

**North Yorkshire County Council**

**Business and Environmental Services**

**Planning and Regulatory Functions Committee**

23 July 2019

**C2/19/00070/CCC - PLANNING APPLICATION FOR THE PURPOSES OF THE  
ERECTION OF FOUR RECTANGULAR KIOSKS (59 SQ. METRES), FEED PUMPING  
STATIONS (29 SQ. METRES), TERTIARY SOLIDS CAPTURE UNIT (72 SQ. METRES),  
SLUDGE HOLDING TANK (100 SQ. METRES), INTERNAL ACCESS TRACK AND  
HARDSTANDING (970 SQM) AND INSTALLATION OF 2.4 M HIGH ACCESS GATE AND  
2.4 M HIGH GREEN WELD MESH FENCE ON LAND AT BORROWBY WASTE WATER  
TREATMENT WORKS, BOB LANE, BORROWBY, YO7 4QS  
ON BEHALF OF YORKSHIRE WATER  
(HAMBLETON DISTRICT) (THIRSK ELECTORAL DIVISION)**

**Report of the Corporate Director – Business and Environmental Services**

**1.0 Purpose of the report**

- 1.1 To determine a planning application for the erection of four rectangular kiosks (59 sq. metres), feed pumping stations (29 sq. metres), tertiary solids capture unit (72 sq. metres), sludge holding tank (100 sq. metres), internal access track and hardstanding (970 sqm) and installation of 2.4 m high access gate and 2.4 m high green weld mesh fence on land at Borrowby Waste Water Treatment Works, Bob Lane, Borrowby, YO7 4QS on behalf of Yorkshire Water.
- 1.2 This application is subject to an objection from a local resident having been raised in respect of this proposal on the grounds of loss of privacy and visual impact and is, therefore, reported to this Committee for determination.

**2.0 Background**

Site Description

- 2.1 The site to which the application relates is located in a rural area on the edge of the village of Borrowby, north of Thirsk. The proposal site is an agricultural field, immediately to the north west of the existing Waste Water Treatment Works set in agricultural grazing land and farmland. The site is located to the western side of Borrowby and is accessed down a sloping access from Bob Lane, which is the access to the existing Waste Water Treatment Works. The nearest residential properties are around 100 metres away. The northern boundary of the site is formed by Bob Lane. There are several trees immediately adjacent to the application site boundary to the north west of the Site, together with an established hedge.
- 2.2 The Broad Beck (a river) runs past the site further to the south west of the proposal site, beyond which is woodland.
- 2.3 The existing Waste Water Treatment Works has a long sloping access down into it, together with gates and a leylandii hedge. This provides some screening to the site.

2.4 There are Public Rights of Way in the vicinity of the site. Designated Footpath 10.16/5/1, is located approximately 10 metres to the north of the Application Site. Designated Footpath 10.16/19/1, is located approximately 300 metres to the north east of the Application Site; and Designated Footpath 10.16/6/1, is located approximately 350 metres to the north of the Application Site, passing along South View Street.

2.5 A plan showing the application site is attached to this report.

#### Planning History

2.6 There is no planning history relating to the proposed development site relevant to the determination of this application.

### **3.0 The proposal**

3.1 Planning permission is sought for the erection of four rectangular kiosks (59 sq. metres), feed pumping stations (29 sq. metres), tertiary solids capture unit (72 sq. metres), sludge holding tank (100 sq. metres), internal access track and hardstanding (970 square metres) and installation of 2.4 m high access gate and 2.4 m high green weld mesh fence on land at Borrowby Waste Water Treatment Works, Bob Lane, Borrowby, YO7 4QS on behalf of Yorkshire Water. The proposal is notified to Committee as part retrospective, as the majority of the development including the Tertiary Solids Capture unit has already been constructed. The access gate and weld mesh fence have not yet been constructed.

3.2 Whilst the wider upgrades to the existing Borrowby WWTW are permitted development, as they are located on operational land, the proposed development is located on adjacent non-operational land. As such, the proposed development requires planning permission. The site area (red-line boundary) is approximately 0.3 hectares (ha) excluding the permitted development area. It is located just to the north of the existing operational waste water treatment works. The tallest structure of the proposal and subject of the objection, the Tertiary Solids Capture unit, is described below. This has already been constructed. This unit is 3.7 metres in height, with a total height of 5.04 metres including handrail.

3.3 The proposed kiosks comprise:

- 1no. Ferric Dosing Kiosk (FDK) of 7.05 metres (length) x 2.85 metres (width) x 3.22 metres (height)
- 1no. Caustic Dosing Kiosk of 4.00 metres (length) x 2.85 metres (width) x 3.22 metres (height)
- The third kiosk would be a single Motor Control Centre (MCC) Kiosk and scaled at 7.15 metres (length) x 3.55 metres (width) x 3.00 metres (height)
- This kiosk would be used to house a control panel for operational activities of the site such as viewing the activity status and controlling the alarm and alert systems and will have doors of 2.00 metres in height and 2.36 metres in width
- The fourth kiosk is the Sample kiosk of 2.80 metres (length) x 1 metre (width) x 2 metres (height) with doors of 2.00 metres in width and 1.85 metres in height
- All kiosks will be finished in BS4800 Holly Bush Green (14-C-39). They will all be installed on concrete slabs
- An associated caustic delivery area and ferric sulphate delivery area are also proposed to the south of the Ferric and Caustic Dosing Kiosks

- 3.4 In addition to the proposed kiosks, a new site access is proposed from Bob Lane together with new access gates. These would be 2.4 metres in height and 3.5 metres in width constructed of mesh and wire. The site would be surrounded by new boundary fencing of 2.4 metres in height and 3 metres in width with a mesh spacing of 50 millimetres x 200 millimetres horizontal x 5 millimetres wire diameter. Panels incorporate 'V' beams spanning horizontally across the panel. The fencing would be polyester powder coated coloured RAL6005 (Moss Green). Posts would be rectangular hollow section 60 millimetres x 60 millimetres x 2.0 millimetres with M8 threaded inserts fitted in the front face. Post centres of 3.025 metres. Posts would also be polyester powder coated coloured RAL6005 (Moss Green). Example profiled panel system (O.S.A) is proposed to be used. The total length of the fence would be 291 metres. The gate will also be welded mesh with a spacing of 50 millimetres vertical x 200 millimetres horizontal x 5 millimetres wire diameter. Similarly, the gate panel incorporates 'V' beams spanning horizontally across the gate. The gate would also be RAL6005 (Moss Green).
- 3.5 A new sludge holding tank of 7.73 metres (length) x 3.68 metres (height) x 7.69 metres (width) and 3.42 metres in diameter (all measurements include ancillaries) is also proposed including tanker connection, access steelwork and associated plinth 10 metres wide x 10 metres in length located to the west of the Ferric Sulphate kiosk.
- 3.6 A primary settlement tank (PST) is also proposed, together with an associated PST feed pumping station on a concrete slab of 4.95 metres (length) x 2.64 metres (height) and 2.60 metres (width) (width and length measurements include concrete slab).
- 3.7 A desludge pump slab is proposed adjacent to the new access road, to the south of the ferric and caustic delivery areas.
- 3.8 A Tertiary Solids Capture (TSC) unit is also proposed of 9.04 metres (length) x 5.04 metres (total height) x 7.9 metres (width). An associated TSC feed pumping station of 5.25 metres (length) x 2.64 metres (height) x 2.90 metres (width) is proposed further to the south, adjacent to the west side of the existing sewage works.
- 3.9 The reasoning for the application is due to the National Environment Programme, (NEP) from the Environment Agency which has dictated that all water companies in England and Wales must reduce phosphorous in wastewater by March 2020. A total of sixteen sites are included in the Tight Phosphorous Delivery Programme (TPDP), including the proposal site. The applicant states that '*...The programme comprises 16 waste water treatment sites which are required to achieve 0.5 – 1.0 mg/l phosphorus consent by 31/03/2020. Delivery of this programme will improve 196.2 km of river length. The proposed solution is based on conventional removal techniques which centre on chemical precipitation to remove the phosphorus from the sewage via primary and secondary sludge.*'

#### 4.0 Consultations

The consultee responses summarised within this section of the report relate to responses to the consultation on 7 January 2019.

