

North Yorkshire County Council

Planning and Regulatory Functions Committee

Minutes of the meeting held at County Hall, Northallerton on 2 April 2019 at 10.00 am.

Present:-

County Councillors Peter Sowray (Chairman), David Blades, Eric Broadbent, Robert Heseltine, David Hugill, Mike Jordan, Zoe Metcalfe, Richard Musgrave, Chris Pearson, and Clive Pearson.

County Councillor Bryn Griffiths was in attendance.

There were four members of the public and one representative of the press in attendance.

Copies of all documents considered are in the Minute Book

84. Minutes

The Head of Planning Services provided an update in relation to application C2/18/01876/CCC - (NY/2018/0104/FUL) - Erection of an anaerobic digester plant and facilities Sowerton Farm Yard, Sykes Lane, Tollerton, noting that the applicant had appealed against the Committee's decision to refuse the application. The appeal papers were now with the Planning Inspectorate and a start date for the appeal was now awaited.

Resolved -

That the Minutes of the meeting held on 26 February 2019, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

85. Declarations of Interest

There were no declarations of interest.

86. Public Questions or Statements

The representative of the Assistant Chief Executive (Legal and Democratic Services) stated that, apart from the people who had registered to speak in respect of the application below, and who would be invited to do so during consideration of that item, there were no questions or statements from members of the public.

87. C2/18/01581/CCC - (NY/2018/01510/FUL) - Widening of Tanton Bridge (Grade II Listed), construction of new abutments and arch wing, spandrel wall, wingwalls and parapet and dismantling and rebuilding of all sections of parapet using existing stone, erection of 1.4 metre high 4 post and rail fence and soft landscaping works at Tanton Bridge, Stokesley, North Yorkshire

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application for the widening of Tanton Bridge, as detailed above.

The application was subject to four objections having been raised in respect of the proposal on the grounds of need for development, inaccuracies within information submitted as part of the planning application including plans and elevations, accident data, general bridge information and measurements re vehicular space for passing, disturbance to locality in terms of road closure while works take place and road safety.

Mr Richard Agar, local resident, addressed the Committee, outlining the following:-

- ◆ He raised concerns in respect of road safety, inaccuracies within the information submitted as part of the planning application, including plans and elevations, noting that the questions raised by both him as an objector and Stokesley Town Council, in relation to the application, had not been answered satisfactorily.
- ◆ He noted that he lived at Tanton Hall Farm, and had done so since 1986, but did not believe that the report recognised the existence of his property.
- ◆ He considered that the proposal would increase the speed of traffic across the bridge, and on the roads approaching the bridge.
- ◆ He noted that there had been no serious accidents on the bridge itself, to his knowledge, however there had been a number of accidents, including fatalities, over the previous ten years, on the road approaching the bridge.
- ◆ He suggested that the proposals to widen the bridge would increase speeds on the road and the alterations to the approach to the bridge would heighten the possibility of serious accidents. He stated that he would not want further fatalities to occur on the road and have not spoken out against the proposals. He suggested that Members were fully aware of the potential for accidents on the road and considered the issue of “corporate manslaughter” should be taken account of should the proposal be approved and a subsequent fatality occurred.
- ◆ He did not believe that health and safety concerns had been addressed through the consultations with statutory consultees. He noted that he had met with health and safety officials, at the site and did not believe that sufficient consideration was being given to the road approaching the bridge, only the site itself.

County Councillor Bryn Griffiths, local Member for the application area, addressed the Committee, highlighting the following:-

- ◆ He had lived in Stokesley for around 45 years and had seen a notable increase in vehicles passing through the area in recent times, due to increased housing developments in the area.
- ◆ Many local residents used the road that passes across Tanton Bridge to access employment in Teesside, therefore, there was a large amount of traffic travelling in both directions particularly at peak periods.
- ◆ A number of years ago a weight limit was introduced along the road, and the bridge, to prevent HGVs from travelling along there.
- ◆ There had been a number of accidents along the road approaching the bridge, ranging from minor to serious with fatalities.
- ◆ He noted that more housing developments had been agreed and were proposed for the Stokesley area, which would only lead to an increase in traffic along the road and, potentially, further accidents.
- ◆ He stated that he supported the application in principle but wanted to ensure that every effort was made to alleviate accidents along the road approaching the bridge through the proposals and suggested that further work would be required to address that.
- ◆ He also noted that the route contained the National Cycleway and he would like adequate provision for cyclists.

A representative of the Head of Planning Services presented the Committee report, highlighting the proposal, the site description, the consultations that had taken place, the advertisement and representations, planning guidance and policy, planning considerations and provided a conclusion and recommendation.

Detailed plans, photographs and visual information were presented to complement the report. Issues from the report were highlighted specifically to address the concerns that had been expressed during the public statements.

As an update to the report she noted that a listed building application was required and, under the appropriate regulations, this had been made to Hambleton District Council with a recommendation for approval. Hambleton District Council would now consider the listed building application and would refer the matter to the Secretary of State for determination.

Members undertook a discussion of the application and the following issues and points were raised:-

- ◆ Noting the issues raised in relation to the safety of the road, a Member asked whether the issues raised by the public speaker had been taken account of. In response it was stated that the matter had been the subject of consultation with the Highways Authority and various options had been explored, with the proposal being the most appropriate in terms of safety, in the opinion of the Highways Authority.
- ◆ Noting the issues raised by Historic England in relation to alternative methods of addressing the situation, a Member asked what these were and whether they involved traffic lights. In response it was noted that Option 5 had considered narrowing the highway access across the bridge and using traffic controls, which

was the option preferred by Historic England. The option had been considered by the Highways Agency, but it had been suggested that this would lead to extensive queuing traffic in the area, and the option chosen allowed for traffic to move more freely and more safely.

- ◆ A Member asked whether a realignment of the road would be undertaken in terms of white lining, etc to take account of previous incidents on the bridge where damage had occurred, so as to try and avoid that. In response it was stated that the proposed white lineage would split the bridge evenly for two-way traffic. Checks would be made to determine whether there would be an onus on one side of the road to try and prevent accidents and those details would be fed back to the Member. It was noted that the current weight limit of 7.5 tonnes would remain.
- ◆ It was noted that there would be considerable disruption in the area when the works took place and a Member asked whether a Traffic Management Plan was available detailing where the diverted traffic would be directed to during that period. In response it was stated that a plan had not been developed as yet, however, a request would be made for that information and provided to the Member.
- ◆ Clarification was provided that the Local Planning Authority referred to in Condition 5 was North Yorkshire County Council, as opposed to the Local Planning Authority referred to in paragraph 8.4 which was Hambleton District Council.
- ◆ A Member asked what justification there was for making the alterations to the bridge, so that it could accommodate HGVs, given that there was a weight limit on it. It was clarified that the weight limit referred to the highway, rather than the bridge, however, the Member again wondered about the justification if HGVs were unable to use the highway that crossed the bridge. In response it was stated that damage could be seen on the bridge where vehicles had found it difficult to manoeuvre, therefore, there was justification for making the alterations, as vehicles that did not exceed the weight limit were also finding it difficult to navigate the current arrangements. It was also noted that there would be a right of access for vehicles using local businesses, which could be above the weight limit.
- ◆ A Member considered that more thought was required in terms of the traffic management system that would be in place when the works were undertaken and in terms of ensuring the highway approaching the bridge was as safe as possible, given that the bridge would be wider and could accommodate traffic at greater speeds.
- ◆ A Member considered that the widening of the bridge would increase the amount of traffic using the road and noted that other local authorities address such situations by narrowing bridge access and providing traffic controls at either end.
- ◆ A Member considered that the proposal provided the most effective method of addressing public safety in terms of alterations to the bridge. He noted that this method was being undertaken on bridges throughout North Yorkshire, that there were no material considerations that could lead to a refusal of the application and that the benefits of the proposal outweighed the negatives. A number of Members concurred with the points made, stating that public safety was paramount in terms of the alterations proposed and noted that safety had been addressed extensively in terms of the proposals suggested.
- ◆ It was clarified that the alterations would not alter the Grade 2 Listed status of the bridge.

Resolved -

That the application be approved for the reasons stated within the report and subject to the conditions detailed.

88. Items dealt with under the Scheme of Delegation

Considered -

The report of the Corporate Director - Business and Environmental Services outlining items dealt with under the Scheme of Delegation for the period 28 January 2019 to 3 March 2019, inclusive.

Resolved -

That the report be noted.

The meeting concluded at 10.35 am

SL/JR

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

23 July 2019

**C4/19/00523/CMA - PLANNING APPLICATION FOR THE PURPOSES OF THE VARIATION OF CONDITION NO'S 19 & 20 & OF PLANNING PERMISSION REF. C6/500/109/F/CMA TO ENABLE ASPHALT OPERATIONS TO CONTINUE UNTIL 21:00 HOURS MONDAY TO FRIDAY UNTIL 31 DECEMBER 2021 ON LAND AT PATELEY BRIDGE QUARRY (COLDSTONES), GREENHOW HILL, PATELEY BRIDGE, HARROGATE, NORTH YORKSHIRE, HG3 5JQ
ON BEHALF OF HANSON QUARRY PRODUCTS EUROPE LTD
(HARROGATE DISTRICT) (PATELEY BRIDGE 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 Variation of Condition No's 19 & 20 & of Planning Permission Ref. C6/500/109/F/CMA to enable Asphalt Operations to continue until 21:00 hours Monday to Friday until 31 December 2021 on land at Pateley Bridge Quarry (Coldstones), Greenhow Hill, Pateley Bridge, Harrogate, North Yorkshire, HG3 5JQ on behalf of Hanson Quarry Products Europe Ltd.
- 1.2 This application is subject to objections having been raised in respect of this proposal on the grounds of residential amenity and is therefore reported to this Committee for determination.

2.0 Background

Site Description

- 2.1 Pateley Bridge Quarry (also known as Coldstones Quarry) is located about 4 kilometres to the west of Pateley Bridge on the south side of the B6265 road, near to the village of Greenhow. The area is generally open moorland and, apart from Greenhow, which is about 300 metres to the west, there are four farm properties around the periphery of the site. The site lies within the Nidderdale Area of Outstanding Natural Beauty (AONB), and is within 2 kilometres of the North Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC). The Yorkshire Dales National Park Boundary is also located 2km to the west. The application area also covers a substantial proportion of the Coldstones Grassland Site of Importance for Nature Conservation (SINC).
- 2.2 The quarry has operated for more than 50 years producing high-grade Carboniferous Limestone and coated roadstone products. The site currently operates under the terms of a modern set of conditions determined under the provisions of the Review of Mineral Planning Permissions in August 2008 (C6/500/109/C/MR) and extraction is authorised until 19 August 2047. All the mineral leaves the site by road using a purpose built access road onto Duck Street so that the HGV traffic avoids Greenhow. A significant proportion of the production travels south to the A59 along the B6451 to reach the north Leeds and Bradford areas.

- 2.3 Mineral operations including lead mining have been carried out in the area for several hundred years and the extraction of limestone from Coldstones Quarry pre-dates the introduction of the planning system on 1st July 1948. Formal planning consent was first granted by the former West Riding County Council for the extraction of limestone in 1949. Further planning permissions have been granted in the interim period. The planning permission for mineral extraction granted in 1992 allowed the extension of the quarry, the construction of a perimeter bund to the south of the site and the creation of a new access road to divert traffic away from the village of Greenhow.
- 2.4 In 1995 planning permission was granted for the erection of an extensive screen mound to the south of the existing quarry (C6/500/109B/PA). The permission included a detailed landscape and biodiversity management plan to ensure that the site was restored naturally, and which was secured by way of a Section 106 legal agreement. This 2005 legal agreement also covenanted the applicant to set up, attend and make annual financial contributions to the Greenhow Landscape and Biodiversity Trust Fund, over a 21 year period.
- 2.5 In 2011 planning permission was granted for the proposed relocation of the plant site within the quarry and the realignment of the permitted northern extraction limit to provide a 0.88 hectare extension. The decision notice included a list of conditions including the two conditions which are being asked to be temporarily changed by this application.
- 2.6 Pateley Bridge Quarry is the largest producer of crushed rock aggregate in North Yorkshire outside the National Parks. On average, production is over 500,000 tonnes per annum and is used in the production of concrete, asphalt and aggregate for construction and road building. The mineral is worked by blasting and is processed on site. At current rates of extraction the site has an expected life of approximately 17 years.
- 2.7 A plan showing the application site is attached to this report.

Planning History

- 2.8 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -
- C6/500/95/E/CMA - Proposed relocation of an electrical switch building and electrical substation. Construction of replacement workshop and storage containers, covered store and building for recycled asphalt. Construction of an additional asphalt plant hopper and conveyor for recycling leg to connect to the existing asphalt plant. Permission granted 18 June 2014.
 - C6/500/109/F/CMA - Proposed plant site relocation and realignment of the permitted northern extraction limit (0.88 hectare extension to extraction limit). Permission granted 31 May 2011.
 - C6/500/109/C/MR - Application for determination of conditions under the Review of Mineral Planning Permissions in connection with Planning Permissions C6/500/109/PA and C6/500/109/B/CMA (First Periodic Review). Determined 16 July 2008.
 - C6/500/109/PA - Winning & working of minerals and associated works of access construction, diversion of public footpaths & restoration. Permission granted 20 August 1992.
 - C6/59/41.S/PA - Erection of replacement coating plant. Permission granted 24 April 1989.
 - C6/59/41Q/PA - Installation of aggregate processing plant, office and amenity building. Permission granted 13 August 1985.

- C6/59/41M/PA - Replacement of dust arrestment system for the Coating Plant. Permission granted 9 March 1983.
- C6/59/41P/PA - Retention of asphalt and macadam coating plant. Permission granted 4 September 1984.
- C/6/59/41J/PA - Installation of portable accommodation office for existing coating plant. Permission granted 10 July 1980.
- C6/59/41I/PA - Installation of a dust extraction unit alongside existing crushing plant. Permission granted 20 December 1979.
- C6/59/41E/PA - Extension of quarry plant. Permission granted 17 January 1978.
- C/6/59/41A/PA - Erection of asphalt & macadam coating plant. Permission granted 22 August 1977.
- RP/11/B - Erection of concrete brick plant and necessary ancillary machinery and building. Permission granted 20 May 1964.
- RP/11 - Continuation and extension of working of limestone and silica. Permission granted 14 March 1949.

2.9 There have been no complaints received either by the North Yorkshire County Council Planning Department or the Environmental Health Officer at Harrogate Borough Council in relation to this quarry, this was confirmed in an email from Harrogate Borough Council on the 2 January 2019.

3.0 The proposal

3.1 Planning permission is sought for the variation of Condition No's 19 & 20 & of Planning Permission Ref. C6/500/109/F/CMA to enable asphalt operations to continue after 18:00 hours until 21:00 hours Monday to Friday until 31 December 2021 on land at Pateley Bridge Quarry (Coldstones), Greenhow Hill, Pateley Bridge, Harrogate, North Yorkshire, HG3 5JQ on behalf of the Hanson Quarry Products Europe Ltd.

3.2 Pateley Bridge Quarry (also known as Coldstones Quarry) is located about 4 kilometres to the west of Pateley Bridge on the south side of the B6265 road, near to the village of Greenhow. The area is generally open moorland and, apart from Greenhow, which is about 300 metres to the west, there are four farm properties around the periphery of the site. The site lies within the Nidderdale Area of Outstanding Natural Beauty (AONB), and is also within 2 kilometres of the North Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC). The Yorkshire Dales National Park Boundary is also located 2km to the west. The application area also covers a substantial proportion of the Coldstones Grassland Site of Importance for Nature Conservation (SINC).

3.3 The asphalt plant along with crushing and screening equipment, site offices and amenity block are located in the northern section of the quarry and are screened from the road by an existing bund. The proposal is to vary the conditions 19 and 20 of the permission C6/500/109/F/CMA which was granted on 31 May 2011. The existing conditions are:

19. Except with the prior written approval of the County Planning Authority neither the coating plant nor the secondary crushing and screening plant shall be operated except between the following hours:

0530 to 1800 hours Mondays to Fridays

0530 to 1530 hours Saturdays

Except with the prior written approval of the County Planning Authority neither the coating plant nor the secondary crushing and screening plant shall be operated on Sundays or Bank Holidays.

20. *Except with the prior written approval of the County Planning Authority no heavy goods vehicle shall enter or leave the quarry except between the following hours:
0600 to 1800 hours Mondays to Fridays*

0600 to 1530 hours Saturdays

Except with the prior written approval of the County Planning Authority no heavy goods vehicle shall enter or leave the quarry on Sundays or Bank Holidays.

The proposal is to extend the hours of operation under condition 19 for the asphalt plant up to 21:00 on weekdays and also to extend the hours for HGV movements under condition 20 up to 21:00 on weekdays to enable the removal of the asphalt produced. The change in time is to be temporary up until 31 December 2021. The remaining conditions are unchanged and remain applicable for the site.

