

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 10 October 2013. The meeting will commence at 1.30pm.

Further information on possible timings can be obtained from the Committee Officer, Jane Hindhaugh, by telephoning Northallerton (01609) 767016 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 Director of Housing and Planning Services. 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 Director of Housing and Planning Services 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
Director of Housing and Planning Services

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 10th October 2013

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	13/01613/FUL Mr J Howe Leeming Bar Page no. 2	Formation of a new vehicular access, car park (including associated road and landscaping) and construction of a cold store as per amended plans received by Hambleton District Council on 30th August 2013 For: CAW Ingredient At: Caw House, Tutin Road, Leeming Bar Industrial Estate RECOMMENDATION: GRANTED
2	13/01580/FUL Mr J Saddington Dalton Page no. 8	Formation of an anaerobic digestion and combined heat and power plant facility For: JFS Westholme Biogas Ltd At: Westholme Farm, Islebeck Lane, Islebeck RECOMMENDATION: GRANTED
3	13/01460/FUL Mrs B Robinson Ingleby Greenhow Page no. 19	Change of use of existing agricultural storage unit (container no 1) to form a pork processing unit and office For: Mr David Jones At: Ingleby Lane Farm, Ingleby Greenhow RECOMMENDATION:
4	13/01571/FUL Mr J Saddington Newby Wiske Page no. 26	Formation of an anaerobic digestion and combined heat and power plant facility For: JFS Home Farm Biogas Ltd At: Home Farm, Newby Wiske RECOMMENDATION: GRANTED
5	13/01572/FUL Mr J Saddington Newby Wiske Page no. 42	Construction of an agricultural livestock building For: Mr Peter Richardson At: Home Farm, Newby Wiske RECOMMENDATION: GRANTED
6	13/01238/FUL Mrs H Laws Shipton Page no. 57	Demolition of existing extension, change of use of existing car showroom, MOT car servicing garage to class A1 use (retail) along with external alterations, single storey extension, formation of car parking and construction of boundary fence and gates For: Will & Freddie's Ltd At: North Road Garage, Shipton by Beningbrough RECOMMENDATION: REFUSED
7	13/01887/MRC Mr J Howe Stokesley Page no. 63	Application to remove condition 3 of planning approval 13/00326/FUL relating to the sale of alcohol For: Miss A Abdulrob At: West Green Deli, 33 West Green, Stokesley RECOMMENDATION:

Parish: Aiskew
Ward: Leeming Bar
1.

Committee Date : 10 October 2013
Officer dealing : Mr J E Howe
Target Date: 3 October 2013

13/01613/FUL

**Formation of a new vehicular access, car park (including associated road and landscaping) and construction of a cold store as per amended plans received by Hambleton District Council on 30th August 2013.
at Cawingredients Limited Caw House Tutin Road Leeming Bar Industrial Estate
for CAW Ingredients.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is in respect of the construction of a new, dedicated, access road, improved and extended car parking and the construction of a replacement cold store building. The site is an extension to the CAW Ingredients bottled drinks complex on the western fringe of the (Phase 1, 2 and 3) Leeming Bar Industrial Estate. Detailed permission was granted for the factory in January 2009 and there have been several subsequent permissions for extensions and additional ancillary facilities since that time. The site became operational in 2010 and the business is now a substantial enterprise at present employing in excess of 100 people.

1.2 Access into the site is currently through the original part of the Industrial Estate via Portland Way and Tutin Road. The majority of traffic visiting CAW Ingredients arrives directly via the A1(M) from the north and, consequently, access through Phase Four (designated the Leeming Bar Business Park) would significantly reduce CAW Ingredient traffic levels on the residential parts of Leases Road. The application seeks to provide an alternative access route from the estate road (Coneygarth way) within Phase Four of the Business Park, around the north-western corner of the original Estate and link up with the applicant's present curtilage in the north-western corner. The land to be acquired from Hambleton District Council, and forming part of this application, includes the southern strip of the allocated employment land (BE1) adjoining The Business Park.

1.3 It is proposed to re-configure Coneygarth Way to alter the priority in favour of access to the CAW site. A new access road will then be constructed in a south-westerly direction parallel with the current boundary of the Industrial Estate and then turning due south parallel to the A1(M) into the existing CAW complex. Additional car parking will then be created in the north-western corner of the site and will also include covered cycle spaces and motorcycle parking. Further dedicated spaces for disabled users will be formed adjoining the office reception. The existing access gate into the site from Tutin Road will be reduced to become a pedestrian and cycle entrance only. The existing 2m high 'dry stone' wall which currently borders the existing site and the A1(M) will be from its existing position to the new north-west corner. Landscaping will be provided around and within the new car parking areas.

1.4 Finally, a new cold store building will be constructed adjoining an existing storage building to the south of the car park. The applicant notes that this is to replace an existing HGV trailer which is not efficient as a means of cold storage. The store is proposed to measure 15m in width and 11m to the higher point of the mono-pitched roof and 10m to the lower. It would be constructed in matching grey plastisol-type cladding.

1.5 The site is within the Development Limits of Leeming Bar, a Service Village, with a wide range of services and facilities employment opportunities

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 06/00948/FUL - Construction of a building to be used as an office and office with workshop space. Construction of a warehouse and construction of an industrial workspace and two office (Withdrawn on 14.09.2006)
- 2.2 07/01073/FUL : Revised application for the construction of a warehouse building, a workshop and office building and industrial workshop and office building (Refused on 31.07.2007)
- 2.3 07/03902/FUL : Revised application for the construction of a warehouse building, a workshop and office building and industrial workshop and office building (Granted on 06.03.2008)
- 2.4 08/04438/FUL : Construction of a soft drinks manufacturing and bottling facility with associated warehousing, office space, car parking and landscaping as amended by plans received by 12 December 2008 (Granted on 20.01.2009).
- 2.5 10/02535/FUL : Construction of extension to existing factory for storage, warehousing and dispatch : Permission Granted March 2011.
- 2.6 11/02319/FUL : Construction of a storage building : Permission Granted December 2011.
- 2.7 12/00508/FUL : Revised application for the construction of a storage building : Permission Granted April 2012.
- 2.8 12/01246/FUL : Construction of an extension to form switchgear building : Permission Granted Sept 2012.
- 2.9 12/02425/FUL : Formation of recycling compound area : Granted 20 December 2012

3.0 RELEVANT PLANNING POLICIES:

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

Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP32 - General design
 National Planning Policy Framework - published 27 March 2012
 Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP12 - Priorities for employment development
 Development Policies DP16 - Specific measures to assist the economy and employment
 Allocations Document Policy BE1 - North West of Leeming Bar Industrial Estate, Leeming Bar - adopted 21 December 2010

4.0 CONSULTATIONS

- 4.1 Aiskew and Leeming Bar Parish Council: No response received.
- 4.2 North Yorkshire County Council (Highways Authority): No objections subject to conditions.
- 4.3 Highways Agency: No objections.

4.4 SABIC Pipelines: Final observations awaited.

4.5 Health and Safety Executive (PADHI response): Does not advise against permission.

4.6 Economic Development Officer: Supports this scheme for the following reasons: "The application is from an expanding business that is creating high quality employment within the District. The creation of the new road will spread out the traffic coming to and from the industrial estate over 2 access roads which will help with issues of wear and tear on the roads and will also benefit the residents on Leases Road as there will be less heavy traffic on this section of road. The creation of additional car parking is a necessity to cater for the needs of the growing workforce and will ensure that car parking does not overflow onto estate roads."

4.7 The application was advertised by site notice on the Phase Four access road and the four closest neighbours/businesses were consulted. No representations have been received.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the sustainable nature of the site location (Policies CP1, CP2 and CP4), the safeguarding of the allocated employment area to the north of the proposal (Policy BE1), the benefits to the efficiency and viability of the applicant's business as a result of the improvements proposed (Policies CP12 and DP16) together with the reduction in vehicle movements through the Industrial Estate and those close to residential properties adjacent to the Estate (Policy CP1 and DP1) and consideration of any impact on local visual amenity including views from the adjoining A1(M). The contents of the National Planning Policy Framework (NPPF) are also important in this case.

5.2 The Industrial Estate/Business Park has excellent communication links, following the A1(M) upgrade and the provision of the adjacent slip road/roundabout close to the site. It is, consequently, a fully sustainable location in national and local policy terms.

5.3 An area of some 4ha to the west of the Business Park, which includes part of the current application land, is allocated within the Local Development Framework Allocations Document for employment uses (B1, B2 and B8). Policy BE1 within the Allocations Document notes that the site was identified in a 2005 Economic Development Study for the expansion of employment land. The site will be integrated with the existing employment area by connection through the estate road. The Policy notes that development of this area will be expected to provide buildings of good quality design and suitable landscaping to provide an attractive setting for buildings within the development. The current access road proposal runs along the southern boundary of this allocation and includes provision for landscaping and future access off into the allocated area such that the development of this land in the future will be assisted rather than prejudiced by the current proposal. It is noted above that the proposal is fully supported by the Council's Economic Development Officer. Policy BE1 also refers, in respect of the development of buildings within the allocated area, that financial contributions will be sought towards the provision of the Bedale Footpath/Cycleway Scheme from developers. No new floorspace is being created within the area of BE1 and the mechanism for the calculation of contributions elsewhere does not relate to storage uses (B8) as sought in this scheme. Accordingly no contribution is required by the policy.

5.4 It has been noted above that access at present to the applicant's premises is through the original network of the Industrial Estate via Portland Way and Tutin Road. This involves passage past in excess of 12 other businesses. The creation of a new, more direct route via Phase Four will comprise a significant improvement which will be beneficial to both the applicant and other businesses on the main part of the estate. In addition to the reduction in movements on the estate itself, a reduction would also result along Leases Road which,

north of Portland Way has 14 houses fronting onto it in addition to the Pembroke House touring caravan site development.

5.5 The development of the proposed access road will, it is considered have no adverse impact on views of the Industrial Estate/Business park from the adjacent A1(M). The portion of the road parallel to the A1(M) will be bounded by a lengthened 'dry stone' wall to match the existing wall to the south which will comprise an attractive feature and assist in screening the new car parking area.

5.6 The National Planning Policy Framework (NPPF) in paragraph 21 states that Local Planning Authorities should plan positively for the expansion of businesses and identify areas for economic regeneration, infrastructure provision and environmental enhancement. It is considered that the scheme put forward adequately meets those aims.

SUMMARY

It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy, the Development Policies document and the National Planning Policy Framework in that the scheme will be beneficial to the efficiency of the applicant's business and reduce traffic movements both through the existing original industrial estate and past dwellings adjoining that estate.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including LDF Policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority.
 - (1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - (a) the proposed highway layout including the highway boundary
 - (b) dimensions of any carriageway, cycleway, footway, and verges
 - (c) drainage and sewerage system
 - (d) lining and signing
 - (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - (a) the existing ground level
 - (b) the proposed road channel and centre line levels
 - (c) full details of surface water drainage proposals.
 - (3) Full highway construction details including:
 - (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - (d) typical drainage construction details.
 - (4) Details of the method and means of surface water disposal.
 - (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing

features. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority.

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

(i) The details of the access shall have been approved in writing by the Local Planning Authority. (ii) The crossing of the highway footway shall be constructed in accordance with Standard Detail number A2. (iii) That part of the access(es) extending 20 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1:15. All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority.

4. An emergency link road shall be kept available, within the space occupied by the existing vehicular access, for use by emergency vehicles at all times unless otherwise approved in writing by the Local Planning Authority.

5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority. (i) vehicular, cycle, pedestrian accesses and drainage details

6. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas (i) have been constructed in accordance with the submitted drawing reference: Project Number 7278 - Drawing Number 102 Rev B Proposed Highway Alterations to Junction along Coneygarth Way, Drawing Number 103 Rev B Proposed Car Park and New Coldroom Store, Drawing Number 104 Rev A Proposed Internal Access Road Details. (ii) have been constructed in accordance with Standard Detail Number A2. (iii) are available for use unless otherwise approved in writing by the Local Planning Authority.

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

7. 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. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning 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 agrees in writing to their withdrawal.

8. The development shall not be commenced until a detailed landscaping scheme including along the boundaries of the proposed access road from Coneygarth Way and within the proposed car parking areas 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.

9. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

10. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings (Ref : 101 Rev.A ; 102 Rev.B ; 103 Rev.B ; 104 Rev.A ; 201 Rev.A) attached to planning application 13/01613/FU received by Hambleton District Council on 30th July 2013 unless otherwise agreed in writing by the Local Planning Authority.

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. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
3. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience
4. In the interests of the safety of the population in accordance with the Local Development Framework Policy CP1.
5. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development
6. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
7. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. In the interest of visual amenity and the assimilation of the development into its local setting in accordance with Policies CP16 and DP30.
9. 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.
10. 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) CP1, CP2, CP17, DP3, DP4, DP30 and DP32.

Parish: Dalton
Ward: Topcliffe
2.

Committee Date: 10 October 2013
Officer dealing: Mr Jonathan Saddington
Target Date: 30 October 2013

13/01580/FUL

Formation of an anaerobic digestion and combined heat and power plant facility at Westholme Farm, Islebeck Lane, Islebeck, North Yorkshire, YO7 3BP for JFS Westholme Biogas Ltd

1.0 PROPOSALS AND SITE DESCRIPTION

- 1.1 Full planning permission is sought for the construction of a 500kW Biogas Plant at Westholme Farm, Islebeck. The plant would generate electricity and heat from biogas derived from animal manure, mixed with other organic matter. Electricity produced would firstly power the farm with the balance being sold to the National Grid whilst heat produced would be used entirely on the farm.
- 1.2 The proposed plant includes the main fermenting chamber known as a digester (approx 24m diameter x 8m high walls and 15m maximum overall height to top of dome); feed conveyor (4m high) and separator (4m high); a post fermenting storage tank known as a digestate tank (approx 24m diameter x 8m high); a 4,538m³ digestate lagoon; a stand-alone Combined Heat & Power (CHP) unit; gas cooler; control room; and 3 no. silage clamps (two measuring 23.5m x 23.5m and one measuring 19.5m x 23.5m). The proposals also include an emergency flare stack (5.43m high).
- 1.3 The proposed buildings are functional in terms of layout and external appearance. The digestion chamber is a circular structure/tank with a rigid rubberized membrane domed roof and would be constructed from concrete with an external cladding system. The CHP Plant would be contained within a shipping container made from profiled metal sheeting. Both the digester and the CHP plant would be coloured green. The lagoon and silage clamps would be constructed using concrete sections.
- 1.4 Inside the sealed fermentation tank (the digester) the anaerobic digestion (AD) process would break down a mix of animal manure, grass and vegetable waste to produce biogas that would be combusted in the CHP plant to provide heat and electricity. The gas would fuel a stationary engine driving a generator.
- 1.5 The proposed plant would be fed with farmyard manure and silage (known as feedstock). The feedstock would be sourced from the 5 farms, namely:
1. **Westholme Farm, Dalton** - 9,180 tonnes muck = 40% of feedstock.
 2. **Bruce House, Sessay** – 5,580 tonnes muck = 25% of feedstock - linked via private lane therefore no requirement to use the highway.
 3. **Willow Grange, Sowerby** - 3,500 tonnes = 15% of feedstock. Muck is currently moved off site as there isn't enough land to take the manure. 4.3km from Westholme.
 4. **South Lodge Piggeries, Sowerby** - 4,620 tonnes = 20% of feedstock. Slurry is currently moved to other farms as there isn't land at this location to take it. 7.9km from Westholme.
 5. **Glebe Farm, Kilvington** (arable). Imports muck from the above farms. 9.2km from Westholme.
- 1.6 The spent feedstock from the AD process is known as 'digestate' and is used as a high quality odourless bio-fertilizer and soil conditioner. The digestate would be

stored in an earth banded lagoon and utilised (in both liquid and solid form) on: Westholme Farm; Bruce House, Sessay and Bridge Farm, Thirkleby.

