down significantly from the public highway with an existing mature boundary hedge which includes intermittent trees. The only permanent structure would be the proposed toilet/ shower block and bin storage. The proposed scale, materials and siting to toilet and shower building, significantly reduce its impact on the wider landscape setting. Officers consider that it would be a significant improvement on the existing grey portacabin which currently serves the campsite when in operation.

The application site is set down significantly from the public highway with existing mature boundary hedging. The siting of tents on the site would have a negligible impact on the wider landscape setting, particularly in the summer months. Which is when the applicant envisages the site being mainly in use.

Officers are advising that a condition requiring details of lighting scheme should be submitted to and approved in writing if permission is granted in the aim of preventing light pollution and in the interests of preserving the character of the area.

At the time of writing no comments had been received by the Councils Tree and Landscape Officer, Members will however be updated of any comments.

It is officer's opinion that for the reasons stated above the siting of tents and the erection of the ancillary service building on the site would not adversely affect the area of High Landscape Value.

Residential Amenity

The Council has received a letter of objection to the proposed change of use of the site to a permanent camp site. A number of the concerns raised are not material planning considerations which can be taken into account (i.e. the alleged trespassing). The complainant also refers to the events held at the public house. This application cannot deal with activities in relation to the public house. To ensure that the proposal does not exacerbate the current situation, officers consider that a condition should be attached requiring the applicant to submit a Management Plan, if permission is granted. It is however important to note that the site can operate as a temporary campsite without any such control.

The site is presently run by and will continue to be run by the publican of The New Inn, which is just north of the application site. Officers are therefore recommending a condition tying the application site to The New Inn. This would ensure that the requirements of the aforementioned Management Plan could be readily monitored and enforced.

Highway Safety

North Yorkshire County Council Highways Authority had raised no objection to the proposed change of use, as the site already operates as a temporary campsite under Part 5 Class C of the GPDO. However they did raise concern over the visibility to the south due to the overgrown vegetation. Following receipt of a revised plan showing the bushes around the entrance trimmed to improve visibility, the Highway Authority confirmed that they had no objection to the proposed change of use. No conditions were recommended.

Foul Waste

The proposed toilet/ shower block is proposed to connect to the existing septic tank. As the proposal would connect to the existing septic tank Yorkshire Water has stated that the applicant must adhere to the Environment Agency Guidance. An informative is therefore recommended to be attached to an approval.

The Environment Agency has not offered detailed comments, but offer the standard guidance with regards to foul waste treatment.

The Environmental Health Officer has also been consulted and has sought additional information with regard to the capacity of the septic tank and water supply. At the time of writing Officers have not received this additional information, Members will however be updated at Planning Committee.

Representations

The Parish Council have not objected to the application. They have however raised the following issues which have been addressed with in the report above. The full letter of response from the Parish Council is appended to this report.

- Capacity of existing septic tank
- Low energy lighting, concern over the potential need for generators
- Concern over Highway access

One letter of objection has been received from the occupier of West View, the full version is viewable on the public access. A summary of the objectors letter has been provided below;

- Impact on the existing access
- Existing users of the campsite steal wood, damage fencing and entre private property
- Existing pub activity and use of the campsite impacts on the amenity of nearby occupiers
- Lighting of fires
- Events held at the pub and the pub itself attract motor cycle groups.

The relevant material issues raised by the objector have however been appraised in this report, and notwithstanding the concerns raised the application is caused to be acceptable subject to the recommended conditions below.

In light of the above the recommendation to Members, is 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 Prior to the commencement of the development/change of use hereby approved, details of the existing septic tank and its capacity, along with the soakaway shall be submitted to and agreed in writing by the Local Planning Authority.

Reason:- To ensure that proper provision has been made for their disposal.

- 3 Prior to the commencement of the development hereby approved, precise details of any external lighting and how it will be operated shall be submitted to and approved in writing by the Local Planning Authority and there after any lighting shall be carried out in accordance with the approved scheme.

Reason:- In order to protect the amenity of the neighbouring properties, and to satisfy Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 4 The tented camping site hereby approved shall be retained in the same ownership as New Inn, Cropton and not sold or let separately.

Reason:- The site is within the open countryside and to ensure the amenity of the neighbouring properties amenity is protected, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 5 Prior to the commencement of the development hereby permitted, a Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This should clearly state how the site will be managed and enforced in terms of the following; restrictions of noise, including music, lighting, number of pitches and clearing of septic tank. The Management Plan shall be reviewed bi annually to ensure the site is being operated and managed in away to ensure the amenity of neighbouring properties is not adversely affected.

Reason:- In order to protect the amenity of surrounding properties, and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 6 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials and the treatment 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:- In the interest of good design and in accordance with Policies SP13 and SP16 of the Ryedale Plan - Local Plan Strategy.

- 7 The permission hereby granted shall only authorise the use of this site for the stationing of up to and including No.30 tents as shown on the information submitted to the Local Planning Authority. There shall be no siting of static caravan or touring caravans. The approved change of use only applies to the area shown within the red line plan.

Reason:- In the interest of preserving the landscape character and residential amenity in line with Policy SP13 and SP16 of the Ryedale Plan, Local Plan Strategy and the National Planning Policy Framework.

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

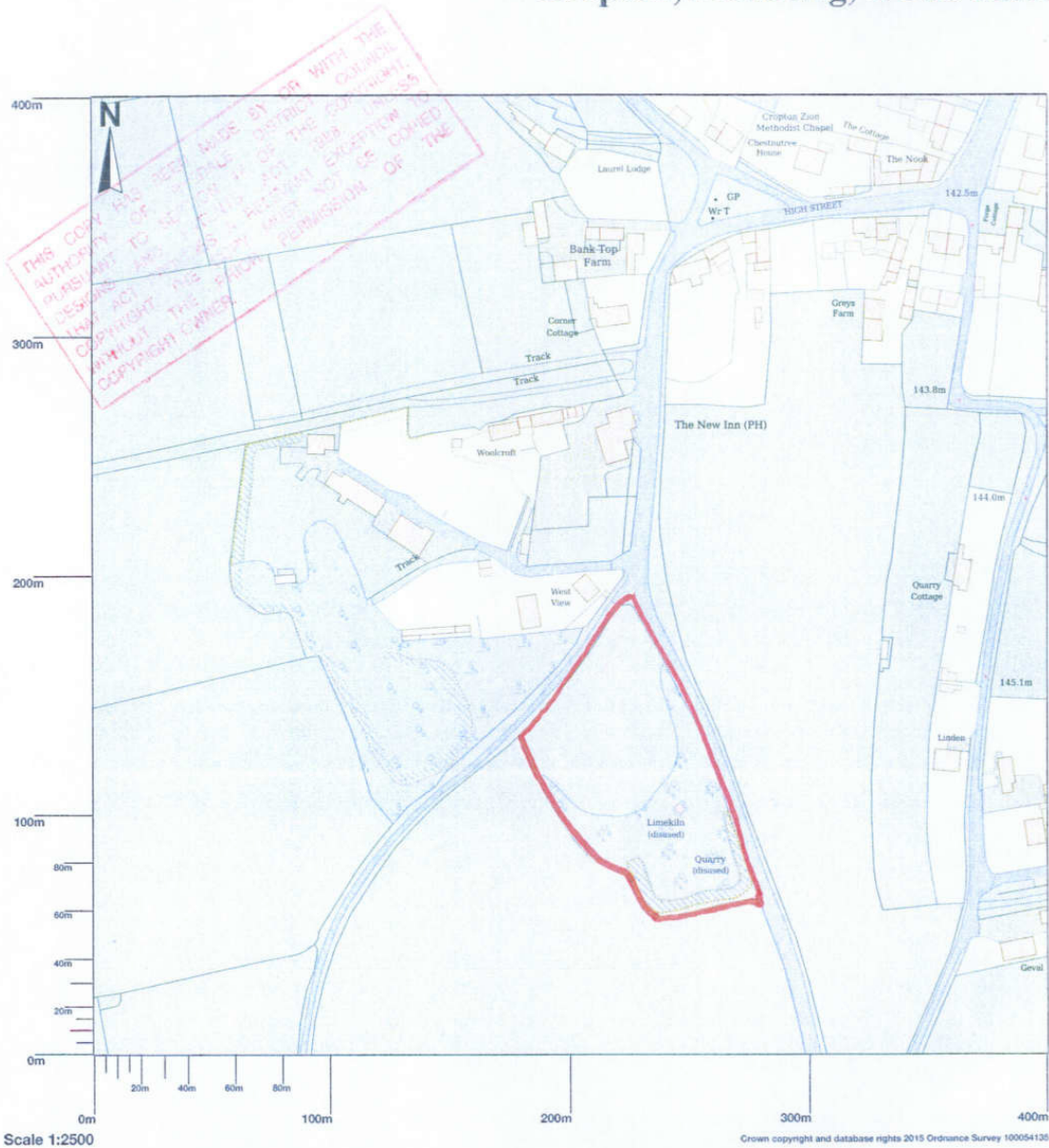
- Site Plan (Revised Plan) Received by the Local Planning Authority on the 6 October 2015
- Propose Toilet/Shower Block NICS2. Received by the Local Planning Authority on the 9 September 2015