- 3.4 Further information provided by the application indicate that the extended operations would occur on an 'ad hoc' basis with an estimate of an average of 2 to 3 nights a week, but this could rise on occasion to 5 nights one week or drop to 1 or 2 nights another week, the applicant has committed to only working during the extended hours on no more than 100 occasions per year. The maximum number of HGVs per evening is stated as being 15 during the extended hours. The only work which would occur between 18:00 and 21:00 would be the operation of the asphalt plant and movement of HGVs to transport the asphalt. The HGVs operating between 18:00 and 21:00 would only access and exit the site using the private haul road which goes from the north section of the site to the west where it joins Duck Street Lane as identified in the Existing Site Configuration Plan Figure HA –100-01 Rev B, which is included at the end of this report. Once the HGVs reach Duck Street Lane they would only turn left and follow this road until they reach the A59 near Blubberhouses. The applicant has an agreement with the haulier that no vehicles working during the extended hours would return to the haulier's yard by going through Greenhow Village, and would use an alternative route unless they happen to be delivering to Pateley Bridge or Glasshouses, which are local. This means that HGVs from the quarry would not be actively routed through Greenhow Village during or after the extended hours.
- 3.5 The applicant has stated that when the extended hours are used the asphalt plant would cease production at 20:00 hours and the remaining hour would be used to load asphalt into the HGVs and close the site for the night, with the last HGV and members of staff leaving the site before 21:00. The lighting at the site in the evenings is currently on a timer which turns the lights off at 21:00, this would remain unchanged.
- 3.6 The additional hours have been requested by the applicant to enable the asphalt plant to operate at maximum efficiency up until 31st December 2021. This increase in operational hours would provide relief to the company's other asphalt plants located in Leeds and Bradford to allow maintenance and repair at these locations. The reason the application is proposed only to 31st December 2021 is that the asphalt plant and other operations based in the northern part of the site are to be relocated elsewhere in the site before this date to free up the reserve of crushed rock currently sterilised by the equipment and site office. The new asphalt plant is going to have a smaller capacity and would not be required to work beyond 18:00.

4.0 Consultations

The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 5 February 2019.

4.1 Bewerley Parish Council

Responded on 19 February 2019 with no objection to the proposal.

Thruscross Parish Meeting

4.2 Responded on 3 March 2019 with an objection to the application. They state that the original planning application had conditions included to prevent an unacceptable impact on the local environment and residential amenity from the quarry operations. Residents are especially concerned about the movement of HGVs along Greenhow Hill Road over the Stone House crossroads and past the bungalows between the crossroads and My Love Lane. The residents at this location already suffer excess noise and danger to pedestrians, school children, cyclists and private car users as the HGVs do not voluntarily reduce their speed through this area. The approach to Stonehouse crossroads from the quarry is hidden by a brow in the road, this gives very little time for crossing traffic to safely avoid oncoming HGVs and gives oncoming HGVs little time to take evasive action. There is also no footpath or other 'safe area' in front of these properties and there is no street lighting. If the planning permission was extended without some resolution to these problems the dangers would be made worse as the proposed working hours would extend into darkness.

4.3 The Parish is generally positive towards the quarry and its management but feel that the control of the HGVs is inadequate. If the Parish objections are to be resolved there would either have to be an acknowledgement by the Highways Department with an associated statutory speed limit or there would have to be an advisory speed limitation and associated detection and display equipment, funded by the quarry and designed to our satisfaction.

4.4 Thruscross Parish were made aware of a proposal to limit the occasions the asphalt plant worked after 18:00 to 100 per year, but responded on the 8 April 2019 and stated that this makes no difference to their formal response. The main concern is the safety of the school children who are picked up at the Stonehouse crossroads and residents, some of whom are elderly, who live on the haulage route. At the Thruscross Parish Meeting it was agreed that the only way the Parish objection would be removed is if there was a speed reduction of lorries passing through Thruscross village, either a voluntary one controlled by Hanson's or a statutory one imposed by the highway authority.

4.5 During a meeting held on the 23 May 2019 with the applicant, North Yorkshire County Council, Thruscross Parish Meeting and some local residents the issues raised by the Parish were discussed. The applicant has taken steps to encourage safe and considerate driving by the HGV drivers by issuing a 'Haulier Induction' flier to all HGV drivers who access the site and have also produced a poster which is erected in the site office to make drivers aware of the need to take extra care at specific locations along the route through Thruscross to the A59. Copies of the flier and poster have been provided to attendees of the meeting.

Harrogate Borough Council (Planning)

4.6 Responded on 5 March 2019 stating they had no objection.

Highway Authority

- 4.7 The Highway Authority provided an initial response on the 11 February 2019 which indicated that they had concerns about the impact the additional hours would have on the local highway network. It is not clear if by extending the operating hours of the plant it would generate additional vehicles or whether it just allows flexibility for the operator. Also local people who live close to the quarry or on the route of vehicles, mainly Greenhow village may find it unacceptable. The Highway Authority asked for the applicant to expand on the observations made in the application.
- 4.8 The applicant was asked to respond to the point raised by the Highway Authority and in response the applicant stated that the extended hours would be used on an 'ad-hoc' basis as and when necessary rather than every week day, so the additional hours are to provide more flexibility until December 2021. With regards to vehicle movements the site has its own dedicated private haul road which provides access from the site to Duck Street/Redlish Road which bypasses Greenhow Village, so no vehicles would pass through Greenhow Village.
- 4.9 This information was passed onto the Highway Authority who indicated they were happy with the information from the applicant and had no further observations to make, and they were especially happy with the use of the haul road. The Highway Authority have been made aware of other consultee comments received relating to the highway and the applicants response to limit the occasions the extended hours would be used to 100 per year and ensuring no HGVs return to their depot through Greenhow village. The Highway Authority acknowledges that the applicant is making a commitment to reduce the impact to a reasonable amount.
- 4.10 The Highway Authority were made aware of the additional response provided by Thruscross Parish Meeting where they stipulated that the only way they would remove their objection would be if a statutory or voluntary speed limit was placed in the stretch of road near Stonehouse crossroads. The Highway Authority responded stating that the Local Highway Authority would be unlikely to impose a 40 mph speed limit at this location due to the environment. They suggested that the developer offers driver training to the HGV drivers perhaps along the lines of a driver awareness course to encourage safer driving on the highway.

NYCC Heritage - Ecology

- 4.11 Ecology responded on the 5 February 2019 and stated as the application deals with operating hours Ecology have no comments on this occasion.

Nidderdale AONB

- 4.12 The Nidderdale AONB's Joint Advisory Committee responded on 5 March 2019 is concerned about the environmental impact of the noise generated by the operation of the plant and by HGV traffic associated with the plant.
- 4.13 The application states that extended hours of operation are necessary to 'enable asphalt plant to operate at maximum efficiency up until that point (2021) benefiting customers and providing relief to the company's other asphalt sites in Leeds and Bradford.' But it is not clear whether 'providing relief' means meeting additional demand by increasing output from Pateley Bridge or reducing output in West Yorkshire to improve the amenity of the local residents. Either way, increasing the volume of production in a nationally designated landscape is incompatible with national and local policy.

- 4.14 The noise impact assessment states that the quarry does not exceed noise guidelines specified in the planning consent but it does not appear to be specific to the asphalt plant. There is no assessment of the noise and other impacts caused by the increase in the number of HGV movements.
- 4.15 The Joint Advisory Committee objects to this application.
- 4.16 The AONB were made aware of the applicant's proposal to limit the use of the extended hours to 100 occasions per year and ensure that the specified route is used by the HGVs. They responded stating that it is unlikely that the modified proposal would overcome the AONB's Joint Advisory Committee's objection, which is made on the grounds of harm to the tranquillity of the AONB. Moreover, are not aware of any evidence to justify why the additional output generated by an extension to the plants working hours cannot be provided at an alternative location.
- Environmental Health Officer (Harrogate)**
- 4.17 The Environmental Health Officer responded on 2 January 2019 and stated that for the time that the hours stipulated in the conditions 19 and 20 have been operating no complaints have been received by this office and a 5:30 start time could well disturb sleep. Without knowing any noise impact details the EHO would be minded to suggest that the amended hours for a period of 3 years only would not cause adverse impact on local residents and the conditions can be amended Mondays to Fridays to cease at 21:00.

Notifications

County Cllr. Stanley Lumley

- 4.18 Responded on 5 February 2019 and stated that he had no objection to this application. There would be minimal impact to the community, there is very little noise/light pollution from the plant and operations would stop at a reasonable hour. An increase in wagon traffic movement should not be excessive, providing they use existing road access and egress avoiding the use of the road Greenhow Hill to Pateley Bridge whenever possible.

5.0 Advertisement and representations

- 5.1 This application has been advertised by means of 2 Site Notices posted on 8 February 2019 (responses to which expired on 01 Mar 2019). The Site Notices were posted in the following locations: on a fence post at the main entrance to the site off the B6265 and on a fence post at the entrance to the private haul road for the site off Duck Street. A Press Notice appeared in the Harrogate Advertiser on 14 February 2019 (responses to which expired on 07 Mar 2019).
- 5.2 Neighbour Notification letters were sent on 5 February 2019 and the period in which to make representations expired on 26 February 2019, the properties which are located along the haulage route from the private haul road to the A59 were selected to receive a letter. The following properties received a neighbour notification letter:
- Bridge Cottages, Blubberhouses,
 - 1 Bridge Cottages, Blubberhouses;
 - 2 Bridge Cottages. Blubberhouses;
 - 1 Hardisty Hill, Blubberhouses
 - 2 Hardisty Hill, Blubberhouses;
 - Airey Houses, Hardisty Hill, Blubberhouses;
 - Croft Cottages, Blubberhouses;
 - 1-2 Croft Cottages, Blubberhouses;
 - 3-4 Croft Cottages, Blubberhouses;

- High Apprentices, Hardisty Hill, Blubberhouses;
- 1 High Apprentices, Hardisty Hill, Blubberhouses;
- 2 High Apprentices, Hardisty Hill, Blubberhouses;
- Wood Nook Farm, Hardisty Hill, Blubberhouses;
- Brackenhill, Greenhow Hill Road, Thruscross;
- Chylowen, Greenhow Hill Road, Thruscross;
- Inn View, Greenhow Hill Road, Thruscross;
- Stonecroft, Greenhow Hill Road, Thruscross;
- Wagtails, Greenhow Hill Road, Thruscross;
- Dalestone, Greenhow Hill Road, Thruscross;
- Kyloe, Greenhow Hill Road, Thruscross;
- High House Farm, High House, Thruscross;
- Redlish House, Redlish Road, Padside;
- Tewit Farm, Duck Street Lane, Greenhow Hill;
- High Redlish Farm, Duck Street Lane, Greenhow Hill;
- Duck Street Cottage, Duck Street Lane, Greenhow Hill;
- Hillside Cottage, Duck Street Lane, Greenhow Hill.

5.3 A total of 9 letters of representation have been received raising objections on the grounds of:-

- The site being within Nidderdale ANOB and the current uses at the site is at odds with the setting in the AONB. Increase in activity would be inconsistent with policy relating to AONBs.
- The operation of the asphalt plant causes harmful and noxious emissions to ground water, air and can be hazardous to health and needs to be regulated. Intensification of activity would increase risks and be reckless in a residential, agricultural and environmental sensitive location.
- The lateness of the operating hours being sought is unreasonable given the location of the site near to a village. HGVs would continue to operate after 9pm and travel through the village as late as midnight.
- The HGVs from the quarry do not stick to using the route in the conditions in the original planning permission, the HGVs come through the village and there is no reason why they would not do this during the extended hours as well.
- The extended hours would have a greater impact on surrounding roads and verges, which are already damaged.
- The applicant cannot regulate hauliers once they leave the site, even though they should prevent HGVs leaving the site by other than the haul road they do not. HGVs serving the premises are routinely permitted to exit north, directly to the B3265 and head west in contravention of current planning requirements. If the regulations are loosened in terms of times of operation this would not result in the condition being adhered to more closely. If HGVs were restricted to using the haul road they cannot be forced to turn south, and if they do not turn south they must pass through Greenhow village.
- One of the main hauliers serving the site is based in Hebden, west of Greenhow along the B6265. It is likely that, having made final deliveries, those HGVs would return to Hebden via Greenhow after the 9pm shutdown at the quarry.
- The section of Duck Street Lane between The Loanings and Duck Street Cottage has a history of collapse, and is again showing signs of collapse, allowing an increased use in HGVs would exacerbate the problem.

- The junction of Duck Street Lane and the B6265 is dangerous. Sight lines are obscured by the brow of the hill immediately west of St Mary's Church and there are frequent collisions. HGVs turning left from Duck Street Lane heading west to Hebden are forced to swing out into opposing traffic, the manoeuvre is up hill so negotiation is slow. The junction is not currently lit as the street light was knocked down. It is irresponsible to bring about the intensified use of the junction by HGVs, particularly after dark and in variable driving conditions.
- The residents who would be most affected by the application were not consulted i.e. those that live in the immediate footprint of the quarry.
- No liaison has taken place with the local community in the build up to the submission of the planning application and no meetings are programmed for the future, so not adhering to the S106 agreement.
- There is no valid reason for extending the hours of operation.
- Concerned about noise impact and impact on air quality from HGVs.
- Concerned about additional light pollution.

No letters of support have been received from residents.

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 *Development Plan* for the determination of this particular application comprises the following:

- The extant 'saved' policies of the North Yorkshire Minerals Local Plan (1997);
- The extant policies of the Harrogate District Core Strategy (2009);
- The 'saved' policies of the Harrogate Borough Local Plan (2001);
- The Nidderdale AONB Management Plan 2014 - 2019

6.3 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 are of relevance to this application.

- Minerals and Waste Joint Plan (MWJP) (North Yorkshire County Planning Authority, City of York Council and North York Moors National Park Authority).

6.4 The draft (MWJP) was published in November 2016 for representations, following this an Addendum schedule of proposed changes was consulted on for a period of 7 weeks during the summer of 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) commenced on the 27 February 2018. At present the plan is still in the examination phase with the hearings having been concluded and with main modifications to be consulted upon. Therefore some weight can be given to the MWJP policies. The most relevant policies in regards to this application are :

- I02 - Locations for ancillary minerals infrastructure
- S05 – Minerals ancillary infrastructure safeguarding
- D01 – Presumption in favour of sustainable minerals and waste development;
- D02 – Local amenity and cumulative impacts
- D03 – Transport of minerals and waste and associated impacts
- D04 – Development affecting the North York Moors National Park and AONBs

6.5 Policy I02 deals with the location of ancillary minerals infrastructure and the asphalt plant comes under this description and the relevant part of the policy states:

- 1) *Development of ancillary minerals infrastructure at active minerals extraction sites and sites producing secondary aggregate will be permitted provided the following criteria are met:*
 - i) *The ancillary development produces a ‘value added’ or complementary product based mainly on the mineral extracted or secondary aggregate produced on the host site; and*
 - ii) *The development would not have significant additional adverse impact on local communities, businesses or the environment; and*
 - iii) *The development would not unacceptably increase the overall amount of road transport to or from the host site; and*
 - iv) *Where the host site is located in the Green Belt the ancillary development is acceptable in accordance with national and local Green Belt policy; and*
 - v) *The development is linked to the overall life of minerals extraction or supply of secondary aggregate at the host site, unless the location is appropriate to its retention in the longer term.*

6.6 Policy S05 deals with the safeguarding of minerals ancillary infrastructure, and so covers the asphalt plant. Since there is no risk of the asphalt plant being affected by other forms of development this policy does not apply on this occasion.

6.7 Policy D01 deals with presumption in favour of minerals and waste development provided it is sustainable and states:
When considering development proposals the Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The Authorities will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date then the Authority will grant permission unless:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- Specific policies in the NPPF indicate that development should be restricted such as policies relating to National Parks and AONBs. Where proposals constitute major development in the National Park and AONBs they will be assessed against the requirements for major development in designated areas set out in Policy D04 of this Joint Plan.

6.8 Policy D02 deals with local amenity and related cumulative impacts and states:

1) *Proposals for minerals and waste development, including ancillary development and minerals and waste transport infrastructure, will be permitted where it can be demonstrated that there will be no unacceptable impacts on local amenity, local businesses and users of the public rights of way network and public open space including as a result of:*

- noise,
- dust,
- vibration,
- odour,
- emissions to air, land or water
- visual intrusion,
- site lighting
- vermin, birds and litter
- subsidence and land instability
- public health and safety
- disruption to the public rights of way network
- the effect of the development on opportunities for enjoyment and understanding of the special qualities of the National Park
- cumulative effects arising from one or more of the above at a single site and/or as a result of a number of sites operating in the locality

Proposals will be expected as a first priority to prevent adverse impacts through avoidance, with the use of robust mitigation measures where avoidance is not practicable.

2) *Applicants are encouraged to conduct early and meaningful engagement with local communities in line with Statements of Community Involvement prior to submission of an application and to reflect the outcome of those discussions in the design of proposals as far as practicable.*

6.9 Policy D03 deals with transport of minerals and waste and any associated traffic impacts, it states:

1) *Where practicable minerals and waste movements should utilise alternatives to road transport including rail, water, pipeline or conveyor.*

Where road transport is necessary, proposals will be permitted where:

- *There is capacity within the existing network for the level of traffic proposed and the nature, volume and routing of traffic generated by the development would not have an unacceptable impact on local communities, businesses or other users of the highways network, or any such impacts can be appropriately mitigated, for example by traffic controls, highway improvements and traffic routing arrangements; and*

- *Access arrangements are appropriate to the volume and nature of any road traffic generated and safe and suitable access can be achieved for all users of the site, including the needs of non-motorised users, where relevant; and*
- *There are suitable arrangements in place for on-site manoeuvring, parking and loading/unloading.*

Where access infrastructure improvements are needed to ensure that the requirements above can be compiled with, information on the nature, timing and delivery of these should be included within the proposals.

