

# PLANNING APPLICATIONS

**The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 25 June 2015. The meeting will commence at 1.30pm.**

Further information on possible timings can be obtained from the Democratic Services Officer, Louise Hancock, by telephoning Northallerton (01609) 767015 before 9.00 am on the day of the meeting.

The background papers for each application may be inspected during office hours at the Civic Centre by making an appointment with the Executive Director. Background papers include the application form with relevant certificates and plans, correspondence from the applicant, statutory bodies, other interested parties and any other relevant documents.

Members are asked to note that the criteria for site visits is set out overleaf.

Following consideration by the Committee, and without further reference to the Committee, the Executive Director has delegated authority to add, delete or amend conditions to be attached to planning permissions and also add, delete or amend reasons for refusal of planning permission.

Mick Jewitt  
Executive Director

# SITE VISIT CRITERIA

1. The application under consideration raises specific issues in relation to matters such as scale, design, location, access or setting which can only be fully understood from the site itself.
2. The application raises an important point of planning principle which has wider implications beyond the site itself and as a result would lead to the establishment of an approach which would be applied to other applications.
3. The application involves judgements about the applicability of approved or developing policies of the Council, particularly where those policies could be balanced against other material planning considerations which may have a greater weight.
4. The application has attracted significant public interest and a visit would provide an opportunity for the Committee to demonstrate that the application has received a full and comprehensive evaluation prior to its determination.
5. There should be a majority of Members insufficiently familiar with the site to enable a decision to be made at the meeting.
6. Site visits will usually be selected following a report to the Planning Committee. Additional visits may be included prior to the consideration of a Committee report when a Member or Officer considers that criteria nos 1 - 4 above apply and an early visit would be in the interests of the efficiency of the development control service. Such additional site visits will be agreed for inclusion in consultation with the Chairman or Vice-Chairman of the Planning Committee.

# PLANNING COMMITTEE

## Thursday 25th June 2015

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
<b>1</b>	15/00175/REM Mrs H M Laws Easingwold  Page no. 8	Reserved matters application for the construction of 48 dwellings and associated garages/parking as amended by plans received by Hambleton District Council on 27 May 2015  For: Linden Homes North At: OS Field 3324, Stillington Road, Easingwold  <b>RECOMMENDATION: GRANT</b>
<b>2</b>	15/00325/FUL Mrs B Robinson Hutton Rudby  Page no. 14	Redevelopment of garage to provide convenience Store, ATM, customer car park and associated petrol filling station.  For: James Hall and Company At: Greaves Garage, 36 Garbutts Lane, Hutton Rudby  <b>RECOMMENDATION: TO BE CONFIRMED</b>
<b>3</b>	15/00190/FUL Mrs C Davies Helperby  Page no. 20	Conversion of barn to form two bedroom dwelling including part demolition of section of building  For: Live Love Local Ltd At: The Barn, Main Street, Helperby  <b>RECOMMENDATION: REFUSE</b>
<b>4</b>	14/02534/FUL Mrs H M Laws Kilburn High and Low  Page no. 27	Proposed farm scale anaerobic digestion and combined heat and power facility and erection of 4 No associated general purpose agricultural buildings  For: JFS Clay Bank Farm Biogas At: Church Farm, Kilburn  <b>RECOMMENDATION: REFUSE</b>
<b>5</b>	15/00318/FUL Mrs C Davies Raskelf  Page no. 45	Installation of a solar farm and associated infrastructure.  For: Lightsource Renewable Energy Ltd At: Land South East of Highfield House  <b>RECOMMENDATION: REFUSE</b>
<b>6</b>	14/01332/FUL Mrs H Laws Stillington  Page no. 55	Use of two holiday letting units as one dwellinghouse with ancillary facilities  For: Mr J Sparrow At: White Bear Cottage, South Back Lane, Stillington  <b>RECOMMENDATION: GRANT</b>
<b>7</b>	15/00678/MRC Mr P Jones Winton, Stank & Hallikeld  Page no. 59	Variation of conditions 6, 10, 19, 23 & 32 of permission 08/04984/FUL to allow later submission of details and alternative wording of conditions 9 & 14  For: Infinis Energy Services Ltd At Stank Farm, Bullamoor  <b>RECOMMENDATION: GRANT</b>

**Parish: Easingwold**

Ward: Easingwold

**1**

Committee Date : 25 June 2015

Officer dealing : Mrs H M Laws

Target Date: 4 May 2015

**15/00175/REM**

**Reserved matters application of the construction of 48 dwellings and associated garages/parking as amended by plans received by Hambleton District Council on 27 May 2015.**

**at OS Field 3324 Stillington Road Easingwold North Yorkshire  
for Linden Homes North.**

#### 1.0 SITE DESCRIPTION AND PROPOSAL

1.1 Reserved matters approval is sought for the construction of 48 dwellings on land to the south of Stillington Road, Easingwold. The site extends to 1.7 hectares. The means of access to the site onto Stillington Road was approved at the outline stage.

1.2 The proposed development is for a mix of 1, 2, 3 and 4 bedroom units in single and two storey dwellings and apartments. The outline consent approved a total of 12 affordable dwellings (25%).

1.3 The land is in agricultural use and is currently grassland. To the west is the residential estate of Ingleton Drive and Sandholme Close, to the east is a dwelling and garden of "Nine Acre". The site bounds on to the gardens of dwellings and the Stillington Road Industrial Estate comprising Oaklands Way and Birch Way. To the south of the site is the Redrow Homes residential development and to the north is Stillington Road.

1.4 The site lies within the Development Limits of Easingwold. The site is within the area allocated under Policy EM1 as a mixed development site.

1.5 A Tree Preservation Order was made in 2012 (TPO 2012/1) in respect of five trees on the Stillington Road frontage. All the trees and hedges lie on the boundaries of the site.

1.6 A cycleway/footway to Oxmoor Place (part of the Redrow Homes estate to the south) is proposed.

1.7 A pumping station is proposed to be sited at the northern end of the site with its own access direct from Stillington Road. The compound would cover an area of 10.5m x 8m and would be enclosed by fencing to be agreed. The structures themselves would be underground.

1.8 The existing ground levels of the land range from a high point of 26.8 metres above ordnance datum (AOD) close to Stillington Road to a low point of 24.86 AOD close to the southern boundary with the Redrow site. The land is about 1 metre lower than the housing estate to the west, but is 0.5 metres higher than the Industrial Estate to the east.

#### 2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

2.1 2/94/041/0506A Outline application for residential development - Refused 6 June 1994

2.2 11/01018/SCR Request for Environmental Impact Assessment Regulations 1999 screening opinion in respect of a mixed use residential and commercial development - Decided 15 June 2011 Environmental Statement Not Required

2.3 13/02179/OUT - Outline application for the construction of 48 dwellings. Consent granted 12/6/2014.

### 3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP8 - Type, size and tenure of housing  
Core Strategy Policy CP9 - Affordable housing  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP19 - Recreational facilities and amenity open space  
Core Strategy Policy CP20 - Design and the reduction of crime  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP2 - Securing developer contributions  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP13 - Achieving and maintaining the right mix of housing  
Development Policies DP15 - Promoting and maintaining affordable housing  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Development Policies DP34 - Sustainable energy  
Development Policies DP37 - Open space, sport and recreation  
Development Policies DP39 - Recreational links  
Development Policies DP43 - Flooding and floodplains  
Affordable Housing - Supplementary Planning Guidance - June 2008  
Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009  
Supplementary Planning Document - Open Space, Sport and Recreation  
Adopted 22 February 2011  
National Planning Policy Framework

### 4.0 CONSULTATIONS

Easingwold Town Council

#### 4.1 Comment as follows:

- o Wish to see the affordable housing dispersed throughout the site, not all together
- o Wish to see 4 bungalows instead of 2
- o Wish to see fewer 4 bedroom houses and more 3 bedroom houses (50% 3 bedroom)
- o Wish to see the condition of the mature tree at the north end of the site assessed and any risk or work required determined
- o Wish to see a pedestrian link joining Linden Homes and Oaklands (Redrow)
- o Wish to see a wider grassed strip created on the East side and a cycle path as per the original plan
- o Wish to see plots 24 and 25 eliminated and an open space created

NYCC Highways

#### 4.2 Conditions recommended

## Housing Officer

4.3 The amended plans comply with the requirements of the Section 106 agreement and the space standards set out within the SPD.

## Ministry of Defence

4.4 No safeguarding objections

## Network Rail

4.5 No observations

## HDC Environmental Health Officer

4.6 The EHO advises that there is no objection in principle, however reiterate the following observations:

The residential development shares a boundary with the existing industrial estate the EHO would wish to see the amenity of properties along this boundary protected. There do not appear to be any details in the reserved matters application which demonstrate that this matter has been addressed.

The proposals for the residential development indicate that renewable energy sources e.g. air source heat pumps may be utilised. In some circumstances these may give rise to complaints of excessive noise and the EHO would wish to see details demonstrating that no loss of amenity will result.

## Yorkshire Water

4.7 The submitted Drainage Statement is satisfactory

## Police Architectural Liaison Officer

4.8 Comments on access and movement, ambiguous space, defensible space, boundary fence.

## Public consultation

4.9 A letter has been received from a local resident who is concerned regarding the effect on local land drainage. The land is low lying. The land due south has already been developed by Redrow, so additional development will increase the risk as there will be less surface land to absorb the run off.

## 5.0 OBSERVATIONS

5.1 The principle of the development has been accepted with the approval of the outline permission in June 2014. The issues to be considered with this reserved matters application include the layout, scale and appearance and landscaping of the development.

## Market Housing Mix

5.2 Policy EM1 requires that housing types should meet the latest evidence on local needs. The Strategic Housing Market Assessment of November 2011 indicates a shortfall of smaller properties in Easingwold to meet housing needs. The application, in respect of market housing, makes provision for 2 no. two bedroom houses, 11 no. three-bedroom dwellings (including a bungalow) and 23 no. three-bedroom dwellings in a range of terrace, semi-detached and detached styles. LDF Policy DP13 requires proposals to provide for a mix of dwellings, which meets the needs of all sections of the community, promotes sustainable communities and social cohesion and supports the local economy. The range of

properties provides an acceptable mix to address local need including those of families and the elderly.

## Affordable Housing

5.3 The Section 106 requires:

- 25% affordable housing on the site- based on 48 homes that equates to 12 affordable homes.
- the affordable homes to be in a minimum of two areas of the site and in clusters of no more than 8 dwellings.
- a significant proportion of the affordable homes to be 2 & 3 bedroom, including some 2 bedroom bungalows.
- the affordable homes to comprise 70% rented and 30% intermediate tenure.
- all the affordable homes to meet the Affordable Housing SPD requirements in respect of minimum size and Transfer Price.

5.4 The proposed mix of 12 homes comprising 1, 2 and 3 bedroom homes, including bungalows and apartments, is welcomed, particularly the provision of some bungalows to provide a type of housing suited to older people's needs. Local market research undertaken by the Housing Manager in November 2013 highlighted demand for 2 bedroom bungalows from people wanting to downsize and live close to the centre of Easingwold. In total, the provision of 3 bungalows represents 6% of the proposed housing development.

5.5 The tenure comprises a mixture of social rented and intermediate tenure and the homes are dispersed throughout the development in clusters (of no more than 8 dwellings). The proposed development complies with the minimum size detailed within the schedule contained in the Council's Affordable Housing SPD.

## Public Open Space

5.6 The illustrative layout plan submitted at the outline application stage illustrated a small area of Public Open Space (POS) that incorporated the pedestrian and cycle link to the neighbouring residential development. This is included within the proposed development at the southern end of the site. No additional on-site provision is proposed and this can be found acceptable as the S106 agreement makes provision for a financial contribution to be made towards off-site provision.

## Design and Layout

5.7 The scheme proposes a varied mix of house types and styles; of terraced properties, semi-detached and detached ranging from 2 bedroom to 4 bedroom. Local vernacular features included within scheme are to be found within the Easingwold Conservation Area such as bay windows, brick headers and some with steeper roof pitches. All of the dwellings would be finished in brickwork and roof tiles, the latter both grey and terracotta. In general the detailing is simple and reflects local characteristics.

5.8 The proposed layout reflects the shape of the site with a street proposed in a north-south direction and a slightly smaller cul de sac development to the west, making efficient use of the site. The proposed layout does not include an active frontage onto Stillington Road; instead all the dwellings are served from the single estate road. The three dwellings that directly abut the main road, lie gable end onto Stillington Road with proposed tree planting at the entrance to the estate and along the hedgerow boundary to supplement the landscaping in the vicinity. This landscaped strip would reinforce the transition from the main part of the town to the countryside beyond and avoids the need for separate individual accesses to serve dwellings directly onto Stillington Road, which would not be encouraged for highway safety reasons, as it may increase the likelihood of on street parking.

5.9 The proposed scheme is in accordance with LDF Policies CP17 and DP32 and would result in a high standard of development.

#### Highways Issues

5.10 Access details were approved at the outline application stage. The Highway Authority has no objections subject to conditions.

#### Amenity

5.11 Consideration has been given to the existing layout of housing on neighbouring sites and the proximity of existing dwellings on Sandholme Close, Ingleton Drive and Oxmoor Place. The dwellings along the western and southern boundaries of the application site lie at a distance of at least 20m from the rear elevations of the proposed dwellings. These existing dwellings lie at a higher ground level and this reduces the severity of any potential impact upon the amenity of neighbours. The rear elevations of the dwellings at Sandholme Close overlook the application site and therefore the outlook from these properties would be affected. The existing dwellings lie at a distance of more than 21m from the application site, sufficient for there to be no significant adverse impact on residential amenity as a result of overshadowing or loss of privacy.

#### Landscape & Visual Impact

5.12 Policy DP30 of the adopted Development Policies DPD seeks to protect the character and appearance of the countryside. The design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views.

5.13 The site is between two residential estates (existing and under-construction) and an industrial estate with road frontage to Stillington Road. Whilst views from the neighbour properties would be affected by the development the impact would not be substantial and is a matter that relates to the principle established at the allocation and outline application stage. The loss of view over an open field is not a material planning consideration.

#### Trees & Ecology

5.14 The trees on the Stillington Road frontage are the subject of a Tree Preservation Order. The approved position of the access requires the removal of T4, which a report submitted with the outline planning application concluded, had a limited life expectancy of 10 to 20 years. Replanting proposal provide trees for the long term and adequately compensate for the loss of tree T4.

#### Drainage

5.15 The proposed foul drainage is to the existing public sewer in Stillington Road and a pumping station is proposed on site; surface water would be discharged to the beck with underground attenuation/storage. Yorkshire Water has no objections to these proposals. The land lies within Flood Zone 1 and is therefore at low risk of flooding.

#### Other Matters

5.16 As the proposal falls within the scope of the outline planning permission no additional liability arises through CIL.

#### Conclusion



5.17 The principle of development has been established with the granting of outline planning permission. It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document in that the housing development would have no adverse impact on landscape character, residential amenity and highway safety.

**6.0 RECOMMENDATION:** That subject to any outstanding consultations the application be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall begin on or before 12 June 2019.
2. The development shall not be undertaken other than in accordance with the details shown on the Materials Plan (872/MA/01) received by Hambleton District Council on 1 April 2015 unless as otherwise agreed in writing.
3. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing 015/003/SL/RevB. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
4. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 1286/03/08/Riplingham RevB; Hunsley RevD; Marston RevG; Burmby; Somersby RevA; Linton P RevC; 1286/03/08/RH RevC; SHN-G100; SHN-G202; 872/P7-8/01; General Arrangement; 872/MA/01; 8525/ALT004; 872/MC/01; 872/P35-38/01 RevB; 015/003/LAF; 015/003/A1/2/RevA and 015/003/SL/RevB received by Hambleton District Council on 29 January, 1 April, 7 May and 27 May 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. In accordance with Policy CP2 and DP4 and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

**Parish: Hutton Rudby**

Ward: Hutton Rudby

**2**

Committee Date : 25 June 2015

Officer dealing : Mrs B Robinson

Target Date: 17 April 2015

**15/00325/FUL**

**Redevelopment of garage to provide convenience store, ATM, customer car park and associated petrol filling station.  
at Greaves Garages Ltd 36 Garbutts Lane Hutton Rudby North Yorkshire  
for James Hall And Company.**

1.1 The site includes a single storey garage/car showroom with hardstanding at the front, open to the road way. Overall dimensions of the buildings are 21 x 20 metres. To the north west there is a detached car park, dimensions 42 x 23 (average) metres with an access on the east side. The detached car park is bounded by a metal railing fence and with a hedge boundary to an adjacent marked public right of way, running along the outside of the existing fence.

1.2 Between the forecourt of the building and the detached carpark, a southward access serves 3 houses at the rear.

There is a further access drive westwards from the entrance, serving two properties at the rear of the car park.

1.3 The property immediately to the east of the main site is no 34 Garbutts Lane, where there is a dwarf wall and high fence along the boundary of the front garden with the application site.

Immediately to the west of the car park, there is a single dwelling, Apple Tree House. Apple Tree House has a well-developed hedge, approximately 1.7 metres high, on the boundary with the detached car park.

1.4 There is residential property opposite the site. New development (16 houses) is underway to the west of Apple Tree House, on Garbutts lane.

1.5 The location is at the western edge of Hutton Rudby, on the road towards Crathorne and the A19.

1.6 The proposal is to redevelop the site to provide a convenience supermarket, overall dimensions 21 x 21 metres with a sales area of 282 m<sup>2</sup> and associated stock room/office/prep area. The building is proposed to have a dual pitched roof over the east side and a monopitch on the west side.

1.7 External materials of the shop are brick (red multi) and the main roof is to be concrete tile (Redland Richmond 10, colour slate grey). The monopitch roof is proposed to be profiled sheeting, behind a brick parapet at the front. The main shop frontage on the road facing face of the building has tall windows, including to the apex of the gable, on a brick plinth.

1.8 The proposed building is offset from the east boundary by approximately 1 metre. At the rear there is plant area, dimensions 8 x 2 metres where a 2 metre high acoustic fence encloses extractor plant. There is an existing hedge along the rear boundary which is intended to be trimmed and lopped down to a max 2 metres high.

1.9 The west boundary of the forecourt as proposed has a dwarf wall boundary for the first 12 metres back from the road frontage, with additional close boarded timber fencing, total height 2.3 metres (max), for the remainder.

On the east boundary, the existing wall at the side of the building is reduced in height to 2 metres and capped to form a boundary with no 34 Garbutts Lane.

1.10 At the front of the proposed shop the existing forecourt is intended to be laid out for car parking, and includes pedestrian islands at the front.

1.11 Also proposed is a small petrol station facility on the existing detached car park. Two pumps are proposed, positioned at the centre of the existing car park site. The pumps have a small canopy over. The canopy is 5.4 metres long and 2 metres wide and has form of a simple monopitch, inclined towards the north (roadside). The maximum height is 3.9 metres. The front face of the canopy is intended to be tiled. The fuel pumps are to be operated on a self-service basis.