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

Cropton, Pickering, YO18 8HH

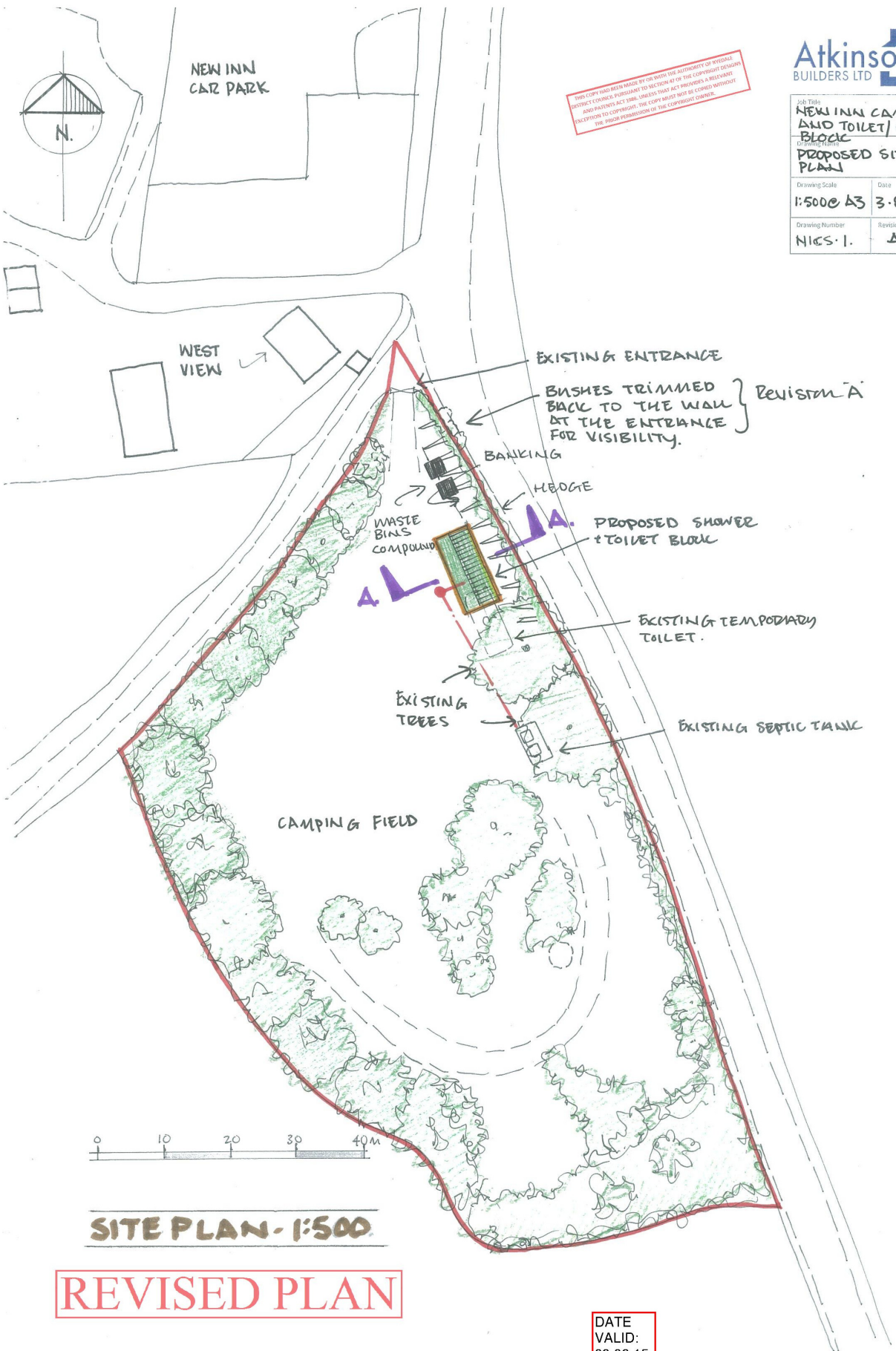


Map shows area bounded by: 475294.0,488637.0,475694.0,489037.0 at a scale of 1:2500. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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Job Title NEW INN CAMPSITE AND TOILET/SHOWER BLOCK	
Drawing Title PROPOSED SITE PLAN	
Drawing Scale 1:500 @ A3	Date 3.8.2015
Drawing Number NICS.1.	Revision A

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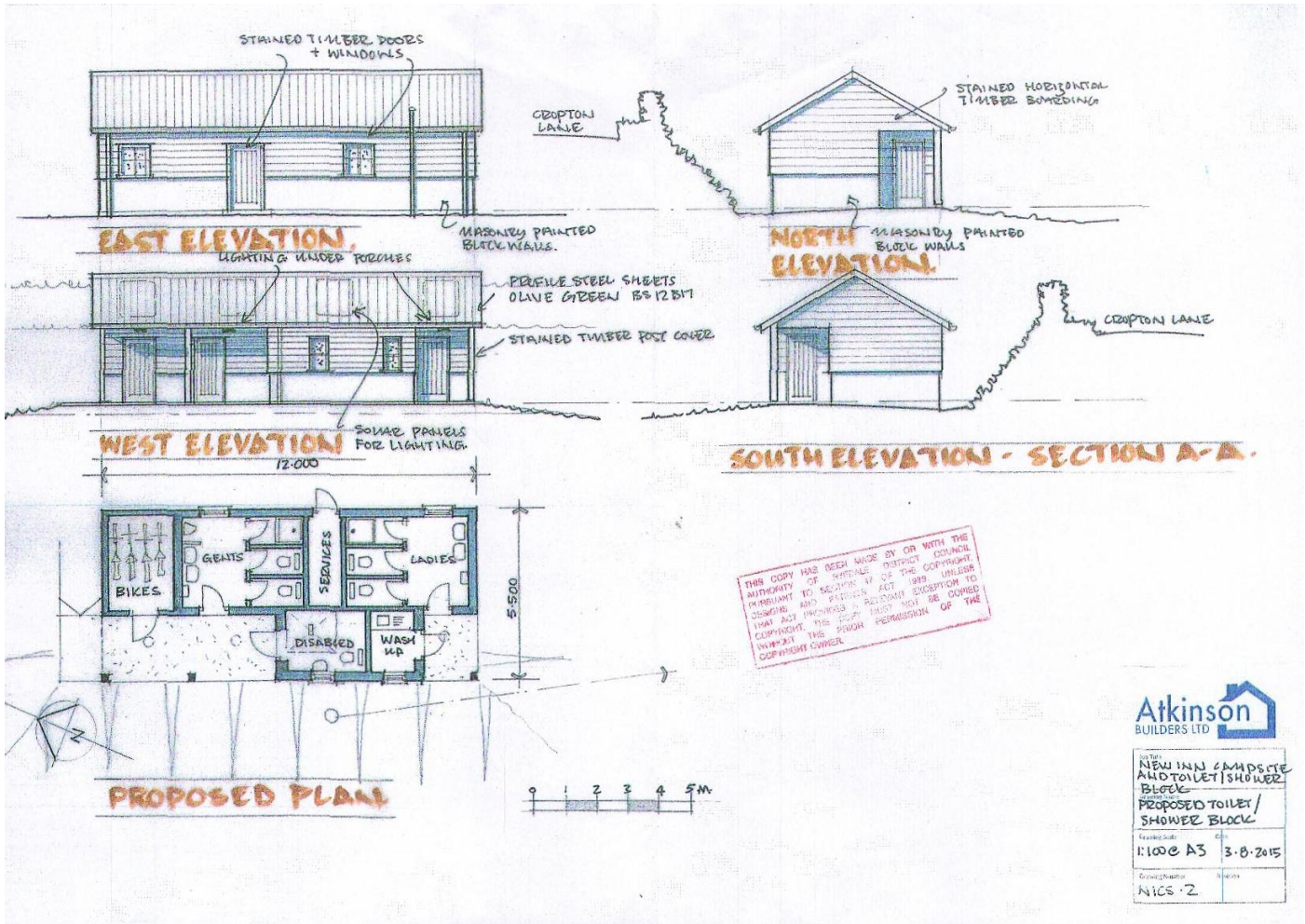


0 10 20 30 40m

SITE PLAN - 1:500

REVISED PLAN

DATE VALID:
09.09.15



NEW INN CAMPSTE AND TOILET / SHOWER BLOCK	
PROPOSED TOILET / SHOWER BLOCK	
Drawn by:	1:100e A3
Scale:	3-8-2015
Drawn by:	NICS '2

Design and Access Statement

Proposed Campsite for Tents and Associated Toilet and Shower Block

New Inn Campsite, Cropton, North Yorkshire. YO18 8HH

Planning Policy

SP8 Tourism

Tourism in Ryedale will contribute to a sustainable and diverse economy. The Council will seek to encourage sustainable tourism which minimises its environmental impact on the District.

This will be achieved by supporting:

- *The provision of a range and choice of quality tourist accommodation*

The following types of tourist accommodation will be supported in the following locations:

The wider open countryside

- *Appropriate expansion of an existing hotel, guest house, public house, farm house, holiday cottage or similar establishment*
- *Re-use of traditional rural buildings*
- *New touring caravan and camping sites and 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.*

Ryedale District Council Local Plan Strategy supports tourism under Policy SP8, camping with tents will provide part of the range and choice for visitors and tourists. The application has been prompted by the recent closure of Spiers House Camping in the Forest site at Cropton., regular requests are being made by tourists for pitches for tents in the Cropton area.