- 2) *For all proposals generating significant levels of road traffic, a transport assessment and green travel plan will also be required to demonstrate that opportunities for sustainable transport and travel have been considered and will be implemented where practicable.*

6.10 Policy D04 deals with development which will affect the North York Moors National Park and AONBs in the Plan area and states:

Part 1) – Major minerals and waste development

Proposals for major development in the National Park, Howardian Hills, Nidderdale, North Pennines and Forest of Bowland Areas of Outstanding Natural Beauty will be refused except in exceptional circumstances and where it can be demonstrated it is in the public interest. The demonstration of exceptional circumstances and public interest will require justification based on the following:

- a) The need for the development, which will usually include a national need for the mineral or the waste facility and the contribution of the development to the national economy; and*
- b) The impact of permitting it, or refusing, it upon the local economy of the National Park or AONB; and*
- c) Whether the development can technically and viably be located elsewhere outside the designated area, or the need for it can be met in some other way; and*
- d) Whether any detrimental effect on the environment, the landscape and recreational opportunities, can be moderated to a level which does not significantly compromise the reason for the designation.*

Where there are exceptional circumstances and the proposal is considered to be in the public interest, every effort to avoid adverse effects will be required. Where adverse effects cannot be avoided, harm should be minimised through appropriate mitigation measures. Appropriate and practicable compensation will be required for any avoidable effects which cannot be mitigated.

Part 2) – All other developments

Planning permission will be supported where proposals contribute to the achievement of, or are consistent with, the aims, policies and aspirations of the relevant Management Plan and are consistent with other relevant development management policies in the Joint Plan.

Part 3) – Proposals which impact the setting of Designated Areas

Proposals for development outside of the National Parks and AONBs will not be permitted where it would have a harmful effect on the setting of the designated area.

North Yorkshire Minerals Local Plan 'saved' policies (NYMLP)

- 6.11 The Planning and Compensation Act 1991 placed a duty on each County Council in England and Wales to prepare a Minerals Local Plan. The NYMLP was adopted in 1997 under the 1991 Act. In the absence of an adopted MWJP and in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 as of 27 September 2007 only the 'saved' policies continue to form part of the statutory 'development plan' and provide an important part of the current local policy framework for development control decisions for minerals related development.
- 6.12 The 'saved' policies of the North Yorkshire Minerals Local Plan (1997) relevant to the determination of this application are:
- 4/1 – Determination of planning applications
 - 4/13 – Traffic Impact
 - 4/14 – Local environment and amenity
 - 4/16 – Ancillary and secondary operations
- 6.13 'Saved' Policy 4/1 'Determination of Planning Applications', states that: *'In considering an application for mining operations, the Minerals Planning Authority will need to be satisfied that, where appropriate:-*
- (a) the mineral deposit on the application site has been fully investigated;*
 - (b) the siting and scale of the proposal is acceptable;*
 - (c) the proposed method and programme of working would minimise the impact of the proposal;*
 - (d) landscaping and screening has been designed to effectively mitigate the impact of the proposal;*
 - (e) other environmental and amenity safeguards would effectively mitigate the impact of the proposals;*
 - (f) the proposals and programme for restoration are acceptable and would allow a high standard to be achieved;*
 - (g) a high standard of aftercare and management of the land could be achieved;*
 - (h) the proposed transport links to move the mineral to market are acceptable; and*
 - (i) any cumulative impact on the local area resulting from the proposal is acceptable'.*
- 6.14 Criterion a) is supported by paragraph 204 c) of the NPPF which promotes the safeguarding of mineral resources by defining Mineral Safeguarding Areas, these are developed by investigating the viability of the mineral resource and preventing it from being sterilised. Criterion b) and c) are supported by Section 12 – Achieving well designed places, especially paragraph 127 which deals with ensuring developments are suitable for their location. Criterion d) is supported by paragraphs 204 f) and 205 b) which both deal with ensuring there are no unacceptable impacts as a result of the development.
- 6.15 Where criterion e) is concerned, paragraph 205 c) of the NPPF states that when determining planning applications, local planning authorities should *'ensure that any unavoidable noise, dust and particle emissions or vibrations are controlled or mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties.'*
- 6.16 With regard to criteria f) and g), Paragraph 205 of the NPPF states that when determining planning applications, local planning authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions.

- 6.17 Criterion h) of 'saved' Policy 4/1 does not conflict with the provisions of the NPPF; however, there are differences in the objectives. Criterion h) states that transport links should be acceptable whereas paragraph 102-104 of the NPPF states that improvements to the transport network should be considered, therefore, the NPPF should be given more weight in this instance. Paragraph 108 c) of the NPPF states that *'any significant impacts from the development on the transport network in terms of capacity or congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*
- 6.18 Criterion i) of 'saved' Policy 4/1 is in compliance with paragraph 205 b) of the NPPF states that in granting permission for mineral development the cumulative effects of multiple impacts from individual sites and/or from a number of sites in a locality should be taken into account.
- 6.19 'Saved' Policy 4/13 'Traffic Impact', states that where rail, waterway or other environmentally preferable modes of transport are not feasible, mining operations other than for coal, oil and gas will only be permitted where the level of vehicle movements likely to be generated can be satisfactorily accommodated by the local highway network.
- 6.20 This Policy is consistent with the provisions of paragraph 102-104 of the NPPF which also states that improvements to the transport network should be considered and paragraph 108 c) which states that any significant impacts from the development on the transport network needs to be mitigated to an acceptable degree.
- 6.21 'Saved' Policy 4/14 'Local Environment and Amenity', states that proposals for mining operations and the associated depositing of mineral waste will be permitted only where there would not be an unacceptable impact upon the local environment or residential amenity.
- 6.22 This Policy is considered to be consistent with paragraph 205 of the NPPF. Paragraph 205 states that when determining planning applications, local planning authorities should ensure that there are no unacceptable adverse impacts on the natural environment and human health and should take into account cumulative impacts of a development in a locality.
- 6.23 'Saved' Policy 4/16 'Ancillary and Secondary Operation' states that the Mineral Planning Authority will expect proposals for operations ancillary or secondary to mineral extraction to be sited, designed and maintained so as to minimise the impact on the environment and local amenity, The use of plant, machinery and buildings will be restricted to processes primarily using minerals produced from the site. Permission will normally be limited to the permitted life of the site for mineral extraction.
- 6.24 The Policy is considered to be consistent with paragraph 204 of the NPPF which states that planning policies should set out criteria or requirements to ensure that permitted or proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in the locality.

Harrogate District Core Strategy 2009

- 6.25 Policies contained within the Harrogate District Core Strategy 2009 require consideration in the determination of this application. The following policies are considered relevant for consideration in the determination of this application:
- EQ2 – The Natural and Built Environment and Green Belt.
- 6.26 The policy acknowledges that there is ‘exceptionally high quality natural and built environment’ in the Harrogate District and this will be given a level of protection appropriate to its international, national and local importance.
- 6.27 This policy is consistent with Chapter 15 of the NPPF which deals with conserving and enhancing the natural environment.

Harrogate District Local Plan 2001 ‘saved policies’

- 6.28 Policies contained within the Harrogate District Local Plan require consideration in the determination of this application. The following policies are considered relevant for consideration in the determination of this application:
- C1 – Conservation of the AONB
- 6.29 The policy aims to protect the Nidderdale AONB with priority being given to the ‘conservation of the natural beauty of the landscape’. Development which would have a significant adverse impact on the landscape will not be permitted, and wherever possible should be located in or adjacent to existing settlements. Development in the open countryside will be permitted where it ‘contributes to the local economy’. Proposals for large scale development in the open countryside will not be permitted unless: proven to be in the national interest; and incapable of being located outside the AONB, and; the environmental impact has been fully assessed and if acceptable any adverse effects will be minimised.
- 6.30 This policy is consistent with chapter 15 of the NPPF, especially paragraph 172 which covers AONBs specifically.

Nidderdale AONB Management Plan 2014 – 2019

- Policies contained within the Nidderdale AONB Management Plan 2014 - 2019 require consideration in the determination of this application. The following policies are considered relevant for consideration in the determination of this application:
- Policy L4
 - Policy LW1
- 6.31 Policy L4 states ‘*resist applications for planning permission for major development, and applications for smaller scale development that conflict with the purposes of designation in and adjacent to the AONB boundary.*’ Policy LW1 states ‘*Work closely with established and new businesses to ensure that changing practices, and plans for growth and expansion, increase business viability and have a positive effect on the AONB.*’ According to the Management Plan ‘*The primary purpose of the AONB designation is to conserve and enhance natural beauty. In pursuing the primary purpose account should be taken of the needs of agriculture, forestry, other rural industries and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.*’

Other policy considerations:

National Planning Policy

- 6.32 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) (published July 2018 revised 19th February 2019)

National Planning Policy Framework

- 6.33 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.

- 6.34 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.'***

- 6.35 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*

ii.) *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'.*

- 6.36 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.

- 6.37 Paragraph 108 within Section 9 (Promoting sustainable transport) of the NPPF states that when considering specific applications for development, it should be ensured that *'safe and suitable access to the site can be achieved for all users'; 'any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree'*. Paragraph 109 of the same section states *'Development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe'*. Paragraph 111 of this section states

'All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.'

- 6.38 Paragraph 172 within Section 15 (Conserving and enhancing the natural environment) of the NPPF states that *'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. ...The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of :*
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
 - b) the cost of, and scope for, developing outside the designated area, or, meeting the need for it in some other way; and*
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'*
- 6.39 Paragraph 203 of Section 17 (Facilitating the sustainable use of minerals) states *' It is essential that there is a sufficient supply of minerals to provide infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.*
- 6.40 Paragraphs 204 and 205 of Section 17 make a point of ensuring that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in the locality.

National Planning Practice Guidance (PPG) (2014)

- 6.41 On 6 March 2014 the Department for Communities and Local Government (DCLG) launched the National Planning Practice Guidance (PPG) web-based resource (Published 29th November 2016, updated 9th May 2019). 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: -
- Air Quality
 - Light Pollution
 - Minerals
 - Traffic
 - Natural Environment
 - Noise

Air Quality

- 6.42 The PPG explains ‘*Whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor.*’ It goes on to state ‘*When deciding whether air quality is relevant to a planning application, considerations could include whether the development would: Significantly affect traffic in the immediate vicinity of the proposed development site or further afield. This could be by generating or increasing traffic congestion; significantly changing traffic volumes, vehicle speed or both; or significantly altering the traffic composition on local roads.*’

Light Pollution

- 6.43 In terms of light pollution the PPG states that one of the points to consider is if the new development or major change to an existing one materially alters the light levels outside the development. The PPG also states that lighting schemes could be turned off when not needed to reduce any potential adverse effects.

Noise

- 6.44 The PPG states that mineral planning authorities should take account of the prevailing acoustic environment and in doing so consider whether or not noise from the proposed operations would:
- give rise to a significant adverse effect;
 - give rise to an adverse effect; and
 - enable a good standard of amenity to be achieved.

In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure would be above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.

Minerals

- 6.45 The PPG states that mineral resources are defined as natural concentrations of minerals or, in the case of aggregates, bodies of rock that are, or may become, of potential economic interest due to their inherent properties. They make an essential contribution to the country’s prosperity and quality of life. Planning for the supply of minerals has a number of special characteristics that are not present in other development:
- minerals can only be worked (i.e. extracted) where they naturally occur, so location options for the economically viable and environmentally acceptable extraction of minerals may be limited. This means that it is necessary to consider protecting minerals from non-mineral development and has implications for the preparation of minerals plans and approving non-mineral development in defined mineral safeguarding areas;
 - working is a temporary use of land, although it often takes place over a long period of time;
 - working may have adverse and positive environmental effects, but some adverse effects can be effectively mitigated;
 - since extraction of minerals is a continuous process of development, there is a requirement for routine monitoring, and if necessary, enforcement to secure compliance with conditions that are necessary to mitigate impacts of minerals working operations; and
 - following working, land should be restored to make it suitable for beneficial after-use.

Traffic

- 6.46 The PPG states that Local planning authorities must make a judgement as to whether a development proposal would generate significant amounts of movement on a case by case basis (i.e. significance may be a lower threshold where road capacity is already stretched or a higher threshold for a development in an area of high public transport accessibility).
In determining whether a Transport Assessment or Statement will be needed for a proposed development local planning authorities should take into account the following considerations:
- the Transport Assessment and Statement policies (if any) of the Local Plan;
 - the scale of the proposed development and its potential for additional trip generation (smaller applications with limited impacts may not need a Transport Assessment or Statement);
 - existing intensity of transport use and the availability of public transport;
 - proximity to nearby environmental designations or sensitive areas;
 - impact on other priorities/strategies (such as promoting walking and cycling);
 - the cumulative impacts of multiple developments within a particular area; and
 - whether there are particular types of impacts around which to focus the Transport Assessment or Statement (e.g. assessing traffic generated at peak times).

Natural Environment

- 6.47 The PPG points out that Section 11A(2) of the National Parks and Access to the Countryside Act 1949, section 17A of the Norfolk and Suffolk Broads Act 1988 and section 85 of the Countryside and Rights of Way Act 2000 require that 'in exercising or performing any functions in relation to, or so as to affect, land' in National Parks and Areas of Outstanding Natural Beauty, relevant authorities 'shall have regard' to their purposes. National Parks and Areas of Outstanding Natural Beauty management plans do not form part of the statutory development plan, but may contribute to setting the strategic context for development by providing evidence and principles, which should be taken into account in the local planning authorities' Local Plans and any neighbourhood plans in these areas. National Parks and Areas of Outstanding Natural Beauty management plans may also be material considerations in making decisions on individual planning applications, where they raise relevant issues.

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 The principle of the proposal does not involve any additional development on site. The application is simply requesting a temporary change in the timings of the existing works at the asphalt plant which is already operational on site; the proposal is to temporarily extend the working hours of the asphalt plant and HGV movements associated with the asphalt plant from 18:00 hours to 21:00 hours on normal weekdays.

- 7.3 There are conditions under planning permission C6/500/109/F/CMA which currently regulate the timings of workings of the coating (asphalt) plant and crushing and screening plant on site and movements of HGVs, these conditions are:
- 19. Except with the prior written approval of the County Planning Authority neither the coating plant nor the secondary crushing and screening plant shall be operated except between the following hours:
0530 to 1800 hours Mondays to Fridays
0530 to 1530 hours Saturdays
Except with the prior written approval of the County Planning Authority neither the coating plant nor the secondary crushing and screening plant shall be operated on Sundays or Bank Holidays.*
- 20. Except with the prior written approval of the County Planning Authority no heavy goods vehicle shall enter or leave the quarry except between the following hours:
0600 to 1800 hours Mondays to Fridays
0600 to 1530 hours Saturdays
Except with the prior written approval of the County Planning Authority no heavy goods vehicle shall enter or leave the quarry on Sundays or Bank Holidays.*
- 7.4 The proposal is to vary these conditions to temporarily extend the weekday hours so they can operate after 18:00 up to 21:00 on week nights if required. The extension to the working hours for the asphalt plant and HGV movement is to be temporary up to the 31st December 2021. The main considerations in the determination of this application are whether the additional operation of the asphalt plant and additional movement of HGVs later in the evening would have any adverse impact on the local environment and residential amenity of the area.
- 7.5 Policy S05 in the emerging Minerals and Waste Joint Plan is not applicable on this occasion, as this application does not affect the safeguarding of the asphalt plant. Policy D01 in the emerging Minerals and Waste Joint Plan is relevant to the principle of proposed development as it states that Authorities will take a positive approach when considering development proposals and will work with applicants to find solutions so proposals can be approved wherever possible, unless material considerations indicate otherwise.
- 7.6 Saved Policy 4/1 of the Minerals Local Plan is relevant to the principle of proposed development, the points (a) to (g) have been dealt with under the planning permission this variation of condition is linked to which is C6/500/109/F/CMA. The points (h) and (i) are relevant to this proposal which state that the transport links to move the mineral and the cumulative impact on the local area need to be acceptable.
- 7.7 Paragraph 11 of the NPPF requires that when making decisions development proposals that accord with the development plan should be approved without delay. The proposal is supported by 'saved' policies in the Mineral Local Plan and emerging policies in the Minerals and Waste Joint Plan along with the local plans which apply to Harrogate Borough.
- 7.8 It is considered that the proposed development does not conflict with any national or local policy but other factors will now be considered in terms of the potential impact of the proposal on local requirements.

Need

- 7.9 The need for the additional production of asphalt is based on the company's requirement to enable the existing asphalt plant to operate at maximum efficiency until the 31st December 2021, when the asphalt plant would be relocated within the current footprint of the site and the operating hours would revert back to being no later than 18:00 for both the asphalt plant and associated HGV movements. It is the intention of the application to ease pressure on the company's other asphalt operations in Leeds and Bradford for this period of time to allow maintenance and repair operations to take place. Increasing highway authorities are undertaking roadworks in the evenings or through the night to lessen the impact on residents and businesses, so there is a greater requirement for asphalt to be available for these times. In this case the date of 31st December 2021 has been selected as all the processing plant, which includes the asphalt plant and crushing and screening plant, on site along with the site office would be relocated in 2020/2022 to release the permitted crushed rock reserves which are located beneath these structures and alongside the existing processing plant, office and associated equipment. The proposed relocation of the plant has already been approved under planning permission C6/500/109/F/CMA, which includes the conditions 19 and 20 which this application is proposing to vary. Once the new asphalt plant and other new structures are operational the current asphalt plant and other structures would be dismantled. After 2021 the asphalt facilities at Leeds and Bradford are to be considered capable to cater for additional evening and night-time requirements.
- 7.10 The applicant stated that the asphalt produced at Pateley Bridge Quarry would be in addition to the asphalt produced at Leeds and Bradford and would only be produced when the additional quantities are required, in the evening but not every evening. The operation of the asphalt plant would be 'ad-hoc', some weeks it would be one to two nights and other weeks four to five nights as demand requires. The concerns of the residents who have made responses were provided to the applicant and as a result they have committed to only operating the extended hours on a set number of occasions per year, this would be conditioned to 100 occasions per year, which would average out at 8 times a month.
- 7.11 The proposal is supported by paragraph 203 of the NPPF which supports the supply of minerals to provide infrastructure, which is the role of asphalt as used for roads.