- 4.1 **Borrowby (Thirsk) Parish Council** no response to date.
- 4.2 **The Highway Authority** responded on 14<sup>th</sup> January 2019 to recommend a condition to prevent mud on the highway be attached to any permission granted.

- 4.3 **NYCC Heritage - Principal Landscape Architect** responded initially on 21<sup>st</sup> February 2019 stating: '**Background**  
*The proposed development will extend the operational area of the existing water treatment works. The development includes several kiosk buildings, storage tanks, pumping station and other related infrastructure. The site will be enclosed by a new 2.4m high weldmesh boundary fence. The tallest building will be the Tertiary Solids Capture Unit with overhead gantry crane 7.356m high located towards the north west side of the site. The development will use the existing access point off Bob Lane and incorporate a new internal access road.*
- 4.4 *The application site is an agricultural field situated off Bob Lane to the west side of Borrowby village. There is an established hedgerow to the north side of the site along Bob Lane with intermittent trees. The site has been recently levelled by Applicant and is set in an elevated location above fields to the west side and the above the existing treatment works to the south.*
- 4.5 *The proposed development is likely to be visible from the PROW immediately to the north side of the site along Bob Lane and from several residential properties along Borrowby Village Street approximately 140m to the east side.*
- 4.6 *Lower level views are mainly filtered and screened by field hedgerows but there is potential for the proposed development to adversely affect local landscape character and setting due to its close proximity to the village, openness and visibility of parts of the site from residential properties and Bob Lane.*
- 4.7 **Summary and Recommendation**  
*There is potential for the proposed development to adversely affect local landscape character and setting due to its close proximity to Borrowby village, openness and visibility of parts of the site. I would be reasonably satisfied that impacts could be reduced to an acceptable level provided that suitable mitigation is incorporated.*
- 4.8 *A landscaping scheme is recommended to screen the proposed development. The landscaping scheme should incorporate woodland, trees and hedgerow planting to screen the site from Borrowby village to the east side and the PROW along Bob Lane to the north and the west side.  
The existing hedgerow and trees along Bob Lane should be protected and retained. The existing hedgerow should be gapped up to improve screening. New boundary fencing, buildings, plant and machinery should be coloured dark green or dark grey to reduce their visibility.'*
- 4.9 Following further discussions including an office meeting with representatives of the applicant's agent, a revised landscaping scheme was received and the Tertiary Solids Capture unit was shown on an amended plan as reduced in height from 7.35 metres to 3.7 metres in height, with a total height of 5.04 metres including the handrail.
- 4.10 The Principal Landscape Architect provided further comments acknowledging the recent responses from the applicant regarding painting the Tertiary Solids Capture Unit and the potential contamination problems that this could cause.
- 4.11 *'The structures are likely to be visible from several residential properties in Borrowby village. Not painting the structures in subdued colours puts more emphasis on achieving mitigation by screen planting.'*

- 4.12 It was therefore suggested that in order to establish screening, the landscaping scheme is implemented in the first available planting season with maintenance establishment for 5 years, this being achieved by condition.
- 4.13 Since these comments, the applicant has submitted a revised landscaping scheme and photomontage on the 8<sup>th</sup> July 2019, and again the Principal Landscape Architect has commented that provided that the previously suggested 5 year defects and aftercare period is conditioned, he is satisfied with the amended plan.
- 4.14 **Hambleton District Council (Planning)** responded on 21<sup>st</sup> February 2019 to state that they had no observations to make on the proposal, citing that it was in line with policy.
- 4.15 **Environmental Health Officer (Hambleton)** responded on 25<sup>th</sup> January 2019 to state that they have no objections as they have '*...considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact.*'
- 4.16 **NYCC Heritage - Ecology** responded on 10<sup>th</sup> January 2019 to say that having reviewed the application documents they are '*...satisfied with the level of survey and assessment work undertaken and presented in the Ecological Appraisal report submitted.*'
- 4.17 Provided that the mitigation and enhancement measures outlined within the documentation are secured, they are '*satisfied that the ecological impact of these proposals will be minimal.*'
- 4.18 **NYCC Public Rights of Way Team** responded on 8<sup>th</sup> January 2019 suggesting an informative on Public Rights of Way in order to protect them and keep them clear of any obstruction.
- 4.19 **Environment Agency York** responded on 24 January 2019 stating '**Flood Risk**  
*We have no objection to proposed works as long as they are in accordance with the submitted FRA.*'
- 4.20 **Swale & Ure Drainage Board** no response to date.

#### **Notifications**

- 4.21 **County Cllr. Gareth Dadd** was notified on 7/01/2019.

#### **5.0 Advertisement and representations**

- 5.1 The proposal has been advertised by means of Site Notices posted on 13<sup>th</sup> December 2018 (responses to which expired on 06 January 2019). The Site Notices were posted in the following locations: on the parish notice board in the village; on the site access from the access track, near the public right of way; on the sign for the footpath from the main road through the village. A Press Notice appeared in the Darlington and Stockton Times on 25 January 2019 (responses to which expired on 08 February 2019).
- 5.2 Neighbour Notification letters were sent on 13 December 2018 and the period in which to make representations expired on 3<sup>rd</sup> January 2019. The following properties received a neighbour notification letter:  
Hyde House, Borrowby, Thirsk, YO7 4QQ  
Bridge House, Borrowby, Thirsk, YO7 4QQ

Birchen, Borrowby, Thirsk, YO7 4QP  
Orchard Cottage, Borrowby, Thirsk, YO7 4QP  
Marloes, Borrowby, Thirsk, YO7 4QP  
Milford, Borrowby, Thirsk, YO7 4QS  
Fernlea, Borrowby, Thirsk, YO7 4QQ  
Everest Lodge, Borrowby, Thirsk, YO7 4QP  
1 Bridge Terrace, Borrowby, Thirsk, YO7 4QS  
2 Bridge Terrace, Borrowby, Thirsk, YO7 4QS

- 5.3 One representation has been received in response to the above mentioned advertisement of the application.

The objection from the occupier of Fernlea raised the following issues: *'The Arcus planning statement states the development has low vertical extents and is a small extension to the existing site. It quotes the 2.4m green fence together with existing tree cover provides screening. Looking at the plans, it more than doubles the footprint. The current site is accessed down a steep incline with no structure more than 3m tall, shielded by mature conifer trees. The new development borders Bob Lane. The tertiary solids capture unit is 7.35m tall and 9m in length. This is the size of a large two storey house. Due to its location, it will be visible to neighbouring houses and residents using Bob Lane. There is no screening from trees and the fence will not screen it. Even if screening is planted, it will take many years to screen the development. I wish to object on the grounds of loss of privacy (will see it from my living room) and visual impact.'*

- 5.4 Following discussions with the agent, revised plans were submitted on 17 May 2019 which included an improved landscaping plan and amended plans to show that the height of the tertiary solids capture unit has been reduced from 7.35 metres to 3.7 metres with the full height of the unit being 5.04 metres together with the handrail at the top of the unit. Further discussions have resulted in amendments to the landscaping plan on 10<sup>th</sup> June 2019 and submission of further detail and clarification on the design of the Tertiary Solids Capture unit and its finish. A further amended landscaping plan with denser screening and photomontage viewpoints from the property have been submitted on 8<sup>th</sup> July 2019, at the request of the objector. The occupier of Fernlea has been contacted and made aware of the amendments.