The site is ideal in that it will not be a visual intrusion being lower than the surrounding land and road with mature trees and boundary hedges that totally conceal the site.

Planning Policy SP 13 & SP20 Seek to protect the local character and landscape.

SP13 Landscapes

The quality, character and value of Ryedale's diverse landscapes will be protected and enhanced by:

- *Encouraging new development and land management practises which reinforce the distinctive elements of landscape character within the District's broad landscape character areas of:*
- *North York Moors and Cleveland Hills*
- *Vale of Pickering*
- *Yorkshire Wolds*
- *Howardian Hills*
- *Vale of York*
- *Protecting the special qualities, scenic and natural beauty of the Howardian Hills Area of Outstanding Natural Beauty, the setting of the Area of Outstanding Natural Beauty and the setting of the North York Moors National Park.*

The site is on the boundary of the North York Moors National Park it has the natural benefit of predominantly large Ash and Sycamore trees and mature hedges, all the existing trees and hedges on and around the site will be retained to maintain the local character and provide important screening to the campsite

SP20 Generic Development Management Issues

Character

New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses

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

The cumulative impact of new development on the character of an area will also be considered

Design

The design of new development will follow the principles established in Policy SP16.

Extensions or alterations to existing buildings will be appropriate and sympathetic to the character and appearance of the existing building in terms of scale, form, and use of materials

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

The site will not have a material adverse effect on the amenity of present or future occupants or of neighbouring land, the site has been successfully used for occasional camping under the 28 day rule for the last 15 years.



USE

The site will be used by tourists and visitors to the area who want to camp in tents a toilet and shower block is to be constructed for the campers use to replace the temporary toilets.

AMOUNT

The proposal is for a simple toilet and shower block with a lockable secure cycle store.

LAYOUT

The toilet/ shower block will be positioned facing the camping field; the rear will be set in the lee of the banking so that it cannot be seen from the road.

The structure will be 12.0 M Long x 5.5M wide x 4.3M High.

LANDSCAPING

The site has the natural benefit of existing mature trees and hedges, all the existing trees and hedges on and around the site will be retained to maintain the local character and provide important screening to the development.

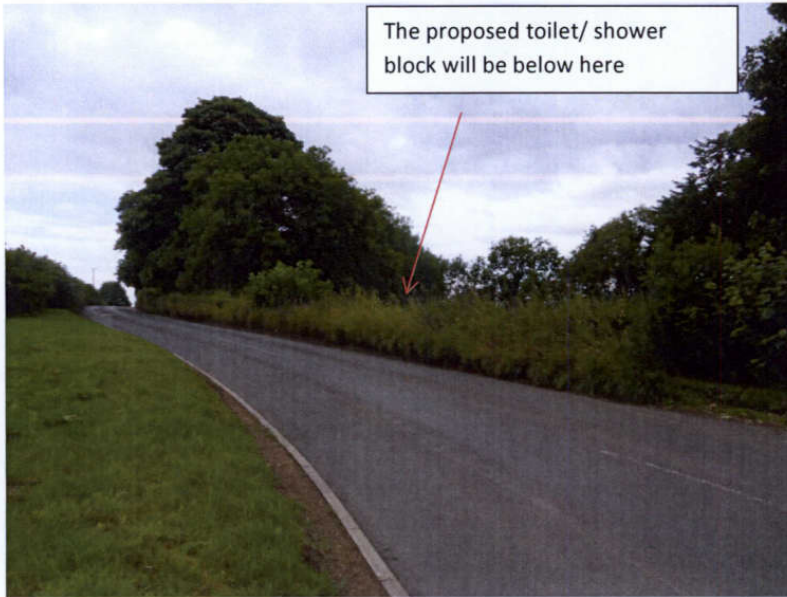
APPEARANCE

The toilet/ shower block will be of simple construction with covered entrances, wall cladding will be stained timber with masonry painted blockwork at low level, roof sheeting will be olive green to merge in with the surroundings.

ACCESS

A disabled access WC and Shower will be provided; the ground level will be ramped up to the toilet/ shower block.

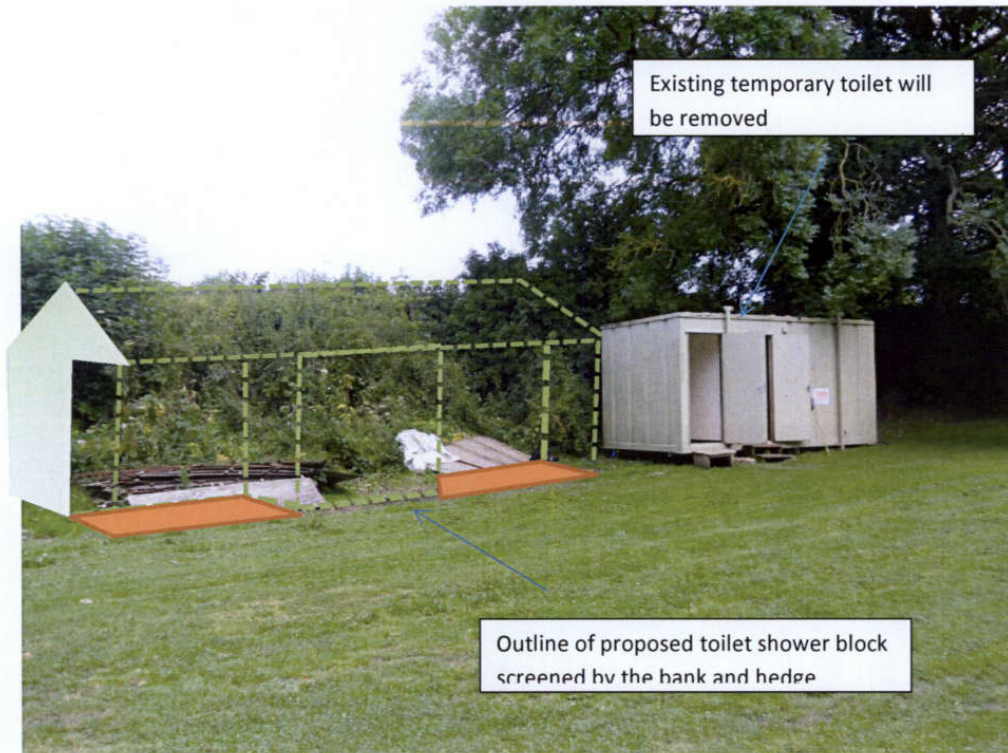
The major part of the site is level.



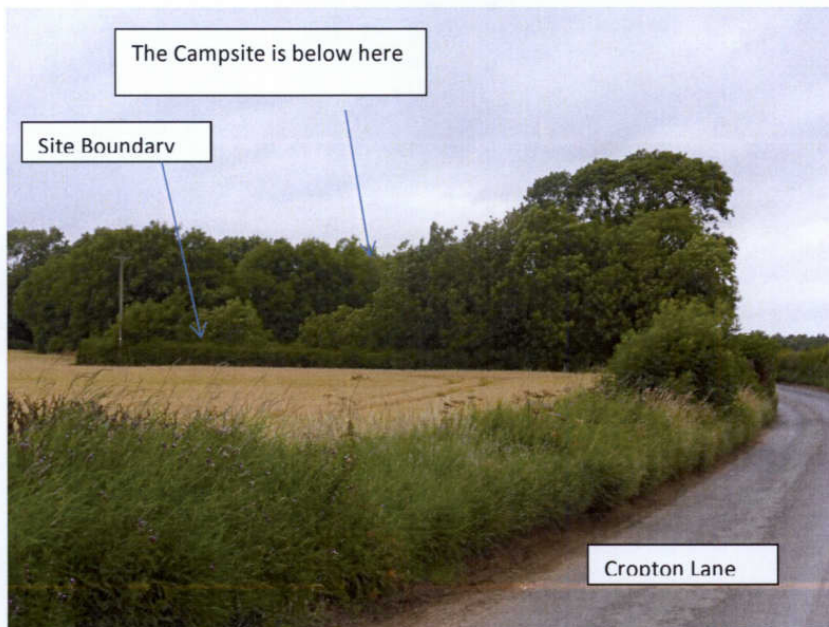
View on Cropton Lane looking south.



View from the camp site field, looking south, showing the tree lined boundary.



Site of the proposed Toilet/ Shower block.



Photograph from the south of the site heading north in to Cropton.



Google Earth View –Proposed Camp Site, New Inn, Cropton.

Addendum to the Design and Access Statement.

Proposed Campsite for Tents and Associated Toilet and Shower Block

New Inn Campsite ,Cropton, North Yorkshire.YO18 8HH

Operation of the camp site.

The camp site will operate in a very similar to way to how it does now under the temporary arrangement rules; the permanent permission is required to justify the investment of the proposed toilet and shower block.

The receipt of the permission and construction of the shower block facility will provide increased income which in turn will allow for the provision of better management of the site.

Visually other than the proposed toilet/ shower block, the campsite field will remain the same; no permanent parking spaces will be provided.

Campers will get to the site by either, vehicle, bicycle or on foot, a bicycle store is included in the application

The New Inn has a beer festival around the 20th November following this date only a few hardy souls are anticipated to use the campsite until the week before Easter which is at the end of March.

Bank Holidays are the busiest periods with about 30 tents occupying the site, the other spring/ summer/ early autumn weeks the numbers are expected to be between 10-20 obviously weather dependant.