1.12 The boundary of the filling station area is intended to retain screen planting and acoustic fencing is proposed on the west boundary and south boundaries.

1.13 The proposed lighting includes 5 metre high LED lighting columns (7 in total) including 2 on the street frontage of the petrol station, one each on west and south boundaries, and 3 in total on the forecourt parking area, 2 of which are proposed to have spill light cowl. Lights are proposed over the pumps and one on the front face of the building.

1.14 As the application has progressed, variations of parking and access arrangements have been considered.

As most recently presented (9.6.2015) the access point to the detached car park is widened, and the scheme includes 11 car parking spaces (1 disabled) on the forecourt of the proposed shop, an additional 3 car parking spaces for customers in the north east corner of the proposed garage site, and a further 7 spaces on the west boundary of the proposed garage site, the plans for which suggest they are intended for staff. An updated site plan makes provision for cycles.

1.15 The proposed opening hours are 06:00 to 23:00, 7 days a week.

## 2.0 RELEVANT PLANNING HISTORY

2.1 Recent history mainly applications for advertisement consent in association with long standing use as a garage.

## 3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

- Core Strategy Policy CP1 - Sustainable development
- Development Policies DP1 - Protecting amenity
- Core Strategy Policy CP3 - Community assets
- Development Policies DP5 - Community facilities
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP32 - General design

## 4.0 CONSULTATIONS

4.1 Parish Council - 18.03.2015

4.2 NYCC Highways -  
(7.5.2015) Refused.

i. The Planning Authority considers that the proposed delivery arrangements to the development would

interfere with the free flow of traffic on Garbutts Lane and with consequent danger to highway users.

ii. The Planning Authority considers that in the absence of adequate on-site parking space the proposed development would be likely to result in vehicles being parked outside the site on Garbutts Lane to the detriment of the free flow of traffic and road safety.

NYCC Highways response to new details submitted by the applicants 10.6.2015 will be reported to the Planning Committee.

4.3 NYCC footpaths - Plan provided showing actual and claimed public right of way. Informative:

i. No obstruction to footpaths.

ii Claimed Public Right of Way in hand - no obstruction.

4.3 Environmental Health No objection

Opening hours should be restricted to between 07.00 and 22:00

Suggest external plant be at ground level to minimise noise impact on residents of Glenavon.

Mitigation measure contained in noise report on page 30 to be followed.

4.4 CPRE - Should be approved. Within village boundaries and useful facility for Hutton Rudby. Better parking and improved shop.

4.6 Ramblers - no objection (comments that path is below standard, particularly width at the garage end).

4.7 Northumbrian Water - no objections.

4.8 Neighbourhood Police - Designing out crime. Comment that this is a low crime and disorder area.

Links provided on advice to maximise security including provision of CCTV, security for cash machines and cash in transit, security lighting, alarms. Comment on security for staff vehicles parked away from the shop, and provision for bicycles recommended. Secured by Design scheme recommended. Condition recommended, linking to recommended provisions.

4.9 Neighbour observations:  
Objections (summarised)

Highway safety concerns including: access and visibility, additional traffic, speeds along the existing road and insufficient parking. Risk to pedestrians crossing the frontage. Turning issues for tankers.

Noise - particularly from plant room and query regarding the analysis submitted. Also traffic noise.

Light pollution. No assessment provided

Potential for anti-social behaviours associated with hanging around ATM.

Nuisance - Litter. Refuse collection - risk of pests. Pollution to water course.

Construction phase - no details

Location less convenient than existing shop. Shop size much larger than existing - wider impact than existing

Queries - Query whether all land owners consulted. Lack of Post Office facilities. No assessment of need for petrol station - could become a disused eyesore. Opening hours - 7 till 10 sufficient for present shop

Site better suited to housing

4.10 Neighbour observations:  
Support (summarised)

Better alternative to existing shop - beneficial to retains a shop in the village. Alternative would be to become a dormitory.

Will remove congestion, including parking problems in the village centre + Conservation Area.

## 5.0 OBSERVATIONS

5.1 The site is within the settlement limits of a service village, and the proposal has the potential to be acceptable in terms of CP1 and CP2.

As a shop and petrol filling station, the proposal is a type of community facility supported by Policies CP3 and DP5, in so far as they constitute an important contribution to the quality of local community life and the maintenance of sustainable communities. The development is therefore considered to be acceptable in principle, and the issues to consider will be design (CP17, DP32), amenity (CP1, DP1), and highway safety issues.

### Design

5.2 The proposed shop building is similar in character to the existing development. It presents a higher profile to the public view from Garbutts Lane, but particularly taking into account its set-back position, and the use of brick materials on the public face, it will be an acceptable fit with the local surroundings.

5.3 The proposed petrol facility is within an existing car park, which currently has an urbanised character. The proposed pumps and associated canopy are modest in size. The proposed canopy is the minimum to serve the purpose and with its tiled finish, would be a relatively unobtrusive feature in the wider surroundings.

### Amenity

5.4 Subject to opening hours, which can be controlled by condition, it is considered the general activity associated with the shop use is broadly compatible with the residential surroundings.

5.5 The specific issue of noise associated with plant at the rear of the building has been considered closely. A noise report was submitted and after detailed consideration, including specific points raised by a close neighbour at the rear, the Councils Environmental Health Officers are satisfied that the scheme as submitted would comply with the relevant standards used for guidance, and the proposed mitigation measures are acceptable.

5.7 Lighting details have been supplied and considered and have been confirmed as being within the relevant standard to protect neighbouring properties from obtrusive lighting.

### Car parking, access and highway safety.

5.6 The current plans make provision for off street parking for 14 cars for customers. The published standards (2003) of the NYCC Highway indicate that for a neighbourhood supermarket in a rural area (which is considered appropriate to this proposal, as a village shop facility), the number of spaces should be 1 per 30m sq gross floor area which would

equate to a need for 14.7 spaces, and (HDC Officer opinion) this standard is broadly achieved.

The applicants have submitted a detailed support for their parking provision including 'parking accumulation' analysis for equivalent stores and state that provision for 11 spaces would suffice.

5.7 The applicants have provided swept path analysis of typical vehicles to service the fuel facility and the shop, from and to the west (A19) direction.

Tracked movements have been provided for truck and HGV vehicles to serve the shop, by means of reversing to the front face of the shop and for an articulated vehicle to serve the fuel pumps.

5.8 The safety of access by various vehicles types necessary to service the building and the provision of parking has been a concern of the Highway Authority and their views on the submissions of 10 June 2015 have been requested.

5.9 The response of the Highway Authority to be added if received before finalisation of the report, otherwise with updates supplied at the Planning Committee meeting.

## SUMMARY

No recommendation, pending consideration of the Highway Authority response.

Draft conditions added, in the event of a recommendation of approval.

Recommendation to be confirmed.

## 6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered P-03 Rev F; P-05 Rev F; P-06 Rev J received by Hambleton District Council on 20 February 2015 and 12 June 2015 unless otherwise approved in writing by the Local Planning Authority.
3. Opening times of the shop shall be between 07:00 and 22:00 only.
4. External plant shall be restricted to the number and detail of equipment set out in paragraph 6.4.1 of Miller and Goodall Noise Assessment received by Hambleton District Council 20 February 2014. The equipment shall be installed at ground level, and shall not be operated unless all the mitigation measures contained in the Miller and Goodall Noise Report on page 30 are installed and are maintained to full operational capacity.
5. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously

damaged or diseased, shall be replaced with others of similar size and species.

6. Highway conditions including as proposed by NYCC.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP16 and DP32.

3. In the interests of the amenity of nearby residents in accordance with Local Development Framework Policy CP1 and DP1.

4. In the interests of the amenities of neighbouring occupiers, in accordance with Local Development Framework policies CP1 and DP1.

5. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP16 and DP32.

**Parish: Helperby**  
Ward: Raskelf & White Horse  
**3**

Committee Date : 25 June 2015  
Officer dealing : Mrs C Davies  
Target Date: 23 May 2015

**15/00190/FUL**

**Conversion of barn to form two bedroom dwelling including part demolition of section of building  
at The Barn Main Street Helperby North Yorkshire  
for Mr Stephen Jobling**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The Barn is located to the rear of the residential dwelling known as The Post House, (previously 'Raines'). It is accessed from Main Street and shares this access with The Post House. The building is of brick construction with a clay pantile roof and is in a state of disrepair.
- 1.2 This application seeks consent to alter the existing barn to form a two bedroom dwelling. It would be converted to accommodate an open plan kitchen living/dining room, lobby, utility, W.C. and storage area at ground floor level, and two bedrooms, and bathroom at first floor level. A high timber fence with brick piers would be erected on the side (south east) elevation.
- 1.3 The applicant states there would be no vehicular access only pedestrian access to the site.
- 1.4 The application has been amended to show the plot of land to the rear of the barn to be included as future garden area within the site, although this is outside the red line and therefore would require a separate planning permission.
- 1.5 The building is sited within the Development Limits and in the Helperby Conservation Area.

**2.0 PLANNING AND ENFORCEMENT HISTORY**

- 2.1 05/02049/FUL - Alterations to existing barn/garage to form a dwelling; Refused, 25 January 2006.
- 2.2 06/02741/FUL - Alterations to existing agricultural building to form offices (B1) and formation of a car park; Refused 6 February 2007.
- 2.3 10/02561/FUL - Alterations to existing barn/store/garage to form a dwelling and construction of a car port; Withdrawn 15 February 2011.
- 2.4 11/00533/FUL - Revised application for alterations to existing barn/store/garage to form a 2 bedroom dwelling and construction of a car port; Refused 12 May 2011, appeal dismissed 14 November 2011. The Inspector's reasons included overlooking and loss of privacy; window design; harmful noise and disturbance from pedestrians and vehicles; and the limited potential of an identified fall-back position.
- 2.5 12/02418/FUL - Alterations to existing barn/store/garage to form a 3 bedroom dwelling and construction of a car port. Non-determination appeal dismissed 7 November 2013. The Inspector's reasons included harm to living conditions through



noise and disturbance and limited weight of the identified fall-back position (overlooking issues had been resolved).

2.8 15/01099/PPN - Application for Prior Notification for a change of use from storage or distribution buildings to 3 bedroom dwellinghouse with parking; Refused 12 June 2015 for the following reasons:

1. The introduction of a new dwelling in a location to the rear of existing dwellings would result in additional noise and disturbance which would harm the amenity of neighbouring occupiers, this would be contrary to the provisions of the Local Development Framework Policies CP1 and DP1 and the requirements of the NPPF which expects a good standard of residential amenity for existing and future occupiers and that planning decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
2. It is not considered that the applicant has demonstrated that the barn has been used solely for the purposes of storage and distribution for the requisite period and therefore the proposal is not permitted under Class P of the Town and Country Planning (General Permitted Development) (England) Order 2015 .
3. The external changes to the building are not permitted by Class P of the Town and Country Planning (General Permitted Development) (England) Order 2015.

### **3.0 RELEVANT PLANNING POLICIES**

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP4 - Settlement hierarchy  
Development Policies DP8 - Development Limits  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP28 - Conservation  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
National Planning Policy Framework – published 27 March 2012  
National Planning Practice Guidance

### **4.0 CONSULTATIONS**

- 4.1 Parish Council – Wish to see the application refused. The Barn is surrounded by residential properties and if planning permission is granted this will impact adversely on the owners of the Post House and surrounding bungalows as they will lose their privacy and be overlooked. There will be unacceptable noise and disruption to neighbours arising from the scheme. There is no mention of where cars will be parked. The dwelling could realistically have two cars and the cobbled area in Main Street is already crowded with no further room. Previous applications have been refused and dismissed at appeal. Construction would be impossible and there would be issues with materials storage and vehicles access.
- 4.2 Highway Authority – Previous applications for this site included access and parking within the curtilage which the Local Highway Authority considered satisfactory. It is now proposed to have no vehicular access and to utilise the cobbled areas adjacent to the carriageway to provide parking for the development. These cobbled areas are not considered part of the highway maintained at the public expense and are also not

shown in the applicant's ownership. Therefore parking on these areas cannot be relied upon although it is acknowledged that this practice is common throughout the village. Concern must be expressed that there is no parking proposed within the curtilage as part of this application, however a recommendation of refusal would not be sustainable. Consequently a condition is recommended for on-site parking during the construction period.

- 4.3 Environmental Health officer – No objections or recommendations.
- 4.4 Yorkshire Water – No comments received.
- 4.5 Neighbours consulted and site notice posted comments are summarised as follows:
- a) Object to the conversion of the barn, this is an unsuitable site;
  - b) Overlooking of neighbouring properties, loss of privacy;
  - c) Noise and disturbance;
  - c) Parking on the cobbles could be for 2 or 3 vehicles and cannot be guaranteed;
  - d) There will be no space left for customer parking for nearby businesses and additional parking cannot be accommodated;
  - e) Access for contractors would be disruptive and construction noisy;
  - f) The plot of land to the rear of the barn could be used as parking in the future, doubling noise and disturbance;
  - g) The no parking policy could not be policed;
  - d) A new application should not be submitted when all previous applications have been refused or dismissed at appeals and Inspector's concerns have not been addressed;
  - h) Servicing (post/refuse) will cause disturbance and noise;
  - i) The use of the village post box (just outside the site) will be compromised;
  - j) Adverse impact upon the Conservation Area;
  - k) Adverse impact upon bats;
  - l) The Barn should be developed with the Post House to form part of that property;
  - m) The Old Post Office is now empty, but the amenity of this occupier will be affected; and
  - n) The application will affect the sale price of The Old Post Office.

## **5.0 OBSERVATIONS**

- 5.1 The main issues to be considered when determining this application are identified in the policies within the Hambleton Local Development Framework as set out above and relate, in this case, to (i) the principle of development; (ii) the impact on the character and appearance of the Conservation Area, considering the form, design and materials proposed; (iii) highway safety and parking; (iv) the impact on residential amenity; and (v) a consideration of the fall-back position.

### Principle of the development

- 5.2 The NPPF at para 51 indicates that applications for a change to residential use from commercial development should normally be approved, subject to other considerations included in the Framework. The building is located within Development Limits of Helperby which has been designated as a Service Village within the Hambleton Settlement Hierarchy as detailed within Policy CP4. The site is therefore considered to be in an appropriate location for further residential development and, in principle, is considered to be acceptable, subject to consideration of the detailed matters below.

### Conservation Area, form, design and materials

- 5.3 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paragraphs 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset, i.e. the Helperby Conservation Area in this case.
- 5.4 The building would be sympathetically altered, utilising the existing footprint and appropriately matching materials. The ridge line of the southern section (front) of the building would be reduced and there would be some alterations to the existing openings and new glazing inserted in the north east (rear) elevation. However, it is considered that the proposal would maintain the agricultural character of the building and it would thus preserve the appearance of the Conservation Area. The proposed residential use would be consistent with the principal land use within the Conservation Area and therefore its character would be maintained.
- 5.5 The nearest listed building is Oak House, some 20m to the north west and separated from the application site by another property. It is not considered that the proposed conversion would have any appreciable impact on this heritage asset.

#### Highway safety and parking

- 5.6 It is noted that the access is narrow and is sited between two existing dwellings. However, it is an existing access which is currently in use and there are numerous examples of this type of access facility within the village.
- 5.7 The proposal differs from previous applications in that the red line has been drawn more tightly around the building such that only pedestrian access is possible within the application site. The applicant states that it would accept a condition preventing on-site parking. Any parking associated with the proposal would take place on the cobbled area outside the site, adjacent to Main Street, or further away. Neighbours and the Parish Council express concerns that the cobbled area cannot accommodate additional parking, that it would compromise parking for existing businesses, push cars onto the carriageway and that the 'no parking' arrangement offered by the applicant could not be policed.
- 5.8 It is noted that the Highway Authority did not object to previous applications in respect of access or on-site parking arrangements. Although the Authority expresses concern at the lack of parking within the site within this application, it advises that a reason for refusal on this basis cannot be justified. That is consistent with the fact that there are no parking standards requiring a minimum provision for new dwellings in North Yorkshire. Further information on the existing parking capacity on the cobbles has been requested from the applicant and will be reported to Committee. However, this is highly unlikely to identify and grounds for concern in terms of public safety and given the absence of objection by the Highway Authority it is not felt that a reason for refusal based on the impact on parking on Main Street could be justified.
- 5.9 The Highway Authority recommends that a condition is imposed to secure a suitable construction compound and access. This would address some of the concerns raised by neighbours and is considered to be reasonable.

#### Residential amenity

- 5.10 Policy DP1 of the LDF requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance,

pollution (including light pollution), vibration and daylight. The NPPF seeks to secure a good standard of residential amenity for existing and future occupiers.

- 5.11 Concern has been expressed by the occupiers of surrounding neighbours that the proposal would lead to a loss of privacy and overlooking. Concerns have also been raised that as the Old Post Office is empty the effect on its amenity would not be addressed, however, this is considered below. The majority of the windows from habitable rooms would be sited within the north east (rear) elevation of the building. This elevation is at a sufficient distance (25m) from the neighbouring dwellings at The Leas to prevent excessive overlooking. The windows within the south east (side elevation) facing The Post House would be to non-habitable rooms at first floor and ground floor level and the entrance door would be screened by a proposed high level timber fence. There are no windows proposed to the front (south west) elevation facing Main Street and the Old Post Office residence. Conservation roof lights are proposed in the side (north west) elevation. Taking the above into account it is not considered that the proposal would result in loss of privacy or adverse overlooking.
- 5.12 In both the previous appeal decisions the noise and disturbance arising from comings and goings of new residents of the 2 or 3 bedroom property proposed, combined with associated vehicular movements, was considered to be harmful to the amenity of neighbouring occupiers. In the most recent appeal decision, the Inspector noted:
- “The barn is behind the houses fronting Main Street. It is accessed via an existing driveway between two residential properties, the Old Post Office and [The Post House]. The Old Post Office has a ground floor and a first floor window on its side elevation which are very close to the narrow driveway. On the other side, the flank wall of [The Post House] directly abuts the driveway. Although there are no windows on this elevation, there is a cellar window to the rear. Additionally the driveway is open to the rear garden of [The Post House] and is not segregated from it by any boundary treatments. Because of these close relationships, it appears to me inevitable that some noise and disturbance would be experienced by the occupiers of the Old Post Office and [The Post House] as a result of the vehicle and pedestrian movements associated with the building.”
- 5.13 As noted in paragraph 5.7, the application site includes insufficient land for a vehicle to be driven or parked alongside the building. However, it was understood from evidence presented in application 12/02418/FUL and the subsequent appeal that The Barn has a right of access allowing vehicular traffic to pass between The Post House and The Old Post Office and alongside the southern boundary of the application site. Unless that right has been extinguished or surrendered it might still be possible for occupiers of the proposed dwelling to drive a vehicle between The Post House and The Old Post Office, as the access appears to be of adequate width to allow this. The submitted plans include the annotation “vehicle access to dwelling and garden restricted by continuous boundary fence” and the applicant has stated that a condition would be accepted to ensure that there is no parking on the site. However, it is not certain that this would prevent the continuation of any private right of access using land beyond the application site, not least as “restricted” does not mean “prevented”.
- 5.14 Neighbours and the Parish have raised concerns that the suggested condition would be difficult to enforce and that servicing and pedestrian movements and associated servicing would cause unacceptable disturbance to neighbours. The building has a close relationship with neighbours especially The Post House, sharing an “intimate access” as noted by the Planning Inspector. It is considered that, even without vehicular access and parking, a two bedroomed property could accommodate a family and still generate significant comings and goings throughout the day, evening and at weekends causing disturbance to adjacent neighbouring occupiers. It is not

considered that the high fence proposed between the property and The Post House would lessen this feeling or even the perception of disturbance.