- 1.7 The application site is located on Westholme Farm close to Newby Wiske, which is located approximately 1.6km to the north-east of Dalton and 4.8km to the south-east of Thirsk. The East Coast main line runs on a raised embankment along the western boundary of the farm.
- 1.8 Westholme Farm extends to 12.14 hectares (30 acres), the farming activity being based on the rearing of pigs, with around 750 sows, 1,500 finishers and 1,000 weaners currently on the farm. The farm is operated in conjunction with five other farms in the locality as a single farming operation, all geared towards the rearing of pigs (one an arable farm only but growing feed for the pigs). These include the five farms listed in para 1.5 and Bridge Farm, Thirkleby, which is an arable farm and would not be used in conjunction with the proposed Biogas Plant.
- 1.9 The site is accessed off Islebeck Lane, which links Dalton and Thirsk via Willow Bridge Lane.
- 1.10 The application site comprises part of an uncultivated field to the immediate south of the farmstead and farmhouse. The site extends to approximately 0.9ha. The surrounding landscape contains a scattering of farm buildings, pockets of woodland and generally level farmland defined by mixed hedgerows.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 Whilst there have been no applications directly relevant to the current proposal, Westholme Farm has been the subject of several applications over recent years, including:
 - 93/0996/FUL - Construction of a building for pigs (Granted 1993).
 - 10/00983/FUL - Construction of an agricultural storage building (Granted June 2010).
 - 10/00985/FUL - Construction of a building for the housing of livestock (Granted June 2010).
 - 11/00087/FUL - Construction of a pig finishing unit (Granted March 2011).
 - 11/00088/FUL - Construction of a pig finishing unit (Granted March 2011).
 - 11/00089/FUL - Construction of an agricultural building for the storage of grain (Granted March 2011).
 - 11/02251/FUL - Extension to existing sow house (Granted November 2011).
 - 11/02260/FUL - Construction of a sow house (Granted November 2011).
 - 12/02032/FUL - Lean to extension to existing agricultural livestock building (Granted November 2012).

3.0 RELEVANT PLANNING POLICIES

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

The National Planning Policy Framework – March 2012

- 3.2 The National Planning Policy Framework (NPPF) was published in March 2012 and replaced all the previous national planning policy guidance notes and statements. The framework sets out the Government's planning policies for England and how these are expected to be applied.

Core Strategy Development Plan Document – Adopted April 2007

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

Development Policies Development Plan Document – Adopted February 2008

Development Policies DP1 - Protecting Amenity
Development Policies DP3 - Site accessibility
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 DP34 - Sustainable energy

Other Relevant Documents

Sustainable Development Supplementary Planning Document – Adopted Sept 2009

4.0 CONSULTATIONS

Dalton Parish Council

4.1 Wish to see the application approved but would like to see the following conditions attached:-

1. Manure to be sourced only from Mr. Sanderson's farms.
2. The size of the AD plant not to exceed the quoted 20-25,000 tonnes of manure per annum.
3. Traffic movements to be limited to 'day' movements and also limited to a 5-day working week.

NYCC Highway Authority

4.2 The proposed plant is to be fed with farmyard manure and maize silage. This material is to be sourced from the existing farm plus 4 other farms, one of which is linked via a private road. There will be some additional vehicle movements to the site associated with the material importation but this has to be balanced against a reduction in vehicles taking farmyard manure from the site which currently occurs. The farms are all within the same ownership and it is expected that there would be traffic movements between the sites in any case. The impact of vehicle movements associated with this proposal on the highway network is not considered to be significant. The site is served by a classified road, generally 5.5 metres minimum metres width, narrowing to 4.8 metres locally at the railway bridge. The existing site access has been improved by cutting back hedges to create satisfactory visibility splays. The Highway Authority has no objection to this proposal.

HDC Environmental Health Officer

4.3 Environmental Health has no objections, however would recommend that the following conditions are attached should planning permission be granted:

1. No waste shall be accepted or used in the anaerobic digester or combined heat and power plant other than farm manure and maize silage from the five farms identified in the application, specifically:
 - Westholme Farm, Dalton
 - Bruce House, Sessay
 - Willow Grange, Sowerby
 - South Lodge Piggeries, Sowerby
 - Glebe Farm, Kilvington
 2. No waste or digestate associated with the anaerobic digester and combined heat and power plant shall be stored on site except in the three silage clamps, the two digestate tanks and the lagoon as shown on application plan SK02.
- 4.4 The main potential for adverse emissions is from waste gases discharged from the gas engines stack, unsealed elements of the silage clamps and noise. However, the proposed position of the plant is sufficient distance from the nearest sensitive premises so that impact from noise and emissions from the combustion plant will be insignificant and if the silage is stored in the clamps correctly emissions would also be insignificant and odour only released from the silage when it is moved to the plant.

Environment Agency

- 4.5 Comments awaited.

Internal Drainage Board

- 4.6 No objections.

Councillor Huxtable

- 4.7 Fully supports the proposed development and wishes to see the application approved.

Publicity

- 4.8 Neighbouring occupiers were notified in writing and a site notice was erected close to the application site. The period for replies expired on 18th September 2013. 3 objections have been received and are summarised as follows:-

Odour

- 1) An Odour Assessment has not been undertaken.

Noise

- 2) A Noise Assessment has not been undertaken.

Traffic

- 3) Very concerned about the amount of excess traffic traveling to the site, with farmyard manure and maize being transported in vast quantities along a minor road. The application refers to 20,000-25,000 tons of farmyard manure, plus 2,000 - 2,500 tons of maize, needed to feed the digester.
- 4) The road is currently very busy, with far too many goods vehicles traveling to Westholme Farm, carrying pigs, feedstuffs and other supporting goods. Many of which during anti-social hours.

- 5) The road is a narrow country road with many bends and curves, and is subject to the National Speed limit for a single carriageway. It is often used as a diversionary route when incidents occur on the major arterial roads, namely A19 and A168. Maintenance of the road is questionable in several places.
- 6) There are no footpaths alongside the road, and during the winter months, the road becomes very dangerous due to snow and ice. No gritting is done during this period.
- 7) The entrance to and from the farm is not immediately visible when approaching from either direction. Visibility when leaving the farm entrance is very limited in either direction. There is no advance view available, of traffic approaching from both directions along Islebeck Lane. Vehicles leaving the site would be slow moving and using the full width of the road to manoeuvre.
- 8) The Applicant not has been clear enough about the traffic movements to and from Westholme Farm.
- 9) Sandy Lane and Islebeck Road are both very busy with existing traffic travelling to and from Dalton and Sowerby with many types of vehicles using the junction onto the A19, this junction is very dangerous and there have been a number of serious accidents when vehicles are turning in and trying to pull out. Sandy lane only a few month ago had a fatal accident with a motorcyclist being killed.
- 10) Both roads are used by cyclists and runners in the early hours and evening as they commute to and from Dalton industrial estate.
- 11) The LPA refused an application for three more vehicles to be kept at Higgs Farm as it would increase traffic and the access was dangerous with the speed vehicles travelled.
- 12) A Transport Assessment has not been undertaken.
- 13) The Local Highway Authority should undertake a thorough analysis of the proposal and consider the following issues: (1) Sandy Lane is already heavily used by traffic to and from the A19 to /from Dalton Village/industrial estate and beyond (2) When floods (becoming more frequent) prevent access to the industrial estate from the A168, traffic is routinely diverted via the A19 and Sandy Lane (3) Sandy Lane is almost never gritted in the winter, becoming extremely hazardous for any traffic (4) Sandy Lane is a designated cycle route and increasingly used by cyclists young and old.

Importation of Feedstock

- 14) Not convinced that sufficient farmyard manure from the five farms mentioned can sustain the proposed unit.
- 15) The Applicant has not been clear on the amount of manure needed to keep the digester at optimum capacity which is what he will want to maximize return, this means that the true volume of manure and therefore the number of vehicle movements have not be properly calculated. The Parish council ignored this fact when making their decision.

Pollution

- 16) Pathogens could be released into the environment especially from spillage as the farmyard manure is being transported along the road.
- 17) Possibility of pollutants leeching into the groundwater from the slurry and digestate, and thereby contaminating the aquifer and presenting a significant risk to the water

environment.

Visual Impact

- 18) Islebeck, a beautiful, quiet country location, would be turned into a 'slop bucket' if this application was allowed.
- 19) Visible to passengers using the nearby railway. Some of those passengers might be put off visiting the area as tourists if this sort of scheme is permitted.

Public Consultation

- 20) There has been no meaningful public consultation with the local community.
- 21) The Parish Council meeting at Dalton was very quickly arranged with no indication that the Applicant or the Local Planning Authority would be in attendance, there was also no proper time given to ask questions of the applicant as the chairman was in a hurry to take a vote and move on.

Other Matters

- 22) Growing crops to feed digesters and, not people, is morally and ecologically wrong.
- 23) Very recent news reports that bovine TB is on the increase is extremely worrying, and is something which needs to be addressed when considering this application.
- 24) Can see no benefit whatsoever to the local rural economy.
- 25) There is a small caravan site nearby on the northern side of Islebeck Lane, which is very popular with visitors to the area. There is an ever increasing volume of cyclists using this popular route. The stench from the existing roadside buildings is quite strong to walkers and cyclist alike.
- 26) There is nothing stopping the Applicant, as soon as this application is accepted, applying for more pigs at any of his farms and therefore create more traffic movements.
- 27) This plant as power generation and an industrial process will change the land from agricultural to industrial

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in the determination of this application relate to the principle of the development, noise impact, odour impact, highway impacts, landscape and visual impact and flood risk.

Principle of the Development

- 5.2 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”.

- 5.3 Furthermore, 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 Policy DP34 (Sustainable Energy) of the adopted Development Policies DPD promotes developments which 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.
- 5.5 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...”*
- 5.6 Policy CP4 (Settlement Hierarchy) of the adopted Core Strategy 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.
- 5.7 Policy CP15 (Rural Regeneration) of the adopted Core Strategy 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 Building upon the objectives of Policy CP15, Policy DP26 (Agricultural Issues) of the adopted Development Policies DPD states that agriculture will be supported (and permission granted for related development, if also acceptable in terms of other LDF policies) by measures that include, *inter alia*, promoting sustainable forms of agriculture which include: encouraging farm diversification which helps to sustain the existing agricultural enterprise; promotion of sustainable forms of agriculture and support for integration of agricultural activities.
- 5.9 The implementation of AD plants can play a crucial role in processing organic waste. It is one of the most efficient processes in capture and treatment and can help to contribute to reducing the UK's greenhouse gas emissions from waste. The use of the digestate for spreading on the land offers benefits in the same way that spreading untreated manure currently does, but without any odour, whilst the possibility of utilising the gasses for heat and electricity purposes is clear.
- 5.10 The proposed plant is also considered to be a form of farm diversification. The plant would utilise raw materials generated by agricultural activities and would supply electricity and heat to the existing farm. The majority of the energy produced would be sold off, which would help to sustain the existing farm business.
- 5.11 The proposed biogas plant is considered to facilitate sustainable development that supports traditional land-based activities and is therefore considered to comply with the aims and objectives of policies CP4, CP15 and DP26.
- 5.12 Moreover, 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 without delay.

Noise & Odour

- 5.13 Policy DP1 (Protecting Amenity) of the adopted Development Policies DPD 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.
- 5.14 The application site is situated approximately 1.16km from the nearest dwelling which lies to the south-east on the outskirts of Dalton. Based upon the operation of tests carried out by a supplier of such installations, the maximum noise level, measured 10m away from the container would be 65db(A). At that level, noise emissions would not be discernible over the background noise level of the farm.
- 5.15 In terms of odour, the only feedstock being utilised for the AD plant is farmyard manure. From time to time, it may be necessary to complement the main feedstock base with maize, which remains in line with the Environment Agency's recommendations.
- 5.16 The supporting Planning Statement identifies that proposed AD plant will significantly reduce odours. The closed nature of the digestion chamber means that less odour will be released with conventional manure storage arrangements. Similarly, the storage methods reduce impact prior to digestion in the AD unit. Furthermore, the reduction in raw manure spreading will see odour being significantly lower than with most farms of this size.
- 5.17 The general management, storage and disposal of farm yard manure is a common farm operation, and although there will be an additional activity in this case (i.e. loading into the digester) this is not expected to be more onerous than existing activity.
- 5.18 Any smells involved with the movement and storage of the raw materials would be similar to the normal experience of this type of agriculture and is considered acceptable within the proposed location.
- 5.19 The product of the digester (the digestate) is inert and not malodorous, and its eventual spreading on the land would involve far less smell than is usual when using raw manure or slurry. Overall therefore, the functioning of the digester, the day to day activity associated with it, and the spreading of the digestate on the land would not have an adverse effect on the amenities of residents.
- 5.20 The Council's Environmental Health Officer (EHO) has raised no objection to the application on noise or odour grounds subject to conditions covering the importation and feedstock and/or digestate.
- 5.21 The EHO identifies that there is the potential for the odour emissions from unsealed elements of the silage clamps and noise emissions from the plant and associated vehicle movements but concludes that the proposed plant is sufficient distance from the nearest sensitive premises.
- 5.22 If the silage is stored in the clamps correctly odour would only be released from the silage only when it is moved to the plant and the vehicle movement associated with this would be limited.
- 5.23 Whilst the EHO is satisfied that the development can be operated without causing a noise or odour nuisance, this is likely to depend upon good management practices being followed.

Highway Impacts (including importation of waste)

- 5.24 Concerns have been raised by local residents about the proposed development's impact on highway safety and the potential for additional vehicle movements.
- 5.25 Paragraph 4.18 of the 'Planning Statement' suggests that traffic movements associated with the transport of farmyard manure and maize silage to Westholme Farm need to be weighed against the reduction in traffic movements of farmyard manure from Westholme Farm; Bruce House, Sessay; Willow Grange, Sowerby; and South Lodge Piggeries, Sowerby to Glebe Farm, Kilvington, where it is presently spread on the fields. The application states that some digestate will be transported off-site but the majority will be used at Westholme Farm.
- 5.26 The piggery buildings are cleaned out weekly so farmyard manure is regularly being transported to the Applicant's other farms, based on their requirements and storage capacity. Therefore, traffic movements are currently substantial. The AD plant would see all the farmyard manure transported to a single site, Westholme Farm.
- 5.27 Given that the digestate would predominately be separated liquid, it is the Applicant's intention to pump a proportion of the digestate from Westholme Farm to Bruce House, Sessay via umbilical, which would help to reduce the requirement of tractor and trailer loads of farmyard manure moving around the public highway.
- 5.28 The construction period would result in additional traffic in the short term, but this would be the case for any new development at the site, and would not be sustained.
- 5.29 The Local Highway Authority has considered the information supplied by the Applicant along with the objections of local residents and has confirmed no objections to the proposal on highway grounds (including the proposed access arrangements).

Landscape & Visual Impact

- 5.30 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..."
- 5.31 Consequently, it is important to consider the potential effects of increasing the development of an existing farm on the landscape character and visual amenity of the locality.
- 5.32 The application site comprises part of an uncultivated field to the immediate south of the farmstead and farmhouse and alongside the East Coast main line. The site extends to approximately 0.9ha. The surrounding landscape contains a scattering of farm buildings, pockets of woodland and generally level farmland defined by mixed hedgerows.
- 5.33 The digester and its associated buildings would be largely screened from public view a combination of landform, mature trees and the existing farm buildings.
- 5.34 Close range views would be experienced from within Westholme Farm and from the East Coast main line. However, views available to passengers on the line would be

fleeting and not uncommon to other agricultural / industrial sites visible from the line. From long distance the development would appear as part of large agricultural complex and would, therefore, not be significant in the wider landscape.

- 5.35 In addition, the domed design of the digester tank and subtle finishing colour (moss green) would further reduce the proposed development's visual impact.
- 5.36 Within the surrounding small villages there are a number of statutory Listed Buildings; however none are within the site boundary, nor does it lie within a Conservation Area. Finally, the application site is not located near to any Statutory National, Regional or Local Landscape Designations. In light of the above considerations, the proposed development is considered to have an acceptable visual and landscape impact and therefore complies with Policy DP30.

Flood Risk & Water Pollution

- 5.37 Policy DP43 (Flooding and Floodplains) of the adopted Development Policies DPD advises that development will only be permitted if it has an acceptably low risk of being affected by flooding, assessed against the Environment Agency's flood zone maps and other local information and where all necessary mitigation measures on or off-site are provided.
- 5.38 Surface water from the silage clamps would be captured via a drainage channel surrounding it to capture what the Applicant describes as effluent, i.e. rain water falling onto the silage/manure which would be held in a tank and pumped back into the main digester unit. It would then go through the process of anaerobic digestion and be stored in the lagoon. Therefore, none of the contaminated surface water would go into any drainage system. Surface water from the hard standings, e.g. access track etc would simply discharge onto the surrounding field via soak away mechanisms.
- 5.39 The activities associated with the proposed plant are controlled under the Environmental Permitting (England and Wales) Regulations (2010) and subsequent amendments. As such, the operator will be required to obtain an Environmental 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.
- 5.40 The site is not located within a flood risk area and is not susceptible to flooding.