HSL

NO OBJECTIONS IN PRINCIPLE
RECOMMENDS CONDITION.

Glenys Yates

From: vic worrall [vic@cropton.net]
Sent: 29 October 2015 10:10
To: Development Management
Subject: 15/00922/FUL

RYEDALE DM

27 OCT 2015

27/10.

DEVELOPMENT
MANAGEMENT

Hi,

The PC has now met and considered the above application and I would advise you as follows:-

- Councillors were concerned that the existing septic tank may not be of a sufficient capacity
- The use of Low Energy Lighting, obviating further loading on the poor local electricity supply and the need for noisy generators is a positive
- Councillors have major concern regarding access to the site area. The situation is exacerbated by large wagons delivering to the Brewery continuing to use the this area rather than utilise the turning circle in the Brewery.

The PC does not object to the application in principal but feels that approval should be conditional upon action being taken on the above.

Regards

Vic Worrall
Cropton Parish Council - Chair

Agenda Item 13

RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 10 NOVEMBER 2015

Report of the Head of Planning

Change of use of agricultural land for motor cross events together with operational development at Land West Of Partings Farm, Allerston, Pickering

Purpose of the Report

To advise Members of alleged breaches of planning control and recommend an appropriate course of action.

1. SITE LOCATION

- 1.1 The site lies to the west of an existing farmstead known as Partings Farm North east of the village of Allerston off the A170. The farmstead is still operational, the land the subject of this report was previously used for the rearing of pigs.

2. BREACHES OF PLANNING CONTROL

- 2.1 The breaches of planning control comprises :

Without planning permission, the material change of use of the land known as Partings Farm, to a mixed use for the purposes of agriculture and motorcycle riding, including trials of skill; motorcycle racing, including trials of speed; and practising for such activities; together with the construction of a permanent track including the formation of jumps, man-made hollows, berms, corner banking, all to facilitate some or all of those activities.

These are described below.

2.2 Change of Use

The above site is agricultural land which has been used as a motocross track. Users of the site range from small children on 50 cc bikes to teenagers/ adults on 125cc+ . Officers of the Local Planning Authority understand that the site is only used on Sundays between the hours of 10:00 - 16:00 with an average of 30 users.

2.2 Engineering operations

In order to implement the above use, the operators of the site have also carried out engineering operations as defined by Section 55 of the Town and Country Planning Act1990. The development carried out is in the form of a track, including obstacles, jumps and car parking. A static caravan has also been sited which is used as an office, tuck shop and shop.

3. WHAT BREACHES HAVE OCCURRED

3.1 The site was investigated by the Council's Enforcement Officer after complaints had been received from a District Councillor regarding the operation of the site. This was received by the Local Planning Authority on the 16 June 2015.

3.2 The Development Management Enforcement Officer and Environmental Health Officer visited the site and noted that there had been significant engineering works on the site to create the race track and to construct a number of jumps and obstacles, as well as the formation of a parking area and siting of a static caravan, used as a shop and office. Due to the level of work carried out and the operations required to carry it out, officers were satisfied that the works carried out would have required the benefit of planning permission as defined by Section 55 of the Town and Country Planning Act 1990

3.3 The operators of the site are known as a collective called 'Mud in Your Blood'. Representatives of this organisation have confirmed how the site had been operating:

- *once a week on a Sunday between the hours of 10:00 - 16:00*
- *three sessions at 15 minute intervals throughout the day. The intervals are split into the following; 50cc bikes, 65- 85 cc bikes and 125+cc bikes.*
- *On average there would be approximately 30 users of the course this would approximately be broke down as follows; 5 users of the 50cc, 15 users of the 65/ 85cc and 20 users of the 125+ cc bikes*

3.4 It was the operators understanding that they had been operating in compliance with Schedule 3 Part 4 Class B of the Town and Country Planning (General Permitted Development) (England) Order, which stipulates;

The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes of—

(a) the holding of a market;

(b) motor car and motorcycle racing including trials of speed, and practising for these activities,

and the provision on the land of any moveable structure for the purposes of the permitted use.

However Officers confirmed that because of the aforementioned engineering operations, the change of the use of the land for the purpose of motor cross was not 'permitted development'. The development therefore should have had the benefit of planning permission to change the use of the land to D2.

4. HISTORY

4.1 The land the subject of this report has no previous Planning History.

5. PLANNING POLICY CONTEXT

5.1 The relevant planning policy considerations are:

National Planning Policy Framework (NPPF)

Paragraph 17 - Core Planning Principles
Section 3 - Supporting a prosperous rural economy

Ryedale Plan - Local Plan Strategy

Policy SP 1 - General Location of Development and Settlement Hierarchy
Policy SP 11 - Community Facilities and Services
Policy SP 13 - Landscapes
Policy SP 19 - Presumption in Favour of Sustainable Development
Policy SP 20 - Generic Development Management Issues

6. APPRAISAL

6.1 The site is located within the Fringe of the Moors Area of High Landscape Value, the wider landscape setting of site is therefore highly significant. Although undisputedly engineering operations have taken place from the key public vantage point from Allerston Lane. The works carried out on the site assimilates into the wider landscape. From distant views the site still appears in the landscape as an agricultural field. Views from the A170 which runs south of the site are limited due to the topography. Officers do not consider that the development impacts significantly on the landscape character of the area.

6.2 A starting point is to consider that Under Schedule 3 Part 4 Class B of the Town and Country Planning (General Permitted Development) (England) Order temporary consent is given The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes of—

(a) the holding of a market;

(b) motor car and motorcycle racing including trials of speed, and practising for these activities,

and the provision on the land of any moveable structure for the purposes of the permitted use.

However as previously stated the works carried out in terms of the creation of the track and the obstacles on it constitute engineering operations under Section 55 of the Town and Country Planning Act 1990. The site therefore does not benefit from the temporary change of use permitted by Part 4 of the GPDO. It should be noted that if the land was reverted back to its former condition, come the 1st January 2016, the site could be operated, with temporary structures for up to 14 days with that calendar year without requiring planning permission

6.3 The main concern with the development is considered to be the impact on the amenity of the occupiers of the neighbouring properties and adjacent land uses. The initial correspondence with the land owner and operator indicated that the main purpose of the site was training of children on small bikes as a way of 'keeping them off the street'. A similar initiative is operating in Scarborough. However following the meeting on site it was confirmed that the main users of this site are teenagers and adults on larger 125+cc bikes. The site operates on a Sunday between the hours of 10:00 and 16:00. The three different categories of bikes use the track in 15 minute intervals. Due to this operation the track is almost continually in use throughout the opening times.

- 6.4 The high pitch buzzing and revving created by the motor cross bikes negotiating the track and obstacles is a highly intrusive noise. The obstacles and jumps (which are as a direct result of the engineering operations) increase noise levels as the bikes attempt to scramble up them.
- 6.5 This impact is further exacerbated because the site is located within the open countryside, and whilst the background noise levels from the A170, farming operations and adjacent dog kennels do raise background noise levels it is officers opinion that the type of noise as described adversely affects the amenity of the occupiers of neighbouring properties.
- 6.6 The site operates most Sundays. However this can be intermittent due to bad weather conditions and events being held elsewhere.
- 6.7 The second key concern over the use of the site is the impact on highway safety. Officers have been in discussion with the Highways Authority, over whether the use of the existing access to Partings Farm would pose harm to the safe functioning of the A170. The views offered by the Highway Authority is that it would be unlikely that the use of the access, (albeit with some alterations) would pose a risk to Highway Safety. It must be stressed that these views represents an informal, officer opinion only, and do not commit either the Highway Authority or the Local Planning Authority in any way or prejudice any decision that a Planning Committee may reach if a formal application was made.
- 6.8 In view of the nature of the complaints received, and the evidence of the clear breaches of planning control, it is considered that the Local Planning Authority should take action to remedy the situation.

7. WHY IS IT CONSIDERED EXPEDIENT TO SERVE A NOTICE?

- 7.1 The site is located in open countryside outside the development limits of Allerston. The breach was first reported to the Local Planning Authority in June 2015, although the complaints state the operations commenced in June. The operators of the site have ignored the Councils request to cease operations of the site. Whilst it is understood that they are in the process of submitting a full planning application in an attempt to regularise the use and engineering operations, it has been confirmed by the applicant that this would not be ready for submission by the deadline set by the Local Planning Authority. Since the site first started operating, the complainants have reported that the activities are increasingly impacting on their amenity and adversely affecting the operations of their business.
- 7.2 The developer has failed to demonstrate that the site can be operated without adversely affecting the amenity of the occupiers of the neighbouring properties. This can only be properly demonstrated through the submission of a rigorous Noise Impact Assessment required as part of a formal planning application. It is therefore the conclusion of Officers that the use of the land, and the engineering operations are contrary to national planning advice contained in the NPPF and NPPG. This use would adversely impact on the amenity of neighbouring properties and nearby businesses contrary to the requirements of Para. 17 of the NPPF and Policy SP20 of the Ryedale Plan - Local Plan Strategy. In this instance, with a clear breach of a planning control, it is considered expedient to authorise enforcement action.