## 6.0 Planning policy and guidance

### The Development Plan

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In this instance, therefore, the *Development Plan* consists of policies contained within a number of planning documents. These documents include:
- any extant planning policies contained within Plan(s) adopted by the County and District (or Borough) Councils 'saved' under direction of the Secretary of State; and,
  - any planning policies contained within *Development Plan* Documents adopted under the Local Development Framework regime.
- 6.2 The extant 'saved' policies of the North Yorkshire Waste Local Plan (2006);  
The extant policies of the Hambleton District Council Core Strategy (2007);

- 6.3 The North Yorkshire Waste Local Plan (adopted 2007) has particular relevance in the determination of this application and the policies most relevant 'saved' policies include:
- Policy 4/1 – Waste Management Proposals
  - Policy 4/19 – Quality of Life; and
  - Policy 7/2 – Waste Water Treatment Works
- 6.4 Emerging local policies may also be afforded weight in the determination process, depending on their progress through consultation and adoption. In this respect, it is worth noting that the following document contains emerging local policies that may be of relevance to this application:  
 Minerals and Waste Joint Local Plan (North Yorkshire County Planning Authority, the City of York Council and North York Moors National Park Authority).  
 The draft MWJP was published in November 2016 for representations, after which consultation commenced on an Addendum schedule of proposed changes for an 8 week period over summer 2017. The MWJP was submitted to the Secretary of State for Communities and Local Government on 28 November 2017 and the Examination in Public (EiP) began on 27 February 2018 and now Main Modifications are under consideration. Therefore, policies can start to be given more weight in the determination of applications. Policy W08 is the most relevant policy which deals with management of waste water/sewage and states that: *“Proposals for the development of new infrastructure and increased management of waste water and sewage sludge will be supported in line with requirements identified in asset management plans produced by waste water infrastructure providers active in the plan area. Preference will be given to the expansion of existing infrastructure in appropriate locations rather than the development of new facilities....”* The Policy justification states that *“Provision of adequate capacity for treatment of waste water is necessary in order to ensure that plans for growth (such as housing and economic development) can be delivered”*.
- 6.5 Saved Policy 4/1 of the North Yorkshire Waste Local Plan is relevant to the proposal as it is a waste development. *‘Proposals for waste management facilities will be permitted provided that:-*
- a) *the siting and scale of the development is appropriate to the location of the proposal;*
  - b) *the proposed method and scheme of working would minimise the impact of the proposal;*
  - c) *there would not be an unacceptable environmental impact;*
  - d) *there would not be an unacceptable cumulative impact on the local area;*
  - e) *the landscaping and screening has been designed to effectively mitigate the impact of the proposal in a way that is sympathetic to local landscape character;*
  - f) *where appropriate, adequate provision is made for the restoration, aftercare and management of the site to an agreed afteruse;*
  - g) *the proposed transport links are adequate to serve the development; and*
  - h) *other environmental and amenity safeguards would effectively mitigate the impact of the proposal;*
  - i) *it can be demonstrated that the proposal represents the Best Practicable Environmental Option for dealing with the waste;*
  - j) *the location is geographically well located to the source of the waste thereby according with the proximity principle’*

- 6.6 Saved Policy 4/1 is assessed as broadly consistent with NPPW and NPPF and with the waste section of PPG. The third bulletpoint of Paragraph 7 of NPPW concerns impact on amenity and the local environment. With regard to specific criteria, criterion a) of Policy 4/1 is in line with the locational criteria in NPPW Appendix B which include landscape and visual impacts. Criterion f) of Policy 4/1 is in line with the last bulletpoint of paragraph 7 of NPPW. Whilst the NPPF and NPPW are silent on the matters raised in criteria b (method and scheme of working to minimise impact), i (Best Practicable Environmental Option for dealing with the waste) and j (location geographically well related to the source of the waste) of Policy 4/1, the PPG is clear that the proximity principle is an important aim in planning for waste developments.
- 6.7 Criterion e) of 'saved' Policy 4/1 requires that landscaping and screening should mitigate the impact of the development, being sympathetic to local landscape character. Therefore, it is considered that the Policy is consistent with the provisions of the NPPF, in particular paragraph 127 (criterion c) of the Framework, and Appendix B of the NPPW, both of which note the importance of developments responding to local character and landscapes. Therefore, this element of the policy should be afforded weight in relation to this planning application.
- 6.8 Criterion g) of 'Saved' Policy 4/1, is considered to be consistent with the provisions of the NPPF, NPPW and PPG. Paragraph 5 of NPPW at the third bulletpoint requires WPAs have regard to the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport. Therefore, this policy is considered to be largely compliant with the NPPW and as such substantial weight can be afforded to this element of the policy in the determination of this application.
- 6.9 Saved Policy 4/19 of the North Yorkshire Waste Local Plan is relevant to this proposal as it is considered that it could have implications for local amenity and the local environment. The policy advises that *'Proposals for waste management facilities will be permitted only where there would not be an unacceptable impact on the local environment and residential amenity'*. The NPPF provides guidance in relation to how planning decisions should aim to conserve and enhance the natural environment. Paragraph 170 of the Framework advises that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.
- 6.10 NPPW paragraph 7 confirms that the likely environmental and amenity impacts are to be considered against the criteria set out in Appendix B when determining waste planning applications, together with the locational implications of any advice on health from relevant health bodies. As Appendix B contains criteria on factors such as visual impacts, air emissions including dust, odours, noise, light and vibration, it is considered that 'saved' Policy 4/19 is consistent with the NPPF and NPPW. Therefore, this policy should be given considerable weight in the determination of this planning application.
- 6.11 Saved Policy 7/2 of the North Yorkshire Waste Local Plan is particularly relevant to this proposal as it concerns Waste Water Treatment Works. It states that:  
*'Proposals for new works, or extensions to works to treat waste water and sewage sludge will be permitted provided that:*
- a) *the proposal is required to improve the treatment of sewage sludge and waste water or discharge standards; or*
  - b) *the proposal is required to provide increased capacity; and*



- c) *the highway network and site access can satisfactorily accommodate the traffic generated; and*
  - d) *the proposal will not have an unacceptable adverse impact on local amenity or the environment.*
- 6.12 Saved Policy 7/2 is assessed as in conformity with NPPF, NPPW and PPG. Whilst the NPPF does not contain specific waste policies, it is considered that full weight can be given to Policy 7/2 as the NPPF states that sustainable development has an environmental role which includes minimising waste and pollution.
- 6.13 The Development Plan for the determination of this application also comprises the extant policies of the Hambleton District Council Core Strategy (2007).
- 6.14 Hambleton District Council Core Strategy Policy CP1 – Sustainable development – promotes and enhances the efficient use of infrastructure, the quality of natural resources including water and high quality and adaptability of development and enhances the health and social well-being, amenity and safety of the population. Development that would significantly harm the natural or built environment, or that would generate an adverse traffic impact, will not be permitted.
- 6.15 It is considered that due weight can be given to Policy CP1 as NPPF is clear that the effects of pollution on the natural environment and general amenity need to be taken into account. With regard to transport, however, the NPPF states that development should only be prevented where residual cumulative impacts are severe.
- 6.16 CP 4 Settlement Hierarchy proposes that development or activities of a scale and nature appropriate to secure the sustainability of each settlement as set out in Spatial Principle 3 and in the Core Strategy will be supported. According to this spatial principle Borrowby is defined as a Secondary Village. The policy states that in other locations such as Secondary Villages development will be supported where it will re-use existing buildings without substantial alteration and would help support a sustainable rural economy. The policy can be given some weight in the decision-making process as it is considered to be partially consistent with NPPF and PPG. In relation to the idea of re-using land and buildings, the policy is consistent with NPPF and PPG and the presumption in favour of sustainable development.
- 6.17 CP16 – Protecting and enhancing natural and man-made assets – is also appropriate to the proposals. *‘Development or other initiatives will be supported where they preserve and enhance the District’s natural and manmade assets and particular support will be given to initiatives to improve the natural environment’.*
- 6.18 It is considered that due weight can be given to Policy CP16 as NPPF and PPG are clear that development should protect and where possible enhance the local and natural environment. This is in line with the environmental objective of NPPF.
- 6.19 CP17 – Promoting high quality design – is also relevant. It aims at achieving a high quality design that is functional and optimises the potential of the site, uses sustainable construction principles and minimises the use of scarce resources. This is considered in line with NPPF and PPG principles in relation to design. Due weight can be given to the policy in the determination of the proposal.