- 5.41 The Internal Drainage Board has raised no objection to the proposed development

6.0 SUMMARY

- 6.1 Due to its capacity to use farm by-products, its location close to the existing farmstead and inconspicuous design the proposal would be an appropriate development for this rural location and would not have a harmful effect on the amenities of neighbours or the surrounding countryside and is able to comply with the aims and policies of the Hambleton Local Development Framework.
- 6.2 For the reasons given above and having regard to all other matters raised, it is recommended that planning permission be granted for the proposed development.
- 6.3 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

7.0 RECOMMENDATION

7.1 **GRANTED** subject to the following conditions:

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 drawings numbered: SK02 (Proposed Plan) and SK03 (Proposed Elevations) received by Hambleton District Council on 2 August 2013 and SK04 (Proposed Site Plan) received by Hambleton District Council on 5 August 2013 unless otherwise agreed in writing by the Local Planning Authority.
3. No feedstock shall be used in the anaerobic digestion and combined heat and power plant facility hereby approved other than farm manure and maize silage from: Westholme Farm, Dalton; Bruce House, Sessay; Willow Grange, Sowerby; South Lodge Piggeries, Sowerby and Glebe Farm, Kilvington.
4. No waste (not including digestate) associated with the anaerobic digester and combined heat and power plant shall be stored on site except in the three silage clamps, the digestate tank and the lagoon as shown on application plan SK02.
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.

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. 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 CP16, CP17, DP30 and DP33.
3. To enable the Local Planning Authority to assess the impact of any other such means of operation, in accordance with the relevant policies of the Local Plan.
4. To enable the Local Planning Authority to assess the impact of any other such means of operation, in accordance with the relevant policies of the Local Plan.
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.

Parish: Ingleby Greenhow

Ward: Ingleby Greenhow

3.

13/01460/FUL

Committee Date : 10 October 2013

Officer dealing : Mrs B Robinson

Target Date: 11 September 2013

Change of use of existing agricultural storage unit (container no 1) to form a pork processing unit and office.

at Ingleby Lane Farm Ingleby Greenhow North Yorkshire TS9 6LJ

for Mr David Jones.

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This application was considered and deferred at the 12th September 2013 Planning Committee. The reason for deferral was to seek further information. The applicant has provided additional details in respect of the issues raised in the meeting. An amendment has been made to the proposal to provide timber cladding and a pitched roof over the steel container.

1.2 The additional detail is in respect of the following areas of concern identified by the applicant.

1. Use of the septic tank with regards waste water from pork processing unit.
2. Filter systems that will be used on the sinks and floor gully.
3. Controlling the internal temperature of the pork unit.
4. No mains electric.
5. Number of employees required.
6. Traffic to and from the site.
7. Small size of the pork unit.
8. Welfare Unit.
9. External appearance of the pork unit.
10. Public right of way

1.3 Commentary on each of the 10 items is given in the "Observations" section of this report.

1.4 The site is within a field in use for breeding and rearing rare breed pigs. The land is subdivided with post and rail fences and pig arcs are in place. At the back of the site is an agricultural shed with timber sides, 30 x 10 metres, 2 shipping containers used as storage units, a timber shed and an (unauthorised) static caravan, all located on the rear (west) boundary. The caravan is painted green. The field is bounded by hedges at the rear and along the roadside. The front boundary of the site is set back from the road behind a verge with trees. The total site is 2.8 ha. The surroundings are a rural, rolling landscape, about 750 metres from the boundary of the North York Moors National Park.

1.5 The proposal is to change the use of storage container 1 to process home raised meat, and as an office in connection with the existing pig breeding business. The container would be lined and fitted out with appropriate food quality surfaces and would include sinks and work tops. The entrance area would form a cloakroom lobby for staff changing etc. The processing unit is for meat produced on the site. The proposal would involve 1.5 full-time equivalent employees. As noted above details to provide timber cladding to the sides and a pitched (22.5 degrees) pan tile roof were submitted on 26 September 2013.

1.6 The applicant has submitted additional details showing landscape screening on the south boundary close to the container concerned, and immediately to the east.

2.0 RELEVANT PLANNING HISTORY

2.1 08/00692/FUL Agricultural storage building. Granted 19.06.2008 This a 12 x 3 metre building located in the south west corner of the field.

2.2 09/04156/FUL Construction of a general purpose agricultural building and retention of partially completed duck pond. Granted. 10.03.2010

2.3 13/00189/FUL Retrospective consent to retain a residential caravan to be used for an agricultural worker. Refused 20.06.2013

2.4 There are additionally 2 standard 'containers' on site, one of which is the subject of the present application.

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 CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside
Core Strategy Policy CP15 - Rural Regeneration
Development Policies DP25 - Rural employment
Development Policies DP26 - Agricultural issues
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council - Objection. Reasons:

1. Would add further weight to the applicant's case for maintaining a permanent presence on the site. Would be inconsistent with the recent refusal of a dwelling on the site.
 2. Lack of business case or agricultural appraisal setting out the size and scale of processing unit. Query whether the development would require expansion of the rearing facility or the buying in of pork. Lacks numbers for amount of pork products to be handled.
 3. Doubt is cast on points within the submitted design and access statement including traffic generation, visual impact, scope to accommodate existing storage elsewhere. Might involve more containers being brought onto site.
 4. Query why premises elsewhere cannot be used.
 5. Query whether able to comply with Food Standards Agency.
 6. Query scale and whether viable.
 7. Local objections to use of mobile home/caravan and this proposal.
- Enforcement action should be taken to rectify the current breach with regard to the continued use of the mobile home/caravan.

4.2 NYCC Highways. No objection.

4.3 Environmental Health - No comments to make in respect of this proposal.

Background details were recorded as follows :

No concerns in relation to impact on amenity as the application site is not in close proxy to other properties. Spoke to Steve Claxton who has been involved at pre-planning stage and he said his waste products will be collected by Warrens but this should be limited and that there should be limited demand on the existing septic tank system to cause impact. The kitchen catering sinks will also have a filter system to prevent food waste from entering the drainage run.

4.4 Neighbours and site notice - letters from 2 persons.

Issues raised are:

1. Will give support to need for full time supervision and therefore retention of caravan, and Ingleby Lane farm acreage is not appropriate for agricultural pursuits or processing procedure necessitating permanent occupancy. Also, will give rise to need for further storage container. From plans submitted current and future development plans are already over concentrated for such a small site.

2. This site is not practical for meat processing, which are normally undertaken off site elsewhere. The proposal is contrary to the councils policies.

Attention is drawn to standard pig rearing and processing procedures elsewhere, and the Food Standards Agency requirements. The proposal is a secondary manufacturing process and not an agricultural one, and would be inappropriate in a rural setting. The proposal is against the Councils policies. The existing buildings are mainly unauthorised and an eyesore and alternative locations within a settlement would be more suitable. DP26 is not relevant as this a small specialist operation and is not a sustainable operation that will provide a living income on its own.

Correspondence between the applicant and neighbours

4.5 The applicant has put forward letters in response to the above, reiterating the nature of the business as a well managed, small, but viable business, as confirmed by a recent independent report, that selling outlets on local markets and individual customers are in the process of being set up, the planning history of the business, and that the typical large scale rearing practises are not applicable to the high RSPCA Welfare Standards, which are practised here. The applicant confirms that pork from outside will not be brought onto the site, as this will not fit the business model and 'full traceability'.

4.6 A further letter has been received from an objector, noting the explanations made by Mr Jones, but nevertheless holding to the view that this proposal will lead to the creation of a business operation on an unsuitable site and in patently unsuitable structures, and harmful to the environment and that environment/amenity concerns should take precedence over economic concerns in this case.

4.7 At the 12 September 2013 Planning Committee meeting the agent for a neighbour spoke advising that they considered that the 'shipping containers' required planning permission and that the basis of the report to the Committee was flawed. A further submission has been made providing an opinion on the existing container being operational development and a change of use that requires planning permission.

5.0 OBSERVATIONS

5.1 The site is in rural surroundings away from any sustainable settlement and justification is required as an exception to the principles of CP1 and CP2, in accordance with CP4. The proposal relates to the existing agricultural use of the land and as such is potentially acceptable to meet the needs of agriculture and support a sustainable rural economy in accordance with Criteria i. of CP4; subject to other relevant policies of the Local Development Framework.

5.2 The NPPF aims to support the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion and well designed new buildings; and also to promote the development and diversification of agricultural and other land-based rural business. The NPPF policy gives support for the proposal, subject to other relevant issues. The LDF also supports the growth of the rural economy subject to the restrictions set out in the Core Strategy and Development Policy DPDs. Issues to consider therefore are whether the site and structures are suitable for a farm diversification scheme, (CP15, DP25, DP26), the effects of the development on the rural surroundings (CP16 DP30) and any traffic/highway safety concerns. Other issues arise from the proposal that are the subject of control under other consent regimes and are not planning matters, these include hygiene controls, safe waste disposal, staff welfare facilities.

5.3 CP15 (criterion iv.) Supports diversification of the rural economy in principle. DP26 sets out measures by which agriculture may be supported, these include:

- i) encouraging farm diversification which helps to support the existing agricultural enterprise
- ii) promotion of sustainable forms of agriculture including environmentally sensitive, organic and locally distinctive food production, together with processing, marketing and retailing.
- iii) Support for integration of agricultural activities including for slaughter, processing and packaging facilities on farms which serve clusters or co-operatives of producers.
- iv) Guiding the development of new agricultural buildings to locations which are sensitive to their environment.

5.4 The present proposal supports the existing specialised pig rearing enterprise and by 'adding value' to the product. It would be a locally distinctive food product, operating small scale processing facility and using local markets to sell the products. The on-site processing and packaging is small scale it is noted to involve the employment of one person in the manufacture of the products, and a person in the sale and delivery of the products. The size of the processing facility limits the scale of the manufacturing operation. The scale of the operation in terms of employment, floor area or intensity of activity can only be described as small scale. The applicant states that the facility is just to serve the immediate holding and will not serve other farms as that would detract from the niche market which is the concept of the proposal. There is no evidence of any local existing farm based meat processing facility that would could serve this enterprise and again would undermine the concept of full traceability that is a key aspect of the applicants case.

5.5 In terms of DP25, development is supported if it is:

- i. Small in scale
- ii. Comprises conversion and reuse of rural buildings of sound construction which are otherwise acceptable in terms of LDF policies,
- iii. The development is not capable of location with a settlement by reason of the nature of the operation or the absence of suitable sites.
- iv. Supported by an appropriate business case which demonstrates that support will be provided to the local economy which in turn will help to support rural communities.
- v. The development will not adversely impact on the economy of the Service Centre.

5.6 The present proposal is small scale as noted above. The proposal relates to the use not of a building but of shipping container that has been used for on-farm storage. The policy does not make reference to the re-use of such structures. The aims of both the NPPF and the LDF focus on driving economic growth through appropriate forms of development that meet sustainability objectives. It is considered that the fact that the processing unit is a shipping container rather than a permanent building should not preclude its conversion to a small scale processing unit.

5.7 The proposed use concerned is inherently rural in that it is intended to process meat produced on this site and is to be marketed locally, enhancing the rural economy. Although the facilities to process meat could probably be found within a settlement, as sought by DP25, there is some policy tension between DP25 and DP26 as the later supports farm diversification including local distinctive products that support the existing enterprise. The proposal is too small in scale to impact on the economy of the service centre to any significant degree.

5.8 The location is in an area of high landscape quality. The landscape impact of the re-use of the existing shipping containers is considered to be minor. The container is in the context of other buildings and landscape features (trees and hedges), relatively small and is coloured green such that it is not intrusive in the landscape. The proposal includes for the cladding of the container with timber boarding and the provision of a pitched clay tile roof. The container is currently a relatively inconspicuous feature against the background of the adjacent hedge, and as proposed to be altered will not have a harmful effect on the wider surroundings.

5.9 With regard to highway issues, the site has an existing access off the highway. The development is small in scale and is intended to be operated by the existing owner and two members of staff and the overall traffic generation is not considered to give rise to concern about the impact on road safety. The applicant does not seek to operate a retail use from the farm.

Parish Council and neighbour observations.

5.10 Concerns have been raised by the Parish Council and neighbours and during the debate in the September 2013 Planning Committee meeting that have generated a written response from the applicant. Details of these issues are set out in the following text.

5.11 The case for residence on the site

The processing unit proposed will add value to the meat produced on site, and may enhance the financial viability of the business. It does not contribute to the functional need to live on the site in terms of animal welfare, but may contribute to the time spent on the business overall. Notwithstanding these points, the present proposal is not dependant on residence on site.

5.12 Scale

The extent of the processing that would take place if the application is approved is limited by the small size of the unit concerned. The applicant's proposal is to process meat from the rare breed pigs raised on site, this being part of the unique selling point of the business, and giving access to a high value niche market. A planning condition could be applied to require further approval if additional meat is to be brought from other farms for processing.

5.13 Viability

The viability of a business proposal is not a policy test of the planning system. However a planning condition could be imposed requiring the removal of the container in the event that the processing uses ceases to prevent an accumulation of redundant structures on the land.

5.14 Food hygiene

The applicant understands the requirements in relation to food hygiene and has undertaken discussions with the relevant authorities with a view to achieving the required standard. As this is a matter dealt with under separate regulations, it does not affect the planning merits of the present proposal. Nonetheless evidence has been provided to show that there is no reason why a shipping container can not form the basis for meat processing.

5.15 Highway impacts.

No concerns have been raised by the Highway Authority and there is no planning reason to express concern on highway safety or highway capacity.

5.16 Other concerns regarding the industrial nature of the proposal as noted above the proposal is a small scale operation and not inappropriate to the setting. Subject to legal opinion as noted earlier in this report no breaches of planning control exist at the site other than the occupation of the residential caravan. This should not influence the acceptability of this proposal. Comment regarding the non-standard pig rearing practise are not relevant to this proposal.

Applicants responses to the matters raised

1. Use of the septic tank with regards waste water from pork processing unit.

A modern septic tank is available on site however a separate collection tank is proposed for the wash down water from the processing unit, this would then be removed for treatment elsewhere. The drainage would be separate from any other farm drainage.

2. Filter systems that will be used on the sinks and floor gully.

A filter to the sinks and floor gully will be installed to prevent fats causing problems to other parts of the waste

3. Controlling the internal temperature of the pork unit.

A portable air conditioning unit is to be provided.

4. No mains electric.

A generator is available to provide the required power for the site. A back-up generator is also available.

5. Number of employees required.

Initially it is envisaged that work in the processing will be about 0.6 FTE (3 days per week) this is expected to rise as the product becomes known and will increase to a full time post. Once established an employ (0.6 FTE) will undertaking deliveries to markets, customers including catering establishments. The farming activities will be operated by the applicants (2 FTE) who will also undertake work associated with the processing and marketing of the products.

6. Traffic to and from the site.

Traffic movements will include delivery to the abattoir (as existing 2 movements per week) return of products from the abattoir (as existing 2 movements per week) and delivery to markets (to markets 6 movements per week, to other customers 2 movements per day). A total of 20 movements per week. (The movements is defined as follows: A journey to a market and back from a market would be 2 movements.)

7. Small size of the pork unit.

The internal floor space of the processing unit is comparable to a butchers facilities and is sufficient for the business.

8. Welfare Unit.

The existing static caravan is available as a space for staff. The existing chemical toilet is to be moved from the space next to the processing unit.

9. External appearance of the pork unit.

The units is painted green, planting is proposed but also a scheme of cladding and pitched tile roof is also proposed.

10. Public right of way

There is no public right of way (PROW) near to the proposed processing unit. The nearest PROW is a public footpath follows the track that meets the highway close to the road frontage of the farm.

SUMMARY

The proposal is an appropriate small scale farm diversification closely related to the existing enterprise and without harm to the open character of the rural surroundings or highway safety concerns, and is able to comply with the above policies.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

7.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

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) and/or details received by Hambleton District Council on 17th July 2013 unless otherwise agreed in writing by the Local Planning Authority.
3. The use hereby proposed shall be restricted to meat produced on Ingleby Lane Farm and not for any other form of manufacturing or processing, or for any meat produced elsewhere, unless previously approved in writing by the Local Planning Authority.
4. 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.