7.3 The expediency reason to serve an enforcement notice is outlined below:

1. The unauthorised breach of planning control is contrary to Policy SP20 (Generic Development management Issues) of the Ryedale Plan - Local Plan Strategy which requires that new development should 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 the ... 'use, location and proximity to neighbouring uses'. The National Planning Policy Framework Paragraph 17 seeks to secure ... a good standard of amenity for all existing and future occupants of land and buildings. As is evident from the complaints received and what officers observed from visiting the site the current unauthorised operations are having an adverse impact on the amenity of neighbouring properties, as a direct result of the use for the purpose of motor cross.

In the absence of a Noise Impact Assessment it has not been demonstrated to the Local Planning Authority that the site can operate in a manner which does not adversely affect the amenity of the occupiers of neighbouring properties. The development is thereby contrary to Para. 17 of the NPPF, and Policy S20 of the Ryedale Local Plan Strategy.

8. STEPS NECESSARY TO REMEDY THE BREACH

8.1 This report seeks authorisation to serve a formal enforcement notice to remedy the breach of planning control. In order to achieve compliance the necessary steps include:

1. Cease the mixed use of the land known as Partings Farm including use of the permanent track within the area of land identified on the plan attached to the report , by the cessation of motorcycle riding including trials of skill; motorcycle racing including trials of speed; and practising for such activities, other than as specified in Schedule 2, Part 4, Class B (B1) of the *Town and Country Planning (General Permitted Development) (England) Order 2015* as amended, or any order revoking and reenacting that Order with or without modification.
2. Remove from the land the 'motor cross' track and the car park , together with all jumps, man-made hollows, berms, corner banking,
3. Restoration of the land to its former condition, through the removal/ levelling of the 'motor cross course' and car parking area.
4. Cultivate and seed the land to a condition fit for agricultural use.
5. Restoration of the land to its former condition, through the removal/ levelling of the 'motor cross course' and car parking area.
6. The removal from the land of the static caravan.

9. SUGGESTED PERIOD FOR COMPLIANCE

9.1 The suggested period for compliance is one month in respect of an Enforcement Notice.

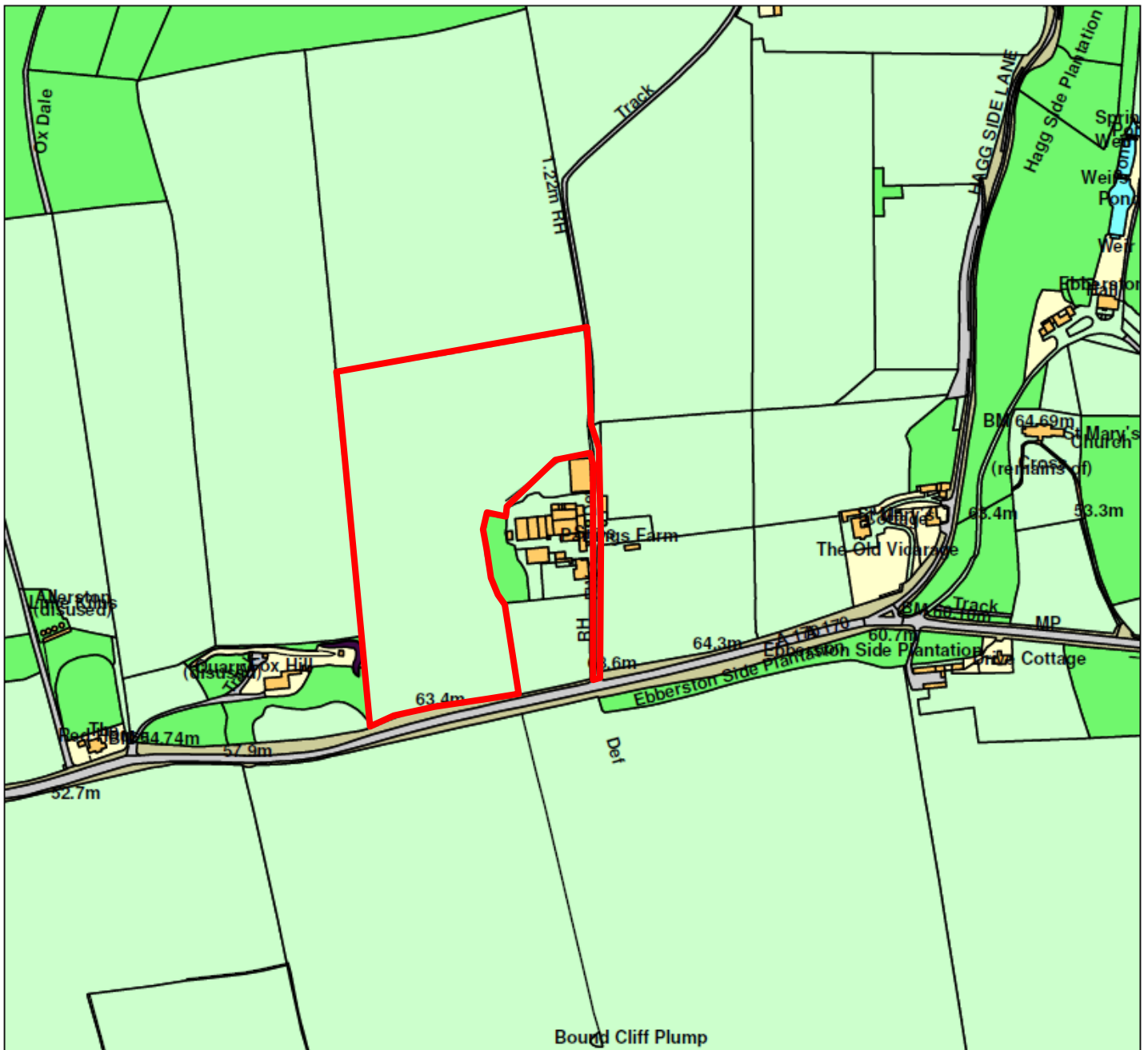
Recommendation

The Council Solicitor be authorised in consultation with the Head of Planning and Housing Services to issue an enforcement notice pursuant to section 172 of the Town and Country Planning Act 1990 (as amended) requiring :

1. Cease the mixed use of the land known as Partings Farm including use of the permanent track within the area of land identified on the plan attached to the report , by the cessation of motorcycle riding including trials of skill; motorcycle racing including trials of speed; and practising for such activities, other than as specified in Schedule 2, Part 4, Class B (B1) of the *Town and Country Planning (General Permitted Development) (England) Order 2015* as amended, or any order revoking and reenacting that Order with or without modification.
2. Remove from the land the 'motor cross' track and the car park , together with all jumps, man-made hollows, berms, corner banking,
3. Restoration of the land to its former condition, through the removal/ levelling of the 'motor cross course' and car parking area.
4. Cultivate and seed the land to a condition fit for agricultural use.
5. Restoration of the land to its former condition, through the removal/ levelling of the 'motor cross course' and car parking area.
6. The removal from the land of the static caravan.

Background Papers

Investigation file 15/00054/UD



RYEDALE DISTRICT COUNCIL

APPLICATIONS DETERMINED BY THE DEVELOPMENT CONTROL MANAGER IN ACCORDANCE WITH THE SCHEME OF DELEGATED DECISIONS

PERIOD 02.10.2015 TO 30.10.2015

1.

Application No: 15/00513/FUL **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr P A & P J Skaife
Location: Outbuilding Adj To 33 Outgang Road Pickering North Yorkshire
Proposal: Change of use and alteration of outbuilding to form a 2 bedroom dwelling together with formation of parking and turning space.

2.

Application No: 15/00514/LBC **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr P. A. & P J Skaife
Location: Outbuilding Adj To 33 Outgang Road Pickering North Yorkshire
Proposal: External and internal alterations to include erection of internal partition walls to first floor, replacement of existing windows with timber double glazed units and installation of 1no. flue and 4no. rooflights to north elevation roof slopes.

3.

Application No: 15/00807/FUL **Decision: Approval**
Parish: Rillington Parish Council
Applicant: Mr G Hall
Location: Laurel Farm Rillington Fields Malton Road Rillington Malton North Yorkshire YO17 8EB
Proposal: Change of use and erection of single storey extension to outbuilding to form holiday cottage

4.

Application No: 15/00827/FUL **Decision: Approval**
Parish: Norton Town Council
Applicant: Yorkshire Water (Ms Sarah Vautrey)
Location: Land Between River Derwent And Railway Line Menethorpe Lane Menethorpe Malton North Yorkshire
Proposal: Erection of a concrete plinth to access washout valves and air valve covers for the adjacent rising main scheme to include a 1.4m high surrounding post and rail fence together with installation of 2.5m high vent stack to the north of the concrete plinth installation

5.

Application No: 15/00875/FUL **Decision: Approval**
Parish: Sinnington Parish Council
Applicant: Arqiva Ltd (Mr Matthew Waugh)
Location: Land South Of A170 Sinnington Cliff Road Sinnington Pickering
Proposal: Erection of a 20m high lattice shared communications mast to include 6no. antennas and 2no. transmission dishes together with ground based ancillary equipment all within a compound formed from 2.2m high timber close boarded fence.

6.

Application No: 15/00878/HOUSE **Decision: Approval**
Parish: Welburn (Malton) Parish Council
Applicant: Stewart Holt & Sarah Leece
Location: Cherry Tree House Main Street Welburn Malton YO60 7DX
Proposal: Removal of existing part two storey/part single storey flat roofed extension and replacement by a part two storey/part single storey extension replacement of adjacent ground floor French doors with alterations to balcony above including installation of French doors for balcony access together with removal of existing detached double garage/store and replacement by detached double garage store and detached timber shed for domestic purposes.