Location

- 7.12 The location of the asphalt plant is within the footprint of Pateley Bridge or Coldstones Quarry, the quarry and asphalt plant has been operational for a number of years and is within Nidderdale AONB which is a special designation which needs to be taken into account. The nearest village is Greenhow which is 300m to the west of the quarry.
- 7.13 The Nidderdale AONB Joint Advisory Committee is concerned about the environmental impact of the noise generated by the operation of the plant and by HGV traffic associated with the plant stating that increasing the volume of production in a nationally designated landscape is incompatible with national and local policy.

- 7.14 The asphalt plant is an existing activity on the site and Policy I02 in the emerging MWJP is designed to be taken into account when new ancillary infrastructure is being considered. In terms of the criteria of Policy I02 points i) *'the ancillary development produces a 'value added' or complementary product based mainly on the mineral extracted or secondary aggregate produced on the host site;* and ii) *'the development would not have significant adverse impact on local communities, business or the environment'* iii) *'the development would not unacceptably increase the overall amount of road transport to or from the host site'* and v) *'the development is linked to the overall life of the minerals extraction or supply of secondary aggregate at the host site, unless the location is appropriate to its retention in the longer term'*, are relevant. The asphalt site is acceptable in terms of criteria i) and v). Criteria ii) and iii) need to be given consideration as the proposed extended operating hours may result in some impact under these criteria.
- 7.15 The point in Policy D01 in the emerging MWJP relating to the ANOBs is not relevant as although Pateley Bridge Quarry itself is an established major development located in Nidderdale AONB, this specific application is minor in nature as it is a variation of condition and does not increase the footprint of the site or alter the nature of the development. Under Policy D04 in the emerging MWJP as the application only relates to extending the hours of operation of one of the sites operations and not all the activities on site, therefore is not classed as major development, Part 1) of Policy D04 is not applicable, Part 2 is applicable which states *'Planning permission will be supported where proposals contribute to the achievement of, or are consistent with, the aims, policies and aspirations of the relevant management Plan and are consistent with other relevant development management policies in the Joint Plan'*.
- 7.16 'Saved' Policy 4/16 in the Minerals Local Plan 1997 supports the location of ancillary or secondary minerals infrastructure on existing sites, and they should have minimal impact on the on the environment and local amenity.
- 7.17 'Saved' Policy C1 of the Harrogate District Local Plan 2001 aims to protect Nidderdale AONB. Development which would have a significant adverse impact on the landscape will not be permitted, and wherever possible should be located in or adjacent to existing settlements. Policy EQ2 in the Harrogate District Core Strategy 2009 aims to protect the exceptionally high quality natural and built environment. Policy L4 of the Nidderdale AONB Management Plan 2014 – 2019 aims to resist applications which conflict with the designation of the AONB and Policy LW1 of the same document encourages the AONB to work with businesses so will have a positive effect on the AONB.
- 7.18 The quarry has been operational for a number of years and is an established part of the local economy. The applicant has set up a liaison committee with local residents and the County Council aims to meet twice a year to discuss operational issues. A Trust and Management Committee has also been set up under the obligations of the s106 agreement for permission C6/500/109B/PA, where Hanson pays a sum of £10,000 per annum to the Trust to achieve key objectives of the AONB within the area surrounding the quarry. The key objectives are
- i) Retention and enhancement of habitats species and landscape features, the creation of habitats, buffer areas and other appropriate landscape features; the restoration and where possible, connection and linkages of and to existing habitats and landscape features; monitoring of existing, restored, newly created and translocated habitats and landscape features.
 - ii) Successful implementation of relevant targets and objectives within the Nidderdale AONB Management Plan and Harrogate Biodiversity Action Plan;

- iii) Emphasis to be placed up Sites of Importance for Nature Conservation and the dry stone wall resource due to the effects of the proposed extension to the screen bund upon them.
- 7.19 This demonstrates the applicant's commitment to contributing to the local community and to the aims and objectives of the AONB. The applicants Landscape Architect produces an annual report which identifies what has been done over the past year to help biodiversity and also what is proposed for the following year and this illustrates that the objectives of the Management Trust are being met and so off sets the adverse impact of the quarry operations.
- 7.20 The NPPF and PPG make the point that minerals can only be worked where they are found which dictates where sites can be located, this also dictates where any ancillary operation associated with a particular site can be located as well, which is within the footprint of the site boundary.
- 7.21 Points ii) and iii) of the emerging Policy I02 states that the development should not have a 'significant additional adverse impact' on local communities or the environment or unacceptably increase the overall amount of road transport to or from the host site. Emerging Policy D04 requires any detrimental effects to the environment to be moderated. Saved Policy 4/16 states that the ancillary activity should have minimal impact on the environment and local amenity. Initially the applicant stated that the extended hours would be 'ad-hoc' varying from 2 to 3 times a week up to 5 times a week. Since then the applicant has stated that they would accept a condition being placed on the permission of limiting the use of the extended hours to 100 occasions per year, averaging out at 8 times a month. On balance it is felt that this number of occasions would not have a significant adverse impact on the designation of the AONB, local communities or the local environment and the increase in road transport to and from the site would be acceptable. The applicant has taken steps to try and minimise the impact of the additional working on local amenity and residents by limiting the number of occasions when it would occur and also factoring in that this application is for a temporary time period up until 31st December 2021. Since this application is a variation of condition of an existing permission the mitigation provided by the original permission also applies to this application. This proposal is aiming to provide a limited increase in asphalt production over a limited time period therefore it is considered reasonable to allow the additional activity.

Local amenity (noise, vibration, light pollution) and air quality (emissions, odour and dust)

- 7.22 The asphalt plant is proposed to stop working at 20:00 and the extra time up to 21:00 would be used to load the HGVs and close the site. Lighting is currently turned off at 21:00 hours, and the extended operation of the asphalt plant would not change this. By its nature the asphalt plant produces noise and odour, and the HGVs would produce noise, vibration and emissions. These points have all been raised as concerns in consultation responses from members of the public.
- 7.23 Nidderdale AONB objects to this application as they are concerned about the environmental impact of the noise generated by the operation. The County Councillor for the area has no objection to the application, he states that there is very little noise/light pollution from the plant and the operations would stop at a reasonable hour. Bewerly Parish Council, which covers Pateley Bridge Quarry site and the addresses that would be most affected by the later operation of the asphalt plant, stated they had no objection to the application. Some of the local residents have raised specific concerns regarding emissions and the increase in activity at the

asphalt plant they which they consider would increase the risks to air quality, health and the environment. Harrogate District Council Environmental Health Officer stated that there had been no complaints about the site and the amended hours for a period of 3 years would not cause adverse impact on local residents and the conditions can be amended between Monday and Friday to cease at 21:00 for the temporary period up until 31st December 2021.

- 7.24 Policy D02 in the emerging MWJP is relevant and states that there should not be any unacceptable impacts on local amenity including as a result of in terms of noise, odour, emissions to air and water and site lighting. Criteria ii) of Policy I02 in the emerging MWJP state that there should not be any significant adverse impact as a result of the development. 'Saved' Policy 4/14 of the Minerals Local Plan 1997 deals with local environment and amenity, it states that proposals for mining operations will only be permitted where there would not be an unacceptable impact on the local environment or residential amenity. Policy EQ2 in the Harrogate District Core Strategy 2009 supports the protection of the high quality natural and built environment in the Harrogate District depending upon its international, national and local importance. Paragraph 204 of the NPPF makes a point of ensuring that there are no unacceptable adverse impacts on the natural or historic environment, and to take into account the cumulative effects of multiple impacts for individual sites and paragraph 205 states that when determining applications great weight should be given to the benefits of mineral extraction. The sections in the PPG which are relevant to this proposal are air quality, light pollution, noise, minerals, traffic and the natural environment. In terms of air quality the focus is on whether there is a significant increase in traffic volumes or speed, in terms of light pollution one of the point to consider is if the proposal materially alters the light levels outside the development.
- 7.25 The proposed asphalt plant would not be operating every night; this would lessen the impact on the local community. The number of occasions that is proposed where the site would be operational between 18:00 and 21:00 would be no more than 100 in any calendar year this further lessens the impact on the local community and environment. The Environmental Health Officer, local Parish Council and County Councillor have not raised any concerns regarding amenity. The AONB were concerned about the impact of the extended hours on the tranquillity of the area, and some residents raised concerns regarding noise and environmental impact. The applicant has agreed to commit to the undertaking of additional noise monitoring during the extended hours, when operations are taking place, as part of the routine quarterly monitoring. There have been no issues raised relating to the operation of the quarry during the current permitted hours in terms of noise, local or environmental amenity. Therefore on balance it is considered that the impact of the proposal on local amenity would be acceptable.

Highways matters - Traffic and transport

- 7.26 The application includes a variation of condition 20 of the Planning Application C6/500/109/F/CMA to allow the additional movement of HGVs between 18:00 and 21:00 to enable the transport the asphalt which is produced under the change in hours under condition 19. HGVs would only be allowed to exit the site using the private haul road which exits onto Duck Street Lane, as they do currently, and they will only be allowed to turn left and follow the road to where it joins the A59, so would not go through Greenhow Village.

- 7.27 The County Councillor for the area stated that an increase in HGV traffic movement should not be excessive, providing they use road access and egress avoiding the use of the road to Greenhow Hill to Pateley Bridge whenever possible. The Highway Authority have indicated they are satisfied with the information provided and have no objections to make from a highways point of view.
- 7.28 Thruscross Parish Meeting objected to the application and were especially concerned about the movement of HGVs along Greenhow Hill Road over the Stone House crossroads and past residential properties between the crossroads and My Love Lane.
- 7.29 Several local residents have also raised concerns about the increase in HGVs and the extended hours for the movement of the HGVs. One of the main points raised by several residents is that the HGVs do not currently just use the private haul road and head down to the A59, but some returning empty HGVs are currently routed through Greenhow Village. If the hours are extended there is concern that the HGVs would come through the village later into the evening. One of the main hauliers serving the site is based in Hebden, west of Greenhow along the B6265 and it is likely that once the final deliveries are made after 21:00 the HGVs might return to Hebden via Greenhow. The route the HGVs would take if come through Greenhow is to turn left at the junction of Duck Street Lane and the B6265, comments have been made that this junction has poor sight lines, the HGVs sometimes have to pull across the road into the opposite lane to turn west and it is poorly lit as the lamp post has been knocked down.
- 7.30 The applicant and Highway Authority were made aware of the objections raised in relation the HGV movements and the applicant is willing have conditioned the number of times the extended working takes place to 100 per calendar year. The applicant confirmed that extra HGVs would use the haulage route currently used along the private haul road to Duck Street Lane where the HGVs will turn left and follow this road until they reach the A59. The applicant has stated that the gate at the other access to the site, which is directly onto the B6265, would be locked at 18:00 so this route cannot be used. The applicant has also reached an agreement with the haulier based in Hebden that when their HGVs return to Hebden after if working during the extended evening hours they would do so by a route which would not involve going through Greenhow village except in exceptional circumstances such as working in Pateley Bridge or Glasshouses which are close to Greenhow village.
- 7.31 The main concern of Thruscross Parish Meeting is the safety of the school children who are picked up at the Stonehouse crossroads and residents, some of whom are elderly, who live on the haulage route, especially in the local bungalows. Thruscross Parish Meeting agreed that the only way the Parish objection would be removed is if there was a speed reduction of lorries passing through Thruscross village, either a voluntary one controlled by Hanson's or a statutory one imposed by the Highway Authority.
- 7.32 The comment relating to the suggested speed reduction was provided to the Highway Authority and the applicant for consideration. The Highway Authority stated that it would be unlikely that the Local Highway Authority would impose a 40 mph speed limit at this location due to the environment. The Highway Authority suggested that the quarry could offer training to their drivers to slow vehicles down through the village. The applicant has taken steps to encourage safe and considerate driving by the HGV drivers by issuing a 'Haulier Induction' flier to all HGV drivers who access the site and have also produced a poster which is erected in the site office to make

drivers aware of the need to take extra care at specific locations along the route through Thruscross to the A59.

- 7.33 Paragraph 108 of the NPPF states that the access to the site should be safe and suitable and any impacts on the highways network can be mitigated to an acceptable degree. Paragraph 109 of the NPPF states '*Development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.*' The PPG states that local planning authorities must make a judgement about whether a development would generate a significant amount of traffic.
- 7.34 Policy D03 of the emerging MWJP is one of the key policies to be taken into consideration. The policy states that development will be permitted where there is capacity in the existing road network for the level of traffic proposed, and the traffic will not have an unacceptable impact on the local communities or other users of the highway network, or if any impact does occur it is appropriately mitigated. Criteria iii) of Policy I02 in the emerging MWJP states that there should not be an unacceptable increase in overall road transport. 'Saved' Policy 4/13 of the Minerals Local Plan states that mining operations would only be permitted where the level of vehicle movements likely to be generated can be satisfactorily accommodated by the local highway network.
- 7.35 The route which would be used by the HGVs once they leave the haul road is the one which is used during the current working hours of the site. There would only be one part of the site operational after 18:00 so the number of HGVs exiting the site onto the designated route would be less than during the normal operating hours so the route would have capacity to deal with the number of HGVs between 18:00 and 21:00, which is estimated to be no more than 15 HGVs per evening. The quantity of additional HGVs which would visit the site during the extended hours is low, averaging 5 per hour. It is therefore considered that a travel plan or transport assessment is not required and the proposed increase in road traffic would be acceptable.

8.0 Conclusion

- 8.1 The temporary extended hours of working of the asphalt plant did not raise any objections from the Environmental Health Officer were satisfied that the temporary amended hours would not cause any adverse impact on local residents. On balance it is considered that as the asphalt plant would be operating during the extended hours on limited occasions and for a temporary period there would be limited impact on local residents and the local environment and so is considered acceptable.
- 8.2 On balance, with no objection from the Highway Authority, and measures put in place by the applicant regarding routing of HGVs, limiting the number of occasions the extended hours would be used, and measures put in place to encourage HGV drivers to drive with care, it is considered that the temporary extended hours for HGV movements would not cause an 'unacceptable' impact on the highway or residential amenity as the number of HGVs per evening is low, the HGV drivers would be encouraged to drive safely and the occasions where the extended working would take place would be conditioned and the extended working would only take place for a temporary time period until the end of December 2021.

- 8.3 There are no material planning considerations to warrant the refusal of this application for the Variation of Condition No's 19 & 20 & of Planning Permission Ref. C6/500/109/F/CMA to enable Asphalt Operations to continue until 21:00 hours Monday to Friday only until 31 December 2021. The extended hours are only being supported due to the fact that it is for a temporary period only and would be unlikely to receive planning permission past this date.
- 8.4 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 reason(s):

- i. the proposal is a variation of existing planning conditions through the previous grant of planning permission.
- ii. the proposed variation in conditions 19. and 20. of C6/500/109/F/CMA would not have a significant impact on the residential amenity or local environment.
- iii. the proposed variation in conditions 19. and 20. of C6/500/109/F/CMA would not have a significant adverse impact on the local highway network
- iv. the proposed variation in conditions 19. and 20. of C6/500/109/F/CMA would not have a significant impact on the designation of the AONB
- v. the proposed variation in conditions 19. and 20. of C6/500/109/F/CMA is consistent with the principles of the NPPF, PPG and in compliance with Minerals and Waste Joint Plan Policies, 'saved' Policies of the North Yorkshire Minerals Local Plan (1997), Policies of the Harrogate District Core Strategy 2009 and 'saved' Policies of the Harrogate District Local Plan 2001.
- vi. The proposal is for a temporary period until 31st December 2021.

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

Conditions:

1. This permission is permitted for a temporary time period until 31 December 2021.

Reason: To limit the impact of the extended operation of the asphalt plant and associated HGV movement on residential amenity.

2. The development hereby permitted shall be carried out in accordance with the application details dated 21 January 2019 and the following approved documents and drawings:

<u>Ref.</u>	<u>Date</u>	<u>Title</u>
	5 April 2017	Location Plan
Plan 1 Fig 1.1	June 2010	Site Location Plan
HA-100-01 B	May 2010	Existing Site Configuration Plan
C175/140	February 2019	Existing Site Context Plan

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

3. The permission hereby authorises the additional operation of the asphalt coating plant between the hours 18:00 to 21:00 Monday to Fridays. Therefore the asphalt coating plant shall only be allowed to operate between the following times:
0600 to 2100 hours Mondays to Fridays
0600 to 1530 hours Saturdays

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

4. The permission hereby authorises the additional movement of HGVs transporting asphalt between the hours 18:00 to 21:00 Monday to Fridays. Therefore the HGVs transporting asphalt shall only be allowed to operate between the following times:
0600 to 2100 hours Mondays to Fridays
0600 to 1530 hours Saturdays

Reason: To enable to transport of the asphalt produced between 18:00 and 21:00

5. The main Duck Street Lane access shall be the only means of HGV access and exit during the hours of 18:00 and 21:00, and the HGVs will turn left onto Duck Street lane and follow this route to the A59.