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. 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) .
3. To enable the Local Planning Authority to exercise control over any alternative use, in accordance with the relevant policies of the Local Plan.
4. 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, DP30.

13/01571/FUL

Formation of an anaerobic digestion and combined heat and power plant facility at Home Farm (Land Opposite Stackfield Buildings) Newby Wiske North Yorkshire for JFS Home Farm Biogas Ltd.

1.0 PROPOSALS AND SITE DESCRIPTION

1.1 Full planning permission is sought for the construction a 200kW Biogas plant at Home Farm, Newby Wiske. The plant would generate electricity and heat from biogas derived from animal manure, mixed with other organic matter. Electricity produced would firstly power the farm with the balance being sold to the National Grid whilst heat produced would be used entirely on the farm.

1.2 The proposed plant includes the main fermenting chamber known as a digester (approx 18m diameter x 6.9m high externally (+ 1.5m sunk into ground); a dry feeder and; 3no. silage clamps (30m x 24.6m x 2m high); 4,824m³ earth bunded digestate lagoon; a standalone Combined Heat & Power (CHP) unit (6m x 3m x3m high); and an emergency flare stack (5.34m high).

1.3 The proposed buildings have a practical, almost utilitarian, appearance. The digestion chamber is a circular structure/tank with a rigid rubberized membrane domed roof and would be constructed from concrete with an external cladding system. The CHP Plant would be contained within a shipping container made from profiled metal sheeting. Both the digester and the CHP plant would be coloured green. The lagoon and silage clamps would be constructed using concrete sections.

1.4 Inside the sealed fermentation tank (the digester) the anaerobic digestion (AD) process would breakdown a mix of animal manure, grass and vegetable waste to produce biogas that would be used in the CHP plant to provide heat and electricity. The gas fuels a stationary engine driving a generator.

1.5 Electricity produced would firstly power the farm with the balance being sold to the national grid whilst heat produced would be used entirely on the farm. Approximately 90% of the power generated would go into the National Grid.

1.6 The spent feedstock from the AD process is known as 'digestate' and is used as a high quality odourless bio-fertilizer and soil conditioner. The digestate would be stored in an earth bunded lagoon to be built at the side of the fermentation tank.

1.7 The proposed plant would be fed with farm yard manure, grass silage and vegetable off-cuts. The anticipated mix of the feedstock is as follows:-

- 1,500 tonnes of farmyard manure from the proposed livestock building;
- 2,000 to 2,500 tonnes of grass silage produced from the farm;
- 500 tonnes of vegetable waste produced on the farm; and
- 2,000 tonnes of farmyard manure /chicken manure from Maunby House Farm at Maunby (approximately 2.4km from Home Farm) & Yorkshire Farm Eggs at Catton (approximately 12km from Home Farm) (presently spread on the Home Farm fields as organic fertiliser).

1.8 The site is located on Home Farm close to Newby Wiske, which extends to approximately 283 hectares. Home Farm recently became an organic farm, part of the Riverford Organics franchise. The farm established the 'farm box' organic vegetable plant in 1998, which is located within a building immediately east of the proposed site.

1.9 The farm previously fattened pigs in buildings on the eastern side of the farm. It is proposed that alongside the organic vegetable production, the farm would move back into the pig fattening business. An associated application for a livestock building has been submitted alongside this application (ref: 13/01572/FUL).

1.10 The application site comprises part of a field, in horticultural use, to the immediate west of the farmstead and farmhouse. The site extends to approximately 0.98ha. The surrounding landscape contains a scattering of farm buildings, pockets of woodland and rolling farmland defined by mixed hedgerows.

1.11 The application site is situated approximately 300m to the south of Newby Wiske and 400m to the south west of South Otterington. Access to the application site is off Maunby Lane, which links Newby Wiske and Maunby.

1.12 A public footpath runs southwards from Maunby Lane down the farm track, past the farm buildings and continues southwards and then south westwards over farm fields before joining Kirkby Wiske Lane.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 13/01572/FUL– Construction of an agricultural livestock building (Pending decision).

3.0 RELEVANT PLANNING POLICIES

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

The National Planning Policy Framework – March 2012

3.2 The National Planning Policy Framework (NPPF) was published in March 2012 and replaced all the previous national planning policy guidance notes and statements. The framework sets out the Government's planning policies for England and how these are expected to be applied

Core Strategy Development Plan Document – Adopted April 2007

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

Development Policies Development Plan Document – Adopted February 2008

Development Policies DP1 - Protecting Amenity

Development Policies DP3 - Site accessibility

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 DP34 - Sustainable energy

Other Relevant Documents

Sustainable Development Supplementary Planning Document – Adopted Sept 2009

4.0 CONSULTATIONS

Newby Wiske & South Otterington Parish Council

4.1 The Parish Council feel obliged to recognise the large number of complaints received both verbally and in writing regarding various aspects of the proposed AD Plant and Stock Unit at Newby Wiske.

4.2 Given the lack of transparency in presenting this application and the subsequent failure to outline an acceptable response to a number of critical points raised at an open meeting there seems to be a grave doubt as to whether the proposals outlined in the Planning Statement can be fulfilled particularly in the light of failures at a number of existing AD plants in other part of the country

4.3 Two letters supporting the proposals have been acknowledged but nevertheless in support of the objections and, in the circumstances, the Parish Council wish to see the application refused.

NYCC Highway Authority

4.4 No objections subject to a condition which seeks to safeguard a nearby public right of way.

4.5 According to the proposals the buildings and facilities within the site are similar to the existing with the exception of the engine for the plant, the site is far enough from the highway that any traffic during construction would not be an issue.

4.6 Grass silage, vegetable waste and pig manure are all generated within the site, stored on site and are fed directly into the feeder. The exception is the farm yard manure from Maunby House but this is already brought on to the site and spread on the land. The 'digestate' material resulting from the process would be used on the land. Currently access to the site is via Maunby Lane using the existing access at Home Farm, the existing access was assessed as being sufficient for the proposed traffic generation from this application.

4.7 Traffic generation for this site is considered to be minimal. The Highway Authority therefore does not envisage any issues with traffic for this site.

4.8 The Grade II listed bridge stated in some of the objections has a 40t capacity (Bridge No 376 Otterington 437008, 487529 on the C10 is a Grade II Listed 5 span arch over the River Wiske).

HDC Environmental Health Officer

4.9 Environmental Health has no objections, however would recommend that the following conditions are attached should planning permission be granted:

1. No waste shall be accepted or used in the anaerobic digester or combined heat and power plant other than farmyard manure, grass silage and vegetable waste from Home Farm and farmyard manure / chicken manure from Maunby House farm.
2. No waste or digestate associated with the anaerobic digester and combined heat and power plant shall be stored on site except in the three silage clamps, the digestate tank and the lagoon as shown on application plan SK02.

4.10 There is the potential for the odour emissions from unsealed elements of the silage clamps and noise emissions from the plant and associated vehicle movements.

4.11 However, the proposed plant is sufficient distance from the nearest sensitive premises so that the impact from odour and noise would be insignificant. If the silage is stored in the clamps correctly odour would only be released from the silage only when it is moved to the plant and the vehicle movement associated with this would be indiscernible against the general movement of farm vehicles.

4.12 Whilst satisfied that the development can be operated without causing a noise or odour nuisance this is likely to depend upon good management practices being followed. I would therefore request that the following 'note to applicant' is added to the decision notice:

4.13 A level of management may be required to control odours and / or noise the process. This planning approval would not be considered to be a defence by the local authority in the event that a legal remedy is required to abate a statutory nuisance arising from the process at neighbouring premises.

Environment Agency

4.14 Comments awaited.

Internal Drainage Board

4.15 No objections.

Council for the Protection of Rural England

4.16 Supports the application. It is considered to be a worthwhile initiative to generate "green" electricity from waste products using technology that had been widely used on the continent. It is felt that people's concerns about agricultural smells and additional agricultural traffic are not justified. The countryside is a working environment. Some years ago several hundred pigs had been kept at these farm buildings, together with free-range pigs on the fields alongside the Maunby road, with no adverse comment. Several people have written complaining that this would be an industrial process, but fail to appreciate that modern agriculture is an industry, that must inevitably take place in the countryside. Farming practices are continually changing.

Publicity

4.17 Neighbouring residents were notified in writing and a site notice was erected close to the application site. The period for replies expired on 23rd September 2013. 26 objections and 1 representation of support have been received and are summarised as follows:-

(It is important to note that these comments relate to both applications 13/01571/FUL (AD plant) and 13/01572/FUL (livestock building) due to linked nature of the proposals).

Odour

- 1) Indoor pig rearing would have a considerable impact on the local community in a way that the previous (outdoor) methods did not.
- 2) Keeping pigs in any enclosed facility results in a concentration of pig excrement and urine. This combination of liquid and soils is generally known as pig slurry. Anaerobic bacteria associated with this waste produce produced Hydrogen Sulphide (rotten eggs) and Ammonia gases amongst other noxious smells. Of all livestock manures pig slurries are by far the most penetrating and obnoxious.

- 3) The odour assessment prepared by REC (12.07.13) is based on an assumption of there being 500 pigs. At full capacity the livestock building can hold 2,000 pigs and therefore the assessment is void.
- 4) The method of measurement within the odour assessment does not reflect the western geographical layout of the village. Concentration of odour would increase for the western properties.
- 5) The proposed livestock building would be situated south west of South Otterington, the prevailing wind in the area are west to south west, therefore it is likely that residents would be severely affected by odours from buildings on a regular basis. Residents would be unable to use gardens, leave windows open, hang up washing etc.
- 6) Using a mean measurement is inappropriate as there is likely to be a significant peak of emission during a daily 2 hour feeding process.
- 7) The odour assessment incorrectly uses the centre point as the AD plant instead of the livestock building.
- 8) The Applicant and Agent state that the proposed Anaerobic Digester process is 'odourless' or 'virtually odourless'. This would be better received had either organisation actually had experience in the construction, commissioning, operation or management of an operating plant.
- 9) Whilst the AD processor itself being sealed can be claimed to be odour free, the importation of chicken manure, site movement and open storage of this together with pig manure and rotting vegetation cannot.
- 10) No mention is made by the Applicants in the Planning Statement of Ammonia (NH₃) and yet DEFRA in their National Atmospheric Emissions Inventory (NAEI) dated 30th September 2011 relating to "Ammonia Emission from UK Agriculture" quote 2010 emissions from pigs as 17kilo tonnes, projected to 21kt in 2015. Comparable figures for poultry in 2010 are given as 29.7 kilo tonnes and projected to alter little to 2019. The figures would suggest ammonia emission requires consideration in relation to this application and I invite Planning Dept. to seek from the applicant an indication as to how this would be dealt with to satisfy the "Odourless" claim.
- 11) Various case studies have been cited which appear to show existing sites causing odour nuisance to neighbouring residents, these include: Fernbrook Bio Digester, Northants; Poplars AD Plant, Cannock; Cannington Bio Energy AD Plant, Somerset; HL Foods Ltd, Lincolnshire and Energen Biogas Ltd, Cumbernauld.

Noise

- 12) Noise from both the A.D. and livestock building should be considered together.
- 13) There would be a constant 'humming' noise from the AD and during the day time there would be noise from loading, emptying and operating clamps, vehicle movement at feeding time, mucking out, deliveries and noise from pigs. None of which has been included within the noise assessment.
- 14) The Baseline Noise Survey was completed at a location "considered to be representative" at "NMP1". This appears to be a site which is at the edge of open farmland without any surrounding cover and the noise levels at that chose site may be higher than would be expected at a residential site.
- 15) The Piggery Source measurement taken at Howla Hay Farm does not confirm how many pigs were on site at the time of that measurement and nor does it tell us at what stage

those pigs were in the fattening cycle. The noise generated would vary according to the number of pigs and their maturity.

16) The CHP unit is identified as the main noise source. There appear to be a number of elements which form the operation of the AD plant. To take the CHP unit as the main noise source and to use that in isolation from the other noise sources which from part of the AD unit could provide misleading data.

17) The nearest non-associated residential receptor is said to lie only 395 metres from the AD facility. The report does not confirm why that receptor was not chosen as a location to be included within the noise assessment.

18) The daytime noise assessment shows a difference of some 5dB which is said to be "of less than marginal significance" and that is a slight indication that complaints are unlikely". The actual differences are 4.8dB for Home Farm and 4.9dB (properties on Beechfield) and are so close to the 5dB mark that in reality they would be of marginal significance.

19) Noise of "marginal significance" would still impact upon neighbouring properties.

20) The night time noise assessment shows a difference of some 1dB which is said to be "of less than marginal significance and that is a slight indication that complaints are unlikely". It is unclear to what extent a measurement at the nearest non-associated residential receptor to the piggery may or may not exceed this 1dB figure.

21) In calculating the anticipated increased noise levels for the piggery, Home Farm and properties on Beechfield have again been chosen as the receptors. The distances of the gardens are 343 and 325 metres from the piggery unit. The closest non-associated residential receptor to the piggery is said to lie only 294 metres from the piggery. The report does not confirm why that receptor was not chosen as a location to be included within the noise assessment.

22) The methodology applied for the calculation for the noise impact from the piggery seems to be different to the methodology applied for the calculation for the noise impact from the CHP unit.

23) The report confirms that the ambient noise level at the closest receptors could increase by 1dB and this is said to be of "slight impact". Again, any increase in noise levels would still impact upon neighbouring properties.

24) Some of the garden areas are relatively sizeable and one wonders how the various calculations may change if the measurement is taken from the piggery to the nearest point of the garden areas. Residents use and enjoy the whole garden area and not solely that part which is furthest away from emissions of noise and odour.

25) The Noise Report has not considered one consolidated application. It reports upon the effect of the piggery and the effect of the AD plant separately. Neighbouring properties would not be affected by the AD plant or the piggery in isolation.

26) No consideration has been taken of the inevitable noise generated by the loading, emptying and operation of clamps, the noise generated by the vehicles involved in the process and quasi-industrial process.

27) There would be 24 hour operation of the CHP unit which would be located inside a steel container.

28) A condition should require the CHP unit to be fully insulated with suitable sound deadening acoustic insulation material to ensure that the noise nuisance caused by the 24

hour operation of the CHP equipment is kept to the absolute minimum and that the ongoing operation of the unit is subsequently monitored.