7.

Application No: 15/00879/LBC **Decision: Approval**
Parish: Welburn (Malton) Parish Council
Applicant: Stewart Holt & Sarah Leece
Location: Cherry Tree House Main Street Welburn Malton YO60 7DX
Proposal: External and internal alterations to include removal of existing part two storey/part single storey flat roofed extension and replacement by a part two storey/part single storey flat roofed extension, replacement of adjacent ground floor French doors with alterations to balcony above including installation of French doors for balcony access, reroofing of dwelling, replacement of front and rear UPVC dormer windows by double glazed timber Yorkshire sliding sash units and alterations to internal layout on ground floor, first floor and second floor

8.

Application No: 15/00882/FUL **Decision: Approval**
Parish: Sheriff Hutton Parish Council
Applicant: Mr M Godliman
Location: Gower Hall Farm Thornton Le Clay Malton YO60 7QD
Proposal: Resiting of existing agricultural building for general purpose agricultural storage and seasonal livestock use together with formation of section of access track to serve the existing agricultural use

9.

Application No: 15/00897/FUL **Decision: Approval**
Parish: Habton Parish Council
Applicant: Mr And Mrs J Haxton
Location: Habton House Farm Newsham Lane Little Habton Malton North Yorkshire YO17 6UA
Proposal: Change of use, alteration and extension of agricultural buildings to form a four-bedroom holiday cottage (Plot 1) (revised details to approval 09/01344/EXT)

10.

Application No: 15/00930/FUL **Decision: Approval**
Parish: Sherburn Parish Council
Applicant: Mr John Worthy
Location: Sherburn Post Office High Street Sherburn Malton North Yorkshire YO17 8QB
Proposal: Change of use and alteration of detached storage building to form a 1no. bedroom dwelling

11.
Application No: 15/00932/FUL **Decision: Approval**
Parish: Sinnington Parish Council
Applicant: Mr Nick Turnbull
Location: Hillside Farm Gallowheads Lane Marton Kirkbymoorside YO18 8LT
Proposal: Erection of an agricultural building for the purposes of storing machinery and general farm produce

12.
Application No: 15/00954/FUL **Decision: Approval**
Parish: Welburn (Malton) Parish Council
Applicant: Provenance Inns Ltd (Mr Michael Ibbotson)
Location: Crown And Cushion Main Street Welburn Malton YO60 7DZ
Proposal: Erection of single storey extension to side elevation to form a kitchen

13.
Application No: 15/00955/LBC **Decision: Approval**
Parish: Welburn (Malton) Parish Council
Applicant: Provenance Inns Ltd (Mr Michael Ibbotson)
Location: Crown And Cushion Main Street Welburn Malton YO60 7DZ
Proposal: Erection of a single storey extension to side elevation to form a kitchen.

14.
Application No: 15/00959/LBC **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr Gary & Mrs Rachael Holliday
Location: 18 Castlegate Pickering North Yorkshire YO18 7AX
Proposal: Erection of a replacement conservatory to rear elevation

15.
Application No: 15/00960/HOUSE **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Mr Aidan Delacey-Simms
Location: 13 Dale End Kirkbymoorside YO62 6EE
Proposal: Replacement of 4no. timber single glazed front elevation windows by 4no. timber double glazed windows

16.
Application No: 15/00961/HOUSE **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Mr Brian Collier
Location: 76 West End Kirkbymoorside YO62 6AF
Proposal: Replacement of 4no. front elevation timber single glazed Yorkshire sliding sash windows by 4no. timber double glazed Yorkshire sliding sash windows

17.
Application No: 15/00966/HOUSE **Decision: Approval**
Parish: Malton Town Council
Applicant: Mr & Mrs J Campleman
Location: 3 Castle Howard Drive Malton North Yorkshire YO17 7BA
Proposal: Erection of 2no. two storey extensions to rear elevation

18.

Application No: 15/00967/GPAGB **Decision: Prior Approval Granted**
Parish: Wilton Parish Council
Applicant: Mr And Mrs Howarth
Location: Hollies Farm Wilton Pickering North Yorkshire YO18 7JY
Proposal: Change of use of agricultural building to a dwellinghouse (Use Class C3)

19.

Application No: 15/00973/HOUSE **Decision: Approval**
Parish: Stonegrave Parish Meeting
Applicant: Mrs Jackie Powell
Location: Ash Bank Main Street Stonegrave Helmsley YO62 4LJ
Proposal: Erection of single storey extension and construction of balcony to south elevation

20.

Application No: 15/00977/FUL **Decision: Approval**
Parish: Sheriff Hutton Parish Council
Applicant: P Atkinson And Son (Mr Philip Atkinson)
Location: High Roans Farm Strensall To Sheriff Hutton Road Sheriff Hutton North Yorkshire YO32 5TR
Proposal: Change of use of existing building to Use Class B1 and Use Class B8 together with the erection of an extension to the east elevation.

21.

Application No: 15/00979/FUL **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Mr Richard Dales
Location: Building East Of Howe Green Swineherd Lane Kirkbymoorside
Proposal: Change of use and erection of single storey extension to east and south elevations of existing outbuilding to form a detached self contained one bedroom residential annex to Howe Green

22.

Application No: 15/00984/FUL **Decision: Approval**
Parish: Malton Town Council
Applicant: RBS (Jacqui Thomson)
Location: 27 Yorkersgate Malton North Yorkshire YO17 7AZ
Proposal: External and internal alterations to allow lowering of ATM to include removal of steps and section of wall together with installation of ATM surround

23.

Application No: 15/00985/LBC **Decision: Approval**
Parish: Malton Town Council
Applicant: RBS (Jacqui Thomson)
Location: 27 Yorkersgate Malton North Yorkshire YO17 7AZ
Proposal: External and internal alterations to allow lowering of ATM to include removal of steps and section of wall together with installation of ATM surround

24.

Application No: 15/00993/HOUSE **Decision: Approval**
Parish: Claxton Parish Council
Applicant: Mr Jonathan Goodrick
Location: Whincott Whinny Lane Claxton YO60 7RZ
Proposal: Erection of part two storey/part single storey extension to include attached single garage replacing the existing detached double garage

25.
Application No: 15/00997/HOUSE **Decision: Approval**
Parish: Aislaby, Middleton & Wrelton Parish
Applicant: Mr G Moody
Location: Lane End Farm High Back Side Middleton Pickering North Yorkshire YO18 8PB
Proposal: Erection of a single storey linking extension between the dwelling and detached double garage

26.
Application No: 15/01001/TPO **Decision: Approval**
Parish: Malton Town Council
Applicant: Mr Alan Chaplin
Location: Gilross 67 Middlecave Road Malton North Yorkshire YO17 7NQ
Proposal: To Reduce extension growth on eastern side of the crown of T3 (Beech) by a maximum of 4m, and crown lift T4 (Purple leafed beech) on the eastern side of the crown by the removal of 5No.minor branches back to the main trunk, and the removal of small drooping branches emerging from the main scaffolding limbs, all within TPO 311/2007.

27.
Application No: 15/01005/HOUSE **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Mr And Mrs Brewer
Location: Rivendell Swineherd Lane Kirkbymoorside YO62 6LR
Proposal: Erection of single story extensions to the north west elevation to include a single garage

28.
Application No: 15/01015/HOUSE **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr & Mrs Skinner
Location: 16 Green Howards Road Pickering North Yorkshire YO18 7JR
Proposal: Erection of detached single garage

29.
Application No: 15/01017/FUL **Decision: Approval**
Parish: Habton Parish Council
Applicant: Mr & Mrs J Patmore
Location: The Granary Low Farm Ryton Rigg Road Ryton Malton North Yorkshire YO17 6RY
Proposal: Erection of a single storey link extension between The Granary and Brass Castle to form 4no. bedroom dwelling

30.
Application No: 15/01022/FUL **Decision: Approval**
Parish: Acklam Parish Meeting
Applicant: Mr Roddy Hamilton
Location: Thrussendale Farm Thrussendale Road Acklam Malton North Yorkshire YO17 9RG
Proposal: Erection of an agricultural building for the housing of livestock

31.

Application No: 15/01021/73A **Decision: Approval**
Parish: Buttercrambe With Bossall Parish Meeting
Applicant: Mrs B Sheppard
Location: Howl Beck House 6 Bossall To Carr Plantation Bossall Malton YO60 7NT
Proposal: Variation of Condition 07 of approval 14/00457/HOUSE dated 11.06.2014 to replace drawing nos. AR50 01 A Plans and Elevations Proposed and AR50 02 A Plans Proposed with drawing nos. AR50 01 B Plans and elevations Proposed and AR50 02 B Plans Proposed to allow formation of ground floor garden room and alteration to first floor accommodation.

32.

Application No: 15/01023/HOUSE **Decision: Approval**
Parish: Ampleforth Parish Council
Applicant: Mr & Mrs K Holloway
Location: Shoemakers Old Station Road Ampleforth Helmsley YO62 4DT
Proposal: Erection of a single storey extension to rear elevation

33.