- 5.15 Concern has been raised about the impact of the construction phase and it is acknowledged that this would be disruptive to neighbours, however it would be temporary. The Highway Authority requires that details of access and the site compound is conditioned and this condition could be applied if permission were to be granted.
- 5.16 There would be sufficient amenity space on site for future occupiers.
- 5.17 Taking the above into account it is considered that the proposal would be contrary to the provisions of the NPPF and Policy DP1 which expect good standards of amenity for existing and future occupants.

#### Fall-back position

- 5.18 The applicant cites a fall-back position of continued use for unrestricted storage purposes and suggests that, as such, it could be used as storage with parking and accessed on a daily basis. It is noted from site visits that the building is falling into disrepair and both Planning Inspectors have stated that it is a modest building with limited potential to sustain a wide range or significant number of commercial uses. Moreover the Planning Inspector in 2013 stated that a Certificate of Lawfulness has not been sought for the premises and as such the lawful use of the barn cannot be presumed. The Inspector went on to state that the proposed residential conversion would not necessarily be an improvement on the claimed fall-back position of storage use. In summary the fall-back position was not considered to be so significant as to justify either appeal and consequently it is considered to be of little weight now.

#### Other issues

- 5.19 Policy DP31 of the LDF states that ' Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be given ....to the enhancement and increase in number of sites and habitats of nature conservation value.
- 5.20 Concern has been raised by neighbours that bats occupy the building. A Bat, Barn Owl and Breeding Bird Survey was submitted with the application and this found a number of bat roosts in the western gable of the barn. No evidence of Barn Owls was found, but two large bird's nests were identified. In the light of the survey, it would be reasonable to impose a condition to ensure appropriate mitigation if permission were granted.
- 5.21 The site lies in Flood Zone 1 and as such should not suffer from river flooding. In respect of foul drainage this matter could be conditioned if permission were granted and it is noted that conditions could be applied to address foul and surface water drainage. Any comments received from Yorkshire Water will be reported to Committee.
- 5.22 Concerns have been raised in respect of the timing of the application and that it should not be submitted following dismissal at appeal on two occasions. However the application is materially different to those previously submitted and the Local Planning Authority cannot control the timing of, or refuse submission of the application. It has been suggested that The Barn should be developed with The Post House, however the application must be considered on its own merits. Reduction in property prices is not a material planning consideration. Cars can presently park

around the post box and it is not considered that this matter affects the planning merits of the case.

## **6.0 RECOMMENDATION**

6.1 The application is **REFUSED** for the following reason:

1. The introduction of a new dwelling in a location to the rear of existing dwellings would result in additional noise and disturbance which would harm the amenity of neighbouring occupiers, this would be contrary to the provisions of the Local Development Framework Policies CP1 and DP1 and the requirements of the NPPF which expects a good standard of residential amenity for existing and future occupiers.

**Parish: Kilburn High And Low**  
Ward: Raskelf and White Horse  
**4**

Committee Date: 25 June 2015  
Officer dealing: Mrs H M Laws

Target Date: 8 July 2015

**14/02534/FUL**

**Proposed anaerobic digestion and combined heat and power facility and erection of 4 No associated agricultural buildings for the accommodation of pigs. at OS Fields 7969 and 8050 Church Farm Kilburn for JFS Clay Bank Farm Biogas.**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application site, which covers an area of 4.24 hectares, currently comprises undulating grassland and lies approximately 400m to the west of the village. A slurry store (dark green in colour, 4m high and 20m in diameter) lies close to the northern boundary of the site. The land is bounded by mature hedgerows and wire fencing with some trees and a small area of woodland to the south east. The surrounding area is mainly grassland and arable fields.
- 1.2 The nearest dwelling, known as Highfield, is not associated with the farm or the proposed development although is the subject of an agricultural occupancy restriction. The dwelling lies at a higher ground level, at a distance of approximately 150m to the north of the application site and is accessed directly from Osgoodby Bank. Another dwelling lies at a similar distance to the north west, at Stockhill Farm and is also unrelated to the agricultural activity proposed at the application site.
- 1.3 The existing farmstead and buildings of Village Farm lie in a central position within the village; the whole farming enterprise covers an area of 182 hectares. The enterprise currently fattens up to 2,000 pigs and 600 beef cattle, all of which are accommodated at the farm within the village. The site has locational constraints that restrict additional expansion.
- 1.4 It is proposed to construct a 1MW Anaerobic Digestion (AD) and Combined Heat and Power (CHP) plant facility. The AD facility comprises the following:
  - Two digester tanks with a diameter of 36m and 32m respectively and an overall height of 16m. Finished in dark green profiled metal cladding;
  - Four silage clamps, each with a footprint of 25m x 45m surrounded individually on 3 sides by 3m high walls;
  - A digestate storage lagoon (77.5m x 85m x 5m deep) earth bunded;
  - Two CHP units, housed in standard shipping containers;
  - An additional container housing pumps and monitoring equipment;
  - A separator unit;
  - A flare stack with a height of 6.1m;
  - A drying building (30m x 15m, height 12.5m to ridge)
  - Two substations
  - The existing slurry store retained for cattle slurry
  - Ancillary service roads, concrete hardstanding and stock proof fencing

All buildings would be green and dark grey in colour.

- 1.5 Anaerobic Digestion is the process whereby organic matter is broken down by micro-organisms in the absence of air. The products of this process are digestate and biogas. Feedstock is fed into a digester either on a continuous basis (providing a

continuously even yield) or in batches (providing a varying yield). The whole unit is sealed and bacteria break down the feedstock into sugars, which break down further into various acids and then gases (biogas). The composition of the bacterial flora varies according to the feedstock. The resultant matter is called digestate, which can be used as a soil improver and fertiliser. Biogas can be burned in order to drive a turbine to generate heat and electricity, making the AD facility a CHP system. (HDC Sustainable Development SPD April 2015).

- 1.6 The main purpose of the development would be to generate electricity and is therefore a renewable energy project rather than an agricultural development. Electricity generated from the process would be used on the farm with the remainder sold to the National Grid. Heat derived from the process would be used entirely on the farm. The plant would be 'fed' with a combination of farmyard manure from pigs and beef cattle, cattle slurry, chicken manure, grass silage and whole crop hybrid rye.
- 1.7 All connections to the Grid would be underground with no overhead lines or pylons.
- 1.8 The digestate resulting from the process would be used as a fertiliser to replace the current use of farmyard manure and reducing the amount of artificial fertiliser used on the holding.
- 1.9 The original proposal to transfer cattle slurry through an umbilical system from the adjacent Wildon Grange Farm does not now form part of the scheme.
- 1.10 It is also proposed to construct four agricultural buildings, which are general purpose in nature but are proposed to accommodate pigs in the first instance. The buildings, which are identical, would each have a footprint of 64m x 12.2m and a ridge height of 7.9m. It is proposed to accommodate 500 pigs within each building resulting in a total of 2,000 pigs at the site. These would be in addition to the 2,000 pigs at Village Farm.
- 1.11 The pigs would be brought onto site as young pigs, fattened up and taken away on a 13-week cyclical basis, allowing a week for cleaning between the next batch. It is anticipated that, at most, 5 vehicles would bring the pigs to the site and 10 vehicles taking them away, the latter being over a period of 7-10 days. It is estimated that 2 trips each week would provide feed.
- 1.12 It is anticipated that the transport of the chicken manure would result in just over one vehicle movement each week to feed the AD facility. It was originally intended to use cattle slurry piped from Wildon Grange but that no longer forms part of the proposal. This slurry has been substituted by the proposed input of additional grass, maize and rye crops grown in rotation on Church Farm land. The applicant's agent states this translates into a comparable requirement of (worst case) 1,168 tonnes per year which is 3.2 tonnes per day. Using a 16 tonne trailer, this would generate 1.4 vehicle movements per week averaged out over the course of the year.
- 1.13 Figures have been provided, which propose that the total tonnage of feedstock going into the facility from Church Farm would be 23,318 tonnes per annum, being a combination of cattle manures, pig manures, and arable cropping. There would be an additional 6,834 tonnes of pig manure generated on site each year. If this material was transported with a 16 tonne trailer, this would equate to 28 tractor/trailer movements per week or an average of 4 movements per day.
- 1.14 Access to the site is currently from Osgoodby/Kilburn Bank via a partly unsurfaced and partly stone surfaced, access track. A public bridleway follows the route of the track and continues parallel to the northern boundary of the application site and beyond in a westerly direction. The access track currently leads to the existing slurry



store and then turns southwards along the eastern boundary of the application site. It is proposed to upgrade the access and the track to increase the width of the latter to 4m.

1.15 The application was submitted with and supplemented by the following documents:

- Planning application form
- Location plan
- Site Layout plan
- Elevation drawing
- Planning statement
- Design and access statement
- Flood risk assessment
- Preliminary assessment of land contamination form
- Habitat Survey
- Landscape Visual Impact Assessment (LVIA)
- Noise Impact Assessment
- Odour Assessment
- Landscape Proposals

## **2.0 PLANNING & ENFORCEMENT HISTORY**

2.1 08/00768/APN - Application for prior notification for the construction of a slurry store and farm access road; No objection 22 April 2008.

## **3.0 RELEVANT PLANNING POLICIES**

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP15 - Rural Regeneration  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP18 - Prudent use of natural resources  
Development Policies DP1 - Protecting amenity  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP25 - Rural employment  
Development Policies DP26 - Agricultural issues  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Development Policies DP34 - Sustainable energy  
Supplementary Planning Document - Sustainable Development - Adopted 7 April 2015  
National Planning Policy Framework  
National Planning Practice Guidance

## **4.0 CONSULTATIONS**

4.1 Kilburn Parish Council - Following a public session where many objections to application 14/02534/FUL were raised, it was agreed that the Parish Council would unanimously object to the application on the followings grounds:

1. The smell from the pigs, already a problem for many residents and visitors with just 500 at Church Farm for part of the year, will become intolerable when the number is increased to 4000 on a year-round basis.
2. The additional noise, not so much from the plant as from the 4000 pigs, will be no less intolerable (and to some distressing).
3. The narrow, winding and hilly approach roads are inadequate for the greatly increased heavy traffic for transporting pigs, feed and manure to and from the site, and the access point to the site is dangerous. The road in question already has a bad accident record.
4. The development is of industrial scale, not of 'farm scale' as claimed, and would be a gross visual intrusion on a well-loved landscape.
5. The combination of smell, noise and traffic would deter the thousands of visitors on which several village businesses depend. Two of these, including one which is a top North Yorkshire tourist attraction, have said that they would possibly have to close.
6. The greatly increased health hazards for animals and humans and the risk of listeriosis from grazing and silage infected by chicken manure dropped by the many birds the site would attract. There have already been livestock fatalities in the area from this cause.
7. The Environment Agency do not appear to have been consulted about this industrial scale development. Nor have equestrian organisations with an interest in the well-used bridleways running close to the site.
8. No information has been provided about the infrastructure of pylons and overhead wires needed for connecting the plant to the National Grid and such information is essential.
9. There will be no community benefit from the energy produced by the plant, or from the complex in general. On the contrary, the costs - in terms of smell, noise, traffic, health, safety, falling property values, decline in visitor numbers and closure of local businesses - far outweigh the benefits.

Additional comments received following consideration of the submitted assessments:

1. These assessments were undertaken during a period of time (February 2015) when it is an established 'down time' in the tourist life of Kilburn, so we do not believe these reports accurately reflect all three aspects, noise, odour and visual impact, of the potential of an industrial complex and 4,000 pigs when Kilburn is busy during the tourist season.
2. The noise assessment Para 3.3 notes that the source noise survey was conducted at the existing piggery at Church Farm, where, at the time of the survey, it is claimed that 1000 pigs were housed "in 1 shed at Church Farm". Kilburn Parish Council questions this statement and would like to see it backed up by photographic evidence by way of proof. At the time of the assessment, the majority of the pigs had been removed as part of the 10-week cycle.
3. The assessment appears to be confined to the AD plant and piggery and appears to exclude the noise of machinery and vehicles. There will be considerable HGV movement, and on p1 of the odour impact assessment there is reference to constant daily use of tractor grabs. Both of these operations produce high levels of noise which are disregarded by this assessment
4. REC declare that noise generated by the Digesters would be no more than 30Db. 30Db is the level of a gentle hum from a domestic fridge, and whilst at night 20-30Db would be not too disruptive, readings on a Db meter showed that even the remaining pigs noise levels from neighbours gardens were above 60Db on a regular basis

5. Residents have recorded that the noise from the farm has regularly been starting at 3am and this continues for anything up to 4/5 hours in the morning, and throughout the day for long periods of time. To say that this does not disrupt sleep patterns, nor the "right to peaceful enjoyment of your property" indicates a disregard to those people living in direct line of sight, smell and sound, who have regularly had their daily lives/routine regularly disrupted. Are the applicants saying that this report's desk-based calculations should override the testimony of those who have first-hand experience of the problem?
6. It's very easy to say visual impact is minimal when, for e.g., the receptor point for the Mouseman Visitor Centre was the top of the tea-garden to the rear of the property yet the photo is from the middle of the main road, looking through a neighbour's willow tree at the entrance to the Centre. The receptor points from Osgoodby Bank are similarly misleading, as they appear to have been erroneously taken from below the summit of Osgoodby Bank through a hedge. The photos taken across the field bordering Stockhill Farm have been taken in such a way as to give the lie to the impression that the field is flat, when in fact it is quite substantially undulating/hilly
7. The height of the digesters, 16m are in fact taller than some of the mature oak trees that border the field. It is also misleading to assume, as Prism/JFS do, that the visual impact will be lessened if they dig down by 2m. If they truly wish to reduce the visual impact then the digesters should, as has been the case with farms in Derbyshire, be sunk completely underground bar the febrile dome. There is also no inclusion of any assessment of the impact of a 24/7 flare stack in the supporting visual imagery
8. The application involves two sites: Church Farm itself, where pig numbers are to be increased from c.500 on a part-time basis to 2000 on a permanent basis, together with the field bordering Stockhill Farm where there will be a further 2000 pigs on a permanent basis as well as the digester complex. One site is right in the middle of Kilburn surrounded by houses; the other is barely 100m from Stockhill Farm and Highfield. Proximity and risk must therefore be regarded as key considerations particular as these two sites are immediately next to sensitive receptors and the potential impact of odour should not be simply dismissed as 'not significant'
9. The applicants make no reference to health concerns arising from the pathogenic gases generated by pig rearing units comprising ammonia, toxic bio-aerosols and antibiotic-resistant organisms.
10. It is well known that the odour produced by the rearing of different animals varies considerably, with pig production at the worst extreme. On the basis of Kilburn residents' existing experience with Church Farm, there is a strong case for reclassifying intensive pig rearing as 'most offensive'.
11. Using the Leeming Bar wind charts only prove that the wind is consistently in a west-south direction - which would send odour directly into the heart of the village.
12. REC's comment about the pipeline for the transport of cattle slurry is incorrect, as no agreement was made between Prism/JFS and the supplying farm (Wildon Grange) and therefore, to state that "It should be noted that cattle slurry will be transferred to site via sealed umbilical pipelines. As such, it will not be exposed to atmosphere and will therefore not be a source of odour" is misleading, and indeed, will result in extra slurry having to be transported into the site to make up a potential 10,000 ton annual shortfall
13. Many residences are well within the 100m boundary of proximity to one or other of the sites in question, and under the Human Rights Law we all have the right to: "enjoy your property peacefully. Property can include things like land, houses, shares, licences, leases, patents, money, a pension and certain types of welfare benefits. A public authority cannot take away property or place restrictions on your use of your property without very good reason."

14. The difference between somebody clicking on a computer programme and someone living cheek-by-jowl with the after effects of this proposal, should it go ahead, would lead to a substantial degradation to quality of life.

- 4.2 Thirkleby & Osgoodby Parish Council - Despite the title of the application describing it as "Farm Scale Anaerobic Digestion Plant" etc. the development is clearly on an industrial scale and the applicant actually describes it as such in point 3.7 of their application - "notwithstanding the industrial nature and appearance of the development proposed".

On this scale of 10.5 acres, we consider that this is a serious threat to the rural nature of the landscape around Kilburn and surrounding villages including Osgodby which is in our Parish.

Whilst we are aware that there is Government support for small scale anaerobic digesters up to 250kW, there is a very big difference between 'farm scale' which may be appropriate to the area and the 'industrial scale' which this planning application describes itself as.

In 2.6, the applicant describes the potential traffic increase as "de-minimis". It is hard to imagine that this could be true. We would expect that transporting 4,000 pigs in and out together with all the associated feed plus the other trucked-in animal waste could only cause a great increase in heavy traffic which would be a gross intrusion into the countryside, together with increased danger in terms of road safety on the surrounding approach roads into Kilburn including Osgodby.

The narrow winding and hilly approach road through Osgodby and other approach roads is totally unsuitable and inadequate for greatly increased traffic. In addition, even if traffic was initially minimal, there is nothing to prevent subsequent increase in traffic through 'creeping development'.

Whilst our Parish is not as directly affected as Kilburn and its residents, we feel we have responsibility in protecting the amenity of the residents in Osgodby and the general rural nature of the area so close to the National Park. We live in an area of outstanding natural beauty.

The National Policy Framework contains within it a presumption in favour of sustainable development; however we would expect this to relate to farm scale not industrial scale, which this development represents. This development would be at a massive cost to the amenity of a large number of residents and as such this Parish Council wishes to object to this application.

- 4.3 Bagby Parish Council - Bagby Parish Council have received several objections from concerned local residents to the proposed anaerobic digester due to the concern over the increase in large vehicles using the village as access to the proposed site. It is felt that the roads are unsuitable for this type of traffic and would pose an increased risk of accident due to the width of the carriageways.

- 4.4 North York Moors National Park Planning Authority - object for the following reasons:

Having regards to the combination of open landscape and surrounding rising land, it is considered that the proposed development, by reason of its isolated and prominent location would be visually intrusive when viewed from public vantage points to the north and north west as you look down cross open fields. Furthermore, the development would be visually obtrusive from the adjacent public bridleway detrimental to views into the National Park. Consequently, the proposal would be

likely to have an adverse impact on the setting of the National Park and important views both into and out of the Park.

In addition, it is considered that the likely strength of smell from such a large pig unit would have an adverse impact on the amenities enjoyed by residents within the National Park and would have an adverse impact on the local economy by reason of the adverse impact such smells would have on local tourist businesses.