Traffic

- 29) Would increase HGVs running through local villages, this would add to the already high levels of HGVs from Newby Foods, Police HQ, Primary School, Holme Farm and Riverside Farm.
- 30) The traffic flow through South Otterington already poses problems at peak times and school drop off / collection times.
- 31) The entrance to Holme Farm is from a narrow single road that has no provision for pedestrians. The approach to the road is situated just off a tight bend and offers limited views of oncoming traffic.
- 32) One of the approach roads is from Station Road, via a small, narrow 17th century listed bridge that can not accommodate two cars to pass comfortably.
- 33) The additional traffic flow would cause further wear and tear to already over stressed local roads and structural damage to the bridge. Who would undertake the repairs?
- 34) Construction traffic would inevitably increase traffic flow as would the subsequent supply of livestock and deliveries.
- 35) If there is any necessity to introduce feedstock from locations other than Yorkshire Farm Eggs Ltd, any access to the site from those surrounding areas involves travelling in from the direction of A167 or A684. This would serve to yet increase traffic flows.
- 36) Vehicular damage has been caused to local properties and there have been numerous traffic incidents at the junction of Maunby Lane near Bridge House which junction is sited at a tight bend and which offers limited views of oncoming traffic. Junction is used as a pedestrian crossing point, which would exacerbate problems further.
- 37) The entrance immediately off the road is not laid to tarmac. The entrance and the farm access track leading to the proposed sites are dust tracks. Particularly any heavier traffic using these tracks would generate significant amounts of dust in drier times which would affect neighbours.
- 38) There is likely to be an increase in on-site traffic movements due to the operations to deed and maintain the AD facility and to move manure from the piggery and to move the pigs.
- 39) Would increase traffic congestion in South Otterington during peak times.
- 40) A condition should require the supply of manure / feedstock material for the AD to be strictly limited to material originating from Home Farm and from Maunby House Farm and that the supply of any manure or other feedstock material from any other source is strictly prohibited.
- 41) If consent is granted to the application, conditions should be placed upon the access to the site both in the construction phase and the ongoing process whereby any vehicles above a set weight do not access from South Otterington in order to prevent damage to the 18 century bridge and the potential for an accident.
- 42) Can find no detailed analysis of either current or proposed traffic movements within the Planning Application documentation. It is patently clear the 'traffic neutral' claim is an inaccurate and misleading statement

Importation of Waste

- 43) The application makes reference to manure being brought in from Maunby House farm, whereas the manure is actually brought in from Yorkshire Farm Eggs Ltd at Catton.
- 44) The AD facility is not ancillary to the existing farming activity.
- 45) It is possible that the decision to re-introduce pig-fattening was taken in the knowledge that this may lend support for the AD facility.
- 46) If the 1,500 tonnes of farmyard manure from the new livestock building were not available to be included within the proposed tonnage figures and had, instead, to be imported into the farm, then the “ancillary” criteria would not be met as 3,000 tonnes would be imported.
- 47) The AD plant at Bonnie Hill Farm (granted planning permission in 2012) is distinguished from the present application on two grounds. Firstly, Bonnie Hill Farm was some considerable distance from any neighbouring properties and there seems to have been little risk of visual, noise, odour or traffic impact on neighbours. Secondly, Bonnie Hill Farm is a dairy farm with, it is understood, a large dairy herd. The application does not allow importation of waste / digestate. This is a markedly different proposal to the present application which is reliant upon the import of its feedstock.
- 48) The requirement to import waste is a significant factor and as such the application should be refused.
- 49) No guarantee that the demand for pork would remain high, if demand drops the facility would need to be fed by other sources.
- 50) Planning Statement says that some of the digestate may be returned to Yorkshire Farm Eggs. Would this involve additional traffic movements? Additionally if digestate is returned to Yorkshire Farm Eggs would that cause a demand for additional fertilizer for Home Farm as they no longer have access to the digestate?
- 51) There would be immense pressure to enlarge this scheme should it become up and running. This must in turn require the piggery to be enlarged or waste to be brought in from elsewhere, thus increasing vehicular traffic and noise. Fear that the Council would not then be able to re-address this facility in that light.
- 52) It is important however that planning authorities do not allow such schemes to develop into rural hubs that dispose of animal waste and silage brought in from the surrounding district. This has far wider implications both from the point of view of waste handling/storage (up until put into a digester the material is still legally waste and subject to regulation) and transport. If approved it is essential that conditions are applied to prevent future escalation of sourcing feedstock from other farms/providers and to ensure that there is an element of independent regulation.
- 53) The power generating unit of the AD system is container sized and is easy to deliver and install. This raises the potential for ‘development creep’. If an AD system were to be installed here to use the waste materials generated on the farm, what control would there be against adding additional processing and generating units and thus creating a need for significant additional traffic to provide the system with enough raw materials to function efficiently?

Public Footpath

- 54) The Planning Statement in paragraph 1.16 says that the public footpath would be unaffected but elsewhere in the document it states that the process would require the operation of tractors/loaders every two hours which would surely be across the footpath as it

is adjacent to the proposed site. This could potentially compromise access along the footpath.

Pollution

55) Any leakage from the lagoon could cause significant environmental issues, particularly in light of the proposed site's proximity to the River Wiske. The river rises significantly when in flood and the distance between the site and the river is significantly reduced.

56) A condition should require that sufficient and suitable storage for manure / feedstock is provided on site to ensure that no pollution to the surrounding ground, groundwater or watercourses occurs.

Visual Impact

57) The Planning Statement in paragraph 1.18 does not seem to take into consideration the views from the direction of the A167, and no longer range imagery of the site was included in the Planning Statement. The images included were of farm buildings and the same view of the field is shown twice, one merely slightly closer than the other.

58) A condition should require a suitable landscaping scheme be developed in consultation with the LPA and that such a scheme be implemented immediately following the completion of the development. This landscaping scheme must be subsequently maintained by the developer with any dead or unsatisfactory plants being replaced.

Impact on Village Character & Conservation Area

59) In addition to the Conservation Area and numerous listed buildings in the vicinity of the proposal (Home Farm itself being Grade 2 listed), the Planning Statement does not take into account the known and potential archaeological sites with 3-400m of the proposed development.

60) The proposed development does nothing to preserve or enhance the Conservation Area and is incongruous with nearby villages.

61) Would destroy the idyllic country ambience of the village.

Public Consultation

62) Public consultation has been inadequate.

63) Only 12 households were invited to the Community Consultation Event held on 13th June 2013. The residents of Beechfield were not invited and yet Beechfield was chosen to be the basis for the receptor calculations in the noise assessment and in the odour assessment.

64) No written information was available at the "community consultation event".

65) The first knowledge the community had of the fact that an application had been submitted was when the fact of the application was reported in the Northern Echo's edition dated 12th August 2013. A public meeting was arranged on Friday 16th August 2013 in response to this article.

66) Concerned by sparse and selective consultation process.

67) The planning applications were made at peak holiday season and hence many residents potentially affected by the applications would have been away from their homes at the time of the application.

68) Prism Planning's comments in respect of the public consultation do not reflect the true feeling of people living in the locality.

Health & Safety

69) Keeping Methane gas in a confined space would constitute a hazardous area of at least Zone 2 and possibly Zone 1 classification.

70) What provision are intended by way of flammable gas detection, enclosed space Oxygen depletion analysis and AD/CHP emergency shutdown, should any dangerous situation arise due to a loss of containment of the Methane supply?

71) The day to day running, routine maintenance and checks performed during the continuous operation of the AD and CHP facility would not be undertaken by trained process operators or technicians, but would in fact become the responsibility of the inexperienced agricultural workers based at the site.

72) The application does not deal with HAZOP (hazard and operability study).

Other Matters

73) An Environmental Impact Assessment should be undertaken before the planning application is considered.

74) Fears that the AD plant might increase in size and operation once the initial project has been granted planning permission.

75) Would only operate at 50% capacity, however likely to increase in activity and should therefore be assessed at full capacity.

76) The primary purpose of the facility is to generate electricity; taking advantage of the Government's Feed in Tariff scheme. The scheme is not managed by the farmer, but by a financial organisation having no local interest.

77) The proposed development would be better suited to an industrial area.

78) The potential output of electricity has not been quantified.

79) Whilst the Environmental Agency actively supports the Anaerobic Digester philosophy, the Agency itself is now coming to terms with the reality of many operating plants often located in the wrong areas, in which actual performance has fallen short with disastrous consequences.

80) In the Design and Access Statement para 2.6 the suggestion is made that the failure of larger AD schemes is principally due to an insufficient supply of feedstock. This is a grossly misleading statement no doubt aimed to assuage fear of the new technology, but serves only to generate distrust. It neglects an increasing number of acknowledged operational plant failures in the UK and Europe that have attracted such negative media attention in their location, and are still currently inflicting misery on local residents.

Supporting Comments

81) There are no valid objections to this application.

5.0 OBSERVATIONS

5.1 The main issues for consideration in the determination of this application relate to the principle of the development, noise impacts, odour impacts, highway impacts, landscape and visual impact and flood risk.

Principle of the Development

5.2 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”.

5.3 Furthermore, 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 Policy DP34 (Sustainable Energy) of the adopted Development Policies DPD promotes developments which 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.

5.5 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...”

5.6 Policy CP4 (Settlement Hierarchy) of the adopted Core Strategy stipulates that development in the open countryside would 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 would help to support a sustainable rural economy and it would make provision for renewable energy generation

5.7 Policy CP15 (Rural Regeneration) of the adopted Core Strategy 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 Building upon the objectives of Policy CP15, Policy DP26 (Agricultural Issues) of the adopted Development Policies DPD states that agriculture would be supported (and permission granted for related development, if also acceptable in terms of other LDF policies) by measures that include, inter alia, promoting sustainable forms of agriculture which include: encouraging farm diversification which helps to sustain the existing agricultural enterprise; promotion of sustainable forms of agriculture and support for integration of agricultural activities.

5.9 The implementation of AD plants can play a crucial role in processing organic waste. It is one of the most efficient processes in capture and treatment and can help to contribute to reducing the UK’s greenhouse gas emissions from waste. The use of the digestate for spreading on the land offers benefits, in the same way that spreading untreated manure currently does, but without any odour, whilst the possibility of utilising the gasses for heat and electricity purposes is clear.

5.10 The proposed plant is also considered to be a form of farm diversification. The plant would utilise raw materials generated by agricultural activities and would supply electricity and heat to the existing farm. The majority of the energy produced would be sold off, which would help to sustain the existing farm business.

5.11 The proposed biogas plant is considered to facilitate sustainable development that supports traditional land-based activities and is therefore considered to comply with the aims and objectives of policies CP4, CP15 and DP26.

5.12 Moreover, 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 accords with the development plan without delay.

Noise & Odour

5.13 Policy DP1 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.

5.14 In terms of the impact on amenity, local residents' observations relate primarily to noise and odour (highway concerns are examined later within the report). The application site is situated approximately 300m to the south of Newby Wiske and 400m to the south west of South Otterington.

5.15 A 'Noise Impact Assessment' produced by Resource & Environmental Consultants Ltd (REC) has been submitted with the application. The 'Assessment' examines the noise impact from the proposed AD facility (and piggery) at the closest non-associated residential receptor which lies approximately 294m to the north of the proposed piggery and 395m from the proposed AD facility.

5.16 This Assessment concludes that, in terms of BS4142 operation of the proposed AD Facility would be of 'less than marginal significance' during both daytime and night-time periods. No mitigation measures are considered necessary for the proposed site operations in order to protect amenity levels at the nearest receptor locations.

5.17 An 'Odour Assessment' produced by REC has also been submitted with the application. Odours from a number of sources on site have the potential to cause impacts at sensitive receptors. An Odour Assessment was therefore undertaken to quantify impacts in the vicinity of the facility.

5.18 Potential odour releases were defined based on the proposed plant operation, monitoring of similar materials to be used at the facility and standard livestock emission rates. These were represented within a dispersion model produced using ADMS 5. Impacts at sensitive receptors in the vicinity of the site were quantified and the results compared with the relevant odour benchmark level.

5.19 The Assessment concludes that predicted odour concentrations were below the relevant benchmark level of 3.0ouE/m³ at all sensitive receptors in the vicinity of the site for all modelling years. As such, significant odour impacts are not anticipated as a result of normal operation of the proposed AD facility and livestock building.

5.20 The general management, storage and disposal of farm yard manure is a common farm operation, and although there would be an additional activity in this case (i.e. loading into the digester) this is not expected to be more onerous than existing activity.

5.21 Any smells involved with the movement and storage of the raw materials would be similar to the normal experience of this type of agriculture and is considered acceptable within the proposed location. Furthermore, release of odour would be associated with

release of the gas that is to be burnt to generate electricity and heat, so it is in the Applicant's interest to minimise the risk.

5.22 The product of the digester (the digestate) is inert and not malodorous, and its eventual spreading on the land would involve far less smell than is usual when using raw manure or slurry. Overall therefore, the functioning of the digester, the day to day activity associated with it, and the spreading of the digestate on the land would not have an adverse effect on the amenities of residents.

5.23 The Council's Environmental Health Officer (EHO) has raised no objection to the application on noise or odour grounds subject to conditions covering the importation and feedstock and/or digestate.

5.24 The EHO identifies that there is the potential for the odour emissions from unsealed elements of the silage clamps and noise emissions from the plant and associated vehicle movements but concludes that the proposed plant is sufficient distance from the nearest sensitive premises.

5.25 If the silage is stored in the clamps correctly odour would only be released from the silage only when it is moved to the plant and the vehicle movement associated with this would be indiscernible against the general movement of farm vehicles.

5.26 Whilst satisfied that the development can be operated without causing a noise or odour nuisance this is likely to depend upon good management practices being followed.

Highway Impacts (including importation of waste)

5.27 Concerns have been raised by local residents about the proposed development's impact on highway safety and the potential for additional vehicle movements.

5.28 Paragraph 4.19 of the Planning Statement confirms that the operation of the AD and CHP plant would not generate any additional off-site traffic. Most of the feedstock would be sourced from the farm with that being imported coming from Maunby House Farm (nearby to the west), which presently provides farmyard manure /chicken manure to Home Farm for spreading on the fields as organic fertilizer. The proposed livestock building (application 13/01572/FUL) at Home Farm would assist in this regard.

5.29 The majority of the digestate produced on the farm would go back on the land to replace the raw farmyard manure that is presently imported from Maunby House Farm. Some digestate may go back as return loads to Maunby House Farm. There is no reason to suppose that the supply of the digestate would result in significantly more traffic on the rural road than would normally be required to move and store animal waste. All-in-all, it is accepted that the proposal would be traffic neutral.

5.30 Currently access to the site is via Maunby Lane using the existing access at Home Farm, the existing access was assessed as being sufficient for the proposed traffic generation from this application. Traffic generation for this site is considered to be minimal.

5.31 The construction period would result in additional traffic in the short term, but this would be the case for any new development at the site, and would not be sustained.

5.32 The Local Highway Authority has considered the information supplied by the Applicant along with the objections of local residents and has confirmed no objections to the proposal on highway grounds. Nonetheless, the Local Highway Authority is keen to ensure that the adjacent public right of way (PROW) is kept clear of blockages. To this end, it is recommended that the decision notice includes an informative directing the Applicant to keep the PROW clear of obstruction (either permanent or temporary).

Landscape & Visual Impact

5.33 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 would 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, would 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...”

5.34 Consequently, it is important to consider the potential effects of increasing the development of an existing farm on the landscape character and visual amenity of the locality.

5.35 The application site is currently undeveloped agricultural land. The surrounding landscape character is rolling arable land, enclosed by mature field boundary hedgerows, with isolated farmsteads, blocks of mature woodland with the fringes of Newby Wiske and South Otterington to the north and north-east respectively.

5.36 The digester and its associated buildings would be screened from public view, to some degree, by a combination of landform, mature trees and the existing farm buildings.

5.36 Close range views would be experienced from the farm track (PROW), Maunby Lane and the fringes of Newby Wiske and South Otterington. From long distance the development would appear as part of large agricultural complex and would, therefore, not be significant in the wider landscape. The site is a significant distance away from the nearest residential properties; standing approximately 395m from those in Newby Wiske to the north and some 460m from properties in South Otterington to the north-east.

5.37 In addition, the domed design and sunken nature (by 1.5m) of the digester tank and subtle finishing colour (moss green) would further reduce the proposed development’s visual impact.

5.38 Within the surrounding small villages there are a number of statutory Listed Buildings; however none are within the site boundary, nor does it lie within a Conservation Area. Finally, the application site is not located near to any Statutory National, Regional or Local Landscape Designations. In light of the above considerations, the proposed development is considered to have an acceptable visual and landscape impact and therefore complies with Policy DP30.

Flood Risk & Water Pollution

5.39 Policy DP43 (Flooding and Floodplains) of the adopted Development Policies DPD advises that development would only be permitted if it has an acceptably low risk of being affected by flooding, assessed against the Environment Agency’s flood zone maps and other local information and where all necessary mitigation measures on or off-site are provided.

5.40 Surface water from the silage clamps would be captured via a drainage channel surrounding it to capture what the Applicant describes as effluent, i.e. rain water falling onto the silage/manure which would be held in a tank and pumped back into the main digester unit. It would then go through the process of anaerobic digestion and would be stored in the lagoon. Therefore, none of the contaminated surface water would go into any drainage system. Surface water from the hard standings, e.g. access track etc would simply discharge onto the surrounding field via soak away mechanisms.

5.41 The activities associated with the proposed plant are controlled under the Environmental Permitting (England and Wales) Regulations (2010) and subsequent amendments. As such, the operator would be required to obtain an Environmental Permit from the Environment Agency (EA) 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.

5.42 The site is not located within a flood risk area and is not susceptible to flooding.

5.43 The Internal Drainage Board has raised no objection to the proposed development

6.0 SUMMARY

6.1 Due to its capacity to use farm by-products, its location close to the existing farmstead and inconspicuous design the proposal would be an appropriate development for this rural location and would not have a harmful effect on the amenities of neighbours or the surrounding countryside and is able to comply with the aims and policies of the Hambleton Local Development Framework.

6.2 For the reasons given above and having regard to all other matters raised, it is recommended that planning permission be granted for the proposed development.

6.3 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

7.0 RECOMMENDATION

7.1 **GRANTED** subject to the following conditions:

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 drawings numbered: SK01 Rev.A (Site Plan); SK02 Rev.A (Site Plan); SK03 Rev.A (Elevations) received by Hambleton District Council on 24 July 2013 and SK05 Rev.A (Location Plan) received by Hambleton District Council on 5 July 2013 unless otherwise agreed in writing by the Local Planning Authority.
3. No feedstock shall be used within the biogas plant other than farmyard manure, grass silage and vegetable waste from Home Farm and farmyard manure and chicken manure from Maunby House Farm, Maunby and Yorkshire Farm Eggs at Catton, unless otherwise approved in writing by the Local Planning Authority.
4. No waste (not including digestate) associated with the anaerobic digester and combined heat and power plant shall be stored on site except in the three silage clamps, the digestate tank and the lagoon as shown on application plan SK02.