Application No: 15/01026/HOUSE **Decision: Approval**
Parish: Welburn (Malton) Parish Council
Applicant: Mr David Smith
Location: Kirkwall Church Lane Welburn Malton YO60 7EG
Proposal: Erection of a single storey side and rear extension to the south and east elevations including garage, erection of a single storey extension to the west elevation and front porch to include the removal of the existing detached garage

34.

Application No: 15/01032/FUL **Decision: Approval**
Parish: Wombledon Parish Council
Applicant: Mr Nick Savic
Location: Building At The Barn Holly Park Guncroft Lane Nawton Helmsley
Proposal: Change of use and alteration of stable block to form home office and 2no. stables for private domestic use, together with erection of detached 4 bay garage with domestic storage above following demolition of existing barn.

35.

Application No: 15/01033/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 extension, erection of pitched roof to existing flat roof extension, change of use, alteration and extension of attached barn to form additional domestic accommodation together with demolition of existing porch.

36.

Application No: 15/01036/HOUSE **Decision: Approval**
Parish: Harome Parish Council
Applicant: Mr C Ward
Location: The Haven Main Street Harome Helmsley YO62 5JF
Proposal: Erection of an extension of a detached outbuilding to form a garage

37.

Application No: 15/01039/HOUSE **Decision: Approval**
Parish: Sinnington Parish Council
Applicant: Mr J Allan
Location: Sevenside Marton Road Sinnington YO62 6RA
Proposal: Erection of detached garage with adjoining store room

38.

Application No: 15/01049/FUL **Decision: Refusal**
Parish: Scrayingham Parish Council
Applicant: Mr & Mrs Peter & Ruth Stacey
Location: Manor Farm Leppington Lane Leppington Malton North Yorkshire YO17 9RL
Proposal: Erection of a six bedroom dwelling with attached double garage and detached single carport together with erection of front entrance gates with adjacent stone walling (revised details to refusal 15/00086/FUL dated 02.04.2015).

39.

Application No: 15/01048/LBC **Decision: Approval**
Parish: Sheriff Hutton Parish Council
Applicant: Mr And Mrs Taylor
Location: Cornborough Hall Cornborough Road Sheriff Hutton YO60 6RX
Proposal: Demolition of existing porch to north elevation and removal of metal flue pipe to west gable end together with alterations to internal layout

40.

Application No: 15/01051/HOUSE **Decision: Approval**
Parish: Sheriff Hutton Parish Council
Applicant: Miss Justine Warner
Location: Laburnum Cottage West End Sheriff Hutton North Yorkshire YO60 6SH
Proposal: Erection of replacement front entrance porch and rear single storey extension

41.

Application No: 15/01056/HOUSE **Decision: Approval**
Parish: Malton Town Council
Applicant: Mr Simon Garnett
Location: 30 Middlecave Road Malton North Yorkshire YO17 7JH
Proposal: Erection of an extension to garden room together with installation of rooflights to front facing roof slope

42.

Application No: 15/01058/HOUSE **Decision: Approval**
Parish: Ebberston Parish Council
Applicant: Mr And Mrs M Thorpe
Location: Ryedale 55 Main Street Ebberston Scarborough North Yorkshire YO13 9NR
Proposal: Erection of porch to front elevation following removal of door and steps to side elevation together with raising of roof height, installation of 2no. dormer windows to front facing roof slope and 4no. rooflights to front and rear facing roof slopes

43.

Application No: 15/01080/HOUSE **Decision: Approval**
Parish: Malton Town Council
Applicant: Mr & Mrs J Wrightson
Location: 9 The Mount Malton North Yorkshire YO17 7ND
Proposal: Replacement of mono-pitched roof with dual pitched slate roof to existing detached garage

44.

Application No: 15/01089/HOUSE **Decision: Approval**
Parish: Huttons Ambo Parish Council
Applicant: Mr K Ingram
Location: The Redings The Green Low Hutton Malton YO60 7HF
Proposal: Erection of single storey extension to side elevation

45.

Application No: 15/01095/HOUSE **Decision: Approval**
Parish: Sheriff Hutton Parish Council
Applicant: Mr & Mrs I Holdsworth
Location: Ostlers Lodge West End Sheriff Hutton North Yorkshire YO60 6SH
Proposal: Erection of single storey extension to rear elevation

Appeal Decision

Site visit made on 15 October 2015

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 20/10/2015

Appeal Ref: APP/Y2736/W/15/3129595

7 Pottergate, Helmsley, YO62 5BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Trousdale against the decision of Ryedale District Council.
 - The application Ref 15/00312/HOUSE, dated 17 March 2015, was refused by notice dated 13 May 2015.
 - The development is the replacement of 4no. existing timber single glazed Yorkshire sliding sash windows to the front elevation with 4no. timber double glazed Yorkshire sliding sash windows together with the replacement of existing four panel front door with part glazed four panel front door.
-

Decision

1. The appeal is allowed and planning permission is granted for the replacement of the existing four panel front door with a part glazed four panel front door at 7 Pottergate, Helmsley, YO62 5BU in accordance with the terms of the application, Ref 15/00312/HOUSE, dated 17 March 2015.

Procedural Matter

2. The application, and as a consequence the appeal, have been made on a retrospective basis with all the indicated works having been completed.
3. In determining the planning application, the Council has issued a split decision, which in effect has approved the replacement double glazed timber sliding sash windows, but refused permission for the replacement of the part glazed four panel front door. In respect of the replacement double glazed timber sliding sash windows, on the basis of my observations at the site visit and taking into account all the evidence placed before me, I see no reason to disagree with the conclusions which have been reached by the Council on this element of the scheme. As a consequence, it is evident that the appeal is made solely against the element of the development that is disputed, namely the replacement part glazed four panel front door, and I have therefore focussed my determination of the appeal on this alone. Therefore, and for the avoidance of doubt, I have revised the description of the development to the following;

"the replacement of the existing four panel front door with a part glazed four panel front door"

Main Issue

4. The main issue in this case is whether the replacement door preserves or enhances the character or appearance of the Helmsley Conservation Area.

Reasons

5. The Council has indicated that the appeal property is located within an area which is the subject of an Article IV Direction, and whilst I have not been provided with any specific details related to the basis on which the Direction was made, it has in effect removed permitted development rights for the replacement of doors and windows. The Council has indicated that its concern centres on the use of fussy obscure glazing and over ornamented lead work within the replacement front door, which does not respond to the simple vernacular of the conservation area.
6. The Council has not provided any details of the conservation area in the form of a character appraisal or conservation area assessment or statement, and as a consequence my own assessment has been limited to my observations on the appeal site itself. In this respect, I note that there are a wide range of other glazing designs and approaches used on front doors elsewhere within the conservation area, although I am not persuaded that this alone would provide compelling support for the appeal scheme. However, I do not consider the comparatively limited scale and coverage of the glazing within the context of the overall elevation of the appeal property, or the specific detail of the design to be visually prominent within the street scene, and therefore resulting in the adverse impact contended by the Council. Whilst I accept that the glazing could be simpler in its approach with the omission of the lead work, I do not agree in this instance that its incorporation within the timber front door results in an adverse impact on the character or appearance of the conservation area.
7. On the basis of the submitted evidence and my observations on site, I conclude that the replacement front door preserves the character and appearance of the Helmsley Conservation Area. The proposal therefore accords with Policies SP12 and SP16 of the Ryedale Plan – Local Plan Strategy with Main Modifications and Additional Modifications (2013). These policies seek to ensure that the distinctive historic character and appearance of the market town is safeguarded, and that alterations to existing buildings are appropriate and sympathetic to the host building in terms of scale, form and use of materials. Furthermore, the development would accord with Section 12 of the National Planning Policy Framework which seeks to ensure the preservation or enhancement of heritage assets.

Conditions

8. The Council has not suggested any conditions in respect of the replacement front door were the appeal to be allowed, and given that the works have already taken place, I also do not consider any to be necessary.

Conclusion

9. For the reasons given above, the appeal should be allowed.

M Seaton

INSPECTOR

Appeal Decision

Site visit made on 5 October 2015

by **G D Jones BSc(Hons) DMS DipTP MRTPI**

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

Decision date: 12 October 2015

Appeal Ref: APP/Y2736/D/15/3130948

Carpenters Cottage, 75 Outgang Road, Pickering YO18 7EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Fisher against the decision of Ryedale District Council.
 - The application Ref 15/00317/HOUSE, dated 18 March 2015, was refused by notice dated 5 May 2015.
 - The development proposed is a first floor rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension at Carpenters Cottage, 75 Outgang Road, Pickering YO18 7EL in accordance with the terms of the application, Ref 15/00317/HOUSE, dated 18 March 2015, subject to the conditions contained within the Schedule at the end of this decision.

Main Issue

2. The main issue is the effect of proposed development on the living conditions of the occupants 73 Outgang Road.

Reasons

3. The appeal property is a semi-detached two storey house. It is proposed to erect a first floor extension across the full extent of an existing single storey rear projection, which extends substantially from the principal rear elevation of the host building. Due to the proposed siting close to the boundary with the other half of the pair of semis, 73 Outgang Road, the extension has the potential to appear overbearing, result in overlooking and affect light to and outlook from this property.
4. In terms of potential overlooking, there is a roof light proposed in the side roof plane that would afford views into No 73. This arrangement would be likely to have a harmful effect on the privacy of occupants of No 73. The appellant has suggested that this opening could be fixed closed and fitted with obscured glazing. I consider that these measures would reasonably mitigate any such overlooking and that they could be secured and controlled via planning condition.
5. In respect to any effect on light and outlook and in terms of appearing overbearing, when combined with the existing single storey projection, the proposed development would result in a substantial structure adjacent to the

boundary with No 73. Nonetheless, the existing structure is reasonably substantial in itself and, bearing in mind that the additional accommodation would largely be contained within the enlarged roof-space, I am not persuaded that the extra mass of the proposed development would have a significant additional net effect in these respects. This assessment is broadly echoed in the comments of the current occupant of No 73, who has raised no objection to the proposal and is generally supportive of the scheme.