Reason: To minimise the impact of the HGVs on the residents of Greenhow Village and to use the established route for HGV traffic.

6. The operation of the asphalt plant between the hours of 18:00 and 21:00 shall ONLY be carried out on 100 occasions per year. The site operator shall keep a record of the dates the asphalt plant operates during the hours of 18:00 and 21:00 and supply the list to the Planning Authority on a quarterly basis.

Reason: To minimise the impact of the asphalt plant on the local residents.

7. The movement of HGVs between the hours of 18:00 and 21:00 may ONLY be carried up to on 100 occasions per year and on days when the asphalt is operational during the hours of 18:00 and 21:00, a record of the number of HGVs visiting the site during these hours will be provided to the Planning Authority on a quarterly basis.

Reason: To minimise the impact of the HGVs on the local residents.

8. A sign shall be erected at the junction of the haul road and Duck Street stating 'After 18:00 all HGVs must turn left' and this sign will be removed after 31 December 2021.

Reason To ensure that all HGVs leaving the site after 18:00 use the agreed route and do not go through Greenhow village.

9. All permitted quarrying operations shall be carried out in accordance with the Planning Application and Environmental Statement dated July 2010 for permission C6/500/109/F/CMA except as these are varied by the requirements of the planning conditions and except as may be otherwise approved in writing by the County Planning Authority.

Reason For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details and in accordance with 'saved' Policy 4/1 of the North Yorkshire Minerals Local Plan (1997).

10. The main Duck Street quarry access road shown on application Drawing No HA-100-01 B (dated May 2010) shall be maintained in a good state of repair free from potholes and surfaced in bituminous macadam throughout the life of the development.

Reason In the interests of highway safety in accordance with 'saved' Policy 4/13 of the North Yorkshire Minerals Local Plan (1997).

11. The main Duck Street access shall be the only means of HGV access to the site, save for:-

- (i) traffic travelling to and from Pateley Bridge/Upper Nidderdale along the B6265;
- (ii) vehicles delivering minerals within the Yorkshire Dales National Park
- (iii) in cases of emergency;
- (iv) as otherwise may be approved in writing by the Mineral Planning Authority.

Reason In the interests of highway safety and safeguarding the local environment in accordance with 'saved' Policies 4/13 and 4/14 of the North Yorkshire Minerals Local Plan (1997).

12. Precautions, including if necessary, the provision of wheel cleaning facilities, shall be taken and maintained to ensure that all vehicles leaving the site are in a clean condition, such that no dirt and/or mud are deposited on the public highway by vehicles travelling from the site.

Reason In the interests of highway safety and safeguarding the local environment in accordance with 'saved' Policies 4/13 and 4/14 of the North Yorkshire Minerals Local Plan (1997).

13. During the permitted working hours the free field Equivalent Continuous Noise Level shall not exceed 55 dB(A) free field as recorded at any inhabited property.

Reason To minimise the adverse impact of noise generated by operations in the interests of amenity in accordance with 'saved' Policy 4/14 of the North Yorkshire Minerals Local Plan (1997).

14. In the event that the noise level specified in Condition 12 is exceeded, those operations at the site causing the excessive noise shall cease immediately and steps shall be taken to attenuate the noise level to be in compliance with the requirements of Condition No 12.

Reason To minimise the adverse impact of noise generated by operations in the interests of amenity in accordance with 'saved' Policy 4/14 of the North Yorkshire Minerals Local Plan (1997).

15. During the period of active quarry operations and restoration, noise monitoring shall be carried out on a regular basis in accordance with the Noise Monitoring Scheme submitted with the application unless otherwise approved by the County Planning Authority. Between these surveys additional monitoring shall be carried out at the request of the County Planning Authority. All results shall be available for inspection on request by the County Planning Authority.

Reason To minimise the adverse impact of noise generated by operations in the interests of amenity in accordance with 'saved' Policy 4/14 of the North Yorkshire Minerals Local Plan (1997).

16. All plant, machinery and vehicles used on any part of the site shall be fitted with effective noise attenuating equipment, which shall be regularly maintained. Except with the prior written approval of the County Planning Authority only vehicles fitted with 'white noise' reverse warning alarm systems shall be used in mineral loading earth moving and grading operations.

Reason To minimise the adverse impact of noise generated by operations in the interests of amenity in accordance with 'saved' Policy 4/14 of the North Yorkshire Minerals Local Plan (1997).

17. Dust shall be controlled in accordance with the mitigation measures set out in the application details dated July 2010 to minimise the emission of dust from the site. In the event that the operator is informed by the County Planning Authority that a complaint has been received, additional control measures shall be implemented including, when necessary; the temporary cessation of dust generating activities, within such period as may be required by the County Planning Authority.

Reason To minimise the adverse impact of dust generated by operations in the interests of amenity in accordance with 'saved' Policy 4/14 of the North Yorkshire Minerals Local Plan (1997).

18. All vehicles transporting asphalt from the quarry shall be securely sheeted.

Reason To minimise the adverse impact of dust generated by operations in the interests of amenity in accordance with 'saved' Policy 4/14 of the North Yorkshire Minerals Local Plan (1997).

19. Any oil or liquid chemical storage tanks shall be located within a bund having a capacity of not less than 110% of the largest tank or the combined tank volume if a number of tanks are interconnected. The floor and walls of the bund shall be impervious to water and the stored liquid and all inlet, outlet and vent pipes and gauges shall be agreed in writing by the County Planning Authority for the disposal of any contaminated water within the bund.

Reason For the protection of the water environment in accordance with 'saved' Policy 4/10 of the North Yorkshire Minerals Local Plan (1997).

20. All oil or chemical storage containers/drums including any such waste materials shall be stored in a compound with an impervious base with the floor constructed in such a manner that the contents of the largest container/drum are retained in the event of a spillage. All waste materials such as oils, solvents, slurries or chemicals shall be disposed of at a site licensed to receive such materials.

Reason For the protection of the water environment in accordance with 'saved' Policy 4/10 of the North Yorkshire Minerals Local Plan (1997).

21. A copies of the all planning permission and any agreed variations, together with all the approved plans, shall be kept at the site office at all times.

Reason To ensure that site personnel are aware of the terms of the planning permission so as to secure an orderly and progressive pattern of working and a high standard in restoration in accordance with 'saved' Policy 4/1 of the North Yorkshire Minerals Local Plan (1997).

22. There shall be no de-watering or interruptions to ground or surface water flows at the site.

Reason In order to protect the water environment, in accordance with saved policies 4/1 and 4/10 of the North Yorkshire Minerals Local Plan (1997)

Informatives

1. Additional noise monitoring will take place during the extended hours the asphalt plant is working as part of the routine quarterly monitoring.
2. The HGVs which remove asphalt from the asphalt plant during the hours of 18:00 to 21:00 will not return through Greenhow village when returning to their base in Hebden, except in exceptional circumstances.
3. The Environment Agency has advised that if there is a possibility that land affected by contamination is located beneath the existing plant site, this will need to be assessed in line with the guidance outlined in Planning Policy Statement 23 and the Environment Agency Land Report 11 (CLR11); Model Procedures for the Management of Land Contamination.
4. Natural England has advised that there is evidence of creeping Thistle within the re-vegetated screen mound, constructed under the 2005 planning permission. There is concern that this could harm the nearby SSSIs if thistle seeds reach the SSSIs in greater volume. Natural England has therefore advised that thinning the topsoil layer on the screen bund and other areas around the quarry would facilitate the establishment of acid grassland while also reducing the abundance of thistles. Creeping Thistles are classed as an injurious weed under the 1959 Weed Act and it is therefore the duty of the landowner to control them. Spot treatment and weed wiping with an appropriate herbicide will also control thistles without affecting other plant species.
5. The Coal Authority has advised that in the interests of health and safety, the presence of mine entries in the vicinity of the quarry, dating from previous lead mining activities in the area, should be taken into account in carrying out the existing quarrying activities at the site.

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

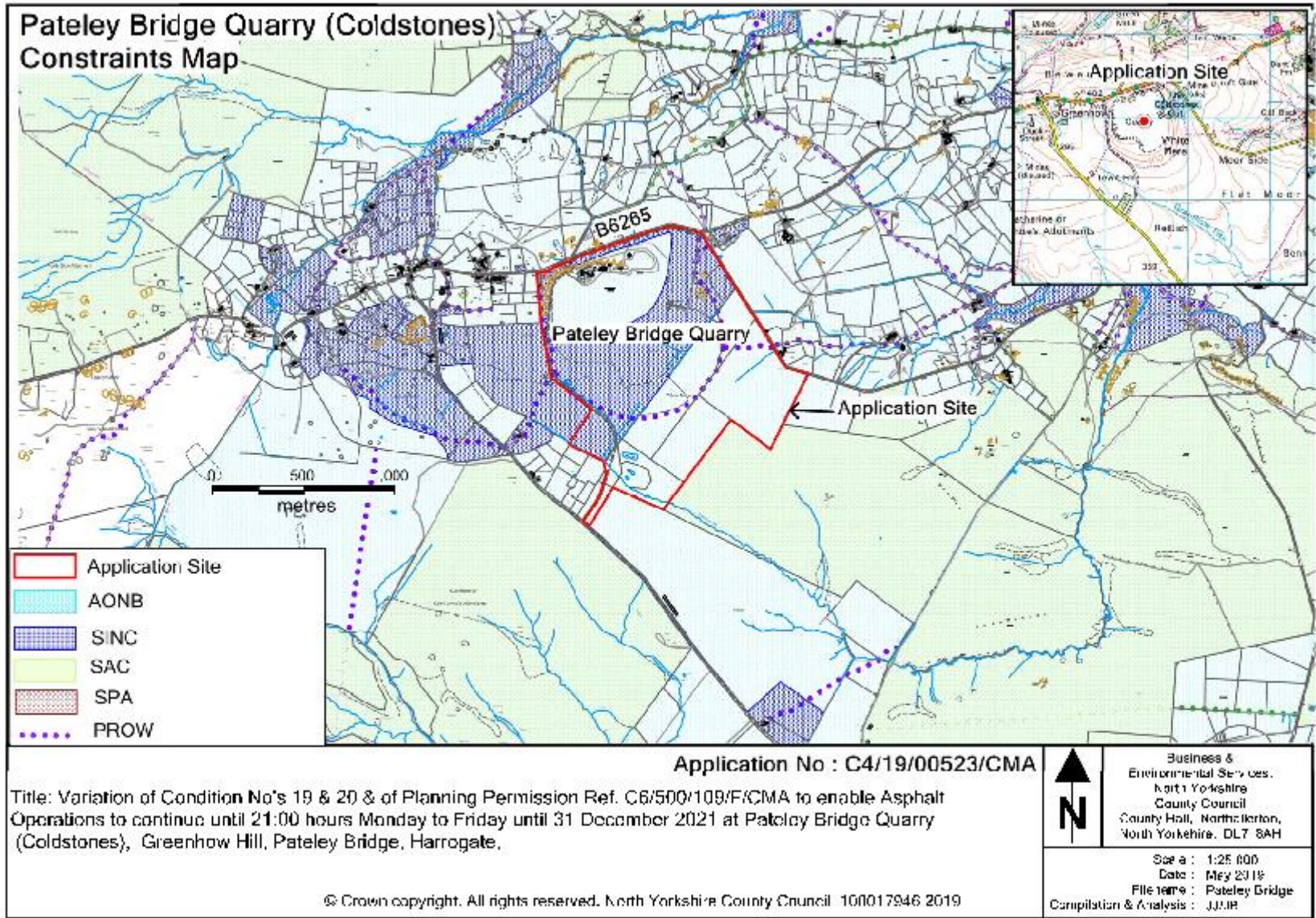
In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose to take up this service. Proposals 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.

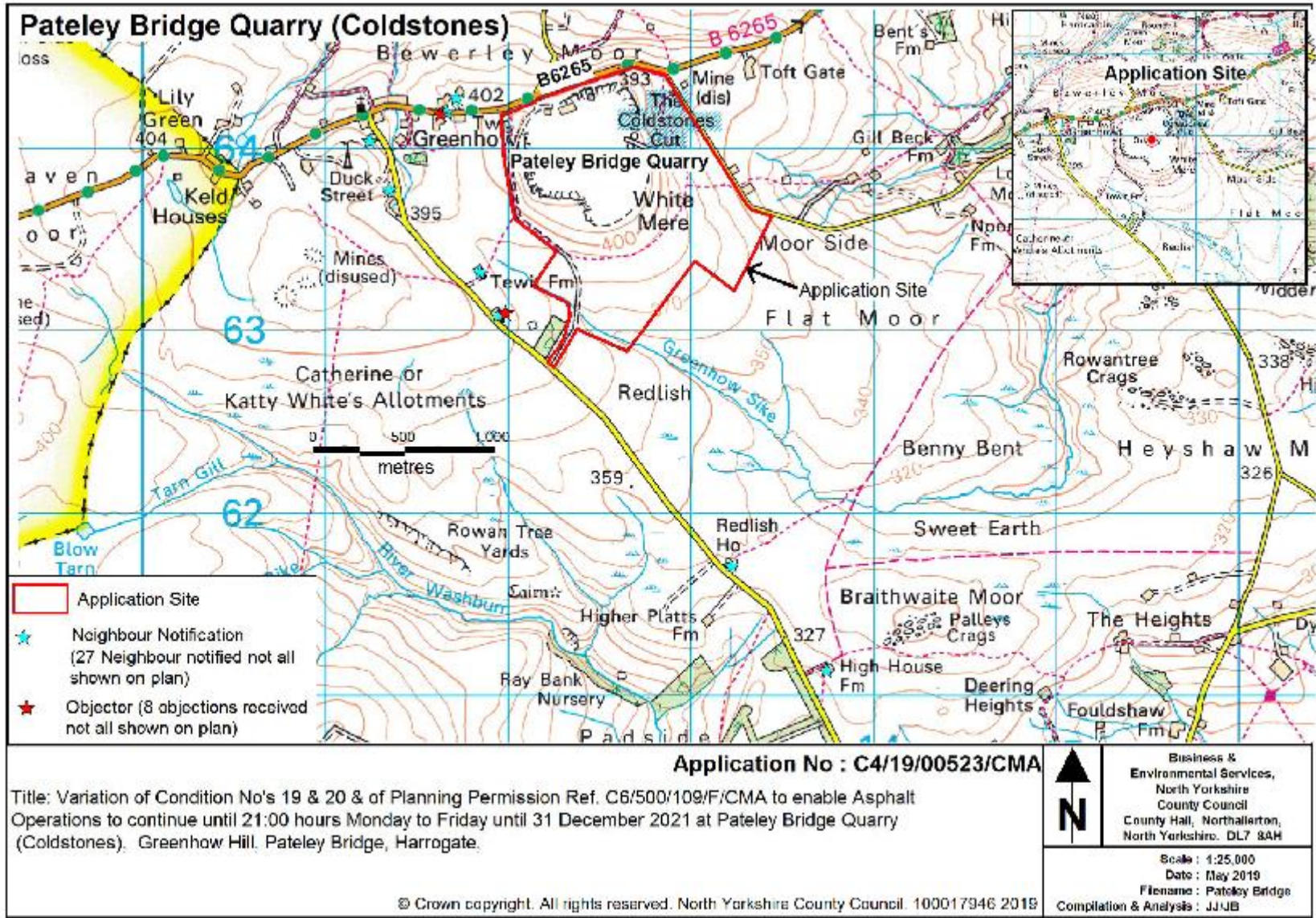
DAVID BOWE
Corporate Director, Business and Environmental Services

Author of report: Joan Jackson

Background Documents to this Report:

1. Planning Application Ref Number: C6/19/00523/CMA Ref . NY/2019/0016/73A registered as valid on 21 January 2019. Application documents can be found on the County Council's Online Planning Register by using the following web link: <https://www.northyorks.gov.uk/view-planning-applications-decisions-and-submit-comments>
2. Consultation responses received.
3. Representations received.







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 14th 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 21st 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 8th 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 21st 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 25th 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 10th 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 8th 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 13th 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 3rd 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 10th 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 8th 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 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 users⁴⁶; 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 6th 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 26th 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 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.