Following receipt of the additional information:

I have assessed the additional details and would advise you that these do not overcome the concerns previously expressed by this Authority and consequently the National Park Authority still object to the application for the reasons previously detailed.

4.5 Highway Authority - The Highway Authority has expressed concerns about the routes to the site which are narrow, have poor alignment and limited visibility in parts and additional figures have now been received, which are detailed within paragraphs 1.11-1.13 above. Receipt is acknowledged of the applicant's agent's letter detailing the traffic movements associated with the proposal. On the understanding that the increase in traffic movements is likely to be minimal, the Local Highway Authority recommends that conditions are attached to any permission granted, one of which is that all vehicle movements associated with the development shall be in accordance with the submitted details and another, that the existing access shall be improved.

4.6 NYCC Public Rights of Way - No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of Way team to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route. The Public Rights of Way department would also like to comment further on the part of the Public Bridleway that runs along the access track to property. Any damage caused to the route due to vehicular usage as access to this development must be repaired to ensure legitimate users of the Bridleway are not inconvenienced.

4.7 Yorkshire Water - no comments required

4.8 Environment Agency - no objections but wish to draw attention to the following:

Any new or substantially altered agricultural facility must comply with the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil (SSAFO)) Regulations 2010. Please note that an environmental permit may be required if the number of pigs housed on the whole enterprise exceeds 2,000 production pigs (30kg) or 750 sows.

Please note that we have concerns regarding the proposed pipeline from Wildon Grange to the AD plant. The applicant must ensure there is an operating system in place, which will include the provision of alarms to identify any leakages within the pipe. Spare pumps should also be available and an emergency plan drawn up to deal with any pollution.

4.9 HDC Environmental Health Officer - comments as follows:

This application is for a farm scale anaerobic digestion and combined heat and power facility, which will be fed with farmyard manure from the farms pigs and beef cattle herd. It is also proposed to erect 4 associated general purpose agricultural buildings which will accommodate 2,000 pigs.

A large number of objections have been raised regarding this application. The majority of concerns relate to noise and odour from the site and noise from deliveries. There were also some health and safety concerns

On the 12th January 2015 I raised concerns about the development and requested an odour and noise assessment and details on the construction of the pig shed/manure management/ventilation of the shed.

The 4 general purpose agricultural buildings to accommodate 2,000 pigs - I received an odour assessment and a noise assessment carried out on behalf of the applicant by REC Consultants Ltd. Both assessments suggest that noise should not be consideration determining factor in the granting of the planning approval and that odour is negligible except for the properties Highfield and Stockhill Farm to the north of the development.

It appears that the agricultural buildings being constructed to house 2,000 pigs, intentionally or otherwise will be just below the threshold of over 2,000 pigs that then require this part of the development to apply for a permit from the Environment Agency, which would control emissions from the site for the housing of livestock. In view of this I am still concerned for the potential for residential amenity to be adversely affected, particularly Stockhill Farm and Highfield, by odour and possibly flies and noise from the agricultural building if it is housing up to 2,000 pigs to 'feed' the anaerobic digestion plant.

The proposed location of the pig finishing buildings are within 200 metres of Highfield and Stockhill Farm and 400m is generally accepted as a guideline for siting agricultural buildings from residential areas in terms of odour control. 400m is referred to as it is believed that this distance will provide adequate dispersion of odours to such a degree that there should be no impact on the amenity of local residents. I would like to point out that distance alone is not the solution and a high standard of management is also key to preventing complaints. I therefore feel it is appropriate to request the following:

1. The applicant submits an odour, manure and fly management plan in writing to be agreed by the local planning authority specifying the provisions to be made for the control of odour emissions from the site. How manure will be managed, cleared, and stored to prevent fly infestation. Details to consider would be fly treatments used, frequency of treatment(s) and areas treated. The agreed scheme shall be implemented and maintained for the duration of the planning permission.
2. Manure from the units shall not be spread on any field within 400 metres of dwellings.

The anaerobic digestion and combined heat and power facility - the applicant has agreed to revise the layout of the site to reduce noise disturbance to the nearest noise sensitive residential premises, Stockhill Farm and Highfield, from the activities associated with the anaerobic digestion activity and it is appropriate to request the following:

3. The site shall be constructed in accordance with Drawing No. 001 / Revision F / Project 2014074

I have spoken to the Environment Agency who have confirmed that the anaerobic digestion facility will require a permit from them and I am confident this part of the application, with these amendments will be adequately controlled and will prevent nuisance from noise and odours to residential premises.

In regard to the noise assessment:

- The existing pig sheds, where the measurements were taken, held 1,000 pigs at the time not the 2,000 as proposed. In the calculations they have taken account of this by increasing the noise level used in the calculations by 3dB because the addition of two identical noise sources will increase the total sound power level with 3dB and I think this is a reasonable assumption.
- When they refer to night time in the report this is between 11pm and 7am and again I think it is reasonable to assume residents won't generally use their gardens during this time.
- It is true that pigs do make more noise as they get older and I don't know the age the pigs were when the measurements were taken.

From the Planning Statement it was proposed to bring in 10,000 tonnes of slurry via the pipeline. Without knowing the capacity of the slurry tanker that would be used to transport the slurry if there isn't a pipeline it isn't possible to know how many vehicle movements would now be required. Assuming a 14 tonne slurry tanker is used this would be more than 700 vehicle movements annually, approximately 2 a day. In addition to the vehicle movements to the site there would also be the unloading of the slurry increasing the potential for noise and odour nuisance.

In view of this I am still concerned for the potential for residential amenity to be adversely affected particularly Stockhill Farm and Highfield, by odour and possibly flies and noise from the development and without a high standard of management there is clearly the potential for a statutory nuisance to arise from the development.

- 4.10 Welcome to Yorkshire - main concerns from a tourist operator and other tourism businesses in the area are as follows:

The visual impact, odour and noise - all of which will have a detrimental effect on the local tourism industry. Also concerned that the proposed development would be visible from the otherwise stunning views from the White Horse, which is an iconic Yorkshire landmark.

One of the Sustrans routes passes through Kilburn village and this will be adversely affected by the extra heavy vehicle movements bringing in huge numbers of pigs on a regular basis and extra cattle slurry and chicken manure. Kilburn is a pretty and popular village on the edge of the North York Moors National Park and the threat of this development is a major concern for all involved in the tourism industry.

Welcome to Yorkshire has the responsibility to market the region's tourism industry for the sole purpose of economic wellbeing and depends on high quality destinations to aid its success. An inappropriate development of this nature for this rural and popular part of Yorkshire will only serve to make a negative impact. Yorkshire has a serious commitment to cycling, which has been strengthened by the Tour de France Grand Depart and will be further enhanced with the inaugural Tour de Yorkshire Cycle Race; therefore we are worried that the existing Sustrans cycle route through Kilburn will see a decline in usage. The knock on effect of this would be the reduced contribution to the local economy.

- 4.11 The Ramblers - no objections to the proposal. The site for development is well separated from rural habitation.
- 4.12 The British Horse Society - no comments received
- 4.13 The Byways and Bridleways Trust - the proposed access road is a public bridleway, which continues past the development and runs for nearly 2 km to join other public

bridleways, which link with it to both north and south. All these are well used by the public. The Trust does not seek to oppose all agricultural development, but plans, especially for intensified use, must take into account the safety and amenity of the public. This application does not, and I therefore object.

4.14 CPRE - objects for the following reasons:

This is a massive development (10 acres) on an industrial scale on a greenfield site. - It is adjacent to a well-used bridleway, which is not owned by the applicant. This will need to be made into a very unsightly road to allow access to the site. - It will be visible from the Balk/Kilburn road and high ground in the adjacent National Park. - The CPRE is supportive of Anaerobic Digestion in an appropriate place, but not where it will affect nearby villages or tourism. Although an agricultural development, it is industrial" in size, 4.24 hectares, with some very large buildings. It is beside a bridleway, which would need to be made into a proper road for access. The prevailing wind would take any unpleasant odours into the popular tourist village of Kilburn, just 0.5km to the West. There is also considerable concern about the health risk from large intensive pig units and the topical issue of the risks from the large scale use of antibiotics.

4.15 Ryedale Bridleways Group - does not consider it would be appropriate given its proposed access route along a bridleway

4.16 Site notice/press advert/local residents - a significant number of objections have been received from residents of the village and the surrounding area and from others who are visitors to the area. An objection has also been received from and on behalf of a local business within the village (Robert Thompson's Craftsmen Ltd) and from the Forrester's Arms Public House. No comments have been received in support of the proposed development. A total of 106 objections have been received, raising concerns regarding the following matters:

Smell

- Intruding on private enjoyment of dwellings
- Disposal of digestate
- Noxious odours from pigs, slurry, imported chicken manure
- Impact widespread, beyond Kilburn
- Wind is predominantly from the west and smells will affect the whole village
- Worse during the summer months
- The recently constructed installation at Dalton has a disgusting smell
- Leakage
- The smell from existing pigs (500) in the village is already the subject of complaints
- The tank has not been used for slurry collection for approximately 3 years. The tank is currently full of water and has been for years

Noise

- Machinery will operate up to 65dB
- Existing pigs at Church Farm cause a significant noise nuisance at all times including during the night
- High pitched squealing
- Assessment based on partially open rather than fully open window
- No noise assessment of increased traffic movements



- It is noted that Hambleton Council requires only a rise in noise level of 5dB which is listed as 'substantial' in the Institute of Environmental Management and Assessment guidelines

#### Visual impact on landscape

- Detracting from natural beauty
- Part of village is within the National Park boundary
- Impact on local views
- Out of scale with its surroundings
- No mention is made of the necessary infrastructure of pylons etc. to deal with surplus electricity
- Industrial in size and appearance
- Use of flare stack at night would reduce dark skies
- Notwithstanding the submitted LVIA the development would be visible from the Balk/Kilburn road due to the elevation

A commentary on the likely landscape and visual effects of the proposed development and a review of the submitted LVIA has been submitted by a firm of landscape architects on behalf of Robert Thompson's Craftsmen, Kilburn. The report concludes that, aside from the most distant viewpoint, visual effects from the proposed development have the potential to be significant. The report is critical of the applicant's submitted LVIA, particularly the methodology and also considers that it contains inaccuracies regarding the visibility of the proposed development.

#### Impact on flora and fauna

- Great potential for leakage
- The site is heavy clay and not suitable for rainwater run-off and spillage
- Impact on bird species

#### Impact on residential amenity

- Industrial scale of development inappropriate for local community
- Rats and other vermin in the village
- Residents wish to enjoy their gardens at night so the methodology of reports is not fit for purpose

#### Traffic and access

- Increased amount of traffic in the locality
- Industrial scale feed trucks are unsuited to the roads
- Mud on road
- Visibility poor at entrance due to position of hedges
- Danger to bridleway users
- Additional deliveries of manure are likely to be needed
- Significant hazard during the construction process
- The road is on a national cycle route but currently can be unpleasant due to ever larger agricultural vehicles
- Increase in traffic through other villages such as Bagby and Balk
- Osgoodby Bank is an accident blackspot
- The roads are already in a poor state of repair
- The estimated number of transport journeys is not reflective of actual vehicle movements required (Prism say between 3.1 and 3.4 movements daily. The noise report states 8 movements per day of 29 ton trucks)

## Economic Impact

- Kilburn is a popular tourist destination, local attractions including The Forrester's Arms and the Robert Thompson visitor centre
- No additional job creation is proposed
- The development would not be built, owned and run locally other than the waste material from which the digesters' would be fuelled
- If 80% of the fuel is to be imported should it not be located elsewhere on a brownfield site
- The development is a power plant on an industrial scale
- Could lead to the pub closing due to a reduction in the number of visitors to the village
- General support for renewal energy developments
- The only benefit would be to the applicants and their associates and not to the local community
- Significant adverse impact on the Mouseman Visitor Centre and T Café (employs 42 staff and has approximately 20,000 visitors)
- The development relies on the intense rearing of pigs to power an industrial plant within a greenfield site

Issues have also been raised regarding the ownership of the access track and bordering hedges, health and wellbeing, safety and loss of property value.

## 5.0 OBSERVATIONS

- 5.1 The principal issues to be considered include (i) the principle of the proposed development in this rural location and its likely impact on (ii) the character and appearance of the landscape; (iii) biodiversity; (iv) noise and odour in the surrounding locality including the impact on local residents and local businesses; (v) drainage; and (vi) highway matters.
- 5.2 There are no heritage assets in the locality that would be affected by the proposed development.

### The principle of the development

- 5.3 Paragraphs 93-98 of National Planning Policy Framework (NPPF) refer to meeting the challenge of climate change. In particular, paragraph 93 states that planning plays a key role in "supporting the delivery of renewable and low carbon energy and associated infrastructure". Paragraph 97 of the NPPF requires Local Planning Authorities to recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. To this end, Local Planning Authorities are instructed to have a positive strategy to promote energy from renewable and low carbon sources.
- 5.4 Paragraph 98 refers to the determination of planning applications for renewable energy development, advising that 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..."
- 5.5 LDF Policy DP34 (Sustainable Energy) promotes developments that enable the provision of renewable energy through environmentally acceptable solutions and, therefore, mirrors the Government's objectives of tackling climate change and developing a low carbon economy.

- 5.6 Policy CP4 (Settlement Hierarchy) stipulates that development in the open countryside will only be supported when an exceptional case can be made and when, amongst other things, it is necessary to meet the needs of farming; it will help to support a sustainable rural economy and it would make provision for renewable energy generation of a scale and design appropriate to its location.
- 5.7 Policy CP15 (Rural Regeneration) gives support to the social and economic needs of rural communities by encouraging, amongst other things: diversification of the rural economy and small-scale renewable energy projects.
- 5.8 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision making. For decision takers this means approving development that accord with the development plan.
- 5.9 Clearly there is a great deal of concern from the local community regarding the scale of the proposed development and the difference between the anaerobic digester being “farm scale” and “industrial scale”. Whilst the phrase “farm scale” is open to interpretation it is generally considered to mean that the digester is of a scale that requires only raw material from the farm on which it would operate. The proposed plant is not considered to be a form of farm diversification. The plant would be fed by the raw materials generated by agricultural activities at Village Farm and the proposed pig building, plus some importation, and would supply electricity and heat to the existing farm but much of the agricultural activity would be created in order to serve the proposed facility. The majority of the energy produced would be sold off. The proposed development is not a farm scale activity but an electricity generation project and the description of development has been amended, with the applicant’s agreement, to delete the phrase “farm scale”.
- 5.10 The NPPF and LDF Policy CP4 accept that this use is appropriate in the countryside but it is important to consider whether the scale of the activity is acceptable in the proposed location. Policy CP4 requires such development to be of a scale appropriate to its location; Policy CP15 suggests that small-scale renewable energy projects would be acceptable; Policy CP2 requires development to be located to minimise the need to travel. The emphasis therefore is for the scale of a project to be commensurate with its surroundings. The application site is within a rural location that could not be considered as sustainable unless the development was required to be in this particular location for operational reasons. The proposed development is not on a farm scale, i.e. one commensurate with the operation of the existing farming operation, but is of a greater scale requiring the creation of additional pig buildings for the accommodation of animals specifically required to ‘feed’ the facility. Other ‘feed’ would need to be transported onto the site on a regular basis. No evidence has been provided to suggest that the development is required in order to support the existing agricultural business, which would otherwise be unviable. However, and without prejudice to the detailed assessments set out later in this report and being mindful of local decisions relating to both forms of development, it is not considered that either a pig building or an anaerobic digester are inappropriate or unsustainable in principle in this rural location. As such the development is considered to be consistent with LDF policies CP1, CP2 & CP4 and with the NPPF.

#### Landscape Impact

- 5.11 Policy DP30 (Protecting the character and appearance of the countryside) of the Development Policies DPD states that “the openness, intrinsic character and quality of the District’s landscape will be respected and where possible enhanced...Throughout the District, the design and location of new development should take account of landscape character and its surroundings, and not have a

detrimental effect on the immediate environment and on any important long distance views. The design of buildings, and the acceptability of development, will need to take full account of the nature and distinctive qualities of the local landscape... Where possible opportunities should be taken to add appropriate character and distinctiveness through the contribution of new landscape features..." The adjacent Local Planning Authority, the North York Moors National Park, has raised objections on the ground of landscape impact.

- 5.12 The applicant's submitted Landscape Visual Impact Assessment (LVIA) concludes that the site would be visible from close locations outside of the National Park such as roads and bridleways offering transitional views rather than viewpoints. It is suggested that the landscape mitigation proposed would prove effective in screening the impacts. The Council has appointed a landscape consultant (Landcare) to provide a critique of the submitted LVIA. Landcare concludes:

"The submitted LVIA, whilst not conforming to the detailed assessment criteria and extent of consideration of the Landscape Institute's 3rd edition guidelines, does work within the principles of those guidelines. Having reviewed the assessment in the light of a site visit, it is felt that it has delivered an appropriate level of detail and is correct in its assessment of the extent of visual impact from the agreed viewpoints."

- 5.13 Landcare notes that the proposed development, although sited within a natural bowl of land, is not sited at the lowest part of the landscape and it would seem more appropriate to site the development in the natural lowest area somewhat to the south. No assessment has however been made of this alternative position and whether it would be more or less visible from the LVIA viewpoints.

- 5.14 The Landcare report is most critical of the proposed mitigation landscaping, which is considered on the face of it, fairly comprehensive. However, there are concerns as to the distribution and, in particular, the size of stock on planting and the report states:

"Firstly, the whole development, from a visual point of view, should be sited further south where the ground form is at its lowest. This would lower the elevational profile of the whole development relative to the immediate topography and it would also benefit from being closer to the screening effect of the nearby woodland. It is appreciated that there may be operational reasons why this may not be possible but clarification on this issue should be sought.

Secondly, given that the impact, on completion of construction is immediate and that the development only has a projected 25 year life, then it is felt that the landscape proposals should have a much greater immediate impact than they actually will. The bulk of proposed planting is 600-900mm in height with only 37no trees proposed of a height of 3.50m - 4.25m which are mostly located at the base of the slopes that will be created by the silage clamp platform."

- 5.15 The commentary submitted on behalf of Robert Thompson's Craftsmen disagrees that the assessment of the viewpoints is accurate, particularly in respect of those from the White Horse. Landcare has had sight of this commentary and concludes as follows:

"I am unconvinced by elements of this LVIA. Most notably, the report fails to discuss the residual visual impacts following mitigations. They concentrate solely on the impact on completion of construction. In that respect they do not conform to the current guidelines, a criticism they have [of] Prism Planning's report.

Some of the viewpoints' photographs appear to have been taken in the fields beyond the hedges which line footpaths/bridleways, particularly south of the site.

The views from the White Horse seem to [be] of slightly different scales even though taken from the same location. In addition the site boundaries marked on these photos are definitely not accurate.