- 6.20 CP21 – Safe Response to Natural and Other Forces – seeks to ensure that communities and the environment are not adversely affected by the actions of natural or other forces. This includes protection from and not worsening flooding, and also mitigating development from the consequences of pollution, noise or hazardous activities. This is considered in line with NPPF and PPG principles in relation to climate change and pollution. Due weight can be given to the policy in the determination of the proposal.
- 6.21 The Hambleton Local Development Framework (adopted April 2007) also contains a Development Policies Document (adopted February 2008) which also contains policies of particular relevance to the determination of this proposal. Policies most relevant include:
- Policy DP1, Protecting Amenity;
  - Policy DP6, Utilities and infrastructure;
  - Policy DP9, Development outside Development Limits;
  - Policy DP25, Rural employment;
  - DP28, Conservation
  - Policy DP29, Archaeology
  - Policy DP30, Protecting the character and appearance of the countryside;
  - Policy DP31, Protecting Natural Resources: Biodiversity/Nature Conservation
  - Policy DP32, General Design
  - Policy DP36, Waste
  - Policy DP43 Flooding and Floodplains
- 6.22 Policy DP1 advises that *'all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution) odours and daylight'*. The policy is considered to be consistent with the NPPF and PPG in terms of a presumption in favour of sustainable development, as outlined in paragraph 11 of the Framework. The policy also emphasises the importance of achieving a high quality of design to ensure a good standard of amenity for all existing and future occupants. This is in line with NPPF and PPG, and considerable weight should therefore be given to this policy in the determination of this planning application.
- 6.23 Policy DP6 – Utilities and infrastructure – states that the provision of additional infrastructure will be permitted where this is consistent with the principles of sustainable development, including where such provision will have no adverse impact on the environment. It states that proposals for new development must be capable of being accommodated by existing or planned services. It is considered that the policy can be given limited weight. Whilst NPPF makes reference to transport infrastructure, there is no reference to the need for development to be accommodated by existing or planned utilities, although PPG does mention this in relation to waste water infrastructure. The need for existing or planned utilities to serve a development is still a material planning consideration.
- 6.24 DP9 – Development outside Development Limits – only grants permission for development outside Development Limits *'in exceptional circumstances having regard to the provisions of Core Policy CP4, or where it constitutes replacement of a building, where that replacement would achieve a more acceptable and sustainable development than would be achieved by conversion.'*

*Within the area designated on the Proposals Map as the York Green Belt, only development acceptable within the terms of national policy will be permitted.'* It is considered that DP9 is partially consistent with NPPF and PPG. NPPF is more flexible in development outside settlements in paragraph 84.

- 6.25 Policy DP25 provides a context for considering development proposals outside the defined hierarchy of settlements. It states that '*employment development in locations outside Development Limits will be supported (and permission granted for such development, if also acceptable in terms of other LDF policies), if all the following apply:*
- i. it is small in scale;*
  - ii. it comprises conversion and re-use or replacement of existing rural buildings of sound construction, or appropriate extensions of buildings or existing uses which are otherwise acceptable in terms of other LDF Policies;*
  - iii. the development is not capable of location within a settlement with Development Limits, by reason of the nature of the operation or the absence of suitable sites;*
  - iv. it is supported by an appropriate business case which demonstrates that support will be provided to the local economy, which in turn would help sustain rural communities;*
  - v. the development would not adversely impact on the economy of the Service Centres.*

*Where suitable developments can be identified, support may be given to the provision of workspace or incubator units (and permission granted for such development, if also acceptable in terms of other LDF policies).'*' Again, it is considered that DP25 is partially consistent with NPPF and PPG. NPPF is more flexible in development outside settlements in paragraph 84.

- 6.26 Policy DP28 – Conservation – promotes the conservation of historic heritage by protecting and preserving any built or landscape features which contribute to the heritage of the District.
- 6.27 DP29 – Archaeology – proposes that preservation and enhancement of archaeological remains and their settings is encouraged. In areas known for archaeological interest, an appropriate assessment should be submitted to accompany a development proposal.
- 6.28 Policy DP30 – Protecting the character and appearance of the countryside – 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 the 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. The use of techniques such as landscape character analysis to establish the local importance, and the key features that should be protected and enhanced, will be supported. Where possible opportunities should be taken to add appropriate character and distinctiveness through the contribution of new landscape features, particularly to landscapes which otherwise lack interest. It is considered that full weight can be given to the policy as it is consistent with the NPPF and PPG ideas of recognising the intrinsic character and beauty of the countryside.
- 6.29 Policy DP31 – Protecting Natural Resources: Biodiversity/Nature Conservation – goes on to state that development which would result in significant harm to sites and habitats of nature conservation, as well as species that are protected or under threat will not be granted permission.
- 6.30 Policy DP32 – General Design – proposes that development should seek to achieve high standard, taking into account the local character. New development should be of appropriate scale, volume and massing and it should respect the existing structures.

- 6.31 Policy DP36 – Waste – states that development and activities will be encouraged which support the minimisation of waste together with the efficient use of materials (and permission granted for related development, if also acceptable in terms of other LDF policies), and in particular assist in the delivery of the priorities of the waste hierarchy – which seeks first to promote the reduction of waste, followed by its re-use, then recycling and composting, followed by energy recovery, before finally accepting its disposal as a last resort. Support will be given (and permission granted for related development, if also acceptable in terms of other LDF policies) for the provision of well-designed recycling facilities and recycling collection points, in locations accessible to all members of the communities that are served. Where appropriate, development must make appropriate provision for recycling facilities and the collection of waste. Development should provide for on-site recycling, and seek to re-use building construction and demolition waste. Although NPPF does not cover waste, it is considered that full weight can be given to the policy as it is in line with NPPW principles and with sustainable development goals including minimising waste and pollution.
- 6.32 Policy DP43 – Flooding and Floodplains – advises that developments which are located in flood risk zones, or are likely to increase the risk of flooding elsewhere would not be supported, unless mitigation measures are adopted. The policy is considered to be consistent with NPPF and PPG as it mentions the sequential and exceptions tests and aims to prevent the risk of increasing flooding elsewhere. NPPF paragraph 158 explains that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Paragraph 159 goes on to explain that where this is not possible, the exception test may need to be applied and paragraph 160 explains what the test is.
- 6.33 Policy DP44 – Very Noisy Activities – states that development likely to generate harmful noise levels will be directed to appropriate locations away from known noise sensitive locations. The policy is considered to be broadly consistent with NPPF and PPG, as the NPPF aims to prevent pollution including noise pollution, both from sensitive new development being located near to noisy activities and noisy activities being located near to existing sensitive development.

Other policy considerations:

National Planning Policy

- 6.34 The policy relevant to the determination of this particular planning application provided at the national level is contained within the following documents:
- National Planning Policy Framework (NPPF) (updated June 2019)
  - National Planning Policy for Waste (NPPW) (published October 2014)

National Planning Policy Framework

- 6.35 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- 6.36 The overriding theme of Government policy in the NPPF is to apply a presumption in favour of sustainable development. For decision-making this means approving development proposals that accord with the development plan without delay (if plans are up-to-date and consistent with the NPPF). The Government defines sustainable development as that which fulfils the following three roles:
- a) ***an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

- b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'

- 6.37 Within the NPPF, paragraph 11 of the Framework advises that when making decisions, development proposals that accord with the development plan should be approved without delay and when the development plan is absent, silent or relevant policies are out of date, permission should be granted unless:
- i.) *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - i.) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.*
- 6.38 This national policy seeks to ensure that there are positive improvements in people's quality of life including improving the conditions in which people live, work, travel and take leisure.
- 6.39 Paragraphs 80-84 within Chapter 6 (Building a strong, competitive economy) set out how planning policies and decisions can support economic growth and help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 82 goes on to stress that planning decisions should recognise and address the specific locational requirements of different sectors. Paragraph 83 goes on to explain that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, through well-designed new buildings. Paragraph 84 states that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.
- 6.40 Paragraph 98 of NPPF highlights that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.
- 6.41 Paragraph 102 of NPPF within Chapter 9 (Promoting Sustainable Transport) outlines that transport issues should be considered from the earliest stages of development proposals in order to address potential impacts and in order to identify and take into account environmental impacts of traffic.