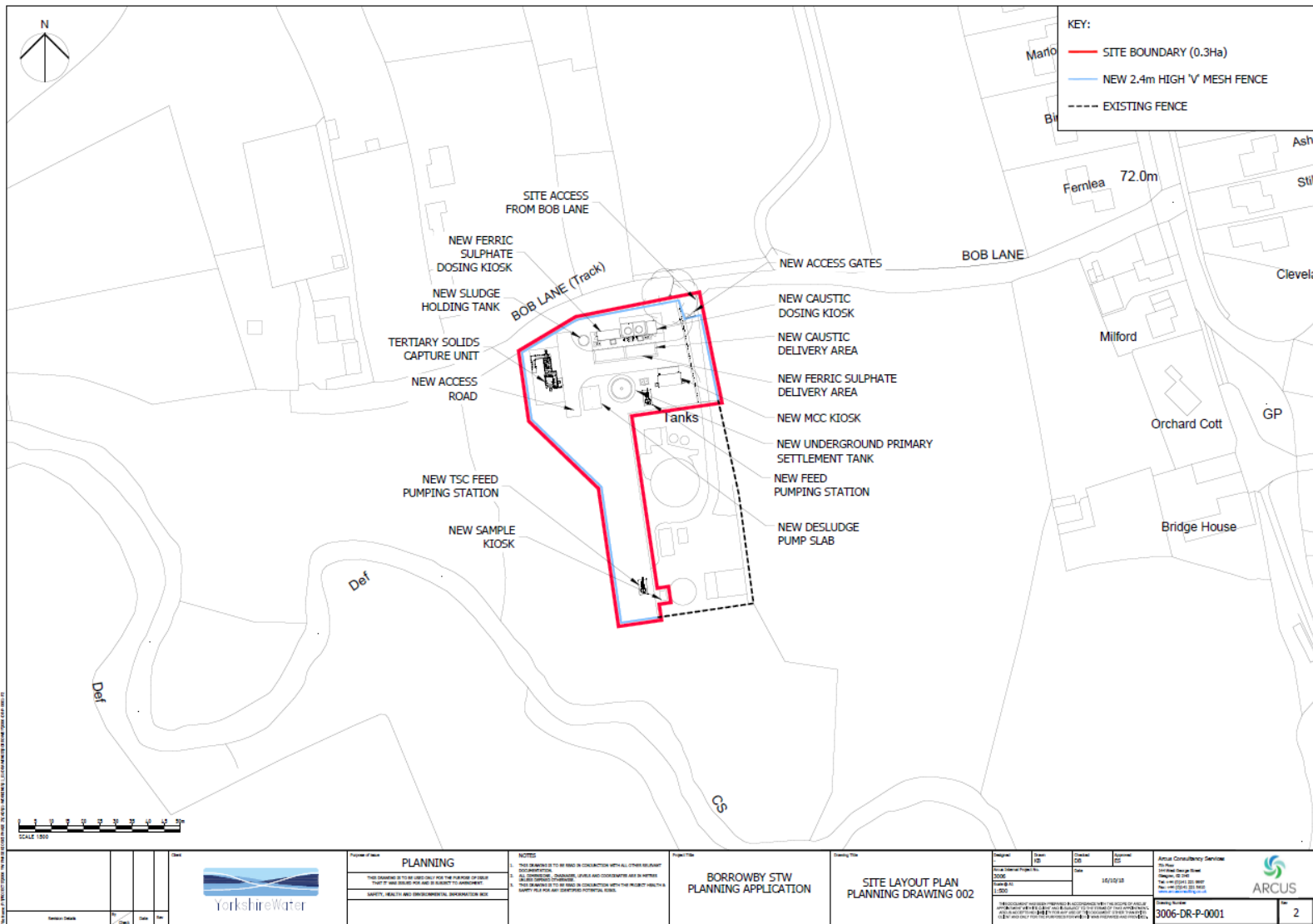
DAVID BOWE

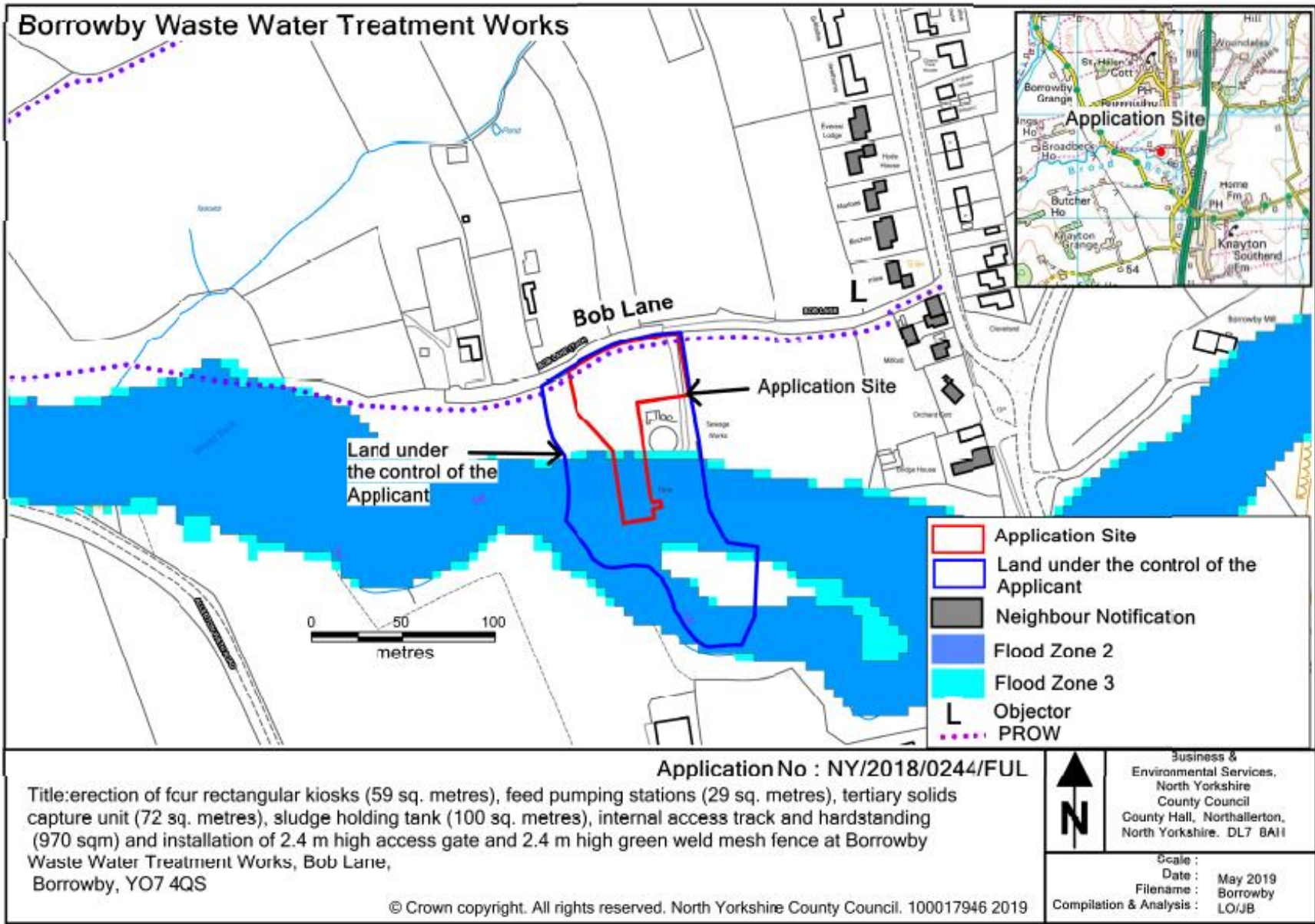
Corporate Director, Business and Environmental Services

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.





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

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

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

23 July 2019

**C6/19/00151/CMA - PLANNING APPLICATION FOR THE PURPOSES OF THE EXTENSION AND REFURBISHMENT OF EXISTING ARTIFICIAL GRASS PITCH TO FORM A FLOODLIT 3G ARTIFICIAL PITCH (6355 SQ. METRES), ERECTION OF 4.5 METRE HIGH MESH PERIMETER BALL STOP FENCING AND 3 METRE HIGH ENTRANCE GATES, 2 METRE HIGH MESH PERIMETER BARRIER FENCING AND 1.2 METRE HIGH ENTRANCE GATES, 8 NO. 15 METRE HIGH LIGHTING COLUMNS, 9 NO. LOW LEVEL PEDESTRIAN LIGHTING BOLLARDS, ERECTION OF A STEEL STORAGE CONTAINER CREATION OF HARD STANDING AND LEVEL APPROACH (302 SQ. METRES), AND HARD AND SOFT LANDSCAPING WORKS ON LAND AT KING JAMES SCHOOL, KING JAMES ROAD, KNARESBOROUGH, HG5 8EB
ON BEHALF OF DIRECTOR OF BUSINESS SERVICES
(HARROGATE DISTRICT) (KNARESBOROUGH 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 extension and refurbishment of existing Artificial Grass Pitch to form a floodlit 3G Artificial Pitch (6355 sq. metres), erection of 4.5 m high mesh perimeter ball stop fencing and 3m high entrance gates, 2 m high mesh perimeter barrier fencing and 1.2 m high entrance gates, 8 No. 15 metre high lighting columns, 9 No. low level pedestrian lighting bollards, erection of a steel storage container, creation of hard standing and level approach (302 sq. metres) and hard and soft landscaping works on land at King James School, King James Road, Knaresborough, HG5 8EB on behalf of Director of Business Services.
- 1.2 This application is subject to six objections having been raised in respect of this proposal on the grounds of light pollution, noise nuisance, traffic and parking, hours of operation, flooding and security and is, therefore, reported to this Committee for determination.

2.0 Background

Site Description

- 2.1 King James' School is located 20 metres to the south of the A59, which is the main road that runs through the centre of Knaresborough. The school is located towards the north of the site and is set within approximately 9 hectares of land. King James' School is located within a residential area of Knaresborough. It is a non-denominational school and educates children between the ages of 11 to 18 years of age. It was founded in 1616 as King James Grammar School and became a comprehensive school in 1971. The school currently has a capacity of 1,692 children on the school roll. With 360 of these at the sixth form college, as shown on Appendix B the existing plan of the sixth form building.

- 2.2 The main school building comprises single and two storey sections and much of the school is constructed of red brick. The school has had multiple extensions modernising it including a new art block, due to the topography of the school site and the changing levels throughout this has meant expansion has occurred in terraces. There are a number of temporary classroom units located at the school and the school benefits from a large playing field which are located in the south of the site. Tennis courts south of the main school building and are located on a lower level to the main school building and are floodlit (planning permission C6/14/01556/CMA). The site also includes a The 'Multi-Use Games Area' or 'MUGA' incorporating a synthetic pitch and was granted planning permission in 2006 under the terms of planning permission C6/100/324/AW/CMA. The MUGA was further granted permission for 8 No. 15 metre high floodlight columns on 6 August 2013 in the south east of the site.
- 2.3 The application site is situated within terraced playing fields at the rear (south) of the school and the site and surrounding grass sports pitches have been terraced into two levelled areas with steep slopes in between the two levelled pitch areas and the North Eastern edge, 2 2.5 metres in height.
- 2.4 To the north-west of the school site is the main vehicular entrance and exit onto King James Road, and approximately 45 metres further north-west is Knaresborough Swimming Pool. Approximately 15 metres to the north east of the boundary of the school site, and 160 metres north east of the development area are a number of semi-detached residential properties on York Road. The north eastern boundary treatment includes mature trees, a raised embankment and a two metre high wire mesh fence.
- 2.5 The only constraint relevant to the determination of this application is that it is within the Impact Risk Zones for SSSI's. To the south east of the application site and along the eastern school boundary there is a public right of way footpath (number 15.73/20/1), which would not be affected by the application.
- 2.6 A plan showing the application site is attached to this report.

Planning History

- 2.7 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -
- C6/17/03835/CMA, 6 February 2018, demolition of sixth form building (1186 sq. metres), removal of 2 No. Temporary Classroom Units (263 sq. metres), erection of two storey Sixth Form Building (965 sq. metres), external wall mounted lighting, 9 No. 6 metre high lighting columns, re arrangement of car park facility, cycle shelter, bin store, 3 No. pedestrian crossings, creation of footpaths, 1.8 metre high access gate, paving, hard and soft landscaping works, removal of 1 No. existing tree;
 - C6/100/324/BR/CMA, 22 March 2016, erection of black tubular steel rail fencing and vehicular and pedestrian access gates (6 in total) ranging from 2 metres to 2.2 metres in height. Granted and implemented;
 - C6/14/02809/CMA dated 5 September 2014 for the variation of condition No. 2 of Planning Permission Reference number C6/12/04032/CMA which relates to the number of floodlight masts being reduced from 8 to 6;
 - C6/12/04032/CMA, 12 September 2013, installation of 8 No. 15 metre high floodlight columns.

3.0 The proposal

- 3.1 Planning permission is sought for the extension and refurbishment of existing Artificial Grass Pitch (AGP) to form a floodlit 3G Artificial Pitch (6355 sq. metres), erection of 4.5 metre high mesh perimeter ball stop fencing and 3 metre high entrance gates, 2 metre high mesh perimeter barrier fencing and 1.2 metre high entrance gates, 8 No. 15 metre high lighting columns, 9 No. low level pedestrian lighting bollards, erection of a steel storage container, creation of hard standing and level approach (302 sq. metres) and hard and soft landscaping works on land at King James School, King James Road, Knaresborough, HG5 8EB on behalf of the Director of Business Services.
- 3.2 The Applicant has affirmed that this application seeks planning permission to refurbish the current AGP to contribute to the improvement of sporting facilities for curriculum use, match play and training at the school. *“The refurbished AGP will provide sporting benefits to local organisations and community groups in the surrounding Knaresborough area, including local junior and youth football clubs to gain the maximum football developmental outcomes; both during the day and during evenings and at weekends via pre-arranged and structured community access. The refurbished AGP will offer a variety of football pitches and training areas within the same enclosed playing space to support development plans into grassroots football and in accordance with The Football Association’s (FA) current technical guidance. The refurbished AGP will provide increased usage in comparison to the existing provision and this intensification of use is made possible by the introduction of a football specific artificial grass surfaced field of play which is more durable especially during winter weather conditions, plus the provision of new artificial (flood) lighting.”*
- 3.3 The proposed height of new open steel mesh ball stop fencing and entrance gates around the entire AGP perimeter would be 4.5 metres and is proposed to be polyester powder coated in dark green (RAL6005).
- 3.4 The new open steel mesh pitch perimeter barrier and entrance gates internally within the pitch enclosure to segregate the artificial grass pitch surface from adjoining hard standing areas are proposed to be 1.2 metres to 2.0 metres in height and are proposed to be polyester powder coated in dark green (RAL6005).
- 3.5 The proposed height of a new floodlight system is 15 metres high comprising eight (8no.) masts mounted with sixteen luminaires with a 2no. / 2no. / 2no. / 2no. arrangement along North Western and South Eastern longitudinal sides of the AGP. The finished appearance would include sectional octagonal base-hinge steel masts with a galvanised finish.
- 3.6 The proposed height of 9no. new low-level pedestrian lighting bollards is 84.8 centimetres and are proposed to be polyester powder coated die-cast aluminium in jet black (RAL9005).
- 3.7 The new outdoor steel maintenance / sports equipment store would be 2.59 metres in height, 6.06 metres in length and 2.44 metres in width and is proposed to be coloured moss green with steel ramps for easy equipment access and egress.
- 3.8 Except for new hard landscaping treatments comprising porous asphalt surfacing for pedestrian and vehicular access, all other soft ground surrounding the area affected by the development shall be reinstated to grass (in accordance with in accordance with BS 4428:1989 Code of Practice for General Landscape Operations).

- 3.9 Visual mitigation will be provided to residential neighbours and to open views over the Nidd Valley to the South, new screen planting will be installed alongside the South Eastern AGP perimeter.
- 3.10 A hard standing level approach totalling 302 square metres is proposed to be constructed which will link the AGP to adjacent school buildings, with 1:24 gradients including level landings for each 500 millimetres rise along the access route.
- 3.11 The construction access is proposed to be from one of the school entrances which adjoins Cemetery Lane to the north of the proposed development. It is also proposed that temporary two metre high security fencing will be erected around the entire development area during the construction period, which would act as an additional mitigation measure.

4.0 Consultations

The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 11 January 2019.

- 4.1 **Knaresborough Parish Council** – confirmed support for the application.
- 4.2 **Harrogate Borough Council (Planning)** – confirmed no objection subject to limitations on hours of operation to minimise any impact upon the neighbours and also subject to appropriate controls on luminance and light spill in respect of the floodlights.
- 4.3 **Environmental Health Officer (Harrogate)** – re-consulted following submission of further information due to initial concerns with lack of information and hours of use - requests a number of conditions in relation to hours of use of the pitch and floodlights, noise mitigations measures, a noise management plan and floodlight monitoring programme.
- 4.4 **Sport England** – confirmed no objection.
- 4.5 **Highway Authority** – did not respond.
- 4.6 **NYCC Heritage - Principal Landscape Architect** – stated in a consultation response that *“screen planting will take several years to become established, but I am satisfied that this has potential to help reduce adverse visual effects to an acceptable level... Screen planting should be at least 7 metres wide and planted as high as possible along the southern embankment, incorporate native trees and shrubs and a % of evergreen species. I would also wish to see some isolated tree groups to the west side to help filter views from Aspin Park Crescent. Further information would be needed to provide a suitably detailed landscape, maintenance and aftercare scheme which could be secured by condition. Otherwise I am generally supportive of the proposals”*.
- 4.7 **NYCC Heritage – Ecology** – Recommend that the mitigation measures set out in section 5.1 of the Preliminary Ecological Assessment report should be secured by condition.
- 4.8 **NY Police - Designing Out Crime Officer** – stated *“it is noted that the school has a comprehensive security management plan, This plan has been revised to take into consideration the out of school hours that the site will be operating and is commended. I have no other comments to make”*.
- 4.9 **NYCC Arboricultural Officer** – did not respond.

- 4.10 **NYCC Public Rights of Way Team** – requested the following informative:
“No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.”

Notifications

- 4.11 **County Councillor David Goode** – was notified of the application.
- 4.12 **County Cllr. Zoe Metcalfe** – was notified of the application.