The scale on the wireframe panoramas appears to change scales as well and also appear to be taken off the actual footpath/bridleway again. Clearly, I would have to visit site to completely verify this." (The consultant has since visited the site and their further advice will be reported to the meeting.)

- 5.16 The site is not visible from the main body of the village; it is clearly very visible from Highfield and from sections of the road to the north, which is on National Cycle Route 65. Greater opportunities exist for cyclists and pedestrians than drivers and passengers of motor vehicles to view the application site from the sections of the road from where the site would be clearly visible. The site would also be visible, in close proximity, from the public footpath to the north for a long stretch and from the public footpath to the south although at a greater distance and fleetingly through gaps in the mature hedgerow. Despite the conclusion that the development would have a relatively low level of visual impact the development would have a significant impact on Highfield and the bridleway to the north and this will be to a high degree and immediate. There would be a great impact on sections of the road to the north too although to a slightly lesser degree. The proposed mitigation does not address this impact.
- 5.17 It is considered that due to the scale and visibility of the proposed development it would detract from the rural character and appearance of the landscape contrary to the advice within the NPPF and LDF Policies CP16 and DP30.

#### Biodiversity

- 5.18 A Phase 1 Habitat Survey and Protected Species Risk Assessment has been undertaken, which concludes that the proposed development would not have a significant impact on any protected species or habitats within the surrounding area. A number of recommendations are made to enhance the site for wildlife and ensure the continuing provision of foraging and roosting habitats for bats and birds.

#### Noise and odour

- 5.19 LDF Policy DP1 (Protecting Amenity) stipulates that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.
- 5.20 There is a risk of odour pollution from the proposed development as a result of the silage, pig manure, tanker, pigs and the liquid digestate. The use of digestate as a fertiliser gives rise to a lower level of odour than traditional fertilisers of cattle and pig slurry but consideration has only been given to the activities taking place on the application site. The report concludes that there would be a 'negligible' impact on all receptors measured except for the impact on the dwellings at Highfield and Stockhill Farm, both of which are agricultural related dwellings, and the impact on these two dwellings would be 'slight adverse'. The Council's Environmental Health officer remains concerned about the impact on these two dwellings, both of which lie within 200m of the proposed pig buildings. Notwithstanding their occupancy as agricultural related dwellings (not connected to the applicant's farm) it would be reasonable to expect an acceptable standard of amenity. Although distance alone is not the solution, a high standard of management would be the key to minimising any impact. A condition has been recommended requiring the submission of an odour, manure and fly management plan, which, following its approval, would need to be

implemented and maintained at all times. Without such a standard of management the village, at a greater distance of approximately 330m to the nearest properties (which is within the permitted development distance of 400m for livestock developments), would also be at risk of odours.

- 5.21 There is also a risk of noise pollution from the proposed development from the pigs, the vehicle movements and the equipment. Residents in the village have informed the Council of the noise that already occurs from a lesser number of pigs located at Village Farm and it is expected that noise would occur from 2,000 pigs located at the application site. The calculations undertaken within the assessment have taken into account the greater number of pigs that would be at the application site; it is unclear however how old the pigs were when the assessment was undertaken and as the Environmental Health officer has noted, older pigs generate more noise than younger ones.
- 5.22 There is a significant potential for the proposed use to have odour and noise impacts on the two closest dwellings and also some potential impact on dwellings and businesses within the village unless operated with a high standard of management at all times. It is considered that there is a significant risk of noise and odour adversely affecting the two properties that lie approximately 150m and 170m from the application site that would not comply with LDF Policy DP1.
- 5.23 The flare stack is a requirement of the EA licensing regime for the plant. With regard to the positioning of the stack within the site (approximately 10m from the boundary) there are no specific separate regulations regarding mandatory distances; the explosive risks of any AD plant are administered by the Health and Safety Executive. It is not anticipated that the stack would flare on a frequent basis, more usually in association with plant maintenance. The activities associated with the proposed plant would be controlled under the Environmental Permitting (England and Wales) Regulations (2010) and subsequent amendments. As such, the operator would be required to obtain a permit from the Environment Agency as the appropriate regulator prior to operation. This would ensure the plant is managed and operated in accordance with good practice guidance and reduce the potential for environmental impacts separately from any planning permission.
- 5.24 Whilst the EHO is satisfied that the submitted noise and odour assessments make reasonable assumptions there is a significant potential for the proposed development to cause a noise or odour nuisance, particularly to Highfield and Stockhill Farm and would therefore be contrary to LDF Policy DP1.

#### Drainage and flood risk

- 5.25 The proposed development must comply with Control of Pollution Regulations relating to silage, slurry and agricultural fuel oil. These are regulations separate from planning issues that would address any spillage. The Environment Agency was particularly concerned with the potential for leakage arising from the use of the proposed pipeline from Wildon Grange but this does not now form part of the proposal.
- 5.26 The application site does not fall within an area of flood risk. An assessment has been received, which confirms that drainage would be provided to further reduce any risk.

#### Economic Impact

- 5.27 A significant amount of concern has arisen from the local community, echoed by local businesses and Welcome to Yorkshire, regarding the potentially harmful impact the

proposed development could have on businesses within the locality as a result of noise and odour arising from the use and the visual impact of the structures.

- 5.28 The proposed development is not anticipated to create any new employment and no evidence has been provided to suggest that the development is required to improve the viability of the existing business. These matters would not however be reasons to refuse permission for the development. It is however important to assess whether the proposed development would cause harm to existing businesses such as the Robert Thompson Visitor Centre and tea room and the Forresters Arms. The visitor centre lies at least 350m from the main part of the application site (excluding access track) and the Forresters Arms approximately 470m and there is therefore potential for some noise and odour to occur. It is however considered that the distances involved are adequate for any impact to be infrequent and that if the effects of noise and odour were significant for long periods these would be addressed by the intervention of other controls and regulations in respect of the management of the development such as the Environment Agency and the Council's Environmental Health officers.
- 5.29 It is not anticipated that the proposed use would be detrimental to the existing business in the vicinity. Assuming proper management of the facility, any incidents would be infrequent and it is therefore considered unlikely that the area would gain a reputation among potential visitors that might deter tourism.

#### Highways

- 5.30 The agricultural track serving the application site is used by the applicant to gain access to the slurry store and the fields beyond. In order to gain access to the proposed development improvements and upgrades are proposed to the access and the track to allow additional vehicles to serve the pig unit and the AD facility. Improvements to the track would also be required to adequately protect the users of the bridleway, which follows the route of the track.
- 5.31 The submitted application claims the additional traffic would be de minimis. There would be increased traffic relating to pig transport and feed deliveries; relating to the import of chicken manure for the AD facility and, in the absence of an umbilical pipeline for the transfer of cattle slurry, an unknown number of vehicle movements for slurry to feed the AD facility. The use of the digestate on the land instead of fertiliser would result in a reduced number of vehicle movements for that purpose.
- 5.32 The applicant's agent has submitted the following information in support of the proposal:
- The (vehicle movements stated in paragraphs 1.11 – 1.13 above) are the gross movements and you need to appreciate that all of the movements are already on the highway network as a result of current farming activities;
  - Manures from Church Farm are already led onto the site and will continue to be led, whether this application is approved or not. Similarly grass silage and other crops grown on Church Farm Land are currently taken back to the farm and this will continue to be the case whether this application is approved or not;
  - Should it be approved, some material will be taken straight from the field to the application site;
  - There will be a net reduction in tractor/trailer movements through the village as a result of these proposals. As previously advised, there will also be a net reduction in artificial fertiliser imported to the farm as a result of the use of digestate in lieu.

- 5.33 The Highway Authority is concerned about the standard of roads in the vicinity of the site, which are narrow country lanes with limited visibility in parts but is recommending that conditions be imposed as it is anticipated that the number of additional vehicle movements is likely to be minimal. .
- 5.34 Local residents have stated that the access track does not fall within the ownership or control of the applicant and therefore the proposed works could not be undertaken. The certification within the application has been amended in response but the applicant's rights to use the track are a private matter separate from the planning considerations in this report. If planning permission were to be granted it could be subject to a negatively worded "Grampian" condition requiring the works to be undertaken to the access track prior to any other development. In this scenario, if private matters were to prevent the access track being improved, the development could not proceed and it is not necessary for the Local Planning Authority to consider this issue further.

### Conclusion

- 5.35 The NPPF and LDF policies accept that the use of renewable energy should be encouraged but not to the detriment of interests of acknowledged importance such as the landscape and the amenity of local residents and should only be approved where impacts can be made acceptable. It is important to conserve the natural environment and support health and wellbeing. The proposed development is acceptable in principle but would have a detrimental impact on the visual and residential amenity of the locality. Refusal of the application is recommended.

## **6.0 RECOMMENDATION**

- 6.1 It is recommended that the application is **refused** for the following reasons:
1. The proposal by reason of its scale, form and proximity to public viewpoints, would result in an uncharacteristic development that causes unacceptable harm to the undeveloped rural landscape character and appearance of the site and the wider landscape setting, in close proximity to the boundary with the North York Moors National Park. It is not considered that these impacts can be satisfactorily mitigated for the duration of the proposed development. As such, the proposed development is contrary to Hambleton Local Development Framework Policies CP16 and DP30.
  2. The proposed development is contrary to Hambleton Local Development Framework Policies CP1 and DP1, which require all proposals to adequately protect amenity. Due to the proximity of the dwellings at Highfield and Stockhill Farm, which lie within 170m of the application site, the use of the site is likely to give rise to noise and odour that would have an unacceptable effect on the residential amenity of the occupiers of those dwellings.



**Parish: Raskelf**

Ward: Raskelf

**5**

Committee Date: 25 June 2015

Officer dealing: Mrs C Davies

Target Date: 22 June 2015

Target Date: 22 June 2015

**15/00318/FUL**

**Installation of a solar farm and associated infrastructure  
at Land South East of Highfield House, Raskelf  
for Lightsource SPV 181 Ltd.**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 Planning permission is sought for the installation of a ground mounted photovoltaic solar farm on an 11 hectare site at Peter Hill to the east of the A19. The site is located 240m east of the A19 approximately 1.4km east of the village of Raskelf, 1.8km south-east of Thormanby and 2.3km southwest of Husthwaite. Access to the site would be taken from an existing field access to the north of the site.
- 1.2 The closest un-associated residential dwellings to the site are located 240m to the north of the site and 290m to the south.
- 1.3 The site has a mix of Agricultural Land Grading including grades 2, 3a and 3b, with 91% within grades 2 and 3a, which are classified as Best and Most Versatile.
- 1.4 The site is relatively flat with land sloping gently upwards to the northeast and east towards the A19. The site is traversed by pylons and overhead cables. It consists of arable/grazing land (used in rotation) with well-established boundary hedges and trees. Adjoining land is used for agricultural purposes.
- 1.5 The site is not located within an Area of Outstanding Natural Beauty or within the Green Belt and there are no Sites of Special Scientific Interest within 500m of it.
- 1.6 There is a Grade II Listed milepost located on the A19, 240m to the east of the site, but there are no other Listed Buildings or Ancient Monuments within 500m. There is a Public Footpath 230m to the south of the site. The site is located within Flood Zone 1.
- 1.7 Solar photo voltaic panels, with a combined energy generation capacity of approximately 5MW are proposed to be installed. The solar modules would cover approximately 3.4ha of the site, to avoid shading and to provide grazing for sheep in rows in between. The fixed, mounted solar panels would have a maximum height of 2.4m above ground level and at the lower end would be 0.8m above the ground. The panels would measure approximately 1.9m x 0.9m x 0.05m.
- 1.8 The glass surfaced panels would be coated to maximise daylight absorption, and thus minimise glare potential. The mounting frames would be made of either galvanized aluminium or steel with a rough matt finish, rather than a polished finish.
- 1.9 The panels would be attached in a triple landscape configuration to mounting frames at an angle of 30 degrees, to optimise daylight capture. Ancillary structures comprise three small substations, 3 field transformers, and 3 inverter stations, a communications building and a composting toilet.
- 1.10 The site is proposed to be enclosed by a 2m high post and wire fence, with security cameras mounted on 2.4m high poles at regular intervals along the site boundary.

- 1.11 A swale is proposed to improve surface water run-off and reduce flood risk on site. The swale would measure approximately 1m in width, with a depth of approximately 0.3m.
- 1.12 The solar farm would be decommissioned after a period of 30 years.
- 1.13 This application is accompanied by the following reports:
- Landscape and Visual Impact Assessment
  - Ecological Assessment
  - Flood Risk Assessment
  - Statement of Community Involvement
  - Landscape and Biodiversity Management Plan
  - Soils and Agricultural Land Quality Assessment
  - Cultural Heritage Assessment
  - Construction, Decommissioning and Traffic management Method Statement
- 1.14 The applicant has provided to the Council an assessment of alternative sites within the Hambleton District at 3km radius from the site and is preparing an assessment at 10km radius.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 15/00034/SCR – Environmental Impact Assessment not required; June 2015.
- 2.2 15/01268/FUL - Construction and 30 year operation of a solar farm and associated infrastructure for connection to the local electricity distribution network, access tracks, temporary construction compounds, security fencing and ecological and landscape enhancement measures at Boscar Grange Farm, Easingwold. Application received 5 June 2015. This solar farm would cover an area of 84ha and adjoin the southern boundary of the application site.

## **3.0 NATIONAL AND LOCAL POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
 Core Strategy Policy CP2 - Access  
 Core Strategy Policy CP4 - Settlement hierarchy  
 Core Strategy Policy CP15 - Rural Regeneration  
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
 Core Strategy Policy CP17 - Promoting high quality design  
 Core Strategy Policy CP18 - Prudent use of natural resources  
 Core Strategy Policy CP21 - Safe response to natural and other forces  
 Development Policies DP1 - Protecting amenity  
 Development Policies DP3 - Site accessibility  
 Development Policies DP6 - Utilities and infrastructure  
 Development Policies DP9 - Development outside Development Limits  
 Development Policies DP10 - Form and character of settlements  
 Development Policies DP26 - Agricultural issues  
 Development Policies DP28 - Conservation  
 Development Policies DP29 - Archaeology  
 Development Policies DP30 - Protecting the character and appearance of the countryside  
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
 Development Policies DP33 - Landscaping

Development Policies DP34 - Sustainable energy  
Development Policies DP36 - Waste  
Development Policies DP43 - Flooding and floodplains  
Sustainable Development Supplementary Planning Document – Adopted 7 April 2015  
National Planning Policy Framework – published 2012  
National Planning Practice Guidance  
UK Solar Photovoltaic Strategy Part 1 Roadmap to a Brighter Future

#### **4.0 CONSULTATIONS**

- 4.1 Raskelf Parish Council – no objections.
- 4.2 NYCC Highways - conditions are recommended regarding construction traffic access, routing, mud on the highway and highway condition survey.
- 4.3 Environment Agency – we have assessed this application as having a low environmental risk and do not have any comments to make on the application.
- 4.4 NYCC Archaeology – the application site lies within an area of archaeological interest. The route of the Roman Road between Stamford Bridge and the River Tees runs along the A19 nearby to the west of the site. Boscar Grange to the south-east, is thought to have been the site of a medieval grange, possibly with a moat and other associated features which can be seen as crop marks on aerial photographs. The ground disturbing works of the proposed development have some potential to encounter unknown buried remains from the Roman or medieval periods or later. An archaeological watching brief on the structural elements of the development is an acceptable mitigation strategy for this site. The archaeological watching brief should be conditioned to be carried out during excavations for the concrete plinth foundations for the ancillary buildings, the top soil strip for the compound construction, the construction of access tracks, drainage and cabling trenches. This should be followed by appropriate analyses, reporting and archive preparation.
- 4.5 Historic England - On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.
- 4.6 The Ramblers Association – comments awaited.
- 4.7 NYCC Sustainable Urban Drainage Systems (SUDS) Officer – comments awaited.
- 4.8 Kyle and Ouse IDB – no observations.
- 4.9 Senior Drainage Engineer – comments awaited.
- 4.10 Yorkshire Wildlife Trust – comments awaited.
- 4.11 National Grid – comments awaited.
- 4.12 Police Architectural Liaison Officer – The site is in an isolated location and a condition should be applied to cover details of crime and disorder, boundary protection, and CCTV and the implementation of measures for designing out crime.
- 4.13 Environmental Health – no objections or recommendations.
- 4.14 Ministry of Defence – no safeguarding objections to the proposal.

- 4.15 National Air Traffic Services - The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS has no safeguarding objection to the proposal.
- 4.16 Neighbours notified and site notice posted; expired 10.04.2015 - press advert expired 30.03.2015 - 12 responses received: 11 supporting the proposal and 1 objecting on the following grounds: loss of greenfield/agricultural land; more appropriate sites are available; highway safety, especially during construction; environmental impact; lack of wildlife benefits; inadequacy of landscape planting; the Ecological Appraisal is misleading; impact upon residential amenity (noise, bedroom windows overlook the site); radiation; and impact during construction phase including night-time lighting.

## 5.0 OBSERVATIONS

- 5.1 The main issues to consider in the determination of this application relate to:
- (a) The principle of the development, including national and local planning policies on solar energy and Agricultural Land Classification
  - (b) Environmental benefits of the scheme
  - (c) Landscape impact
  - (d) The cumulative impact of this and other solar schemes
  - (e) Impact on Heritage Assets
  - (f) Drainage and flooding
  - (g) Ecology
  - (h) Archaeology
  - (i) Neighbour amenity
  - (j) Access and construction issues

### Principle of the Development

- 5.2 The National Planning Policy Framework (NPPF) gives positive encouragement for renewable energy projects. One of the core planning principles set out in paragraph 17 is to "support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)".
- 5.3 Paragraph 93 notes that "Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development". This positive attitude to renewable energy is reiterated in paragraph 14, which states that any adverse impacts of approving an application, which is considered to be sustainable, would have to significantly and demonstrably outweigh the benefits.
- 5.4 Paragraph 97 goes on to state that local planning authorities should "recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources" and that 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; 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.

5.5 In terms of local planning policy, Policy DP34 of the Hambleton Local Development Framework Development Policies (2008) states that development proposals should minimise energy demand, improve energy efficiency and promote energy generated from renewable sources. The Policy goes on to state that developments will be promoted which enable the provision of renewable energy through environmentally acceptable solutions. Policy CP16 “Protecting and Enhancing Natural and Man-made Assets” specifically refers to BMV in its introductory text and states:

“Development or activities will not be supported which:

- Has a detrimental impact upon the interests of a natural or man-made asset;
- Is inconsistent with the principles of an asset’s proper management;
- Is contrary to the necessary control of development within nationally or locally designated areas.”

In this regard, BMV is clearly an asset that would normally be protected under this policy.

5.6 The online National Planning Practice Guidance (NPPG) directs developers to look sequentially at suitable and available land including previously developed and non-agricultural land over Greenfield land and Best and Most Versatile Agricultural Land, when bringing forward large scale solar schemes. Paragraph: 013 Reference ID: 5-013-20140306 of the NPPG states:

“Particular factors a local planning authority will need to consider include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value; and
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.”