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. 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 CP16, CP17, DP30 and DP33.

3. To enable the Local Planning Authority to assess the impact of any other such means of operation, in accordance with the relevant policies of the Local Plan.
4. To enable the Local Planning Authority to assess the impact of any other such means of operation, in accordance with the relevant policies of the Local Plan.

INFORMATIVE – Adjacent Public Rights of Way

No works are to be undertaken which would 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 Manager at County Hall, Northallerton on 0845 8 727374 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.

Parish: Newby Wiske
Ward: The Thorntons
5.

Committee Date: 10 October 2013
Officer dealing: Mr Jonathan Saddington
Target Date: 15 November 2013

13/01572/FUL

**Construction of an agricultural livestock building
at Home Farm, Newby Wiske, North Yorkshire, DL7 9HB
for Mr Peter Richardson**

1.0 PROPOSALS AND SITE DESCRIPTION

- 1.1 Full planning permission is sought to erect a piggery building on land within the farmstead of Home Farm. It is proposed to accommodate approximately 500 young pigs for fattening.
- 1.2 The proposed building measures approximately 45.7m in length x 15.2m in width (including a 7.6m covered hardstanding for external pens) x 3.7m to in height to the ridge and 3.0m to the eaves. Internally, the building is subdivided into 5 bays corresponding with the external pens.
- 1.3 The proposed building is of simple rectangular form and would be constructed using timber cladding (Yorkshire Boarding) above a block work plinth with the roof provided in profiled metal sheets (colour to be agreed).
- 1.4 The proposed piggery building would be associated with the biogas power plant that is proposed to the immediate west of the farmstead area, for which planning permission is sought alongside this application (ref: 13/01571/FUL). Farmyard manure resultant from the operation of the piggeries would form one element of the feedstock to the AD facility.
- 1.5 The application site comprises part of the farmstead area, presently used as an external storage area. The site extends to 1045.25m² (0.26 acre) approximately. The surrounding landscape contains a scattering of farm buildings, pockets of woodland and rolling farmland defined by mixed hedgerows.
- 1.6 The application site is situated approximately 280m to the south of Newby Wiske and 240m to the south-west of South Otterington. Access to the application site is off Maunby Lane, which links Newby Wiske and Maunby.
- 1.7 A public footpath runs southwards from Maunby Lane down the farm track, past the existing farm buildings and continues southwards and then south westwards over farm fields before joining Kirkby Wiske Lane.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 13/01571/FUL– Formation of an anaerobic digestion and combined heat and power plant facility (Pending decision).

3.0 RELEVANT PLANNING POLICIES

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

The National Planning Policy Framework – March 2012

- 3.2 The National Planning Policy Framework (NPPF) was published in March 2012 and replaced all the previous national planning policy guidance notes and statements. The framework sets out the Government's planning policies for England and how these are expected to be applied

Core Strategy Development Plan Document – Adopted April 2007

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

Development Policies Development Plan Document – Adopted February 2008

Development Policies DP1 - Protecting Amenity
Development Policies DP3 - Site accessibility
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

4.0 CONSULTATIONS

Newby Wiske & South Otterington Parish Council

- 4.1 The Parish Council feel obliged to recognise the large number of complaints received both verbally and in writing regarding various aspects of the proposed AD Plant and Stock Unit at Newby Wiske.
- 4.2 Given the lack of transparency in presenting this application and the subsequent failure to outline an acceptable response to a number of critical points raised at an open meeting there seems to be a grave doubt as to whether the proposals outlined in the Planning Statement can be fulfilled particularly in the light of failures at a number of existing AD plants in other part of the country
- 4.3 Two letters supporting the proposals have been acknowledged but nevertheless in support of the objections and, in the circumstances, the Parish Council wish to see the application refused.

NYCC Highway Authority

- 4.4 No objections subject to an informative which seeks to safeguard a nearby public right of way.
- 4.5 Traffic generation for this site is considered to be minimal. The Highway Authority therefore does not envisage any issues with traffic for this site.

HDC Environmental Health Officer

- 4.6 The proposed unit is approximately 300m from the nearest non-associated residential properties which is closer than the 400m advisable separation distance to prevent odour problems.

- 4.7 Whether this application is acceptable or otherwise in environmental health terms would, to a large extent depend on the management of this unit and on past performance, evidenced by the absence of complaints received by this department, it would appear the farm has been managed in such a way that a nuisance has not arisen.
- 4.8 Other issues that need to be taken into consideration are the increase in delivery of feed to the farm and vehicle movements due the feed loading into the anaerobic digester unit. It is also proposed to incorporate air recirculation units to maintain the internal temperature of the building, it is not stated in the noise assessment if the unit that was used as representative of the proposed piggery had fans or not.
- 4.9 Recommend that the following conditions are attached to any planning permission:
1. There shall be no deliveries vehicles arriving or leaving the site before 0700hrs or after 1800hrs Monday to Saturday and at any time on Sunday or Public Holidays.
 2. No slurry or manure arising from the development approved shall be spread on the land.
 3. The pig housing ventilation system incorporates extract fans along the ridge emitting at a velocity of 6m/s. The fans must be serviced in line with manufactures recommendations.
 4. The odour assessment has been based on assuming 500 pigs would be housed in the shed. To prevent nuisance through further intensification the number of pigs shall next exceed 500 without the Applicant submitting in and being approved in writing a full noise and odour assessment to the Local Planning Authority.

- 4.10 Recommend that a note to Applicant is attached to any planning permission as follows:

“The Applicant is advised that, without a high standard of management for intensive livestock units in proximity of dwellings, there is the potential for statutory nuisance by way of noise or odours.

The Applicant should be aware that the granting of planning permission for this development would not provide a defence in the event that noise or odours arise at anytime in the future which are deemed to be a statutory nuisance. In the event of such statutory nuisance arising, the Council are legally required to take action under Part III of the Environmental Protection Act 1990 to require the nuisance to be abated.”

Environment Agency

- 4.11 Comments awaited.

Publicity

- 4.12 Neighbouring residents were consulted in writing and a site notice was erected close to the application site. The period for replies expired on 23rd September 2013. 16 objections and 1 representation of support have been received and are summarised as follows:-

(It is important to note that these comments relate to both applications 13/01571/FUL (AD plant) and 13/01572/FUL (livestock building) due to linked nature of the proposals).

Odour

- 28) Indoor pig rearing would have a considerable impact on the local community in a way that the previous (outdoor) methods did not.
- 29) Keeping pigs in any enclosed facility results in a concentration of pig excrement and urine. This combination of liquid and soils is generally known as pig slurry. Anaerobic bacteria associated with this waste produce produced Hydrogen Sulphide (rotten eggs) and Ammonia gases amongst other noxious smells. Of all livestock manures pig slurries are by far the most penetrating and obnoxious.
- 30) The odour assessment prepared by REC (12.07.13) is based on an assumption of there being 500 pigs. At full capacity the livestock building can hold 2,000 pigs and therefore the assessment is void.
- 31) The method of measurement within the odour assessment does not reflect the western geographical layout of the village. Concentration of odour would increase for the western properties.
- 32) The proposed livestock building would be situated south west of South Otterington, the prevailing wind in the area are west to south west, therefore it is likely that residents would be severely affected by odours from buildings on a regular basis. Residents would be unable to use gardens, leave windows open, hang up washing etc.
- 33) Using a mean measurement is inappropriate as there is likely to be a significant peak of emission during a daily 2 hour feeding process.
- 34) The odour assessment incorrectly uses the centre point as the AD plant instead of the livestock building.
- 35) The Applicant and Agent state that the proposed Anaerobic Digester process is 'odourless' or 'virtually odourless'. This would be better received had either organisation actually had experience in the construction, commissioning, operation or management of an operating plant.
- 36) Whilst the AD processor itself being sealed can be claimed to be odour free, the importation of chicken manure, site movement and open storage of this together with pig manure and rotting vegetation cannot.
- 37) No mention is made by the Applicants in the Planning Statement of Ammonia (NH_3) and yet DEFRA in their National Atmospheric Emissions Inventory (NAEI) dated 30th September 2011 relating to "Ammonia Emission from UK Agriculture" quote 2010 emissions from pigs as 17kilo tonnes, projected to 21kt in 2015. Comparable figures for poultry in 2010 are given as 29.7 kilo tonnes and projected to alter little to 2019. The figures would suggest ammonia emission requires consideration in relation to this application and I invite Planning Dept. to seek from the applicant an indication as to how this would be dealt with to satisfy the "Odourless" claim.
- 38) Various case studies have been cited which appear to show existing sites causing odour nuisance to neighbouring residents, these include: Fernbrook Bio Digester, Northants; Poplars AD Plant, Cannock; Cannington Bio Energy AD Plant, Somerset; HL Foods Ltd, Lincolnshire and Energen Biogas Ltd, Cumbernauld.

Noise

- 39) Noise from both the A.D. and livestock building should be considered together.
- 40) There would be a constant 'humming' noise from the AD and during the day time there would be noise from loading, emptying and operating clamps, vehicle movement at feeding time, mucking out, deliveries and noise from pigs. None of which has been included within the noise assessment.
- 41) The Baseline Noise Survey was completed at a location "considered to be representative" at "NMP1". This appears to be a site which is at the edge of open farmland without any surrounding cover and the noise levels at that chose site may be higher than would be expected at a residential site.
- 42) The Piggery Source measurement taken at Howla Hay Farm does not confirm how many pigs were on site at the time of that measurement and nor does it tell us at what stage those pigs were in the fattening cycle. The noise generated would vary according to the number of pigs and their maturity.
- 43) The CHP unit is identified as the main noise source. There appear to be a number of elements which form the operation of the AD plant. To take the CHP unit as the main noise source and to use that in isolation from the other noise sources which from part of the AD unit could provide misleading data.
- 44) The nearest non-associated residential receptor is said to lie only 395 metres from the AD facility. The report does not confirm why that receptor was not chosen as a location to be included within the noise assessment.
- 45) The daytime noise assessment shows a difference of some 5dB which is said to be "of less than marginal significance" and that is a slight indication that complaints are unlikely". The actual differences are 4.8dB for Home Farm and 4.9dB (properties on Beechfield) and are so close to the 5dB mark that in reality they would be of marginal significance.
- 46) Noise of "marginal significance" would still impact upon neighbouring properties.
- 47) The night time noise assessment shows a difference of some 1dB which is said to be "of less than marginal significance and that is a slight indication that complaints are unlikely". It is unclear to what extent a measurement at the nearest non-associated residential receptor to the piggery may or may not exceed this 1dB figure.
- 48) In calculating the anticipated increased noise levels for the piggery, Home Farm and properties on Beechfield have again been chosen as the receptors. The distances of the gardens are 343 and 325 metres from the piggery unit. The closet non-associated residential receptor to the piggery is said to lie only 294 metres from the piggery. The report does not confirm why that receptor was not chosen as a location to be included within the noise assessment.
- 49) The methodology applied for the calculation for the noise impact from the piggery seems to be different to the methodology applied for the calculation for the noise impact from the CHP unit.
- 50) The report confirms that the ambient noise level at the closest receptors could increase by 1dB and this is said to be of "slight impact". Again, any increase in noise levels would still impact upon neighbouring properties.
- 51) Some of the garden areas are relatively sizeable and one wonders how the various calculations may change if the measurement is taken from the piggery to the nearest point of the garden areas. Residents use and enjoy the whole garden area and not

solely that part which is furthest away from emissions of noise and odour.

- 52) The Noise Report has not considered one consolidated application. It reports upon the effect of the piggery and the effect of the AD plant separately. Neighbouring properties would not be affected by the AD plant or the piggery in isolation.
- 53) No consideration has been taken of the inevitable noise generated by the loading, emptying and operation of clamps, the noise generated by the vehicles involved in the process and quasi-industrial process.
- 54) There would be 24 hour operation of the CHP unit which would be located inside a steel container.
- 55) A condition should require the CHP unit to be fully insulated with suitable sound deadening acoustic insulation material to ensure that the noise nuisance caused by the 24 hour operation of the CHP equipment is kept to the absolute minimum and that the ongoing operation of the unit is subsequently monitored.

Traffic

- 56) Would increase HGVs running through local villages, this would add to the already high levels of HGVs from Newby Foods, Police HQ, Primary School, Holme Farm and Riverside Farm.
- 57) The traffic flow through South Otterington already poses problems at peak times and school drop off / collection times.
- 58) The entrance to Holme Farm is from a narrow single road that has no provision for pedestrians. The approach to the road is situated just off a tight bend and offers limited views of oncoming traffic.
- 59) One of the approach roads is from Station Road, via a small, narrow 17th century listed bridge that can not accommodate two cars to pass comfortably.
- 60) The additional traffic flow would cause further wear and tear to already over stressed local roads and structural damage to the bridge. Who would undertake the repairs?
- 61) Construction traffic would inevitably increase traffic flow as would the subsequent supply of livestock and deliveries.
- 62) If there is any necessity to introduce feedstock from locations other than Yorkshire Farm Eggs Ltd, any access to the site from those surrounding areas involves travelling in from the direction of A167 or A684. This would serve to yet increase traffic flows.
- 63) Vehicular damage has been caused to local properties and there have been numerous traffic incidents at the junction of Maunby Lane near Bridge House which junction is sited at a tight bend and which offers limited views of oncoming traffic. Junction is used as a pedestrian crossing point, which would exacerbate problems further.
- 64) The entrance immediately off the road is not laid to tarmac. The entrance and the farm access track leading to the proposed sites are dust tracks. Particularly any heavier traffic using these tracks would generate significant amounts of dust in drier times which would affect neighbours.
- 65) There is likely to be an increase in on-site traffic movements due to the operations to deed and maintain the AD facility and to move manure from the piggery and to move the pigs.

- 66) Would increase traffic congestion in South Otterington during peak times.
- 67) A condition should require the supply of manure / feedstock material for the AD to be strictly limited to material originating from Home Farm and from Maunby House Farm and that the supply of any manure or other feedstock material from any other source is strictly prohibited.
- 68) If consent is granted to the application, conditions should be placed upon the access to the site both in the construction phase and the ongoing process whereby any vehicles above a set weight do not access from South Otterington in order to prevent damage to the 18 century bridge and the potential for an accident.
- 69) Can find no detailed analysis of either current or proposed traffic movements within the Planning Application documentation. It is patently clear the 'traffic neutral' claim is an inaccurate and misleading statement

Importation of Waste

- 70) The application makes reference to manure being brought in from Maunby House farm, whereas the manure is actually brought in from Yorkshire Farm Eggs Ltd at Catton.
- 71) The AD facility is not ancillary to the existing farming activity.
- 72) It is possible that the decision to re-introduce pig-fattening was taken in the knowledge that this may lend support for the AD facility.
- 73) If the 1,500 tonnes of farmyard manure from the new livestock building were not available to be included within the proposed tonnage figures and had, instead, to be imported into the farm, then the "ancillary" criteria would not be met as 3,000 tonnes would be imported.
- 74) The AD plant at Bonnie Hill Farm (granted planning permission in 2012) is distinguished from the present application on two grounds. Firstly, Bonnie Hill Farm was some considerable distance from any neighbouring properties and there seems to have been little risk of visual, noise, odour or traffic impact on neighbours. Secondly, Bonnie Hill Farm is a dairy farm with, it is understood, a large dairy herd. The application does not allow importation of waste / digestate. This is a markedly different proposal to the present application which is reliant upon the import of its feedstock.
- 75) The requirement to import waste is a significant factor and as such the application should be refused.
- 76) No guarantees that the demand for pork would remain high, if demand drops the facility would need to be feed by other sources.
- 77) Planning Statement say that some of the digestate may be returned to Yorkshire Farm Eggs. Would this involve additional traffic movements? Additionally if digestate is returned to Yorkshire Farm Eggs would that cause a demand for additional fertilizer for Home Farm as they no longer have access to the digestate?
- 78) There would be immense pressure to enlarge this scheme should it become up and running. This must in turn require the piggery to be enlarged or waste to be brought in from elsewhere, thus increasing vehicular traffic and noise. Fear that the Council would not then be able to re-address this facility in that light.
- 79) It is important however that planning authorities do not allow such schemes to

develop into rural hubs that dispose of animal waste and silage brought in from the surrounding district. This has far wider implications both from the point of view of waste handling/storage (up until put into a digester the material is still legally waste and subject to regulation) and transport. If approved it is essential that conditions are applied to prevent future escalation of sourcing feedstock from other farms/providers and to ensure that there is an element of independent regulation.