- 6.42 Paragraph 108 sets out that in determining applications, safe and suitable access can be achieved for all users and that any significant effects on the network can be cost effectively and acceptably mitigated. Paragraph 109 is clear that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety or where or the residual cumulative impacts on the road network would be severe.
- 6.43 Paragraphs 124-127 within Chapter 12 (Achieving Well Designed Places) of the NPPF state that good design is a key aspect of sustainable development and that local and neighbourhood plans should develop robust and comprehensive policies that set out a clear design vision and expectations of development that will be expected for the area. Such policies should be based on stated objectives and designed with local communities, so they reflect their local aspirations, and are grounded in an understanding and evaluation of each areas defining characteristics. *'Planning policies and decisions should ensure that developments:*
- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
  - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
  - c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
  - d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
  - e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
  - f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*
- 6.44 Paragraphs 155 to 165 (Planning and flood risk) set out that where development is necessary in areas of flood risk, the development should be made safe for its lifetime without increasing flood risk elsewhere. They set out the Sequential Test and Exception Test for development proposals and requirements for a strategic or site-specific flood risk assessment.
- 6.43 Paragraph 170 within Chapter 15 (Conserving and enhancing the natural environment) of the NPPF sets out a number of principles for determining planning applications in order to contribute to and enhance the natural and local environment. These include:
- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
  - b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
  - c) *maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
  - d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

- e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

6.44 Within paragraph 180 of the Framework it is noted that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- 'a) *mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
- b) *identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- c) *limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'*

6.45 Paragraphs 189 to 192 of the NPPF detail how local planning authorities should require applicants to describe heritage assets affected and how this should be taken into account. Paragraphs 193 to 202 then go on to set out how potential impacts should be considered.

#### National Planning Policy for Waste (NPPW)

6.46 Paragraph 1 of National Planning Policy for Waste sets out how positive planning plays a key role in the delivery of the Government's sustainable resource use and management ambitions. A more sustainable and efficient approach is the aim, through:

- '- *delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy (see Appendix A);*
- *ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;*
- *providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle;*
- *helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment*

6.47 NPPW paragraph 7 gives guidance to Local Planning Authorities on determining planning applications and confirms that the likely environmental and amenity impacts are to be considered against the criteria set out in Appendix B when determining waste planning applications, together with the locational implications of any advice on health from relevant health bodies. It also includes that they should '*ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located; and*

*'concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.'*

6.48 Appendix B of NPPW contains criteria in relation to the assessment of sites and areas for waste proposals, and notes that in addition to type and scale of facility the following should be considered:

- 'a) protection of water quality and resources and flood risk management;*
- b) land instability;*
- c) landscape and visual impacts;*
- d) nature conservation;*
- e) conserving the historic environment;*
- f) traffic and access;*
- g) air emissions, including dust;*
- h) odours;*
- i) vermin and birds;*
- j) noise, light and vibration;*
- k) litter;*
- l) potential land use conflict'.*

6.49 The National Policy Statement for Waste Water sets out that more stringent statutory requirements are a driver for improved infrastructure, as well as climate change adaptation. Environmental and public health improvement together with meeting European targets are key Government policy objectives.

#### National Planning Practice Guidance (PPG) (2014)

6.50 On 6<sup>th</sup> March 2014 the Department for Communities and Local Government (DCLG) launched the National Planning Practice Guidance (PPG) web-based resource. This was accompanied by a *Written Ministerial Statement* which includes a list of the previous planning practice guidance documents cancelled. The NPPG supports the national policy contained within the NPPF. The guidance relevant to the determination of this application is contained within the following sections: -

#### Design

6.51 This section of PPG sets out how good design is fundamental to sustainable development, and that NPPF recognises design quality matters, maintaining distinctive character through development and achieving places which work for everyone. Good design should:  
*'ensure a development can deliver a wide range of planning objectives. enhance the quality buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on well being address the need for different uses sympathetically.'*

#### Flood Risk and Coastal Change

6.52 The National Planning Policy Framework sets strict tests to protect people and property from flooding which all local planning authorities are expected to follow. PPG explains these tests and how flood risk should be assessed in planning for new development and assessing planning proposals. It also sets out those developments which are exceptions to the tests.



### Natural Environment

- 6.53 One of the core principles in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside. Section 40 of the NERC Act requires public bodies to minimise impact on biodiversity as part of decision making. The National Planning Policy Framework is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution. Information on biodiversity impacts and opportunities should inform all stages of development (including, for instance, site selection and design including any pre-application consultation as well as the application itself). An ecological survey will be necessary in advance of a planning application if the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.

### Noise

- 6.54 Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. When preparing local or neighbourhood plans, or taking decisions about new development, there may also be opportunities to consider improvements to the acoustic environment.
- 6.55 Planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider:
- whether or not a significant adverse effect is occurring or likely to occur;
  - whether or not an adverse effect is occurring or likely to occur; and
  - whether or not a good standard of amenity can be achieved.
- 6.56 In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.

### Waste

- 6.57 Paragraph 002 (Reference ID: 28-002-20141016, Revision date: 16 10 2014) confirms that waste water management proposals are waste development.
- 6.58 Paragraph 004 (Reference ID: 28-004-20141016, Revision date: 16 10 2014) sets out the role of waste planning in meeting European obligations, including Article 13 of the European Waste Framework Directive on Protection of human health and the environment.
- 6.59 Paragraph 013 (Reference ID: 28-013-20141016, Revision date: 16 10 2014) confirms that waste water is a waste stream that Local Planning Authorities should plan for.

### Water supply, wastewater and water quality

- 6.60 This section sets out that planning needs to consider the sufficiency and capacity of wastewater infrastructure and sets out the appropriate sources of information and guidance upon issues related to the supply of water and wastewater infrastructure.

## 7.0 Planning considerations

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the *Development Plan* unless material considerations indicate otherwise. In light of the abovementioned policies the main considerations in this instance are:

### Principle of the proposed development

- 7.2 Yorkshire Water are required to comply with The National Environment Programme, (NEP) from the Environment Agency which has dictated that all water companies in England and Wales must reduce phosphorous in wastewater by March 2020. Yorkshire Water consider that the proposed development would improve wastewater treatment standards in the area and is acceptable in terms of the draft Minerals and Waste Joint Local Plan Policy W08 on waste water and sewage as this gives a preference '*to the expansion of existing infrastructure in appropriate locations rather than the development of new facilities*' which can now be given increasing weight in the determination of this application due to the plan nearing adoption. The applicant considers that the proposal will improve Borrowby Waste Water Treatment Works' efficiency and increase its capacity. It is stated that capacity is based on the predicted population number for year 2030, when the population of Borrowby is expected to increase. The proposal would ensure that the site is in compliance with the new regulations.
- 7.3 The proposed development is located outside the operational area of the existing Waste Water Treatment Works, and would form an extension to the works. Although located in the countryside, Hambleton District Council stated in their response that in relation to policies CP4 and DP9 - development outside settlement limits and policies CP16 and DP30 - Impact to landscape '*The development is in the countryside, but is an extension of the existing sewage works. As found in DP25, this is the best site for such development and there is no better alternative.*' This is also supported by saved policy 7/2 of the North Yorkshire Waste Local Plan as the proposal is required to improve the treatment of sewage sludge and waste water and consequently improve discharge standards and is located adjacent to an operational sewage works. The proposal is therefore considered to be in accordance with the principles of the waste hierarchy, by encouraging the re-use and recycling of waste water, in line with NPPW and policy DP36.
- 7.4 A key consideration in the evaluation of this planning application is the suitability of the location of the proposed development. It is considered that the proposed location is suitable due to it being away from the village and adjacent to an existing water treatment works and that subject to the appropriate conditioning of its design and landscaping, it is in conformity with the above policies. It is in line with policies CP1 and DP6 as it complies with the principles of sustainable development by providing net environmental benefits.

### Design

- 7.5 The Development comprises four Glass Reinforced Plastic ("GRP") kiosks, which would be green in colour. The agent advises that use of GRP materials will mean that the kiosks would be delivered pre-fabricated, and that this design leads to less construction impact. In addition, the other units, structures and ancillary development proposed are considered to be well designed and appropriately scaled. The Development has been designed in terms of scale and density in order to accommodate all the facilities required.