5.0 Advertisement and representations

- 5.1 This application has been advertised by means of six site notices posted on 11 January 2019 (responses to which expired on 7 February 2019). The Site Notices were posted in the following locations:

- Aspin Lane (North);
- Aspin Lane (South);
- Aspin Park Crescent;
- Farfield Mount;
- Grimbald Road;
- School entrance.

- 5.2 105 Neighbour Notification letters were sent on 23 January 2019 and the period in which to make representations expired on 13 February 2019. Properties were consulted on the following neighbouring residential streets:

- Farfield Mount;
- Grimbald Road;
- Wetherby Road;
- Aspin Park Crescent;
- Farfield Avenue;
- Aspin Lane;
- King James Road;
- York Road;
- Princess Drive
- Orchard Mews;
- Aspin Avenue;
- Aspin Park Drive.

- 5.3 A total of six letters of representation have been received raising objections on the grounds of:-

- Light pollution from floodlights;
- Noise pollution from evening use of the new pitch;
- Issues with flooding due to topography;
- Security;
- Hours of operation;
- Highway safety, parking issues and increased traffic.

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 *Development Plan* for the determination of this particular application comprises the following:
- The extant policies of the Harrogate District Core Strategy (2009);
 - The ‘saved’ policies of the Harrogate Borough Local Plan (2001).
- 6.3 The Harrogate Core Strategy (adopted 2009) has particular relevance in the determination of this application and the policies most relevant include:
- Policy SG4 – Design and Impact;
 - Policy EQ1 - Reducing Risks to the Environment;
 - Policy C1 – Inclusive Communities.
- 6.4 Within the Harrogate Core Strategy Policy SG4, “Design and Impact” with regards to residential amenity it states *“the scale, density, layout and design should make the most efficient use of land”*, and that the *“visual, residential and general amenity should be protected and where possible enhanced”*. This policy is consistent with the NPPF’s objectives of presumption in favour of sustainable development, as outlined in paragraph 17 of the Framework, which relates to the importance of achieving a good quality of design to ensure a good quality and standard of amenity for all existing and future occupants. Therefore, full weight can be given to this policy in the determination of this application.
- 6.5 Policy EQ1 states “In partnership with the community, the development industry and other organisations, the level of energy and water consumption, waste production and car use within the District, and the consequential risks for climate change and environmental damage will be reduced through design, construction and subsequent operation of all new development seeking to minimise energy and water consumption, the use of natural non-renewable resources, travel by car, flood risk and waste. Stating until a higher national standard is required, all new development requiring planning permission for other types of development it should attain ‘very good’ standards as set out in the Building Research Establishment Environmental Assessment Method (BREEAM). Finally stating proposals for renewable energy projects will be encouraged, providing any harm caused to the local environment and amenity is minimised and clearly outweighed by the need for and benefits of the development”.
- 6.6 Another relevant policy stated in Harrogate’s Core Strategy (2009) is Policy C1 entitled “Inclusive communities” it advises *“the use and development of land will be assessed having regard to community needs within the District, with particular importance placed on the following specific needs identified through the Harrogate District Community Plan and other relevant strategies and plans:*
- a. *elderly people, especially in terms of open market housing, health, sport and recreation;*
 - b. *young people, especially in terms of affordable housing, higher education/training and sport, leisure, cultural and entertainment facilities;*
 - c. *the rural population especially in terms of affordable housing and access to services;*
 - d. *disabled people, especially in terms of access to services and mobility.”*
- 6.7 Chapter 8 of the NPPF, entitled ‘Promoting Healthy and Safe Communities’, reinforces the role that the planning system can have in facilitating healthy, inclusive

communities. Stating that planning policies and decisions should plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments. In this instance only parts 'b' and 'd' of this policy is considered relevant to the determination of this application as it relates to the provision of facilities related to the provision of education and the improvement of services for disabled people. It is therefore considered that Policy C1 'b' and 'd' of the Harrogate District Core Strategy (2009) are consistent with the National Planning Policy Framework (as amended 2019) and therefore full weight can be applied in determining this application.

- 6.8 In addition to the Harrogate District Core Strategy (2009) the Harrogate District Local Plan (2001) also warrants consideration in relation to this proposal. The policy most relevant include:
- 'Saved' Policy HD20 - Design of New Development and Redevelopment;
- 6.9 'Saved' Policy HD20, entitled 'Design of New Development and Redevelopment', from the Harrogate Local Plan (2001) advises that proposals must take into account the following design principles:
- *New buildings should make a positive contribution to the spatial quality of the area and their siting and density should respect the area's character and layout.*
 - *The use and application of building materials should respect materials of neighbouring buildings and the local area;*
 - *New development should respect the local distinctiveness of existing buildings, settlements and their landscape setting.*
 - *New buildings should respect the scale, proportions and height of neighbouring properties.*
 - *New building design should respect, but not necessarily mimic, the character of their surroundings and, in important location, should make a particularly strong contribution to the visual quality of the area.*
 - *The use and application of building materials should respect materials of neighbouring buildings and the local area*
 - *New development should be designed with suitable landscaping as an integral part of the scheme;*
 - *Special consideration will be given to the needs of disabled and other inconvenienced persons, particularly in proposed developments to which there will be public access;*
 - *New development should respect the privacy and amenity of nearby residents and occupiers of adjacent buildings;*
 - *New development should maximise the opportunities for conservation of energy and resources through design, layout, orientation and construction.*
 - *New development should, through design, layout and lighting, pay particular attention to the provision of a safe environment'.*
- 6.10 This Policy is considered partially consistent with the NPPF's objectives of achieving sustainable development through good design, in particular development respecting the character of the area. It is noted, that the NPPF states that *'planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation'*. The NPPF states *'Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and*

places and the integration of new development into the natural, built and historic environment’.

- 6.11 In terms of the design aims of Policy HD20, it is therefore considered that the policy is broadly consistent with the aims of the National Planning Policy Framework (2012) and, therefore, partial weight should be afforded Policy HD20 in relation to the determination of this application.
- 6.12 Within the Harrogate District Local Plan, ‘Saved’ Policy CFX, titled ‘Community Facilities Protection’, states that *‘proposals involving the loss of land or premises in community use, including community halls, schools, colleges, nurseries, place of worship, health services, care homes, libraries and public houses will not be permitted, except where it can be shown that:*
- a. *Continued community use would cause unacceptable planning problems; or*
 - b. *A satisfactory replacement facility is provided, in a suitably convenient location for the catchment served prior to the commencement of development; or*
 - c. *There is no reasonable prospect of:*
 - i) *The existing use continuing on a viable basis with all options for continuance having been fully explored, as a priority and, thereafter,*
 - ii) *Securing a satisfactory viable alternative community use.’*
- 6.13 This Policy is consistent with the principles of the NPPF in relation to the provision of community facilities. Therefore, it is considered that full weight can be given to this Policy in the determination of this application.

Other policy considerations:

National Planning Policy

- 6.14 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) (published February 2019)

National Planning Policy Framework

- 6.15 The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied.
- 6.16 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.’***

- 6.17 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.’*
- 6.18 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.
- 6.19 Paragraph 92 within Chapter 9 (Promoting healthy and safe communities) of the NPPF states *‘to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*
- a) *plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
 - b) *take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
 - c) *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;*
 - d) *ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*
 - e) *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.’*
- 6.20 Paragraph 94 within Chapter 8 (Promoting healthy and safe communities) of the NPPF states that *“the government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.”* Going on to specify planning authorities must take a *“proactive, positive and collaborative approach”* to meeting this requirement. They should:
- a) *give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
 - b) *work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.*
- 6.21 Paragraph 96 within Chapter 8 (Promoting healthy and safe communities) of the NPPF states that *‘Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.’*
- 6.22 Paragraph 97 within Chapter 8 (Promoting healthy and safe communities) of the NPPF states that *‘Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
- a) *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*

*b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.'*

6.23 Paragraph 124-27 within Chapter 12 (Achieving Well Designed Places) of the NPPF states 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 aim to 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 visits
- 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 users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6.24 Paragraphs 130 within Chapter 12 (Achieving Well Designed Places) of the NPPF states 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).'

6.25 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."*

National Planning Practice Guidance (PPG) (2014)

- 6.26 On 6th 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:

- 6.27 This states how good design is essential to sustainable development with reference to the importance of it being functional, in that it relates well to its surrounding environment, and is designed so that it delivers its intended purpose whilst maintaining a distinctive character. It though must also “*reflect an areas function, history, culture and its potential need for change*’. Ensuring 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 wellbeing.
 - address the need for different uses sympathetically.

Light pollution:

- 6.28 Light intrusion occurs when the light ‘spills’ beyond the boundary of the area being lit. For example, light spill can impair sleeping, cause annoyance to people, compromise an existing dark landscape and/or affect natural systems (e.g. plants, animals, insects, aquatic life). It can usually be completely avoided with careful lamp design selection and positioning:

- Lighting near or above the horizontal is usually to be avoided to reduce glare and sky glow (the brightening of the night sky).
- Good design, correct installation and ongoing maintenance are essential to the effectiveness of lighting schemes.

- 6.29 Lighting only when the light is required can have a number of benefits, including minimising light pollution, reducing harm to wildlife and improving people’s ability to enjoy the night-sky:
- Lighting schemes could be turned off when not needed (‘part-night lighting’) to reduce any potential adverse effects e.g. when a business is closed or, in outdoor areas, switching-off at quiet times between midnight and 5am or 6am. Planning conditions could potentially require this.
 - Impact on sensitive wildlife receptors throughout the year, or at particular times (e.g. on migration routes), may be mitigated by the design of the lighting or by turning it off or down at sensitive times.

Noise:

- 6.30 This states how noise needs to be considered when new developments would be sensitive to the prevailing acoustic environment. The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation. Local 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.

- 6.31 It also states that “*neither the Noise Policy Statement for England nor the National Planning Policy Framework (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development*”.

- 6.32 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.

Open space, sports and recreation facilities, public rights of way and local green space:

- 6.33 This states how all open space of public value should be taken into account in planning for a new development. This can take many forms and have many benefits including health and wellbeing, ecological and contribute to green infrastructure. It is also important in achieving sustainable development. It is for local authorities to access the need for provision in their local areas but are required to consult Sport England in certain cases affecting playing fields. This also states public rights of way form an important component of sustainable transport links and should be protected or enhanced.

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 the principle of the proposed development, need, impact upon residential amenity, highways matters, sports and recreation and management, security and the fear of crime and other considerations.

Principle of the proposed development

- 7.2 The applicant states in the Design & Access and Planning Statement (ref. LSUK 18-0461) dated 7 January 2019 that the proposed development is required to contribute to the improvement of sporting facilities for curriculum use, match play and training at King James School. The refurbished Artificial Grass Pitch (AGP) would provide sporting benefits to local organisations and community groups in the surrounding Knaresborough area, including local junior and youth football clubs to gain the maximum football developmental outcomes; both during the day and during evenings and at weekends via pre-arranged and structured community access. The pitch would offer a variety of football pitches and training area within the same enclosed playing space to support development plans into grassroots football and in accordance with The Football Association's (FA) current technical guidance. Therefore the proposed development is in line with Paragraph 92 within Chapter 8 of the NPPF (2019), which advises that Planning Authorities "*plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, open space...] and other local services to enhance the sustainability of communities and residential environments*".
- 7.3 It is noted that the principle of improving school facilities is promoted within the NPPF in both securing sustainable development whilst supporting the needs to alter/enhance schools. Furthermore, it is noted that the proposal receives support within Chapter 8 of the NPPF in seeking to improve health and well-being through improved access to and opportunities for sport and sporting provision. The principle of the development is therefore supported and because of the health benefits the development would bring is compliant with national guidance and district Policy C1 'Inclusive Communities' which states that "*the use and development of land will be*

assessed having regard to community needs within the District, with particular importance placed on the following specific needs identified through the Harrogate District Community Plan and other relevant strategies and plans:

- *young people, especially in terms of affordable housing, higher education/training and sport, leisure, cultural and entertainment facilities”*

7.4 In this instance, and, on balance, the public benefit of the proposal means that the application should be considered acceptable in principle subject to consideration of other matters including the impact on residential amenity, the character of the area and any highways matters. It is therefore considered that the proposed development is fit for purpose and the principle is in accordance with the National Planning Policy Framework paragraphs Chapter 8 and the Harrogate District Core Strategy (2009) Policy C1 for community facilities.

Need

7.5 In terms of the existing provision and local demand for extended use of the pitch for tournaments that take place beyond the normal school hours, it is noted that no objections have been received with regard to the need for the new pitch. It is understood that the new pitch will provide increased usage in comparison to the existing provision and this intensification of use is made possible by the introduction of a football specific artificial grass surfaced field of play which is more durable especially during winter weather conditions, plus the provision of new artificial flood lighting. This is compliant with District policy C1 ‘Inclusive Communities’ which support the social interaction, health and wellbeing of the local community.

7.6 This is also endorsed by the Sport England consultation response dated 29 January 2019 which states support for the application, and is also supported by the NPPF (2019) which acknowledges that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

7.7 Harrogate Borough Council Planning requested as part of their consultation response that a condition be imposed, if planning permission were to be granted to restrict the hours of use of both the pitch and floodlights. The Environmental Health Officer specified that these hours be specifically restricted to between 08:30 – 21:00 Mondays to Sundays and Public Holidays.

Design

7.8 It is considered that the proposed scale and design of the proposed AGP is sympathetic to the appearance of the existing school building and grounds, as the proposed AGP would extend and refurbish the existing pitch. Consideration is given to the design and colour finish of the perimeter fencing and gates around the proposed AGP, along with the storage container, lighting columns and bollards and hardstanding. The perimeter would comprise new open steel open mesh ball stop fencing and entrance gates which are proposed to be approximately 4.5 metres high and polyester powder coated in dark green (RAL6005). The new open steel mesh pitch perimeter barrier and entrance gates internally within the pitch enclosure to segregate the artificial grass pitch surface from adjoining hard standing areas are proposed to be 1.2 metres to 2.0 metres in height and are proposed to be polyester powder coated in dark green (RAL6005).

7.9 The fencing and gates are unlikely to unduly impact on residential amenity and views of the site due to the existing provisions of a sports pitch with similar perimeter treatment and it is not a solid visual barrier. The impact of the mesh fencing would not have a detrimental impact upon the openness of the site as it is lightweight and transparent. It is also considered that the proposed colour finish is suitable due to it

limiting the visual impact of the development against the surrounding rural area indicating that the proposed development is in accordance with Planning Practice Guidance for design through enhancing the quality of buildings and spaces and also improving the form and function of the site. The development also does not conflict with the NPPF in terms of the design of the built environment and planning 'positively'.

- 7.10 The proposed height of a new floodlight system is 15 metres high comprising eight (8no.) masts mounted with sixteen luminaires with a 2no. / 2no. / 2no. / 2no. arrangement along North Western and South Eastern longitudinal sides of the AGP. The finished appearance includes sectional octagonal base-hinge steel masts finished galvanised self-coloured. The proposed height of 9no. new low-level pedestrian lighting bollards is 84.8 centimetres and are proposed to be polyester powder coated die-cast aluminium in jet black (RAL9005).
- 7.11 The lighting for the proposal has been designed to ensure that there is minimal glare or light intrusion in accordance with Planning Practice Guidance for lighting (2014), whilst providing the necessary light (lux) levels across the playing surface. The eight lighting columns are to each comprise two floodlight luminaires complete with 2kW lamps and fittings mounted on a 15 metre high column. The lighting units would be finished in raw aluminium. To ensure that overspill and backward light projected outside the AGP does not create unacceptable light impact to residential neighbours, luminaires will be installed with minimal aiming angles (as recommended by The Institution of Lighting Professionals) to reduce horizontal and vertical overspill. Whilst it could be argued that the lighting columns add further visual clutter it is considered that when viewed against the backdrop of adjacent school complex they would not have any significant impacts on the area. This is supported by Planning Practice Guidance for light pollution and consistent with NPPF paragraph 180 which both state through careful design, correct installation and ongoing maintenance the effects of lighting can be limited. It is also supported through Policy EQ1 of the Harrogate Core Strategy (2009) which states "*the level of energy within the District, and the consequential risks for climate change and environmental damage will be reduced through design, construction and subsequent operation of all new development seeking to minimise energy*".
- 7.12 The proposed steel outdoor maintenance / sports equipment container is proposed to be 2.59 metres in height, 6.06 metres in length and 2.44 metres in width and is proposed to be coloured moss green with steel ramps for easy equipment access and egress. A hard standing level approach totalling 302 square metres is proposed to be constructed which will link the AGP to adjacent school buildings, with 1:24 gradients including level landings for each 500 millimetres rise along the access route. It is considered that that the proposed scale and design of both the equipment store and hardstanding is sympathetic to the appearance of the existing school building and grounds.

Residential amenity (noise and light)

- 7.13 An important consideration in the determination of this application is the potential impact the development may have upon local amenity. The significance of this matter is expressed in both National policy regarding paragraph 180 of the NPPF and Local Planning Policy including the Harrogate Core Strategy Policy SG4 – 'Design and Impact' and the Harrogate District Local Plan 'Saved' Policy HD20 – 'Design of New Development and Redevelopment' which seek to limit the impact of developments upon local residents, and which must be taken into consideration in the determination of planning applications. It is further noted, that concerns have been raised by objectors to this application in relation to the potential impact of the development upon their amenity in terms of noise and lighting from the proposal, as well as

concerns regarding the potential for an increase in vehicle movements around the school site.