- 80) The power generating unit of the AD system is container sized and is easy to deliver and install. This raises the potential for 'development creep'. If an AD system were to be installed here to use the waste materials generated on the farm, what control would there be against adding additional processing and generating units and thus creating a need for significant additional traffic to provide the system with enough raw materials to function efficiently?

Public Footpath

- 81) The Planning Statement in paragraph 1.16 says that the public footpath would be unaffected but elsewhere in the document it states that the process would require the operation of tractors/loaders every two hours which would surely be across the footpath as it is adjacent to the proposed site. This could potentially compromise access along the footpath.

Pollution

- 82) Any leakage from the lagoon could cause significant environmental issues, particularly in light of the proposed site's proximity to the River Wiske. The river rises significantly when in flood and the distance between the site and the river is significantly reduced.
- 83) A condition should require that sufficient and suitable storage for manure / feedstock is provided on site to ensure that no pollution to the surrounding ground, groundwater or watercourses occurs.

Visual Impact

- 84) The Planning Statement in paragraph 1.18 does not seem to take into consideration the views from the direction of the A167, and no longer range imagery of the site was included in the Planning Statement. The images included were of farm buildings and the same view of the field is shown twice, one merely slightly closer than the other.
- 85) A condition should require a suitable landscaping scheme be developed in consultation with the LPA and that such a scheme be implemented immediately following the completion of the development. This landscaping scheme must be subsequently maintained by the developer with any dead or unsatisfactory plants being replaced.

Impact on Village Character & Conservation Area

- 86) In addition to the Conservation Area and numerous listed buildings in the vicinity of the proposal (Home Farm itself being Grade 2 listed), the Planning Statement does not take into account the known and potential archaeological sites with 3-400m of the proposed development.
- 87) The proposed development does nothing to preserve or enhance the Conservation Area and is incongruous with nearby villages.
- 88) Would destroy the idyllic country ambience of the village.

Public Consultation

- 89) Public consultation has been inadequate.
- 90) Only 12 households were invited to the Community Consultation Event held on 13th June 2013. The residents of Beechfield were not invited and yet Beechfield was chosen to be the basis for the receptor calculations in the noise assessment and in the odour assessment.
- 91) No written information was available at the “community consultation event”.
- 92) The first knowledge the community had of the fact that an application had been submitted was when the fact of the application was reported in the Northern Echo’s edition dated 12th August 2013. A public meeting was arranged on Friday 16th August 2013 in response to this article.
- 93) Concerned by sparse and selective consultation process.
- 94) The planning applications were made at peak holiday season and hence many residents potentially affected by the applications would have been away from their homes at the time of the application.
- 95) Prism Planning’s comments in respect of the public consultation do not reflect the true feeling of people living in the locality.

Health & Safety

- 96) Keeping Methane gas in a confined space would constitute a hazardous area of at least Zone 2 and possibly Zone 1 classification.
- 97) What provision are intended by way of flammable gas detection, enclosed space Oxygen depletion analysis and AD/CHP emergency shutdown, should any dangerous situation arise due to a loss of containment of the Methane supply?
- 98) The day to day running, routine maintenance and checks performed during the continuous operation of the AD and CHP facility would not be undertaken by trained process operators or technicians, but would in fact become the responsibility of the inexperienced agricultural workers based at the site.
- 99) The application does not deal with HAZOP (hazard and operability study).

Other Matters

- 100) An Environmental Impact Assessment should be undertaken before the planning application is considered.
- 101) Fears that the AD plant might increase in size and operation once the initial project has been granted planning permission.
- 102) Would only operate at 50% capacity, however likely to increase in activity and should therefore be assessed at full capacity.
- 103) The primary purpose of the facility is to generate electricity; taking advantage of the Government’s Feed in Tariff scheme. The scheme is not managed by the farmer, but by a financial organisation having no local interest.
- 104) The proposed development would be better suited to an industrial area.
- 105) The potential output of electricity has not been quantified.

- 106) Whilst the Environmental Agency actively supports the Anaerobic Digester philosophy, the Agency itself is now coming to terms with the reality of many operating plants often located in the wrong areas, in which actual performance has fallen short with disastrous consequences.
- 107) In the Design and Access Statement para 2.6 the suggestion is made that the failure of larger AD schemes is principally due to an insufficient supply of feedstock. This is a grossly misleading statement no doubt aimed to assuage fear of the new technology, but serves only to generate distrust. It neglects an increasing number of acknowledged operational plant failures in the UK and Europe that have attracted such negative media attention in their location, and are still currently inflicting misery on local residents.

Supporting Comments

- 108) There are no valid objections to this application.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in the determination of this application relate to: the principle of the development; design and visual impact; noise and odour and highway impacts.

Principle of the Development

- 5.2 Paragraph 28 of the National Planning Policy Framework (NPPFF) directs local planning authorities to “support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings” and “promote the development and diversification of agricultural and other land-based rural businesses.”
- 5.3 Policy CP4 of the Core Strategy stipulates that development in the open countryside would only be supported when an exceptional case can be made and when inter alia “it is necessary to meet the needs of farming...and would help to support a sustainable rural economy.”
- 5.4 Policy DP26 of the Development Policies DPD states that agriculture would be supported...by measures that include inter alia ii) promotion of sustainable forms of agriculture which include environmentally sensitive, organic, and locally distinctive food production and iv) guiding development of new agricultural buildings...to locations which are sensitive to their environment.
- 5.5 The proposed piggery building is considered to facilitate sustainable economic development that support traditional land-based activities and are therefore considered to comply with the aims and objectives of the NPPF and policies CP4 and DP26 of the Hambleton Local Development Framework.
- 5.6 Moreover, 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 developments that accord with the development plan without delay.

Design & Visual Impact

- 5.7 Paragraph 56 of the NPPF states that “the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable

development, is indivisible from good planning, and should contribute positively to making places better for people.”

- 5.8 Policy DP32 of the Development Policies DPD requires all development to be of the highest quality. Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings and promote local identity and distinctiveness.
- 5.9 The proposed design is common to other agricultural buildings seen throughout the District. Furthermore, the careful choice of colour and non-reflective materials in the finish of the buildings roof and facades would help reduce its immediate presence within the landscape.
- 5.9 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 would 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, would 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...”
- 5.10 The proposed piggery building would be in keeping with the surrounding landscape and would be viewed against the backdrop of the existing farm range. However, due to the site’s position within the landscape and limited screening, clear and immediate views of the proposed development would be possible from South Otterington to the north-east. Consequently, it is recommended that a condition be imposed to secure the implementation of landscaping and planting scheme in order to help assimilate the new building into its surroundings. Any scheme should include a mixture of feathered and standard deciduous trees, to be planted during October to February.
- 5.11 Within the surrounding small villages there are a number of statutory Listed Buildings; however none are within the site boundary, nor does it lie within a Conservation Area. Finally, the application site is not located near to any Statutory National, Regional or Local Landscape Designations. In light of the above considerations, the proposed development is considered to have an acceptable visual and landscape impact and therefore complies with Policy DP30.

Noise & Odour

- 5.12 Policy DP1 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.
- 5.13 In terms of the impact on amenity, local residents’ observations relate primarily to noise and odour. The piggery building would be situated approximately 280m to the south of Newby Wiske and 240m to the south west of South Otterington.
- 5.14 A ‘Noise Impact Assessment’ produced by Resource & Environmental Consultants Ltd (REC) has been submitted with the application. The ‘Assessment’ examines the noise impact from the proposed piggery (and AD facility) at the closest non-associated residential receptor which lies approximately 294m to the north of the proposed piggery and 395m from the proposed AD facility.

- 5.15 This Assessment concludes that, the proposed piggery could be lead to a maximum +1dB(A) ¹ change in ambient noise levels at the nearest receptor which is considered negligible. The glossary of the now revoked PPG24 states that ‘a change of 3dB(A) is the minimum perceptible. Consequently, no mitigation measures are considered necessary for the proposed site operations in order to protect amenity levels at the nearest receptor locations.
- 5.16 An ‘Odour Assessment’ produced by REC has also been submitted with the application. Odours from a number of sources on site have the potential to cause impacts at sensitive receptors. An Odour Assessment was therefore undertaken to quantify impacts in the vicinity of the facility.
- 5.17 Potential odour releases were defined based on the proposed plant operation, monitoring of similar materials to be used at the facility and standard livestock emission rates. These were represented within a dispersion model produced using ADMS 5 ². Impacts at sensitive receptors in the vicinity of the site were quantified and the results compared with the relevant odour benchmark level.
- 5.18 The Assessment concludes that predicted odour concentrations were below the relevant benchmark level of 3.0ouE/m³ ³ at all sensitive receptors in the vicinity of the site for all modelling years. As such, significant odour impacts are not anticipated as a result of normal operation of the proposed piggery building (and AD facility).
- 5.19 The general management, storage and disposal of farm yard manure is a common farm operation, and although there would be an additional activity in this case (i.e. loading into the digester) this is not expected to be more onerous than existing activity.
- 5.20 Any smells involved with the movement and storage of the raw materials would be similar to the normal experience of this type of agriculture and is considered acceptable within the proposed location.
- 5.21 The Council’s Environmental Health Officer (EHO) has raised no objection to the application on noise or odour grounds subject to conditions covering the importation and feedstock and/or digestate.
- 5.22 The Council’s Environmental Health Officer has been consulted on the application and has provided detailed comments which are summarised within the “Consultations” section of this report.
- 5.23 The EHO has some concerns regarding the affect of the proposal on the local amenity but is satisfied that the impacts can be minimised and sufficiently controlled via conditions covering the hours of deliveries and control over the spreading of slurry, ventilation systems and control over livestock numbers. As a consequence, residential amenity can be adequately protected and, as a result, the proposed development is considered to comply with Policy DP1.

Highway Impacts

- 5.24 Concerns have been raised by local residents about the proposed development’s impact on highway safety and the potential for additional vehicle movements.
- 5.25 Currently access to the site is via Maunby Lane using the existing access at Home Farm, the existing access was assessed as being sufficient for the proposed traffic

¹ (A-weighted decibels, abbreviated dBA, or dBa, or dB(a), are an expression of the relative loudness of sounds in air as perceived by the human ear).

² Computer software for modelling industrial air pollution.

³ European odour units per cubic metre of air.

generation from this application. Traffic generation for this site is considered to be minimal.

- 5.26 Paragraph 4.14 of the Planning Statement confirms that there would be four rotations of pigs per year. One lorry to bring young pigs in and two lorries to take the fattened pigs away per rotation.
- 5.27 The construction period would result in additional traffic in the short term, but this would be the case for any new development at the site, and would not be sustained.
- 5.28 No objections have been received from the Local Highway Authority with regards to highway safety, additional vehicle movements or degradation of the highway itself. Consequently, it is considered that the local road network would be able to cope with the likely level of vehicle movements.

6.0 SUMMARY

- 6.1 The principle of the proposed development is acceptable and the site specific issues, including design, visual, noise, odour and highway impacts. The proposal therefore accords with the aims and policies of the Hambleton Local Development Framework.
- 6.2 For the reasons given above and having regard to all other matters raised, it is recommended that planning permission be granted for the proposed development.
- 6.3 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

7.0 RECOMMENDATION

7.1 **GRANTED** subject to the following conditions:

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 drawings numbered: SK06 (Site Plan) received by Hambleton District Council on 24 July 2013 and SK04 Rev.B (Plans & Elevations) received by Hambleton District Council on 5 July 2013 and SK06 Rev.A (Location Plan) received by Hambleton District Council on 16 August 2013 unless otherwise approved in writing by the Local Planning Authority.
3. Notwithstanding the submitted details and prior to the development commencing, a scheme of soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the species, numbers and locations of planting, timescales for implementation and a maintenance schedule. The approved landscaping scheme shall be implemented prior to first use of the piggery building and maintained thereafter in accordance with the approved details.
4. The use of the building shall not be commenced until its external surfaces have been finished in accordance with a colour scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented and retained in accordance with the approved details.

5. There shall be no delivery vehicles arriving or leaving the site before 0700hrs or after 1800hrs Monday to Saturday and at any time on Sunday or Public Holidays.
6. No slurry or manure arising from the development hereby approved shall be spread on the land, other than in accordance with details approved in advance in writing by the Local Planning Authority.
7. Prior to first use of the development hereby approved, a scheme for the ongoing maintenance of the ventilation system and extract fans contained within the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be carried out in accordance with the approved details.
8. The amount of livestock housed within the building hereby approved shall not exceed 500 pigs.

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. 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 CP16, CP17, DP30, DP32 and DP33.
3. In order to soften the visual appearance of the development and provide any appropriate screening to nearby residential properties in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
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 CP16, CP17 and DP32.
5. In order to protect the amenity of neighbouring residents in accordance with Policy DP1 of the adopted Development Policies DPD.
6. In order to protect the amenity of neighbouring residents in accordance with Policy DP1 of the Development Policies DPD.
7. In order to protect the amenity of neighbouring residents in accordance with Policy DP1 of the Development Policies DPD.
8. To enable the Local Planning Authority to assess the impact(s) of any increase in livestock numbers, in accordance with the relevant policies of the Local Plan.

INFORMATIVE – Adjacent Public Rights of Way

No works are to be undertaken which would 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 Manager at County Hall, Northallerton on 0845 8 727374 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.

INFORMATIVE – Site Management

The Applicant is advised that, without a high standard of management for intensive livestock units in proximity of dwellings, there is the potential for statutory nuisance by way of noise or odours.

The Applicant should be aware that the granting of planning permission for this development would not provide a defence in the event that noise or odours arise at anytime in the future which are deemed to be a statutory nuisance. In the event of such statutory nuisance arising, the Council are legally required to take action under Part III of the Environmental Protection Act 1990 to require the nuisance to be abated.

Parish: Shipton

Ward: Shipton

6.

Committee Date : 10 October 2013

Officer dealing : Mrs H M Laws

Target Date: 23 August 2013

13/01238/FUL

Demolition of existing extension, change of use of existing car showroom , MOT car servicing garage to class A1 use (retail) along with external alterations, single storey extension, formation of car parking and construction of boundary fence and gates as amended by plan received by Hambleton District Council on 21 August 2013. at North Road Garage Shipton By Beningbrough North Yorkshire YO30 1AL for Will & Freddie's Ltd.

1.0 PROPOSAL & SITE DESCRIPTION

1.1 Consideration of this application was deferred at the September meeting to allow Members to inspect the application site. This report reflects the latest position, with the development carried out and the applicant operating a convenience good store at the site.

1.2 The site lies approximately 1.2km to the north of the village of Shipton and is sited on the eastern side of the A19. The site lies within the York Green Belt. A dwelling lies immediately to the north of the application site with 2 more dwellings approximately 70m further north. A furniture store lies immediately to the south of the application site and shares the same access.

1.3 The building was previously used as a car showroom, servicing, MOT station and petrol filling station; the petrol pumps are still in operation at the front of the site. A shop associated with the filling station used to occupy an area of 110sqm, approximately, 40% of the original building.

1.4 The application seeks permission to retain the use of the entire building as a Class A1 retail use with ancillary office, storage and WC and a seating area for 'food sampling'. This is not defined in the application but the submitted drawings indicate it is a café area. The building has been extended to the rear, adding approximately 20 sqm. The total retail and food sampling/café area, excluding storage and toilets would be approximately 275 sqm, an approximate 150% increase over the original shop area.

1.5 A section of the building at the rear, used as a toilet block, has been demolished and replaced by a new extension, which is used as storage and toilets. The roof of the building has been altered to create a uniform frontage with gables to the sides and a rear gabled offshoot.

1.6 A total of 14 car parking spaces are proposed including 4 disabled drivers' spaces.

1.7 The application indicates that two full time and 6 part time workers would be employed; double the numbers previously on site.

1.8 The following statement is from the applicant:

To date we have invested heavily in this site to provide a better fuel offer to local residents at a competitive price. We have also tried to provide a better retail offer with better quality products and a range that allows local residents to complete a full shop without having to travel further than is necessary.