5.7 The Government’s position is further explained in a published speech of 25 April 2013 in which the then Minister for Energy and Climate Change, Gregory Barker MP, said to the solar industry “Where solar farms are not on brownfield land, you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation.”

5.8 The above extract from the Minister’s speech is quoted in the Council’s April 2015 Sustainable Development Supplementary Planning Document. It echoes the government’s requirements that consideration be given first to brownfield land and rooftops prior to solar farms being located on higher quality land.

5.9 The application site consists of agricultural land that is classified as category 2 (26%), 3a (65%) and 3b (9%). Grades 2 and 3a are considered to be the Best and Most Versatile agricultural land (BMV). The Hambleton District is mainly Agricultural Grading 2 and 3, with small areas of Grade 1 and 4 land. The NPPF, at paragraph 112, states that Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant

development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

- 5.10 The applicant has submitted additional information stating that the use of land of Grades 3b, 3a and 2 is considered necessary, given the available land grades within the 3km radius of the grid connection and the lack of suitable brownfield land. They state that Hambleton has a total agricultural land area of over 109,000ha and that without taking into consideration land classification, the 11ha used as part of this development, which still does not represent a permanent loss of agricultural land and which would continue to be used for agricultural purposes, represents 0.01% of the agricultural resource in Hambleton District.
- 5.11 It is recognised that sheep could graze around the panels, allowing some agricultural function to be retained on the site and it is noted that the development would be temporary and the use reversible. Whilst this would appear to be in keeping with the former Minister for Energy and Climate Change's speech, the residual grazing would put high quality agricultural land to a purpose that only requires lower quality land. Guidance published by Natural England advises that BMV "is the land which is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non food uses". Grazing would not therefore represent under-use of the resource, which is considered to be inconsistent with the requirement for BMV to be properly managed under criterion ii of policy CP16.
- 5.12 The policy position set out nationally in NPPF and expanded on in NPPG and locally in the LDF and the Sustainable Development SPD is a clear in-principle preference for the use of lower graded land. Therefore, whilst Hambleton has a large area of agricultural land, that does not provide a reason for allowing loss of BMV agricultural land to accommodate solar farm developments. National guidance requires that alternative sites are sequentially tested in order to demonstrate why lower grade land or brownfield land cannot be used instead of BMV. The applicant has provided a limited assessment at a 3km radius and is preparing a 10km radius assessment, but neither of these assessments can demonstrate that there is no brownfield land, or poorer grade agricultural land elsewhere within the district to accommodate solar farm developments. The proposal is therefore contrary to the requirements of national and local policy and guidance.

#### Environmental Benefits of the Scheme

- 5.13 The proposal would generate enough clean electricity to power 1,348 typical households. The solar farm would avoid 2,540 tonnes of carbon dioxide emissions associated with electricity generation each year. This is the equivalent to the annual emissions of 566 family cars.
- 5.14 Measures are proposed to boost bio-diversity on-site.

#### Landscape Impact

- 5.15 As part of its core principles (paragraph 17) the NPPF requires account to be taken of the different roles and character of different areas, and recognition to be given to the intrinsic character and beauty of the countryside, as well as seeking to secure high quality design. Paragraphs 58 and 109 seek to achieve visually attractive schemes as a result of appropriate landscaping and the protection and enhancement of valued landscapes.
- 5.16 Similarly, the UK Solar Photovoltaic Strategy Part 1 Roadmap to a Brighter Future requires as one of four guiding principles that "Support for solar PV should ensure

proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them". The National Planning Practice Guidance advises local authorities to consider the potential to mitigate landscape and visual impacts of renewable energy schemes, through for example, screening with native hedges.

- 5.17 A Landscape and Visual Impact Assessment (LVIA) was submitted with the application to assess the effect of the proposed development upon the landscape and visual resources of the site. The assessment concluded that: the development would have most impact within a distance of 0.25 km and that the low lying topography and landscape enhancement measures would limit impact. It goes on to state that the development would be visible from a small section of the Howardian Hills AONB.
- 5.18 LDF Policy DP30 seeks to ensure that the character and appearance of the countryside is protected. Policy DP30 requires that the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced. Similarly the design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views.
- 5.19 The site is visible from the A19 especially when travelling north where the road is at a higher level. The site would also be visible from the Public Right of Way (PROW) to the south. The Council has engaged consultancy advice to assess the LVIA, the proposed landscaping and the effects on sensitive receptors. The consultant advises that:
- Broadly, the submitted LVIA is a fair and professional assessment;
  - There is a low level of visual impact to the majority of receptors, including from local residences, due to the screening effect of the existing trees and boundary hedges and, from more remote viewpoints, the intervening trees and hedges and topography;
  - The exception to this is the views from the A19 of the northwest quadrant of the development where views of the arrays are open and unobstructed;
  - The principles of the mitigation proposals are acceptable. However, they are not robust enough in terms of tree and hedgerow plant sizes. Given that the development has a limited life span, mitigation should seek to have as an immediate impact as possible.
- 5.20 On the basis of this advice it is concluded that whilst the scheme could be successfully integrated into the landscape, this would require amendment and enhancement of the proposed landscape planting. The proposal as it currently stands is unacceptable in this regard.

#### Cumulative Impact

- 5.21 The National Planning Practice Guidance states that the approach to assessing the cumulative impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines.
- 5.22 An application has been submitted at Boscar Farm in close proximity to the south and east of the application site. The application at Boscar Farm is for an 87ha solar farm, taking the total area of solar farm in the area to 98ha.
- 5.23 The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires, at Schedule 4, the Council to consult Natural England if more

than 20ha of grade 1, 2 or 3a agricultural land would be lost or if it “is likely to lead to a further loss of agricultural land amounting cumulatively to 20 hectares or more”. The Order post-dates the application and whilst the site is below the 20ha threshold, the need for consultation in this instance because of the cumulative effect with the Boscar Grange application referred to in paragraph 2.2 is being discussed with Natural England. However, as this application is for a site well below 20ha, it is believed that the requirement could only apply to subsequent applications that would result in a cumulative loss of 20 hectares or more, i.e. the Boscar Grange application, and therefore it does not prevent the Council determining this application.

#### Impact on Heritage Assets

- 5.24 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework at paragraphs 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.
- 5.25 The site is located approximately 250m from the Grade II Listed milestone on the A19. The milestone would be at a sufficient distance from the solar farm and would be effectively screened by the boundary hedge to the A19 and therefore its setting would not be adversely affected by the proposal. There are no other Listed Buildings or Conservation Areas within proximity to the site so as to have any other adverse impacts.

#### Drainage and Flooding

- 5.26 The whole area of the proposed development is located in Flood Zone 1 and as such should not suffer from river flooding.
- 5.27 In terms of surface water drainage a swale is proposed. It is noted that the solar panels are impermeable so the ground underneath the panels will not receive rainfall. A greater amount of rainwater will therefore run off them onto a concentrated area along their lower edge, so may be more likely to flow off as a sheet before it can soak into the ground. This would change the site's drainage characteristics and it is recognised that the applicant could improve the drainage of the water run-off from the solar panels and further details in this regard could be required via planning condition. Subject to the application of a condition the scheme would not have an adverse impact on drainage and flooding and the requirements of Policy DP43 would be met.

#### Ecology

- 5.28 Amongst the core planning principles within the NPPF is a need for planning decisions to contribute to the conservation and enhancement of the natural environment by minimising impacts and providing net gains in biodiversity where possible (paragraph 109). Any new development should not have an adverse impact on species that are protected by law and should make a positive contribution to the biodiversity of the area.
- 5.29 The application is supported by an Ecological Appraisal that identifies the site as having limited ecological value. The findings of the report have been challenged by an objector who states that several bird species frequent the site. No protected



species have been identified and this issue is not considered of sufficient weight to influence the planning judgement. A series of ecological and biodiversity enhancements/mitigations are proposed by the applicant to improve and promote habitats, and they could be secured by condition if permission is granted.

- 5.30 It is therefore considered that the proposal is compliant with paragraph 109 of the NPPF and LDF Policy DP31.

#### Archaeology

- 5.31 The application site lies in an area of archaeological interest and NYCC Historic Record Team advise that ground disturbing works have the potential to encounter buried Roman or Medieval remains and a watching brief should be conditioned if permission were to be granted. Subject to the imposition of a condition, the scheme would accord with the relevant provisions of the NPPF and Policy DP29.

#### Amenity of neighbouring properties

- 5.32 One of the core planning principles of the National Planning Policy Framework and the Local Development Framework is to secure a good standard of amenity for existing and future occupants of land and buildings. The site occupies a relatively isolated location in open countryside although there are properties in the vicinity.
- 5.33 The nearest neighbour would be 240m away to the north of the proposed solar farm; the property is set on higher ground and the garden screened by high evergreen hedging. Concerns have been raised that the development would be prominent from the rear bedroom windows. However, the solar farm would be at a sufficient distance and the panels would face away from the property. Taken with landscaping this would restrict adverse impact upon the outlook of this property. Given separation distances to other properties and landscaping it is not considered adverse impacts would arise in this respect.
- 5.34 Concerns have been raised by a neighbour in respect of noise and radiation. Potential noise generation would from be the invertors that would be placed within the site and it is noted that the nearest neighbour is some 240m away. The applicant is forwarding additional information in this respect and this will be reported to Committee. Glint and glare would be minimised by the panel surface.
- 5.35 It is anticipated that there would be some noise and disturbance associated with the construction and decommissioning phases; however, this would be for a limited duration. A condition could be applied to control night-time lighting.

#### Access and construction issues

- 5.36 The applicant has provided a construction, decommissioning and traffic management method statement. Access to the site would be via the existing farm track to the north of the site.
- 5.37 Concerns have been raised with regard to highway safety, especially during construction. Paragraph 32 of the NPPF states that “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.” The Highway Authority has assessed the scheme and has raised no objections. It is therefore considered that the proposed development would not have an adverse impact on the highway network, nor would it have an adverse impact on highway or pedestrian safety.

## **6.0 RECOMMENDATION:**

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The proposal would involve the loss of Best and Most Versatile agricultural land and the applicant has failed to demonstrate that there are no alternative brownfield or lower graded or sites available for solar energy generation within the district. Therefore the development is considered to be contrary to the requirements of Policies CP16 and DP30 and the National Planning Policy Framework and Planning Practice Guidance.
  2. The proposed landscape planting is considered insufficient to adequately mitigate the impact of the development on the local landscape. The development as proposed would therefore fail to adequately protect the character and appearance of the countryside and thus be contrary to Hambleton Local Development Framework policies CP16 and DP30 and in conflict with the NPPF core planning principle requiring planning to recognise the intrinsic character and beauty of the countryside.

**Parish: Stillington**

Ward: Huby

**6**

Committee Date : 25 June 2015

Officer dealing : Mrs H M Laws

Target Date: 19 August 2014

**14/01332/FUL**

**Use of two holiday letting units as one dwelling house with ancillary facilities.  
at White Bear Cottage White Bear Farm South Back Lane Stillington  
for Mr John Sparrow.**

**1.0 SITE DESCRIPTION AND PROPOSAL**

1.1 The site lies on the southern side of South Back Lane outside of the Stillington Conservation Area. There are two detached buildings on the application site, which are each used as a unit of holiday accommodation. One of the buildings is two storey with two bedrooms; the other being single storey and also with two bedrooms.

1.2 The buildings are brick and pantile structures, which are positioned on the northern boundary of the site. A condition restricts the units to prevent occupancy as permanent dwelling units. It is proposed to create a single dwelling unit from the buildings with ancillary accommodation.

1.3 There is an existing access into the site from South Back Lane close to the bend in the road leading to the main village street via 'the link'.

1.4 No alterations to the buildings are proposed. Illustrative details suggest that an extension may be proposed in the future to connect the two buildings but no details are provided for consideration at this stage. A distance of approximately 8m lies between the buildings.

1.5 Amenity space and parking is available at the southern side of the buildings.

**2.0 PLANNING & ENFORCEMENT HISTORY**

2.1 02/00131/FUL - Alterations to existing agricultural buildings for use as 2 holiday units. Permission granted 10/5/2002 subject to the following condition:  
The accommodation hereby approved shall not be occupied as a permanent dwelling.

2.2 14/00479/FUL - Change of use of two holiday letting units into two detached self-contained dwellings. Application withdrawn 30/6/2014.

**3.0 RELEVANT PLANNING POLICIES:**

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Core Strategy Policy CP19 - Recreational facilities and amenity open space

Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all

Development Policies DP9 - Development outside Development Limits

Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
Development Policies DP37 - Open space, sport and recreation  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework

#### 4.0 CONSULTATIONS

4.1 Parish Council - no comments received (expiry date for representations 22/7/2014).

4.2 NYCC Highways - no objection subject to a condition requiring the provision of a parking and manoeuvring area.

4.3 Yorkshire Water - no comments required

4.4 HDC Environmental Health - no objections

4.5 Site notice/local residents - two objections have been received, the comments of which are summarised as follows:

1. Concerned about impact on property opposite, which has an unobstructed view and is not directly overlooked. Future intentions likely to be a proposal to link the two buildings, which would severely impact on view
2. If change of use is granted please stipulate to ensure future development is single storey to minimise the impact on surrounding houses

#### 5.0 OBSERVATIONS

5.1 The issues to be considered include the principle of creating an unrestricted dwelling unit in this location; the effect on residential amenity and highway safety.

5.2 The village of Stillington is defined as a Service Village within the Settlement Hierarchy of Policy CP4 of the LDF although the application site lies outside the Development Limit boundary. This means that additional justification must be provided to make an exceptional case for housing growth in terms of Policies CP1 and CP2 and then comply with one of the criteria of Policy CP4. The NPPF in paragraph 55 encourages the provision of housing in rural areas where it will help to maintain the vitality of rural communities and where development in one village may help to support services in a village nearby and requires development to be permitted for a change of use to residential provided there are not strong economic reasons why such development would be inappropriate.

5.3 The building lies within the built up part of the village within easy walking distance of the facilities within Stillington, which include a school, pubs, shop and a church and within easy reach of the bus stops from where there is a regular and frequent bus service to Easingwold and York. The village is also within cycling distance of Easingwold, which is the defined Service Centre.

5.4 Policy CP4 requires new development to be restricted to within Development Limits but, to ensure appropriate consistent interpretation of the NPPF alongside Policy CP4, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.

5.5 The IPG states that the Council will support small-scale housing development in villages "where it contributes towards achieving sustainable development by maintaining or

enhancing the vitality of the local community AND where it meets ALL of the following criteria:

1. Development should be located where it will support local services including services in a village nearby.
2. Development must be small in scale, reflecting the existing built form and character of the village.
3. Development must not have a detrimental impact on the natural, built and historic environment.
4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
6. Development must conform with all other relevant LDF policies."

5.6 The application site lies between an approved housing development site to the west and a new dwelling under construction to the east and therefore relates well to the village. As the site is accessed from South Back Lane it has a clearer relationship with the domestic, developed parts of the village rather than the adjacent countryside beyond. It therefore has more in character with the village than the rural landscape and the dwelling would not harm the rural landscape.

5.7 Although the development would lie outside the existing Development Limits of Stillington and therefore conflict with Policies CP4 and DP9, the use of the building as a dwelling occupied permanently would represent a sustainable form of development in terms of the more recent NPPF which is a material consideration of considerable importance and, taken in combination, it is considered that the benefits arising from the scheme achieve compliance with the tests of CP4 in the form that results from the ministerial statement of Brandon Lewis of 28 November 2014.

5.8 There are no alterations proposed to the building and therefore the use of the buildings as a single household is unlikely to have a detrimental impact on the amenity of adjacent residents. It is recommended that permitted development rights be removed to allow the planning issues relating to the impact on residential amenity and also on the character and appearance of the Conservation Area to be considered by the Planning Authority should any external alterations be proposed.

5.9 The Highway Authority has no objection to the proposed development.

5.10 The Council has recently introduced the Community Infrastructure Levy. There is no liability in this case as it is an application for works resulting in no increase in floor space.

5.11 The proposed unrestricted occupancy is acceptable and approval of the application is recommended.

**6.0 RECOMMENDATION:** That subject to any outstanding consultations the application be **GRANTED** subject to the following conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement shall be carried out to the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.

3. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference "Block Plan Proposed"). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

4. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered S332/3 and Block Plan Proposed received by Hambleton District Council on 24 June 2014 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The Local Planning Authority would wish to retain control over the extension or alteration of this development in the interests of the appearance of the site and the surrounding Conservation Area in accordance with Local Development Framework Policy CP1, CP16, DP1 and DP28.

3. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.

4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

**Parish: Winton, Stank & Hallikeld**  
Ward: Osmotherley & Swainby  
**7**

Committee Date : 25 June 2015  
Officer dealing : Mr Peter Jones  
Target Date: 1 July 2015

**15/00678/MRC**

**Variation of conditions 6, 10, 19, 23 & 32 of permission 08/04984/FUL to allow later submission of details and alternative wording of conditions 9 & 14. at Anemometer Mast Stank Farm Bullamoor North Yorkshire for Mrs Julie Aitken.**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The Planning Committee resolved, on 10 June 2010, to grant planning permission for the erection of four 132m high wind turbines, associated works and new vehicular accesses (reference 08/04984/FUL). The permission was issued on 10 December 2010 and will expire on 10 December 2015 unless it is taken up by that date.
- 1.2 The approved proposals were four three-bladed horizontal-axis wind turbines are proposed with a maximum overall height of 130m to blade tip. The hub height has been assessed as 85m and the rotor diameter as 90m, representing the maximum height to blade tip. The final choice of turbine will depend on the technology available at the time of construction and the desired output from the Development; however, the final tip height will not exceed 132m.
- 1.3 The application site is located approximately 4 km north east of Northallerton. The site consists of undulating mixed farmland, with a northerly aspect, generally falling northwards from around 110 m Above Ordnance Datum (AOD) to 75 m beside the A684. Most of the land within the site boundary is currently grazed, there is some arable cultivation but it is limited in extent. Two water courses flow eastwards from the higher parts of the site and the third flows south-east into Fox Covert. Fields are of medium size, regular in shape and enclosed by thorn hedges of variable height and condition, with several gaps and little replanting. Most hedgerows contain trees, mainly mature ash, and there are also some thicker belts of trees adjacent to the water courses, which together give the impression of a fairly well wooded landscape.
- 1.4 The surrounding low-lying landscape of Hambleton is essentially rural in character. Small dispersed settlements and a scattering of isolated dwellings linked by minor roads are contained within the surrounding area. The site of the proposed wind farm development is not covered by any national, regional or locally important environmental designations.
- 1.5 Hambleton District lies within the vales of Mowbray and York. The vales are contained to the east by the distinctive escarpment of the Cleveland and Hambleton Hills, with the moorland plateau of the North Yorkshire Moors beyond and the rolling landscape of the Howardian Hills, further to the south. Extensive forestry plantations are conspicuous on the escarpment and plateau tops of the North York Moors. To the west, the vales are contained by the undulating foothills that rise gradually to the distant Yorkshire Dales and Pennines.
- 1.6 The boundary of the North York Moors National Park comes within 3.6km of the site whilst, at its closest point, the Yorkshire Dales National Park lies some 25km to the west. The Howardian Hills AONB lies 23km to the south east. A bridleway, albeit infrequently used, is located between turbines 3 and 4 at a minimum distance of

approximately 200m. The nearest road, A684, is approximately 480m to the north of the nearest turbine (T4) whilst the nearest dwelling, Winton Garth stands 466m to the north.