7.6 It is considered that the proposal would be consistent with and well related to the development already in place at the existing waste water treatment works. It is considered that the cumulative effect of the development would be negligible. It is considered that the development is in line with NPPF and with PPG guidance in relation to design. This is also in compliance with saved policy 7/2 of the North Yorkshire Waste Local Plan as the proposal is required to improve the treatment of sewage sludge and waste water and consequently improve discharge standards; the highway network and site access can satisfactorily accommodate the traffic generated; and the proposal will not have an unacceptable adverse impact on local amenity or the environment. It is considered that this is in compliance with saved policies 4/1, CP17 and DP32 in relation to design, as the siting and scale of the development is appropriate to the scale of the existing waste water treatment works and it has been designed in order to minimise impact. Further information on the design of the TSC unit has been submitted by the applicant to confirm that it cannot be painted due to the risk of paint flakes entering the filtration. This further information has clarified that the metal finish will fade with time and become a dull grey.

Local amenity (noise, odour, vibration, dust)

7.7 Noise will be an issue mainly in relation to the temporary construction works, as the site is already operational. It is stated by the applicant that the GRP kiosks will be delivered as pre-fabricated units and that their use will therefore reduce amenity impacts from construction works. Some works on the site have already been completed and no noise complaints have been received.

7.8 As a working waste water treatment works, the nature of the development is such that odours could be emitted and it is likely to be impossible to eliminate them completely. This being the case, however, the agent states that *'In line with Policy DP 1 an Odour Assessment was carried out by a YW Technical Specialist. The report concluded that the Site is considered to have low potential for Septicity Development due to no changes to the existing assets, zero complaints within the last seven years and the addition of Ferric to the works, which acts as an odour suppressor.'* Therefore it is considered that such odours would not be likely to seriously harm residential amenity and it is considered that the development would therefore comply with Policy 4/19 and 7/2(d) of the North Yorkshire Waste Local Plan (adopted 2006).

7.9 Whilst it is acknowledged that the proposed development would more than double the area of the Sewage Works site, the proposed landscaping mitigation and paint finishes together with the distance from properties are considered to reduce any impact. As stated by Hambleton District Council Planning in their response: *'With a gap of over 100 metres to the nearest house there is sufficient distance to mitigate any impact the development might have to the visual, noise, light and odour amenity of nearby residents. Public views of the site are obstructed by the houses on the high street.'*

7.10 It is also noted that Hambleton District Council's Environmental Health Officer has not raised any objections to the scheme. They have stated that they consider the scheme to not have any negative impacts.

7.11 This is consistent with NPPF paragraph 180 and Planning Practice Guidance for Noise as a good standard of amenity can be achieved given the separation distances. It is considered unlikely that the development would give rise to unacceptable levels of disturbance to the occupiers of the closest properties. It is therefore considered that the development would comply with 'saved' policy 7/2 (d) of the North Yorkshire Waste Local Plan (adopted 2006) as the impacts would be minimal and would not have an unacceptable impact on local amenity with the effects

being mitigated against. This is therefore also in line with DP1 and DP44 of Hambleton Local Plan and with the NPPF and NPPW.

Landscape and visual impact

- 7.12 Landscape and visual impact of the proposed development is an important consideration in the determination of the proposal. The initial Landscape response highlighted that *'The proposed development is likely to be visible from the PROW immediately to the north side of the site along Bob Lane and from several residential properties along Borrowby village street approximately 140m to the east side.'*
- 7.13 *Lower level views are mainly filtered and screened by field hedgerows but there is potential for the proposed development to adversely affect local landscape character and setting due to its close proximity to the village, openness and visibility of parts of the site from residential properties and Bob Lane.'*
- 7.14 Following submission of the revised landscaping scheme, it became apparent that the proposal had already been constructed. The Principal Landscape Architect provided further comments after visiting the site. The applicant has confirmed that most of the equipment has now been installed on site. The Principal Landscape Architect has commented that the Tertiary Solids Capture Unit is the most noticeable structure, partly because of the metal finish and partly because it stands forward from the other structures. However, it is considered that in time some of the proposed planting would help screen the structure when viewed from the village.
- 7.15 The site is quite well screened from most directions and along Bob Lane and most of the buildings and structures would have low visibility if painted in dark colours and the proposed landscape scheme is implemented.
- 7.16 It is considered that as the applicant has confirmed that the Tertiary Solids Capture unit cannot be painted and the proposal has already been built, that it becomes more important to establish the planting to achieve screening. It is therefore suggested that the establishment aftercare liability should be conditioned for a 5 year period, to ensure effective screening is achieved.
- 7.17 The applicant has reduced the height of the Tertiary Solids Capture unit from the original proposed total height of 7.35 metres to 3.7 metres, with a total height of 5.04 metres including the handrail. It is considered that at the new amended height that there will not be an unacceptable visual amenity impact. The applicant has also submitted a further amended landscaping scheme with denser screening to the objector's property and additional landscape information in the form of photomontage viewpoints from Fearnlea which show the screening achieved after one year. The Principal Landscape Architect has confirmed that he is satisfied with the amended plan subject to the aforementioned condition on a 5 year aftercare period to ensure effective screening.
- 7.18 The application is considered to be consistent with Planning Practice Guidance for the natural environment as local distinctiveness and character would not be significantly adversely affected. It is therefore considered that the development is in line with the principles of the NPPF paragraph 170 and PPG guidance for the natural environment. Further the proposal is in compliance with 'Saved' Policy 4/19 of the North Yorkshire Waste Local Plan (2006) due to the landscape character not being detrimentally affected. This is also in compliance with CP1 and DP1 of Hambleton Local Plan and CP16 and DP30 in terms of landscape impact.

- 7.19 Whilst the proposal would be outside the settlement limits, it is considered that the development would be in line with CP4 and DP9 as it is well related to the existing sewage treatment works.

#### The Historic Environment

- 7.20 An Archaeological Desk-Based Assessment and Setting Appraisal was submitted for the proposal. This concluded that there would be no effect on the significance or appreciation of the significance of nearby heritage assets, stating that the proposal is located on a south facing slope within a field surrounded by tall hedges, and will not be visible from any of the heritage assets. This is therefore in compliance with policies DP28 and DP29 and with NPPF and PPG.

#### Flood Risk and drainage

- 7.21 A Flood Risk Assessment (FRA) was submitted with the application. This states that whilst the development is located in Flood Zones 1, 2 and 3a it is classed as Essential Infrastructure. It also shows that the development passes the Sequential Test as it cannot be located in areas of lower flood risk as the proposed infrastructure will serve existing Water Treatment Works infrastructure.
- 7.22 The Environment Agency have stated that they have no objection to proposed works as long as they are in accordance with the submitted FRA. This is considered to be in compliance with saved policy 4/1 of the North Yorkshire Waste Local Plan and with the NPPF, NPPW (especially Appendix B) and PPG on flooding. It is also therefore in line with Policy DP1, CP21 and DP43 of Hambleton Local Plan.

#### Highways Matters

- 7.23 The Local Highways Authority have raised no objection to the scheme and have suggested the use of a condition to control mud on the highway. As the development has been partly constructed however and no complaints have been received, it is considered that the submission of further information on the precautions in place to prevent mud on the highway was sufficient. Yorkshire Water have confirmed that the access lane was resurfaced with stone prior to development to prevent mud and dirt being trailed onto the main road. Concrete carrying vehicles are routinely washed prior to leaving the site at the wheel washing area and a plan was submitted to show the location of the wheel wash. Vehicles are inspected before leaving the site to ensure that there is no mud, grit or dirt on the wheels and the wheels are washed as needed. In order to prevent the build-up of deposits on public highways, the access lane, Bob Lane and Oak Tree Bank as far as Knayton CoE Primary School are swept during winter and when there is debris on site. This is considered to be satisfactory in relation to 'saved' policies 4/19 and 7/2 (d) of the Waste Local Plan in relation to unacceptable adverse amenity impact or impact upon the local environment. This is also in line with NPPF and NPPW.
- 7.24 Due to the nature and scale of the development there will be no additional traffic movements generated as it is an extension to the existing water treatment works and therefore the proposal would be able to be accommodated by the local highways network as operational traffic would be the same. As stated in the Planning Statement, most of the traffic is expected to occur during construction and delivery of the pre-fabricated units. Therefore there would be no impact upon the surrounding highway network. It is therefore considered that the development is compliant with Waste Local Plan 'Saved' Policy 7/2 (c) due to the vehicle movements being able to be satisfactorily accommodated.