The extra trading space would make it possible for local residents to meet all their food shopping needs under one roof without having to then get back in their cars and travel to

Tesco or other major supermarkets. By granting planning for the change of use I believe that travelling will be less rather than more. The shop supports local businesses with meat coming from local suppliers and all fruit and vegetables from Dooleys less than 3 miles away again reducing the food miles footprint of this store.

In addition we are to introduce a delivery service for those people living within a five mile radius of the store in effect bringing the store to the villages. We have employed 7 staff and intend to employ at least 2 more if permission is granted. We are also investing in customer service training for the staff that in turn will improve the shopping experience for local residents. Our business model depends on generating profit from the store so we can invest in delivering lower fuel prices (we are currently cheaper than coop). This profit calculation is a function of volume and margin with a small shop we will be unable to carry a wider range leading to lower footfall which in turn means higher prices for what is in store. This is something we (will and Freddie's) do not want to do and a return to the previous incumbents pricing strategy is not good for local people.

Clearly, if we cannot convert the existing building the square footage of the existing building will not be able to support sufficient sales to generate a return on our already substantial investment (circa £850,000) and could jeopardise the viability of the whole site. At this point we would be forced to close the site as a whole and 7-10 staff will lose their jobs. I am sure you would agree that this will only lead to creating more miles travelled as local residents will be forced to use large stores that are even further away.

The local Shipton store closed in 2006 and 7 years on no one has tried to open another shop in the area. I can only assume that such an investment by any would be trader is not deemed viable and this seems to be supported by the planning office as the original shop has been granted planning for change of use back to a residential dwelling.

We remain convinced that our shop offer is beneficial to the area, it is well supported by local people and the feedback so far from our shoppers and local residents has been very positive and they cannot wait to be able to do a full shop with us rather than being forced to go to the large supermarkets.

I would urge you to look favourably on our application and grant the planning permission for the sake of everyone concerned - management, staff and local people and my two boys - Will (aged 8 and Freddie aged 6).

2.0 PLANNING & ENFORCEMENT HISTORY

2.1 2/79/131/0019D - Construction of a forecourt canopy. Permission granted 30/8/1979.

2.2 10/00378/ADV- Application for advertisement consent to display 7 non illuminated signs. Consent granted 12 April 2010

2.3 10/00377/FUL - Re-siting of two underground petrol tanks and three petrol pumps, alterations to the existing shop/car showroom and forecourt canopy and creation of car parking areas. Permission granted 12 May 2010.

2.4 12/02368/MRC - Application to vary condition 02 of planning approval 10/00377/FUL to amend the position of the pumps and tanks. Permission granted 8 February 2013.

2.5 Whilst the recent alterations and extension to the building and the change of use to retail are unauthorised it is appropriate to allow the relevant planning issues to be determined through consideration of this application, in accordance with the Council's current Enforcement and Compliance Policy and draft Enforcement Plan, now agreed by Cabinet for public consultation.

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 CP14 - Retail and town centre development
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
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 DP24 - Other retail (and non-retail commercial) issues
Development Policies DP25 - Rural employment
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Shipton-by-Beningbrough Parish Council - The proposal makes very little change to the footprint of the building and is effectively only a change of use and it has already been accepted that there is an existing retail operation, ancillary to the retail petrol station. Virtually all petrol filling stations have a retail operation and without the filling station it would most certainly not be viable for a shop to operate at this location.

The Parish Council welcome the modernisation of the filling station which has improved the streetscape and if the shop helps to maintain the future viability of the filling station it is to be welcomed. It is suggested therefore that this proposal is only an ancillary use to the petrol filling station.

Any increase in local employment is of course to be welcomed. The loss of the village shop in Shipton was sorely felt by the residents who currently in order to shop, have to travel at least a distance of 2 miles along the A19 corridor to access any retail operation. This proposal will provide a more convenient shopping opportunity and actually reduce vehicle distances travelled, despite the stated inaccessibility on foot which also equally applies to any other retail services in the locality. The proposal will also effectively improve shopping opportunities for the residents of Newton on Ouse who again can only access retail operations by motor vehicle and with the proposed reduction of subsidised bus services making access to shopping opportunities more difficult this can only benefit to the residents of that community.

The Parish Council would wish very much to see this application approved.

4.2 NYCC Highways - no objections subject to conditions.

4.3 HDC Environmental Health Officer- no objections/recommendations regarding the proposals

4.4 Environment Agency - no objections but attention is drawn to land contamination advice.

4.5 Site notice/local residents - a letter has been received from the operators of the adjacent furniture store and the comments are summarised as follows:

o Since the opening of the Will & Freddie's store we have seen an upturn in sales at our furniture store.

- o Not only does the store attract customers it provides ourselves with a service by reducing travel time and road mileage due to the convenience of many goods including competitive fuel prices
- o Will & Freddie's as a whole have been very welcoming and provide ourselves and our customers with facilities such as a toilet and free hot drinks
- o The extension of the premises will help to drive custom and footfall, which can only be deemed as mutually beneficial to ourselves, Will & Freddie's and the local community. Adversely if the company were to close we would no doubt see considerable effects of having an empty building next door.

5.0 OBSERVATIONS

5.1 The issues to be considered include the principle of the retail use in this location; the effect of the alterations to the building on its character and appearance and that of the wider rural landscape; the impact on the amenity of neighbouring residents and highway matters.

5.2 The site lies outside the Development Limits of Shipton and therefore an exceptional case must be made for the retail use in this location. The previous retail area was ancillary to fuel sales and whilst fuel sales continue at the site, the primary use is now a convenience store. The case put forward by the Applicant is that there are no other available sites with such an area of floor space within Shipton and that the proposal is re-using an existing building. Policy CP1 states that development that would generate an adverse traffic impact will not be permitted. The Highway Authority's advice, reported in section 4, indicates that there would be no conflict with this aspect of the Policy. Policy CP2 requires development to be located so as to minimise the need to travel by private car. The site lies approximately 1.2km from the edge of Shipton, which is within normal walking and cycling distance but due to the nature of the road without a footway and street lighting it is unrealistic that pedestrians would walk from the village and many may be reluctant to cycle due to the speeds of vehicles on the A19.

5.3 Whilst the Applicant's wish for premises of this size is understood, this does not of itself provide a planning justification for the development of a shop outside any recognised retail location. The Council's planning strategy is to direct retail uses to within the Development Limits of Service Centres and Service Villages. Shipton is a Service Village so it needs to be determined whether a shop is acceptable in the countryside. It is noted that the village shop closed in 2006 and its conversion to a dwelling was allowed on appeal that year. The furniture store adjacent to the site was originally a restaurant and its conversion to retail use was permitted development and so did not require planning permission.

5.4 Exceptions to the normal restraint on development in areas like this may be allowed for by Core Strategy Policy CP4, provided there is no conflict with Policies CP1 and CP2. However, as stated in paragraph 5.2, the development cannot comply with Policy CP2 because of the poor access for non-car users, so an exception cannot be made. But for this, it might be possible to rely on an exception under Policy CP4 on the basis that the development would help support a sustainable rural economy. In that regard, the proposal re-uses the building without substantial alteration or reconstruction provides employment, which is supported by the NPPF, and it is envisaged that the store currently sells a range of local produce, although that cannot be guaranteed in future. These aspects would therefore to some extent help to support a sustainable rural economy (CP4 criterion iv).

5.5 Paragraph 28 of the NPPF requires planning policies to support the sustainable growth and expansion of all types of business and enterprise in rural areas. LDF Policy CP15 states that support will be given to the social and economic needs of rural communities. The proposal is in some degree in accordance with CP15 by "encouraging" development proposals that will support the "social and economic needs of rural communities". The store is within easy reach of the two properties immediately to the north and those nearby on Amblers Lane but would realistically require a car journey to be made from any other part of the rural community. However, it is noted that the village lacks shopping facilities and so this store offers an alternative to retail facilities in settlements to the south, closer to York.

However, it is highly unlikely that a shop would open in the village if this store continues to trade.

5.6 The NPPF requires policies to recognise town centres as the heart of their communities and support their viability and vitality, which is reflected in the policies of the Local Development Framework. The proposal would provide a retail floor space of 275 sqm, which is unlikely to be of a scale to affect the viability of a town centre such as Easingwold or any retail centre within York. The proposed development is not over the LDF threshold of 500 sqm (Policy DP23) where a sequential approach is required. Policy DP24 however requires retail development to be small in scale and to be located to serve local communities.

5.7 Policy DP17 requires development to be safeguarded for employment purposes and no marketing evidence has been submitted to demonstrate that the previous employment use was not viable, as required by this Policy. The Applicant states that the retail use provides employment for two full time and six part time staff and therefore fulfils this requirement, however the Policy is concerned with non-retail commercial uses.

5.8 The supporting documentation refers to an Established Use Certificate described as "Change of use of existing vehicle repair garage for use as a shop". However this relates to North Road Garage, Stokesley and not to the application site at Shipton. A specific retail planning permission has not been granted at this site and the previous A1 retail use at Shipton was clearly an ancillary part of the petrol filling station use rather than a Class A1 use in its own right.

5.9 Policy DP24 concerns small-scale retail developments outside Primary Retail Areas and indicates that they will be permitted where they serve neighbourhoods and residential areas, including village shops. However, in view of the relative inaccessibility of the site to all but car-borne shoppers, the site is not considered to act as a village shop for Shipton. The Policy does offer support to specialist retailing including farm shops, garden centres and similar outlets selling good manufactured on site, but the store is not considered to constitute a specialist retailer.

5.10 The alterations and extensions do not detract from the character and appearance of the site and do not harm the rural character of the surrounding landscape. The extension does not conflict with the advice regarding development in the Green Belt within the NPPF. The scheme is in accordance with LDF Policies CP16 and DP30.

5.11 The dwelling that lies closest to the application site lies within the control of the applicant and the neighbouring dwellings to the north lie far enough from the site for there to be no greater impact on residential amenity. The proposal does not conflict with LDF Policy DP1.

5.12 The Highway Authority has no objections to the retail use of the site subject to a condition ensuring the parking area is retained.

5.13 The previous business had an ancillary retail use but the proposal to extend this use to provide a retail area of more than 275sqm results in a significantly different operation. The site lies outside the Development Limits of any settlement and there is no exceptional reason why a convenience goods store should be located here. The use is clearly an employment generator and therefore draws some support from the NPPF but is not a sustainable form of development, which is at the heart of the NPPF and the policies of the Local Development Framework because of its limited accessibility to non-car users. For this reason, whilst being mindful that Shipton lacks a village shop, the development is contrary to the Council's planning strategy and refusal of the application is therefore recommended.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)

The reasons are:-

1. Policies CP1, CP2, CP4 and DP9 of the Hambleton Local Development Framework seek to ensure that all new development, other than in exceptional circumstances, is located within designated settlements. The retail use of the premises is contrary to these policies and the advice within the NPPF and would not minimise the need to travel by private car. No evidence has been supplied to demonstrate an essential requirement to locate in this countryside location.
2. The proposed development is contrary to Hambleton Local Development Framework Policy DP24, which requires small scale retail development to be located to serve neighbourhoods and residential areas. The proposed development is not sited in a location that would serve a local rural community sustainably and is not a form of specialist retailing that would need to be located in this position to provide support for the rural economy.

Parish: Stokesley
Ward: Stokesley

Committee Date : 10 October 2013
Officer dealing : Mr J E Howe
Target Date: 6 November 2013

13/01887/MRC

**Application to remove condition 3 of planning approval 13/00326/FUL relating to the sale of alcohol.
at West Green Deli 33 West Green Stokesley North Yorkshire
for Miss A Abdulrob.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 Permission was granted in April of this year for a change of use of A1 retail premises to a cafe/delicatessen outlet (a mixed A1 and A3 use). It was, at that time stated by the applicant that no alcohol was to be served and an appropriate condition was imposed ensuring this.

1.2 However, this subsequent application seeks to vary that condition to allow the sale of alcohol for consumption on the premises when the customer is having a meal. The applicant has confirmed that:- "No alcohol shall be offered for sale to be consumed off the premises. No alcohol shall be consumed on the premises other than as an accompaniment to a meal".

1.3 An application was also made to the Licensing Committee for an alcohol licence. This is also referred to in section 4 below.

2.0 RELEVANT PLANNING HISTORY

2.1 08/04230/FUL : Alterations and extension to a shop, garage and workshop to form office (A2) and 4 flats Granted 23.12.2008.

2.2 13/01326/MRC : Change of use of shop to deli/coffee shop : Permission Granted April 2013.

3.0 RELEVANT PLANNING POLICIES:

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

Development Policies DP1 - Protecting amenity
Core Strategy Policy CP14 - Retail and town centre development
Development Policies DP20 - Approach to town centre development
Development Policies DP22 - Other town centre uses

4.0 CONSULTATIONS

4.1 Stokesley Parish Council : Awaited.

4.2 North Yorkshire County Council (Highways Authority) : No objections.

4.3 Environmental Health Officer : No objections.

4.4 Stokesley Conservation Area Advisory Group : Awaited.

4.5 Neighbourhood Policing Team : Awaited.

4.6 The application was advertised by site Notice and the three closest neighbours were consulted. The period for the receipt of representations expires on 21st October. One

response was received from a local resident objecting to the use of the premises as a centre for "off-site" alcohol sales.

Officer Note: This confusion relating to sale of alcohol, for consumption off the site, has probably arisen due to the fact that the applicant also made an application to vary the Licence. This was heard at the Licensing Committee on 2nd September 2013. A condition is to be imposed on the Licence to state:- "Alcohol shall not be sold or supplied for consumption on the premises otherwise than (sic) to persons consuming food there and for consumption by such persons as an ancillary to the food".

5.0 OBSERVATIONS

5.1 The issues relating to the change of use of the premises to delicatessen and cafe including the impact on adjacent residents and businesses (Policy DP1) and the benefits to the viability and vitality of the town centre (Policies CP14, DP20 and DP22) were examined in detail in the report 13/00326/FUL when the original application was approved earlier this year.

5.2 The sole change now proposed is to allow the sale of alcohol on the premises only, ancillary to food purchased and consumed within the premises. The hours of operation, 8am to 8pm Monday to Saturday and 10am to 4pm on Sundays and Bank Holidays, remain unchanged. There is no reason to conclude that the sale of alcohol to customers to accompany food is like to lead any significant increase in activity at or around the premises or that it would give rise to an increase in anti-social behaviour issues.

5.3 The Licensing regime is separate from the role of the Planning system. The Licensing Committee have approved a licence for alcohol sales which leaves the sole restriction on the sale of alcohol at the property with the local planning authority. A condition is recommended to restrict sale of alcohol so that it can only be sold to those consuming food within the site. The proposed change to the condition will enable the business to increase the range of products and may improve its viability and contribute to the vitality of the local economy with no demonstrable adverse amenity impacts.

SUMMARY

It is considered that the proposal is in accordance with the Policies of the Local Development Framework Core Strategy and Development Policies document in as the variation of condition may improve the viability of the business and the vitality of the surrounding local economy with no demonstrable adverse amenity impact.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including LDF Policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

8.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

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 drawings and details received by Hambleton

District Council on 14 February 2013 and 2nd April 2013 unless otherwise agreed in writing by the Local Planning Authority.

3. No alcohol shall be offered for sale or sold to be consumed off the premises. No alcohol shall be consumed on the premises other than as an accompaniment to a meal. No alcohol shall be taken from the premises to be consumed off the premises.

4. No hot food, other than the re-heating of food by means of microwave oven or ovens, or by pannini grill(s) shall be prepared unless there has been installed in full an adequate extraction / ventilation system previously approved in writing by the Local Planning Authority. The equipment so installed shall thereafter be brought into use on all applicable occasions and maintained so as to retain its full capability.

5. The premises shall not be open beyond the hours 8am and 8pm Monday to Saturday and between 10 am and 4 pm on Sundays and Bank Holidays.

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 Policies CP17 and DP32

3. In order to control the use of the premises as a mixed use of A1 (shop) and A3 (cafe) and avoid the potential for anti-social behaviour from the sale of alcohol in circumstances other than those defined in the application and protect the amenity of the population in accordance with the Local Development Framework Policies CP1 and DP1.

4. In the interests of the amenity of nearby occupiers, in accordance with Local Development Framework Policies CP1 and DP1.

5. To limit the duration of opening hours to the period set out in the planning application and to enable the Local Planning Authority to consider the impact of any additional opening in accordance with Local Development Framework Policies CP1, DP1 and CP20.