- 1.7 The application proposes to amend the timing or wording of seven conditions (numbers 6, 9, 10, 14, 19, 23 and 32) of the planning approval. The proposed amended conditions are as follows, in each case with the proposed new wording highlighted in **bold**, followed by the wording to be replaced:

- 1.8 Condition 6 relating to the detail of the connection building:

**Prior to the construction of the connection building**, the applicant will provide full details of the location and design of the connection building and any other associated works, including details of external surface coverings and roofing materials, for the written approval of the local planning authority. The connection building shall be constructed in accordance with these approved details.

The current condition requires these details to be submitted prior to commencement of the development.

- 1.9 Condition 9, relating to the notification of Ministry of Defence, would be altered to allow for changes in the timing of work as the project progresses:

The Ministry of Defence shall be notified in writing, a minimum of 4 weeks in advance of the date construction on site commences, including: **anticipated** timing for the erection of each turbine; the maximum height of construction equipment; the latitude and longitude of each turbine; **and the anticipated date the erection of each of the wind turbines on site will cease. In the event that the anticipated timing of turbine erection, height of construction equipment or latitude and longitude of each turbine varies from that which has been notified to the MOD, an update shall be provided to the MoD, in writing. The MoD shall also be notified in writing once all construction on site is complete.** Each submission of details shall be accompanied by the site address, grid coordinates and local planning authority's Planning Application reference number.

- 1.10 Condition 10, relating to details of ice formation prevention:

**Prior to the erection of the wind turbines**, details of a scheme for the detection and mitigation of blade icing shall be submitted to and approved in writing by the local planning authority. The measures set out in the approved scheme shall be followed at all times

The current condition requires these details to be submitted prior to commencement of the development.

- 1.11 Condition 14, relating to the storage of potentially polluting goods, would be altered to reflect current Environment Agency guidance:

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and



protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

The current wording is:

Any facilities for the storage of oils, fuels, chemicals shall be operated in accordance with current Environment Agency guidance. Prior to the commencement of development details of the location and design of such storage facilities shall be submitted to and approved in writing by the local planning authority, and shall thereafter be operated in accordance with the approved details.

1.12 Condition 19, relating to shadow flicker:

**Prior to the erection of the wind turbines hereby permitted**, a scheme to satisfactorily alleviate the incidence of 'shadow flicker' at any affected premises shall be submitted to and approved by the local planning authority. That scheme shall include details of the siting of photocells and the measures to control, re-orientate or shut down particular turbines during the conditions when shadow flicker could occur. Unless otherwise approved in writing, any turbine producing 'shadow flicker effects' at any dwelling shall be shut down and the blades remain stationary until the conditions causing those 'shadow flicker effects' have passed. The scheme shall be implemented as approved.

The current condition requires these details to be submitted prior to commencement of the development.

1.13 Condition 23, relating to noise monitoring:

**Prior to the erection of the wind turbines**, a noise monitoring programme shall be submitted to and approved in writing by the local planning authority. The noise monitoring programme shall cover the operation of the development to verify that the noise criteria in Condition 20 are being met. This programme shall specify the locations, from which noise will be measured, the frequency of monitoring, the equipment details and the sampling techniques/methodology. The results of any monitoring carried out in accordance with the programme shall be made available to the local planning authority immediately following its completion. Should the results indicate that further monitoring or a revision of the approved noise monitoring programme is required, the wind farm operator shall undertake the carry this out.

The current condition requires these details to be submitted prior to commencement of the development.

1.14 Condition 32, relating to highway structures and buried services survey:

**Prior to the delivery of abnormal loads** a highway structure survey shall be undertaken to ensure that any highway structures (bridges, culverts, etc.), any structures belonging to other bodies or any buried services will not be adversely affected by the abnormal loads that will be required to service the development. The survey shall record the current condition of any highway structures under the construction route. The survey and any measures that are required to protect any structures or services shall be submitted to and agreed with the local planning authority. Any measures that are required shall be implemented before the **delivery of abnormal loads**.

The current condition requires these details to be submitted and the measures implemented prior to commencement of the development.

(The meaning of “abnormal loads” is considered in section 5 of this report.)

- 1.15 The applicant clarifies that it is intended that initial construction works will commence this year. Once these conditions have been varied and all other pre-commencement conditions have been discharged to the satisfaction of the Council, the first step for the developer would be to widen and form part of the access track south of Winton Manor Farm. Included in this is the formation of the onsite junction for the 'eastern' access track. These works are needed to form part of the route to be used by construction vehicles.
- 1.16 The application is supported by a covering letter setting out the reasons for the proposed changes to the conditions.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 08/04984/FUL - Siting of four 132m high wind turbines; Granted 10 December 2010.
- 2.2 14/01072/SCP - Request for Environmental Impact Assessment scoping opinion for Wind Turbines; Response Issued 8 September 2014.

## **3.0 NATIONAL AND LOCAL POLICY**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP15 - Rural Regeneration  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP18 - Prudent use of natural resources  
Development Policies DP1 - Protecting amenity  
Development Policies DP4 - Access for all  
Development Policies DP6 - Utilities and infrastructure  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP25 - Rural employment  
Development Policies DP26 - Agricultural issues  
Development Policies DP28 - Conservation  
Development Policies DP29 - Archaeology  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Development Policies DP34 - Sustainable energy  
Development Policies DP44 - Very noisy activities  
Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009  
National Planning Policy Framework - published 27 March 2012  
National Planning Practice Guidance

## **4.0 CONSULTATIONS**

- 4.1 Highways Authority - No objection
- 4.2 NYCC Historic Environment Team - No objection

- 4.3 Natural England - No comment
- 4.4 Historic England - No objection - recommends archaeological mitigation is safeguarded by condition. [Note condition 12]
- 4.5 Highways England - No objection
- 4.6 National Grid - No objection
- 4.7 Air Traffic Control (NATS (En Route) Public Limited Company ("NERL")) - No safeguarding objection.
- 4.8 Environment Agency - No objection
- 4.9 Ministry of Defence - a revised wording to condition 9 has been agreed during the consultation period. No objection.
- 4.10 Osmotherley Area Parish Council - Object - It was considered that there is a total lack of details in this submission and there is no mention of progress re: approval by the MOD with regard to their previous radar concerns. As well as the fact that this document is devoid of detail Members and those residents present remain totally committed to refuse any application which will have an adverse effect on the amenity value of this quiet valley already despoiled by the National Grid power line erected some 12 years ago. The developer should meet all existing planning conditions before proceeding.
- 4.11 CPRE - objects to this application to vary the conditions which the council applied to the planning application for the wind farm at Bullamoor. The applicant has had almost five years to resolve the issues associated with this application. Construction work should not start until every issue has been satisfactorily resolved.
- Condition 6 (connection building) - More detail should be given;
  - Condition 7 (radar mitigation) - This is a major obstacle that appears to be no closer to being resolved. It would be inappropriate to move forward until this has been satisfactorily resolved. How much progress has been made?
  - Condition 10 (ice formation) - The technical details do not appear to have been resolved. This could have serious safety implications.
  - Condition 19 (shadow flicker) - The technical details do not appear to have been sorted.
  - Condition 23 (noise) - Noise will always be a problem for people living near to wind turbines, and this does not appear to have been satisfactorily resolved.
  - Condition 32 (highways survey) - Will the access roads be capable of handling the heavy loads during the construction process?
- 4.12 Ramblers - Objects - The countryside should be left unspoilt and the implementation of application should not go beyond 5 years. The details of the Public Rights of Way mitigation have not been received.
- 4.13 45 letters of objection have been received raising the following points, which are summarised below:
- The current Conditions are valid and fair as they stand
  - There is no obligation or need to amend any Condition, as so requested by the applicant
  - Within the current Conditions, the planning authority has already been more than generous and accommodating to the applicant

- The current wording of the Conditions is vital to support and underpin Condition 1 (duration of consent)
- The continued protection of Condition 1 is imperative and must not be undermined
- The applicant must be prevented from circumventing the set expiry date of the original consent
- The application represents a wonderful opportunity to scupper Bullamoor once and for all - we can't allow the opportunity to pass us by.
- The applicant submitted a scoping option lodging their intention to extend the number of turbines at Bullamoor and stated an application for this will be submitted cMay 2015 - a point they conveniently failed to mention in this most recent application. If the motive behind the requested change of Condition wording is, in whole or part, related to the intended extension then a clear breach of the above 'tests' would be incurred; the planning authority should therefore not take any risk whatsoever and refuse the requested change. I cannot fail to believe there is not a relationship.
- To date, the key obstacle to the development being completed, but not physically commenced, has been the issue with both Leeming and MOD Radar. The developer has avoided any clarification of this situation or any real likely progress to be made, thus it is left to the imagination as to when, if ever, a satisfactory resolve will be achieved. It follows that there can be no current certainty of the approximate completion date of the development.
- The explanation and reasoning of the applicant in respect of not knowing as to when the construction will cease is surely misleading - the key components, the turbines, cannot be installed until a resolve is found to the radar issue. All normal major construction works have a project plan and timescales which commence on day one and intend to conclude at some target point in the future; until the radar issue is resolved there can be no target conclusion point.
- The applicant has had many years, pre and post consent, to make a decision on the specification of the turbines; their claimed reasons for procrastination on this should not be accepted.
- There is also the real likelihood that the developer has been fully aware of the desired turbine specifications for a considerable period of time but, for the purposes of this application, considerably greater leeway can be achieved by not admitting to this.
- Noise mitigation measures can be established from a desktop base and worded as such to later accommodate different turbine models and micro siting.

## **5.0 OBSERVATIONS**

- 5.1 The principle of the development was determined with the approval of application 08/04984/FUL in December 2010. Whilst the comments of the residents, Osmotherley Parish Council, the CPRE and the Ramblers have been noted, this application does not present an opportunity to obstruct the development. The application is limited to the proposed variations to 7 planning conditions, each of which must be considered on its merits. The Committee has the right to consider each condition separately and may approve or refuse each variation of condition as it sees fit.
- 5.2 In each case, the key determining issue is whether the proposed variation would make the condition more, less or equally effective in securing the public protection it was designed to achieve, having regard to the stated reason for the condition. It follows that each variation should only be refused if it is concluded that it would be less effective and would thus give rise to harm.
- 5.3 It should be noted that whilst this application seeks to extend the time scale for submission of details under 5 of the 7 conditions, it does not seek to extend the

period for commencement of the development, which ends on 10 December 2015. Should an extension of time to commence the development be required, a new application would have to be made.

- 5.4 Some members of the public have referred to condition 7, which requires the submission of a radar mitigation scheme. The applicant has not sought a variation to this condition, which requires the issue to be resolved before the construction of any wind turbine begins. However, that aspect of the condition is consistent with the variations now sought to conditions 6, 10, 19, 23 and 32.
- 5.5 Should members approve any of the requested variations it is noted that the decision notice would still contain a mix of pre- and post-commencement conditions. The Council has not been asked to consider any change to the following pre-commencement conditions:
- 11 - Surface water drainage
  - 12 - Archaeology
  - 13 - Landscaping
  - 24 - Habitat management plan
  - 25 - Ecological clerk of works
  - 27 - Temporary access
  - 30 - Control of debris on the highway
  - 31 - Highway survey
  - 33 - Car parking, storage, etc.
  - 34 - Construction routes
- 5.6 The above details would need to be submitted to and approved by the District Council before 10 December 2015 in order for the permission to be implemented lawfully, regardless of whether conditions 6, 9, 10, 14, 19, 23 & 32 are varied as requested.
- 5.7 The variation sought to conditions 6, 10, 19 and 23 would not alter the details that need to be submitted to and approved by the Council, but instead would allow those details to be considered at any time before the aspect of the wider development that the condition is concerned with is carried out. It is appropriate to consider this and the detailed implications of the other variations sought condition by condition.

#### Condition 6: connection building

- 5.8 The condition requires details of the location and design of the connection building to be submitted for approval. The reason for the condition is "In order to adequately control the visual impact of the connection building on the landscape, in accordance with policies CP16 and DP30 of the Hambleton Local Development Framework."
- 5.9 The variation sought is to allow the details to be submitted and approved before starting work on the connector building, rather before any work takes place on the site, which could be some time before the connection building is needed.
- 5.10 It must be evident that no landscape harm could arise from the location or design of the connection building until it is built and therefore the proposed variation, which would allow the required details to be submitted and approved before then, would not alter the effectiveness of the condition.
- 5.11 It is therefore considered that no harm would arise from the variation of the condition, which should therefore be approved.

#### Condition 9: Ministry of Defence notification

- 5.12 This condition requires the Ministry of Defence to be given advance notice of the erection of the turbines. The reason for the condition is “In order to inform individuals responsible for aviation safety within the area in accordance with guidance contained within PPS22 and Policy CP1 of the Hambleton Local Development Framework”.
- 5.13 The variation sought would not alter the initial requirement for 4 weeks’ notice before any work takes place on site. However, it introduces an additional safeguard that requires the developer to update the MoD in the event of changes in the build-out programme that would alter the dates on which the turbines are erected. As noted in paragraph 4.9, this condition has been revised during the application process to the satisfaction of the MoD.
- 5.14 The variation offers a better safeguard to the MoD and, in turn, greater confidence that air safety will not be compromised. The condition would therefore be more effective.
- 5.15 It is therefore considered that the risk of harm would be reduced by the variation of the condition, which should therefore be approved.

#### Condition 10: ice formation

- 5.16 The condition requires a scheme for the detection and mitigation of blade icing to be submitted for approval and that the measures set out in the approved scheme are followed at all times. The reason for the condition is “In order to ensure adequate safety in specific conditions in accordance with guidance contained within PPS22 and Policy CP1 of the Hambleton Local Development Framework”.
- 5.17 The variation sought is to allow the details to be submitted and approved before the turbines are erected, rather before any work takes place on the site, which could be some time before the first turbine arrives.
- 5.18 No ice could form on the turbine blades, and therefore no safety considerations could arise from it, until the turbine is erected and therefore the proposed variation, which would allow the required details to be submitted and approved before then, would not alter the effectiveness of the condition. Depending on the time lag from a start being made on site and the first turbine being erected there could be an enhancement in the effectiveness of the condition as the technology concerning the detection and mitigation of blade icing may improve.
- 5.19 It is therefore considered that no harm would arise from the variation of the condition, which should therefore be approved.

#### Condition 14: storage of potentially polluting goods

- 5.20 The condition requires that any facilities for the storage of oils, fuels or chemicals are operated in accordance with current Environment Agency guidance. It also requires the location and design of such storage facilities to be approved before development is commenced. The reason for the condition is “To prevent pollution of the water environment in accordance with guidance contained within Planning Policy Statement 23 and Policy CP1 of the Hambleton Local Development Framework”.
- 5.21 The variation sought would expand the condition, providing greater detail that is in line with current Environment Agency guidance. As noted in paragraph 4.8, the Environment Agency has no objection to this change.

- 5.22 The variation is therefore considered to offer enhanced environmental safeguards. It is considered that no harm would arise from the variation of the condition, which should therefore be approved.

Condition 19: shadow flicker

- 5.23 This condition requires a scheme to satisfactorily alleviate the incidence of shadow flicker at any affected premises to be approved. It further requires any turbine producing shadow flicker effects at any dwelling to be shut down, with the blades stationary, until the conditions causing the effects have passed. The reason for the condition is “In the interests of protecting local amenity in accordance with policies CP1 and DP1 of the Hambleton Local Development Framework”.
- 5.24 The variation sought is to allow the details to be submitted and approved before the turbines are erected, rather before any work takes place on the site, which could be some time before the first turbine arrives.
- 5.25 No shadow flicker could be caused by the turbine blades, and therefore no loss of amenity could arise from it, until the turbine is erected and therefore the proposed variation, which would allow the required details to be submitted and approved before then, would not alter the effectiveness of the condition. As with condition 10, depending on the time lag from a start being made on site and the first turbine being erected there could be an enhancement in the effectiveness of the condition as the technology concerning the mitigation of shadow flicker may improve.
- 5.26 It is therefore considered that no harm would arise from the variation of the condition, which should therefore be approved.

Condition 23: noise monitoring programme

- 5.27 This condition requires a noise monitoring programme to be approved. It further requires monitoring information to be made available to the Council and, if the results indicate that further monitoring or a revision of the approved noise monitoring programme is required, that the wind farm operator carries this out. The reason for the condition is “In order to safeguard the amenity of nearby properties in accordance with policies CP1 and DP1 of the Hambleton Local Development Framework”.
- 5.28 The variation sought is to allow the details to be submitted and approved before the turbines are erected, rather before any work takes place on the site, which could be some time before the first turbine arrives. The requirement to take further action if monitoring results indicate it is necessary would not change.
- 5.29 No noise could be caused by the turbine blades, and therefore no loss of amenity could arise from it, until the turbine is erected and therefore the proposed variation, which would allow the required details to be submitted and approved before then, would not alter the effectiveness of the condition.
- 5.30 It is therefore considered that no harm would arise from the variation of the condition, which should therefore be approved.

Condition 32: abnormal loads

- 5.31 This condition requires a highway structure survey to be undertaken to ensure that highway structures such as bridges and culverts, any structures belonging to other bodies or any buried services would not be adversely affected by the abnormal loads that will be required to service the development and any measures that are required to be implemented. The reason for the condition is: “In the interests of both vehicle

and pedestrian safety and the visual amenity of the area in accordance with Policies CP2 and CP17 of the Hambleton Local Development Framework and guidance contained within Planning Policy Guidance Note 13”.

- 5.32 “Abnormal loads” are defined in the Traffic Management Plan that was submitted with application 08/04984/FUL and comprise 33 loads, 24 of which would be turbine blades and tower sections, and include at least two heavy lift cranes that would lift the turbine parts. They are therefore linked to the construction phase and any decommissioning of the turbines.
- 5.33 The variation sought is to allow the details to be submitted and approved and any measures implemented before the delivery of abnormal loads, rather before any work takes place on the site, which could be some time before the first abnormal load is delivered.
- 5.34 In a letter accompanying the application it is stated that the applicant accepts there is an element of risk involved in postponing the survey. The agent has confirmed that this means a financial risk to the applicant, who would have committed to the development without necessarily knowing the full costs of any measures required to allow abnormal loads to be delivered.
- 5.35 No harm to vehicle and pedestrian safety or visual amenity could arise from abnormal loads until they are brought to the site. Accordingly the proposed variation, which would allow the required details to be submitted and approved before then, would not alter the effectiveness of the condition.
- 5.36 It is therefore considered that no harm would arise from the variation of the condition, which should therefore be approved.