6. For these reasons, therefore, the proposed development would not have a significant effect in terms on privacy, outlook, light or sense of overbearing such as to justify withholding planning permission. Consequently, in these respects, it would not harm the living conditions of neighbours and there would be no conflict with the relevant objectives of Policy SP20 of the Ryedale Plan – Local Plan Strategy or those of the National Planning Policy Framework.

Other Matters

7. The site is located within a Conservation Area. In view of the evidence and having seen the site, I have found no reason to disagree with the advice of the Council's conservation service on this matter. I conclude, therefore, that the appeal development would, subject to appropriate conditions, preserve the character and appearance of the Conservation Area.

Conditions and Conclusion

8. In addition to the standard time limit condition the Council has requested a number of conditions which I have considered in the light of government guidance. For the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans would be necessary.
9. As set out in the Reasons section above, a condition would be necessary to ensure that the side facing roof light is fixed and fitted with obscured glazing. Conditions to control the facing materials of the extension, including windows and doors and their means of opening and the depth of reveal, would also be necessary to protect the character and appearance of the area.
10. I conclude, therefore, that the appeal should be allowed subject to the identified conditions.

G D Jones

INSPECTOR

SCHEDULE OF CONDITIONS FOR APPEAL REF APP/Y2736/D/15/3130948:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: Location Plan; No 021 2141; No 021 2142; No 021 2143.
- 3) The extension hereby permitted shall not be occupied until the window at first floor in the western roof plane has been fitted with obscured glazing and permanent fixed closed. Details of the type of obscured glazing shall be submitted to and approved in writing by the Local Planning Authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 4) Before the development hereby permitted is commenced the developer shall construct on site for the written approval of the Local Planning Authority a one metre square freestanding panel of stonework of the type of stone to be used in the construction of the building. The stonework panel so constructed shall be retained only until the development has been completed.
- 5) Prior to the commencement of the development hereby approved details of all windows and doors, including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 6) The roof shall be covered with pantiles to match those of the existing building.

Appeal Decision

Site visit made on 5 October 2015

by G D Jones BSc(Hons) DMS DipTP MRTPI

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

Decision date: 14 October 2015

Appeal Ref: APP/Y2736/W/15/3062060

**Land Adjacent to Rose Cottage, Goose Track Lane, West Lilling,
North Yorkshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Lorna Marchi against the decision of Ryedale District Council.
 - The application Ref 15/00254/73A, dated 4 March 2015, was refused by notice dated 29 April 2015.
 - The application sought planning permission for the erection of a four bedroom dwelling and formation of no1. parking space without complying with a condition attached to planning permission Ref 14/01083/FUL, dated 26 January 2015.
 - The condition in dispute is No 14 which states that: The dwelling house hereby permitted is to be occupied by persons, spouse and their dependents whom;
Have permanently resided in the parish, or an adjoining parish (including those outside the District), for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or
Do not live in the parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years, or service men and women returning to the parish after leaving for military service; or
Are taking up full time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years; or
Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years.
 - The reason given for the condition is: to meet local housing need in non service villages and to satisfy the requirement of Policy SP21 and Policy SP16 of the Ryedale Plan - Local Plan Strategy.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the disputed condition is necessary, relevant to planning and to the development in question, enforceable, precise and reasonable having regard to the provisions of the development plan and the location of new housing development in the District.

Reasons

3. The appeal site is a vacant plot of land located adjacent Rose Cottage, a two storey house, on the northern side of Goose Track Lane at the eastern fringe of the village of West Lilling. The evidence indicates that the site is mainly within the Development Limits of the village.
4. The evidence also indicates that West Lilling has few services and facilities and this is consistent with what I saw when I visited the area. The Council states that the disputed condition accords with the provisions of the Ryedale Plan – Local Plan Strategy (the Local Plan). The reason for refusal makes reference to conflict with Policies SP2 and SP21 of the Local Plan and the reason for the condition also makes reference to Policy SP16 concerning design. The Local Plan was adopted in 2013 after the publication of the National Planning Policy Framework (the Framework) in 2012.
5. The Local Plan broadly directs new housing development to sustainable locations, which are identified as the Principal Towns of Malton and Norton, which are the Primary Focus for Growth; the Local Service Centres - Market Towns of Pickering, Kirkbymoorside and Helmley, which are the Secondary Focus of Growth; and ten settlements known as Local Service Centres - Service Villages, which are the Tertiary Focus for Growth. West Lilling is not one of these settlements such that it falls within the 'Other Villages' category.
6. In Other Villages new housing is allowed in limited circumstances only as set out in Policy SP2:
 - Infill development (small open sites in an otherwise continually built up frontage) restricted to Local Needs Occupancy
 - Replacement dwellings
 - Sub-division of existing dwellings
 - Conversion and Redevelopment of Previously Developed Land and buildings within Development Limits, restricted to Local Needs Occupancy
 - 100% Rural Exception Sites outside and on the edge of Development Limits in line with Policy SP3
 - Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate and restricted to local needs occupancy
7. It appears that the Council granted planning permission for the appeal development on the basis that it would represent redevelopment of previously developed land within Development Limits, restricted to Local Needs Occupancy. I note the appellant's evidence that the site previously accommodated one or more dwelling. However, as any such dwellings appear to have been removed some time ago, neither the replacement dwelling nor the sub-division of existing dwellings criteria of Policy SP2 apply in this case. Based on the information before me and from what I observed during my site visit, none of the other criteria of this Policy are applicable to the appeal development. Among other things, Local Plan Policy SP21 sets out what is meant by Local Needs Occupancy in the terms of Policy SP2; in short it is closely aligned to the wording of the condition in dispute.
8. On this basis, in granting planning permission for the appeal development the evidence indicates that the Council concluded that the proposal would accord with the development plan, including the Local Plan and the requirements of Policies SP2 and SP21, and that this conclusion is based, at least in part, on the

understanding that the appeal development would be restricted to Local Needs Occupancy. With reference to the information before me I have found no reason to disagree.

9. In the event that the condition in dispute were to be removed, for the reasons outlined above, as a new house located away from identified sustainable locations and in an area with limited services and facilities, the appeal development would conflict with Policies SP2 and SP21 of the Local Plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations dictate otherwise. While I have taken all of the evidence into account I have found nothing which, individually or collectively, indicates that the identified conflict with the development plan should be set aside in this case.
10. In come to this conclusion, I have been mindful that the disputed condition is restrictive and has reasonably significant implications in terms of the range of people who would be permitted to live at the appeal property compared to a more conventional unfettered residential use. Nonetheless, like another Inspector who determined an appeal in the same District for similar development¹, I am guided by the fact that the principle of the policy, and consequently that of the condition, has been the subject of reasonably recent detailed examination by the Inspector during the Local Plan process.
11. The location of new housing and the residential strategy for the District is an important component of the Local Plan, including the need to restrict new development in locations outside the Principal Towns and Local Service Market Towns and Villages. This approach is consistent with the sustainable principles of the Framework. In the circumstances of this case, I also agree with that Inspector in that the removal of the condition would undermine the strategic objectives of the Council as embodied in the development plan and could be seen to create a precedent for other proposals in similar locations in the District.
12. Very many of the matters that have been put to me by the appellant in support of the proposal do carry weight in favour of the removal of the condition. These include the effect of the disputed condition on human rights; its effect on the development's viability, the free movement of capital and land value; housing supply in the area, including in and around York; the site's proximity to York and other settlements and services; and the availability of other residential properties in and around West Lilling. However, for the reasons outlined above, these are significantly outweighed by the identified conflict with the development plan.
13. I also note the concerns expressed regarding the enforceability of the condition. I acknowledge that its monitoring and, if necessary, enforcement would draw on Council resources. However, this is likely to be true of most planning conditions and I do not foresee that enforcement of the disputed condition would necessarily present the Council with any significant difficulties.
14. Overall, therefore, the condition is necessary, relevant to planning and to the development in question, enforceable, precise and reasonable. Consequently, it meets the tests contained in paragraph 206 of the Framework.

¹ Ref: APP/Y2736/A/14/2219259 as submitted by the Council

Other Matters

15. In determining the appeal I have also taken into account the submissions of third parties, including from Lillings Ambo Parish Council. However, these have not led me to any different overall conclusion. The evidence also refers to other residential development and planning decisions. Nonetheless, each proposal falls to be assessed primarily on its own merits and, in any event, I am unaware of the full circumstances associated with any of those other cases.
16. Reference is also made to the conduct of the appellant and the Council. However, the matters raised in this regard are largely considerations that are not for my deliberation in the context of an appeal made under section 78 of the Town and Country Planning Act 1990.

Conclusion

17. For all of the reasons given above, I conclude that the appeal should be dismissed.

G D Jones

INSPECTOR