### Natural Environment

- 7.24 The Ecologists have commented on the proposal, stating that they are satisfied that the ecological impact of the proposal is minimal, provided that the mitigation and enhancement measures outlined in the Ecological Appraisal Report are secured.
- 7.25 It is therefore considered that the development would be in accordance with NPPF and with local policy DP31 in relation to the protection of biodiversity and the local environment. As well as ensuring compliance with legislation in relation to the protection of habitats and species.

### Economic impacts and employment

- 7.26 The submitted documentation details that 7.5 FTE jobs will be created by the TPDF programme as a whole. This is considered to be in line with policies CP1 and DP6 and in line with policy DP25 on rural employment. It is therefore also consistent with NPPF paragraph 83 on the rural economy.

### Public Rights of Way

- 7.27 Although there is a Public Right of Way that uses the same route as the Bob Lane access road to the waste water treatment works (Designated Footpath 10.16/5/1), it is considered that there would be no significant impact on users as a result of the development. It is considered that this is in line with policies and paragraph 98 of NPPF.

## **8.0 Conclusion**

- 8.1 It is considered that the material planning considerations considered above support this application for the erection of four rectangular kiosks (59 sq. metres), feed pumping stations (29 sq. metres), tertiary solids capture unit (72 sq. metres), sludge holding tank (100 sq. metres), internal access track and hardstanding (970 sqm) and installation of 2.4 m high access gate and 2.4 m high green weld mesh fence.
- 8.2 For the reasons mentioned above, it is therefore considered that the proposed development is compliant with the policies which comprise the Development Plan currently in force for the area and all other relevant material considerations.

## **9.0 Recommendation**

- 9.1 For the following reasons:
- i.) The principle of development is necessary as an element of the local sewerage infrastructure and is in conformity with Waste Local Plan 'saved' policy 7/2;
  - ii.) The development is required in order to meet required standards in relation to waste water;
  - iii.) The development would have minimal impact upon local amenity and environmental quality in conformity with Waste Local Plan 'saved' policies 4/19 and 7/2 and Hambleton Local Development Framework policies DP1 and DP44;
  - iv.) The proposal is consistent with the NPPW (2014); NPPF (2019); PPG guidance (2014); 'saved' policies of the North Yorkshire Waste Local Plan (adopted 2006) and policies of the Hambleton Local Development Framework (adopted 2007) and policy W08 of the emerging Minerals and Waste Joint Plan.

That, **PLANNING PERMISSION BE GRANTED** subject to the following conditions:

Conditions:

1. The development to which this permission relates must be implemented no later than the expiration of three years from the date of this Decision Notice.

*Reason: To comply with Section 91 of Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The development hereby permitted shall be carried out in accordance with the application details dated 26<sup>th</sup> October 2018 and the following approved documents and drawings:

<u>Ref.</u>	<u>Date</u>	<u>Title</u>
BRB-NOM-01-GF-DR-PDW-00006 REV A3 TSC UNIT Revised	17/05/2019	Tertiary Solids Capture Unit Planning Drawing
3006-DR-LAN-101_v4-1_WM_20190704 Rev D	05/07/2019	Detailed Landscape Proposals
3006-REP-033	15/10/2018	Site Location Plan Figure 001
BRB-NOM-00-01-DR-PDW-00001 Rev A1	18/07/2018	Ferric Dosing Kiosk Planning Drawing
BRB-NOM-00-01-DR-PDW-00002 Rev A1	11/07/2019	Caustic Dosing Kiosk Planning Drawing
BRB-NOM-00-01-DR-PDW-00003	20/09/2018	MCC Kiosk Planning Drawing
3006-DR-P-0001 Rev2	16/10/18	Proposed Site Layout
BRB-NOM-00-01-DR-PDW-00008	20/09/2018	Sludge Tank Planning Drawing
D5877	02/11/2018	Model Sample Kiosk
BRB-NOM-01-GF-DR-PDW-00010 Rev A1	27/11/2018	PST Feed Pumping Station
BRB-NOM-01-GF-DR-PDW-00011 Rev A1	27/11/2018	Tertiary Solids Capture unit Planning Drawing
BRB-NOM-01-F-DR-PDW-00009 Rev A2	27/11/2018	Fence Layout Planning Drawing
Planning Statement	October 2018	Planning Statement
Appendix 1	October 2018	Ecological Appraisal Borrowby STW
Appendix 2 (Cultural Heritage Report Number 93)	October 2018	Archaeological Desk-Based Assessment and Setting Appraisal
Appendix 3	October 2018	Noise Impact Assessment
Appendix 4	October 2018	Odour Assessment
Appendix 5	October 2018	Flood Risk Assessment
Appendix 6	October 2018	Non-Residential Coal Mining Report
Screenshot 2019-07-11	11/07/2019	Screenshot of Temporary wheelwash location

*Reason: To ensure that the development is carried out in accordance with the application details.*

3. Construction work to be restricted to 07.00 – 18.00 hours Mondays to Fridays; 08.00 – 13.00 on Saturdays and no works to be carried out on Sundays and Bank Holidays.

Reason: *In the interests of public amenity.*

4. Landscaping and temporary tree protection of the site shall be carried out in accordance with drawing 3006-DR-LAN-101\_v4-1\_WM\_20190704 Rev D - 'Detailed Landscape Proposals'. Planting shall be implemented in the first available planting season following completion of the works. Trees and shrubs planted in accordance with this scheme shall be protected against damage, failures shall be replaced during each subsequent planting season and planted areas managed in accordance with good forestry practice for a period of 5 years from the completion of the development.

Reason: To ensure appropriate screening of the development in the interests of amenity and visual impact.

#### Informatives

##### *HI-12a INFORMATIVE - PUBLIC RIGHTS OF WAY*

*The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990.*

*Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via [paths@northyorks.gov.uk](mailto:paths@northyorks.gov.uk) 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.*

#### **Statement of Compliance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015**

*In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose not to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.*

DAVID BOWE

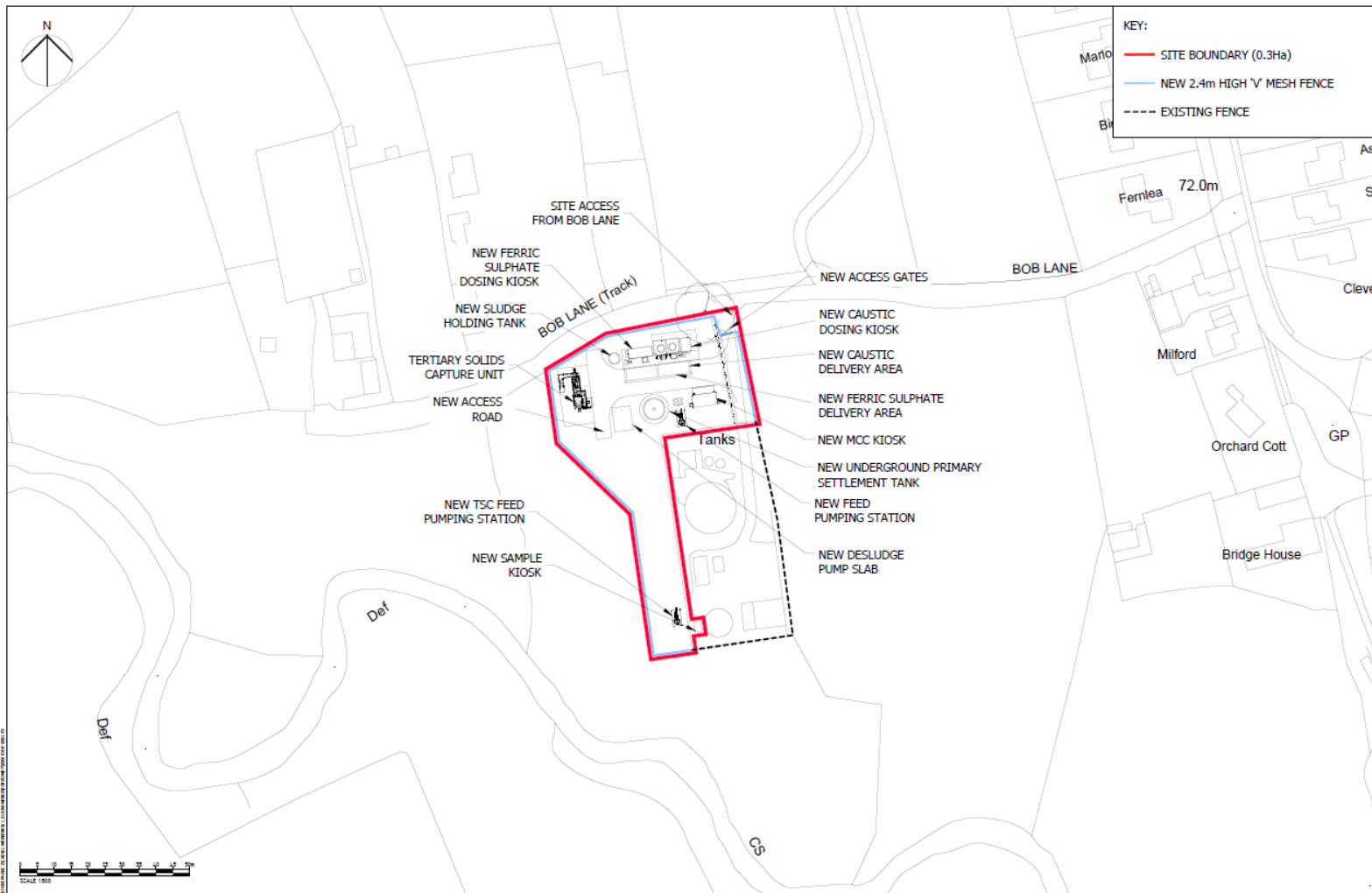
Corporate Director, Business and Environmental Services