## 6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within five years of the date of planning permission 08/04984/FUL (i.e. 15 December 2010).
  2. The development hereby approved shall be in accordance with the following approved plans; unless otherwise agreed in writing with the Local Planning Authority.

### Plan Reference Number

### Date on Plan

Figure 1.1 Site Location	19 December 2008
Figure 3.1 Wind Farm Layout	19 December 2008
Figure 3.5 Typical Crane Hardstanding	19 December 2008
Figure 3.6a Typical Access Track Design	19 December 2008
Figure 3.6b Typical Access Track Drainage Design	19 December 2008
Figure 3.6c Site Access	19 December 2008
Figure 3.9 Typical Control Building and Compound	19 December 2009

3. The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from the wind turbines to the electricity grid network (the First Export Date). Written confirmation of the First Export Date shall be provided to the Local Planning Authority within 1 month of the First Export Date.
4. Notwithstanding details hereby approved, the wind turbines and their associated access tracks shall be sited within 50m of the positions indicated on Figure 3.1 of



Volume II of the Environmental Statement in accordance with a final scheme of siting to be first submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority.

5. Prior to the erection of the wind turbines and meteorological mast hereby approved, full details of the design, siting, dimensions, lighting, colour and finish shall be submitted to and approved in writing by the Local Planning Authority. The turbines shall not exceed 132m in height to tip of the blade. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
6. Prior to the commencement of construction of the connection building, the applicant will provide full details of the location and design of the connection building and any other associated works, including details of external surface coverings and roofing materials, for the written approval of the local planning authority. The connection building shall be constructed in accordance with these approved details
7. No wind turbines shall be erected until the Local Planning Authority is satisfied (following consultation with the Ministry of Defence) that the impacts of the operation of the development on the primary search radar at RAF Leeming are satisfactory.
8. Prior to the erection of any wind turbines hereby approved a scheme of aviation lighting shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the position, type and luminance of lighting and timing and a method statement for reporting any known failure of the lighting to the Ministry of Defence. The development shall be carried out with the approved scheme and shall be operated and maintained for the life of the wind farm unless otherwise agreed in writing by the Local Planning Authority.
9. The Ministry of Defence shall be notified in writing, a minimum of 4 weeks in advance of the date construction on site commences, including: anticipated timing for the erection of each turbine; the maximum height of construction equipment; the latitude and longitude of each turbine; and the anticipated date the erection of each of the wind turbines on site will cease. In the event that the anticipated timing of turbine erection, height of construction equipment or latitude and longitude of each turbine varies from that which has been notified to the MOD, an update shall be provided to the MoD, in writing. The MoD shall also be notified in writing once all construction on site is complete. Each submission of details shall be accompanied by the site address, grid coordinates and local planning authority's Planning Application reference number
10. Prior to the erection of the wind turbines hereby approved, is commenced on site details of a scheme for the detection and mitigation of blade icing, shall be submitted to, and approved in writing by, the Local Planning Authority. The measures set out in the approved scheme shall be followed at all times.
11. No development approved by this permission shall be commenced until a scheme for the provision of a surface water drainage system, including a means of attenuation to no more than existing discharge rates, has been approved by the Local Planning Authority. The scheme shall include details of how surface water run off shall be prevented from entering the highway and long term management responsibilities. The scheme shall be implemented before the construction of impermeable surfaces which are to drain into the approved drainage system unless otherwise agreed in writing by the Local Planning Authority.
12. Prior to the commencement of the development hereby approved, a phased programme of archaeological work shall be implemented in accordance with a written

scheme of investigation submitted to and approved in writing by the local planning authority. Where important archaeological remains exist provision should be made for their preservation in situ.

13. Notwithstanding details hereby approved and prior to the commencement of works on site a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details including the species, numbers and locations of planting, timescales for implementation and a maintenance schedule. The development shall be carried out in accordance with the approved scheme.
14. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund
15. All electrical cabling between the individual turbines and the on-site connection building shall be located underground in accordance with details to be submitted to and agreed in writing by the local Planning Authority. Thereafter the excavated ground shall be reinstated to its former condition within 6 months of the commissioning of the wind turbines to the satisfaction of the Local Planning Authority
16. Unless a further permission is granted, not later than 12 months before the end of the period of this permission, as defined by condition 3 of this permission, a decommissioning and site restoration scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the management and timing of any works and a Traffic Management Plan to address traffic issues during the decommissioning period. The decommissioning and site restoration shall be completed, in accordance with the approved scheme, within 24 months of the end of the period of the permission.
17. If any of the turbines hereby permitted ceases to operate for a continuous period of 12 months (unless such cessation is due to the turbine being under repair or replacement) then a scheme for the decommissioning and removal of the turbine and any ancillary equipment and structures relating solely to that turbine, shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the end of the cessation period. The scheme shall be implemented within 12 months of the date of its approval by the Local Planning Authority.
18. Before the turbines hereby approved are brought into commission, a scheme for mitigating any interference with domestic television reception shall be submitted to the local planning authority for approval. For the purposes of this condition "any interference" means any interference which can reasonably be attributed to the operation of the turbines hereby permitted. The development shall be carried out in accordance with the approved scheme.
19. Prior to the erection of the wind turbines hereby permitted, a scheme to satisfactorily alleviate the incidence of 'shadow flicker' at any affected premises shall be submitted to and approved by the local planning authority. That scheme shall include details of the siting of photocells and the measures to control, re-orientate or shut down

particular turbines during the conditions when shadow flicker could occur. Unless otherwise approved in writing, any turbine producing 'shadow flicker effects' at any dwelling shall be shut down and the blades remain stationary until the conditions causing those 'shadow flicker effects' have passed. The scheme shall be implemented as approved.

20. The rating level of noise emissions from the combined effects of the wind turbine generators, when measured and calculated in accordance with "The Assessment and Rating of Noise from Wind Farms, ETSU-R-97" published by ETSU for the Department of Trade and Industry, shall not exceed the values set out below. Where there is more than one property at a location the noise limits apply to all properties at that location

During night-time hours of 2300-0700 [maximum Noise level in dB LA90, 10mins]:

Location (Easting, Northing grid coordinates)	Measured wind speed (m/s) at 10 metre height within the site averaged over 10 minute periods									
	3	4	5	6	7	8	9	10	11	12
LA90 Decibel Levels										
Hill House (439559, 496375)	43	43	43	43	47	51	54	57	60	61
Winton Manor Farm (financially Involved) (440136, 496475)	45	45	45	45	45	45	47	50	53	55
Properties proximate to Winton Manor Farm with no financial involvement (440457, 496604)	43	43	43	43	43	44	47	50	53	55
Winton House (440979, 496577)	43	43	43	43	43	46	49	52	55	58
Stank Hall (440495, 495535) and Stank Farm (440301, 495199) ( both financially Involved)	45	45	45	45	45	45	49	52	54	56
Close Farm (financially Involved) (439527, 495269)	45	45	45	45	45	46	49	52	55	57
Properties proximate to Close Farm with no financial involvement (439086, 495475)	43	43	43	43	43	46	49	52	55	57
The Banks (438776, 495907)	43	43	43	43	44	48	52	56	59	62
Properties proximate to Stank Hall (440495, 495535) and Stank Farm (440301, 495199) with no financial involvement including Stank Hall Bungalow (440504, 495459)	43	43	43	43	43	45	49	52	54	56

At all other times:

Location (Easting, Northing grid coordinates)	Measured wind speed (m/s) at 10 metre height within the site averaged over 10 minute periods									
	3	4	5	6	7	8	9	10	11	12
LA90 Decibel Levels										
Hill House (439559, 496375)	41	42	44	46	48	51	53	56	59	-
Winton Manor Farm (financially Involved) (440136, 496475)	45	45	45	45	45	47	49	51	53	-
Properties proximate to Winton Manor Farm with no financial	40	41	42	43	45	47	49	51	53	-

involvement (439086, 495475)										
Winton House (440979, 496577)	44	44	45	46	47	49	51	53	57	-
Stank Hall (440495, 495535) and Stank Farm (440301, 495199) ( both financially Involved)	45	45	45	45	45	47	49	52	55	-
Close Farm (financially Involved) (439527, 495269)	45	45	45	45	45	48	51	54	57	-
Properties proximate to Close Farm with no financial involvement (439086, 495475)	38	39	41	43	45	48	51	54	57	-
The Banks (438776, 495907)	40	41	42	44	47	49	52	54	57	-
Properties proximate to Stank Hall (440495, 495535) and Stank Farm (440301, 495199) with no financial involvement including Stank Hall Bungalow (440504, 495459)	39	41	42	43	45	47	49	52	55	-

Note: The geographical coordinates references set out in these Tables are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

In the event of a complaint being received in writing by the Local Planning Authority alleging noise nuisance at a residential property or properties due to the wind turbines, the wind farm operator shall, at its expense, employ an independent consultant approved by the Local Planning Authority to measure and assess the level of noise emission from the wind farm at the location of the complainant's property following the procedures described in the attached guidance notes. If no suitable measurement location at the complainant's property can be found a suitable proxy location will be sought and agreed with the Local Planning Authority. Where the complaint relates to a location that is not specified in the tables listed above, the relevant noise limits shall be those for the nearest property listed in the tables above. The results of the independent consultant's assessment shall be submitted to the Local Planning Authority within two months of the date of notification of complaint. The operator of the development shall be under no obligation to follow the procedure set out in this condition where the complaint relates to a dwelling house more than three kilometres from the nearest wind turbine generator.

21. The wind farm operator shall commence to log wind speed and wind direction data and power generation for each wind turbine from the date the wind farm becomes operational, by a method to be first agreed in writing with the Local Planning Authority prior to First Export Date and thereafter monitor such data continuously throughout the period of operation of the wind farm. This data shall be retained for a period of not less than 12 months and shall include the arithmetic mean wind speed in metres per second and the arithmetic mean wind direction in degrees from north for each 10 minute period synchronised with Greenwich Mean Time. At the written request of the Local Planning Authority the recorded data relating to a standardised height of 10m above ground level and relating to any periods during which noise monitoring took place or any periods when there was a specific noise complaint shall be made available. Wind speeds at the standardised height of 10m shall be derived either by direct measurement of 10m height wind speeds or derived by calculation from measurements of wind speed at other heights or derived by calculation from the power output of the turbines by a method to be agreed by the Local Planning Authority prior to commencement of the development.
22. At the written request of the Local Planning Authority the wind farm operator shall provide, within 28 days from the date of request, a list of ten-minute periods during

which any one or more of the turbines was not in normal operation. This information will only be required for periods during which noise monitoring was undertaken in accordance with conditions attached to this permission. 'Normal operation' is defined in the guidance notes referred to above (see informative).

23. Prior to the erection of the wind turbines, a noise monitoring programme shall be submitted to and approved in writing by the Local Planning Authority. The noise monitoring programme shall cover the operation of the development to verify that the noise criteria in condition 20 are being met. This programme shall specify the locations, from which noise will be measured, the frequency of monitoring, the equipment details and the sampling techniques/methodology. The results of any monitoring carried out in accordance with the programme shall be made available to the Local Planning Authority immediately following its completion. Should the results indicate that further monitoring or a revision of the approved noise monitoring programme is required, the wind farm operator shall undertake to carry this out.
24. Notwithstanding details hereby approved, No development shall begin until a detailed habitat management and enhancement plan, complete with a programme of implementation, has been drafted in consultation with Natural England and submitted to and approved in writing by the Local Planning Authority. The habitat management and enhancement plan will consider the following issues:
  - Great crested newt monitoring and enhancement measures;
  - Pre-construction badger surveys;
  - Provision for bat roost tree surveys if tree removal is unavoidable;
  - Hedgerow enhancement and re-instatement within the site;
  - Safeguarding of breeding birds during construction and decommissioning; and
  - Minimisation of impacts to valuable habitats.

Thereafter, the approved scheme shall be implemented to the satisfaction of the Local Planning Authority.

25. Prior to development commencing the applicant will appoint an independent ecological clerk of works/environmental manager, acceptable to the Local Planning Authority, in consultation with Natural England. The terms of this appointment should be submitted for the approval of the Local Planning Authority and shall include that the appointment shall be for the period of the wind farm construction and for the subsequent restoration of the site after construction, and again from the commencement of decommissioning until the completion of the restoration of those parts of the site to be restored in accordance with the conditions of this consent; and that she or he will have sufficient authority on and off-site to oversee and identify action, including any temporary stoppage of works, to ensure natural heritage interests are safeguarded.
26. Notwithstanding details hereby approved, all construction operations on site including decommissioning or removal work and delivery of materials on site, but excluding activities associated with abnormal loads, shall be restricted to 8.00 a.m. - 6.00 p.m. on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working unless otherwise agreed in writing with the Local Planning Authority.
27. Notwithstanding the submitted details included in the application there shall be full location and construction details of the proposed accesses submitted to the Local Planning Authority. Such details shall be approved in consultation with the Highway Authority and shall then be implemented in accordance with the approved details before any work commences on the proposed turbine project. Before the development is first brought into use the highway verge shall be fully reinstated in accordance with the scheme approved in writing by the Local Planning Authority.

Once the construction phase of the project has been completed the accesses shall be returned to their original condition unless otherwise agreed with the Local Planning Authority in consultation with the Highway Authority.

28. The eastern access shall only be utilised for the purposes of entering the site only. No vehicles shall use this access to leave the site to gain access to the A684 unless traffic management measures that have been agreed by the Local Planning Authority in consultation with the Highway Authority are in place.
29. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 215m measured along both channel lines of the major road (A684) from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
30. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
31. Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCVs brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority. Details shall be submitted to the Local Planning Authority in consultation with the Highway Authority to ensure that any damage that is caused by the vehicles associated with the project is rectified at the expense of the developer within a reasonable timescale prescribed by the Highway Authority. Once the details are agreed they shall be adhered to during the construction phase of the project.
32. Prior to the delivery of abnormal loads a highway structure survey shall be undertaken to ensure that any highway structures (bridges, culverts, etc), any structures belonging to other bodies or any buried services will not be adversely affected by the abnormal loads that will be required to service the development. The survey shall record the current condition of any highway structures under the construction route. The survey and any measures that are required to protect any structures or services shall be submitted to and agreed with the local planning authority. Any measures that are required shall be implemented before the delivery of abnormal loads.
33. There shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
  - (i) On-site parking capable of accommodating all staff, visitors and sub-contractors vehicles clear of the public highway

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

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

- 34. Unless otherwise approved in writing by the Local Planning Authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes and all necessary traffic management measures to be used by the abnormal loads and the HCV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.

The reasons for the above conditions are:

- 1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2. To ensure that the development is undertaken in a form appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP16, CP17, CP18, DP30, DP32 & DP34.
- 3. In order to adequately control the impact of the turbines and their associated infrastructure on the landscape, in accordance with policies CP16 and DP30 of the Hambleton Plan.
- 4. To provide marginal scope for micro siting whilst ensuring the development does not differ materially from the submitted proposal in order to provide adequate spacing from nearby features in the interests of safety, in accordance with policies CP1, CP16, CP17, DP1, DP30 and DP32 of the Hambleton Local Plan.
- 5. In the interests of aviation safety and landscape impacts in accordance with policies CP16 and DP30 of the Hambleton Local Plan and guidance contained within the National Planning Policy Framework
- 6. In order to adequately control the visual impact of the connection building on the landscape, in accordance with policies CP16 and DP30 of the Hambleton Local Plan.
- 7. In the interests of aviation safety in accordance with guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.
- 8. In the interests of aviation safety in accordance with guidance contained within National Planning Policy Framework and National Planning Practice Guidance.
- 9. In order to inform individuals responsible for aviation safety within the area in accordance with guidance contained within National Planning Policy Framework and National Planning Practice Guidance.
- 10. In order to ensure adequate safety in specific conditions in accordance with guidance contained within National Planning Policy Framework and National Planning Practice Guidance.

11. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with policies CP21 and DP43 of the Hambleton Local Plan.
12. The site is of archaeological interest in accordance with policies CP16 and DP29 of the Hambleton Local Plan.
13. In order to ensure a high quality of development in accordance with Policy CP17 & DP33 of the Hambleton Local Plan.
14. To prevent pollution of the water environment in accordance with guidance contained within National Planning Policy Framework and National Planning Practice Guidance.
15. In order to limit the impact of the development on the character and appearance of the surrounding landscape in accordance with policies CP16 and DP30 of the Hambleton Local Plan
16. In order to adequately control the impact of the turbines and their associated development on the landscape in accordance with policies CP16 and DP30 of the Hambleton Local Plan.
17. To ensure turbines are removed at the end of their operational life in accordance with policies CP1, CP16, DP1 and DP30 of the Hambleton Local Plan and guidance contained within National Planning Policy Framework and National Planning Practice Guidance.
18. In the interests of protecting local amenity in accordance with policies CP1 and DP1 of the Hambleton Local Plan.
19. In the interests of protecting local amenity in accordance with policies CP1 and DP1 of the Hambleton Local Plan.
20. In order to safeguard the amenity of nearby properties in accordance with policies CP1 and DP1 of the Hambleton Local Plan.
21. In order to safeguard the amenity of nearby properties in accordance with policies CP1 and DP1 of the Hambleton Local Plan
22. In order to safeguard the amenity of nearby properties in accordance with policies CP1 and DP1 of the Hambleton Local Plan.
23. In order to safeguard the amenity of nearby properties in accordance with policies CP1 and DP1 of the Hambleton Local Plan.
24. To preserve protected species and their habitat in accordance with policies CP16 and DP31 of the Hambleton Local Plan and guidance contained within ODPM Circular 06/2005 and the National Planning Policy Framework and National Planning Practice Guidance.
25. To preserve protected species and their habitat in accordance with policies CP16 and DP31 of the Hambleton Local Development Framework and guidance contained within ODPM Circular 06/2005 and the National Planning Policy Framework and National Planning Practice Guidance.
26. In order to limit the impact of construction traffic and site operations on the amenity of the surrounding area in accordance with policies CP1 and DP1 of the Hambleton Local Plan.



27. In the interests of both vehicle and pedestrian safety and the visual amenity of the area in accordance with Policies CP2 and CP17 of the Hambleton Local Plan and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.
28. In the interests of highway safety in accordance with Policy CP2 of the Hambleton Local Plan and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.
29. In the interests of highway safety in accordance with Policy CP2 of the Hambleton Local Plan and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.
30. In order to ensure site debris does not affect highway safety in accordance with policy CP2 of the Hambleton Local Plan and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.
31. In the interests of both vehicle and pedestrian safety and the visual amenity of the area in accordance with Policies CP2 and CP17 of the Hambleton Local Plan and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.
32. In the interests of both vehicle and pedestrian safety and the visual amenity of the area in accordance with Policies CP2 and CP17 of the Hambleton Local Plan and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.
33. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with Policies CP2 and CP17 of the Hambleton Local Plan and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.
34. In the interests of both vehicle and pedestrian safety and the visual amenity of the area in accordance with Policies CP2 and CP17 of the Hambleton Local Plan and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.