Author of report: Leo Oliver

#### Background Documents to this Report:

1. Planning Application Ref Number: NY/2018/0244/FUL registered as valid on 4/12/2018. Application documents can be found on the County Council's Online Planning Register by using the following web link:  
<https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation responses received.
3. Representations received.





Author	Checked	Date	By



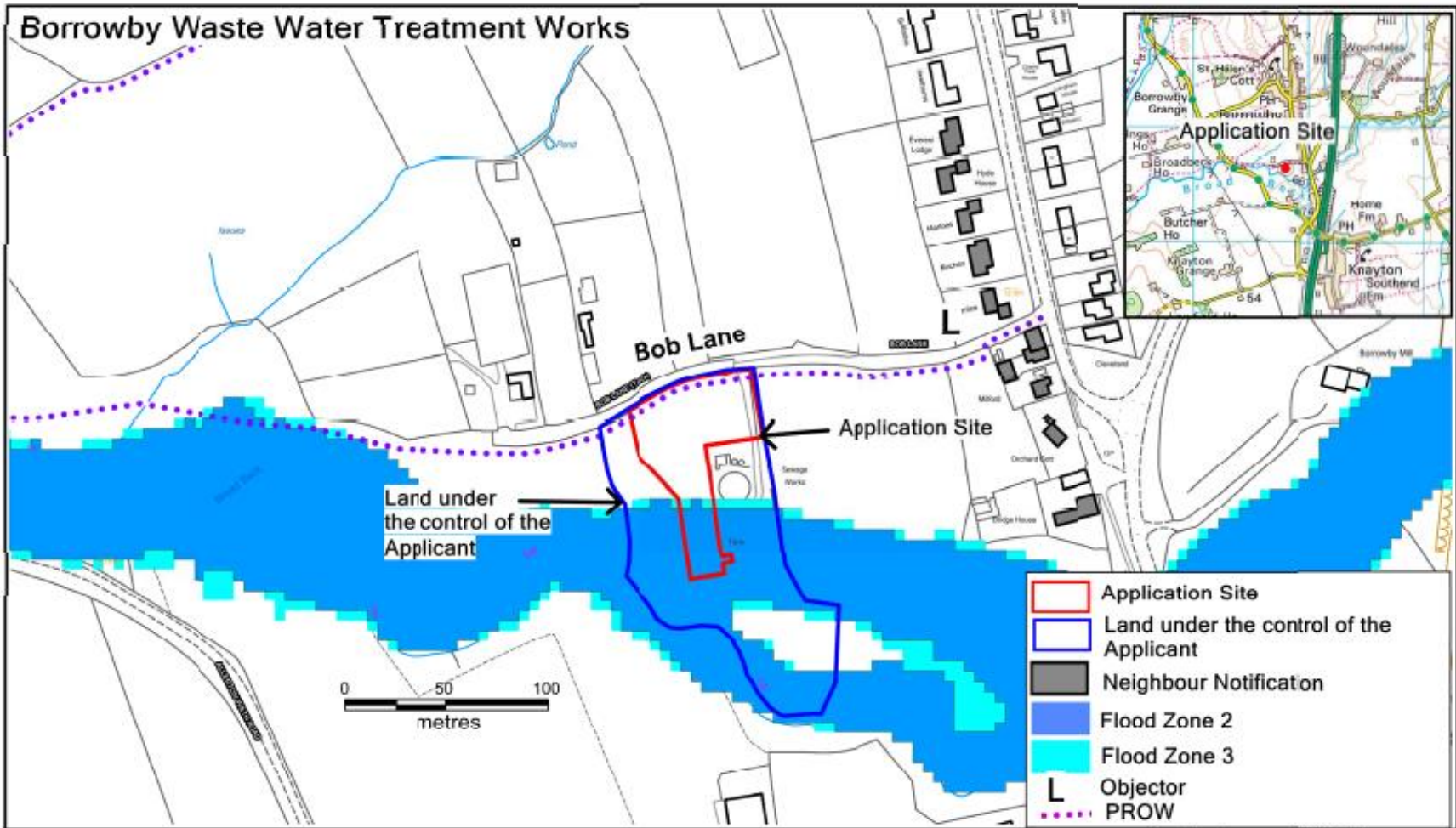
Project of work	<b>PLANNING</b>
Notes	<p>THIS DRAWING IS TO BE USED IN CONNECTION WITH ALL OTHER RELATED DOCUMENTATION.</p> <p>NO LIABILITY FOR DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE OR CONSEQUENCE OF USE IN HEREBY.</p> <p>NO LIABILITY FOR DESIGN OR CONSTRUCTION.</p> <p>THIS DRAWING IS TO BE USED IN CONNECTION WITH THE PROJECT HEALTH &amp; SAFETY FILE FOR ANY DESIGNATED HISTORICAL BUILDING.</p>

Project Title	<b>BORROWBY STW PLANNING APPLICATION</b>
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Drawing Title	<b>SITE LAYOUT PLAN PLANNING DRAWING 002</b>
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Design	Drawn	Checked	Approved
Date	16/12/18		

Arcus Consulting Services 101 New Street Birmingham B2 4JH Tel: +44 (0)121 634 1000 Fax: +44 (0)121 634 1001 <a href="http://www.arcus.co.uk">www.arcus.co.uk</a>	
Drawing Number <b>3006-DR-P-0001</b>	Page <b>2</b>



- Application Site
- Land under the control of the Applicant
- Neighbour Notification
- Flood Zone 2
- Flood Zone 3
- L Objector
- PROW

Application No : NY/2018/0244/FUL

Title:erection of four rectangular kiosks (59 sq. metres), feed pumping stations (29 sq. metres), tertiary solids capture unit (72 sq. metres), sludge holding tank (100 sq. metres), internal access track and hardstanding (970 sqm) and installation of 2.4 m high access gate and 2.4 m high green weld mesh fence at Borrowby Waste Water Treatment Works, Bob Lane, Borrowby, YO7 4QS

	<p>Business &amp; Environmental Services, North Yorkshire County Council County Hall, Northallerton, North Yorkshire. DL7 8AJ</p>
<p>Scale : Date : May 2019 Filename : Borrowby Compilation &amp; Analysis : LO/JB</p>	

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