- 7.14 The approximate distances to the boundaries of the residential properties on neighbouring residential streets, from the proposed AGP pitch location are as follows:-
- Aspin Park Crescent – 40 metres south;
 - Farfield Mount – 50 metres south-east;
 - York Road – 60 metres north;
 - Grimbald Road – 95 metres south-east;
 - Aspin Park Drive – 120 metres south;
 - Princess Drive – 125 metres north;
 - Farfield Avenue – 170 metres south-east;
 - Wetherby Road – 195 metres south-east;
 - King James Road – 200 metres north-west;
 - Aspin Lane - 225 metres west;
 - Orchard Mews – 250 metres north-east;
 - Aspin Avenue - 260 metres south-west.
- 7.15 The boundary treatment of the properties is a mix type of wooden fencing, hedgerows and trees. To the south of the school site the topography drops from that of the school site.
- 7.16 The proposed hours of operation as submitted to 22:00 of the new pitch, raised objection from local residents who feel that this will lead to an increase in noise, light pollution, traffic and security issues. Especially on an evening, some objectors feel the extended use would be unacceptable and the facility should be kept closed to protect their amenity.
- 7.17 It is acknowledged that the proposal would result in extended times of use of the external sports facility; particularly during winter months, which is resultant from an intensification of use made possible by the enhanced durability of 3G artificial grass pitch surface in comparison to natural turf and therefore the potential impact of noise from the extended hours of use, on the residential properties requires due consideration.
- 7.18 It is considered that whilst acknowledging the proximity of local residential properties in the vicinity, the potential for light and noise pollution would not be detrimental to local amenity due to various mitigation measures which are proposed, including restriction on hours of use, new planting to the southern embankment of the school site and the installation of a 4.5 metre high noise attenuation barrier on the southern boundary of the proposed pitch. This is endorsed by the consultation and reconsultation responses from the Environmental Health Officer at Harrogate Borough Council who confirmed that the imposition of conditions requiring compliance with proposed mitigation measures, a noise management plan, restricted hours of use and a floodlight monitoring programme would make the proposal acceptable from an environmental protection viewpoint. Therefore weight can be given to Harrogate Core Strategy Policy SG4 titled 'Design and Impact' and the Harrogate District Local Plan 'Saved' Policy HD20 titled 'Design of New Development and Redevelopment'.
- 7.19 The Applicant has initially applied for hours of use until 22:00hrs, however following objections from local residents and advice from the Environmental Health Officer, this has been shortened to 21:00hrs. It should be noted that the existing school playing field does not have any time constraints attached to it and is mostly used during the

school day for sporting activities, P.E. lessons and an area for break time use by students. The proposed development is also supported by Sport England and the Football Association, who are happy that community use is encouraged by this development. Therefore weight can be given to 'Saved' Policy CFX of the Harrogate District Local Plan, which seeks to protect and enhance community facilities.

- 7.20 Notwithstanding the above comments, it is noted that due to the close proximity of the nearest residential properties, the construction works associated with the development do have the potential to negatively impact upon local amenity. For this reason, it is considered appropriate to restrict the permitted hours of construction to avoid any such works taking place during unsociable hours, which would be secured and controlled through condition in the event that planning consent is granted for the development. This approach is also considered to be consistent with the principles of the NPPF as outlined within paragraph 180 of the Framework, which advocates the use of conditions to further mitigate against the negative impacts of noise.
- 7.21 The potential for light pollution from the proposed floodlights has been considered and it is noted that the proposed light levels of the floodlights would be a maintained average illumination level which accords with the FA requirements that the maintained average illumination level must be greater than '200-Lux' in order for sports to take place. These would vary dependant on the type of activity taking place on the pitch. The timing and duration of the lighting would be restricted so that the floodlights are only used during the hours of 08:30 and 21:00 in line with those permitted for the use of the pitch.
- 7.22 The Planning Statement which accompanies the application concludes that the proposed floodlighting system is specifically designed to fulfil sports lighting requirements and is particularly suited to application where low light pollution is essential. The 15 metre high masts provides the most efficient solution and are proposed to have a slim-line profile which should minimise daytime visual impact and the proposed system is an asymmetric down lighting luminaire which while providing the optimum sports lighting solution, will ensure that light reaches the sports surface and not flood into the sky. It is proposed that time clocks shall be installed to the floodlights to ensure that they do not remain on any later than the permitted hours of operation, therefore mitigating impact to the surrounding environment. This is consistent with Planning Practice Guidance 2014 for light pollution because of the use of conditions to minimise the effect the lighting columns would have.
- 7.23 The proposed lighting associated with the development has been raised as a concern in letters of representation from members of the public. However it is noted that the Harrogate Borough Council Environmental Health Officer (EHO) has raised no concerns in relation to the proposed lighting and as such, it is not considered necessary to condition further shielding on the proposed lighting. The EHO however has asked that periodic lighting checks and assessments be undertaken by the operator to ensure the installation continues to satisfy the requirements, particularly to ensure the floodlights do not give rise to light intrusion at relevant light sensitive receptors. This is proposed to be controlled by condition should planning permission be granted and would be in line with guidance from the Football Association that requires lighting used on football pitches to be check every 'two seasons' which equates to every two years.
- 7.24 Although the lighting is considered unlikely to adversely impact upon local amenity, it is considered prudent to restrict the hours of use and operation of the lighting to times when the Sports hall and all-weather sports pitch are in use, to avoid impacting upon local amenity through light disturbance late at night. Such mitigation is proposed to be controlled through the imposition of a condition requiring all such

lighting to be switched off when the facility is not in use. This approach is considered to be consistent with the principles of the NPPF as outlined within paragraph 180 in ensuring that developments limit light pollution upon local amenity, and also advocates the use of conditions to further mitigate against the negative impacts of light pollution.

Highways matters - Traffic and parking

- 7.25 As above, residents are concerned that additional vehicle movements will be generated by users of the new pitch who might use the neighbouring residential streets for parking and as a means of access to the school site if it were to benefit from the refurbishment of the existing sports pitch, and that further noise issues would result from this. The Applicant has affirmed that vehicle movements should remain much the same as is currently, that this development would not cause a traffic flow issue, and that existing school parking would be used by users of the new pitch.
- 7.26 At the time of writing this report, the Local Highways Authority had not provided a response to the consultation.

Open space, sport and recreation

- 7.27 Consideration must be given to the importance of the standard of design and compatibility of a scheme to harmonise with the general character of the area in which it is set, the impact upon the private amenity of neighbouring properties and local highway safety, amongst other material considerations.
- 7.28 The proposed development will implement better sporting provision in terms of quality and quantity which is in a suitable location for the both the school and local community by providing access and opportunities for sport and recreation and making an important contribution to the health and well-being of interested community groups. There is no additional development as part of this application which would result in any impact on the provision of open space and playing fields, due to the provision being for sports facilities. The provision of improved and refurbished sports facilities for school and community use is consistent with chapter 8 of the NPPF 'promoting healthy communities', in particular with paragraph 70 which states:
- "To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*
- *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;"*

- 7.29 This is further endorsed by the consultation response letter received from Sport England, who confirmed no objection to the proposed development.
- 7.30 It is noted that the proposal receives support within Chapter 8 of the NPPF in seeking to improve health and well-being through improved access to and opportunities for sport and sporting provision. The development is therefore compliant with national guidance and 'Saved' Policy CFX of the Harrogate District Local Plan, which seeks to protect and enhance community facilities.

Management, Security and the fear of crime

- 7.31 It is acknowledged that objections have been raised in relation to the community use of the proposed development and it is considered that King James School would continue to manage the facility. Further consideration has been given to security and the fear of crime as an impact and the application was subject to consultation with the

Police Designing Out Crime Officer, who commended the schools comprehensive security management plan.

- 7.32 It is further noted that there has been no request for any further information from the Police Designing Out Crime Officer with regard to the security and management of the school site or proposed new pitch.
- 7.33 Paragraph 91 of the NPPF (2019) states that decisions should aim to achieve healthy, inclusive and safe places which are accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and therefore it is considered that the development is consistent with the NPPF and further endorsed by the commendation of the security plan by North Yorkshire Police.

8.0 Conclusion

- 8.1 There are no material planning considerations to warrant the refusal of this application for the extension and refurbishment of existing Artificial Grass Pitch to form a floodlit 3G Artificial Pitch (6355 sq. metres), erection of 4.5 m high mesh perimeter ball stop fencing and 3m high entrance gates, 2 m high mesh perimeter barrier fencing and 1.2 m high entrance gates, 8 No. 15 metre high lighting columns, 9 No. low level pedestrian lighting bollards, erection of a steel storage container, creation of hard standing and level approach (302 sq. metres) and hard and soft landscaping works. It is considered that the proposed development has the potential to impact upon local amenity, however this impact is not considered to be adverse due to mitigation measures that are proposed. Furthermore, it is considered that the scale, design and appearance of the proposal is in-keeping with the character of the existing school building, would not significantly impact upon the surroundings streets and as such, the proposed development would not result in an adverse impact upon the character of the school site or surrounding area. The proposed development is consistent with the principles of the NPPF, PPG and is in compliance with policies of the Harrogate District Core Strategy (2009) the Harrogate District Local Plan (2001).
- 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:

- the proposed development has the potential to have an impact upon local amenity; however this impact is not considered to be adverse because of the mitigation measures such as the proposed planting and noise attenuation barrier;
- the proposed development would have a limited impact upon the character of the school site and the wider surrounding area because of the landscaping included in the proposal and its scale in consideration to the existing site;
- the proposed development would have a minimal impact the local highways network, the traffic from the proposed development would not have an adverse effect on capacity or highways safety;
- the proposed development accords with the NPPF, NPPG and policies of the Harrogate District Core Strategy (2009) the Harrogate District Local Plan (2001) which comprise the Development Plan currently in force for the area;

That, **PLANNING PERMISSION BE GRANTED** subject to the following 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 13 December 2018 and the following approved documents and drawings:

Ref.	Date	Title
18-0461 BM22583 0415 01	07/01/19	Location Plan
18-0461 BM22583 0415 02	07/01/19	Site Plan
18-0461 BM22583 0415 03	09/11/18	Existing Plan
18-0461 BM22583 0415 04	09/11/18	Proposed Plan (AGP Plan)
18-0461 BM22583 0415 05	09/11/18	Proposed Layout (AGP Layout)
18-0461 BM22583 0415 06	09/11/18	AGP Floodlights
18-0461 BM22583 0415 07	07/01/19	AGP Elevations
18-0461 BM22583 0415 08	07/01/19	AGP Elevations – individual components
18-0461 BM22583 0415 09	09/11/18	Construction Site Area & Access
18-0461 BM22583 0415 10	07/01/19	Existing & Proposed Levels
18-0461 BM22583 0415 11	09/11/19	Surface Water Drainage Details
LSUK 18-0461	07/01/19	Design & Access Statement and Planning Statement
11058H	21/11/18	AGP Floodlight Design
-	Dec 18	Security Management Plan
7607/DO	Mar 19	Noise Impact Assessment
-	-	OptiSpace lighting bollard spec
-	-	Optivision lighting downlight performance spec
KJS-19-01	Feb 19	Preliminary Ecological Appraisal

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

3. The hereby approved Artificial Grass Pitch (AGP) shall only be used between 08:30 and 21:00hrs Monday to Sunday and Bank/Public Holidays.
4. The floodlights associated with the use of the AGP shall be switched off outside of the above hours.

Reason: In the interests of public amenity.

5. No construction works shall take place except between the following times:

0800 – 1900hrs Monday to Friday;
0800 – 1300hrs Saturdays

And no construction operations on Sundays or Bank/Public Holidays.

Reason: In the interests of public amenity.

6. Within three months of the date of this decision notice, a noise management plan shall be submitted to and approved in writing by the County Planning Authority, which specifies the provisions to be made for the control of noise emanating from the site. This scheme, as approved, shall be implemented before the development is brought into use.

Reason: In the interests of public amenity.

7. Within three months of the date of this decision notice, a detailed landscape, maintenance and aftercare scheme shall be submitted to and approved in writing by the County Planning Authority. The landscaping scheme will be implemented in accordance with the agreed scheme for the duration of the life of the development.

Reason: In the interests of public amenity.

8. During the operational life cycle of the approved floodlighting system, lighting checks and assessments will be undertaken bi-annually by the operator to ensure the installation continues to satisfy the requirements hereby approved, particularly to ensure the floodlights do not give rise to light intrusion at relevant light sensitive receptors. The results of such assessments shall be submitted in writing to the County Planning Authority for information.

Reason: In the interests of public amenity.

Informative:

No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via 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.

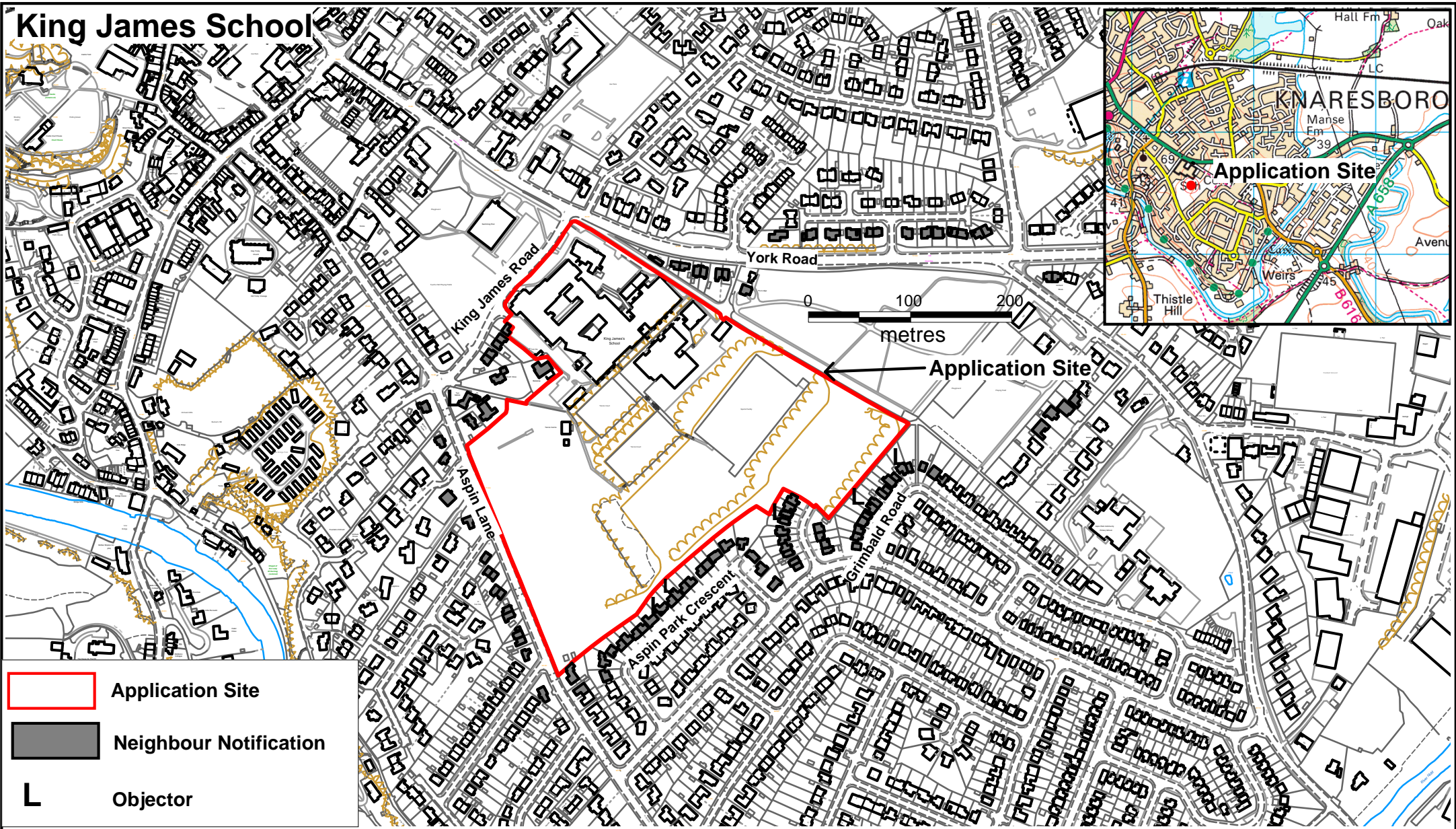
DAVID BOWE
Corporate Director, Business and Environmental Services

Author of report: Amy Taylor

Background Documents to this Report:

1. Planning Application Ref Number: C6/19/00151/CMA (NY/2018/0278/FUL) registered as valid on 10 January 2019. 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.

King James School



Application Site
 Neighbour Notification
L Objector

Application No : C6/19/00151/CMA

Title: extension and refurbishment of existing Artificial Grass Pitch to form a floodlit 3G Artificial Pitch (6355 sq. metres), erection of 4.5 m high mesh perimeter ball stop fencing and 3m high entrance gates, 2 m high mesh perimeter barrier fencing and 1.2 m high entrance gates, 8 No. 15 metre high lighting columns, 9 No. low level pedestrian lighting bollards, erection of a steel storage container (302 sq. metres), creation of hard standing and level approach and hard and soft landscaping works at King James School, King James Road, Knaresborough, HG5 8EB



Business &
 Environmental Services,
 North Yorkshire
 County Council
 County Hall, Northallerton,
 North Yorkshire. DL7 8AH

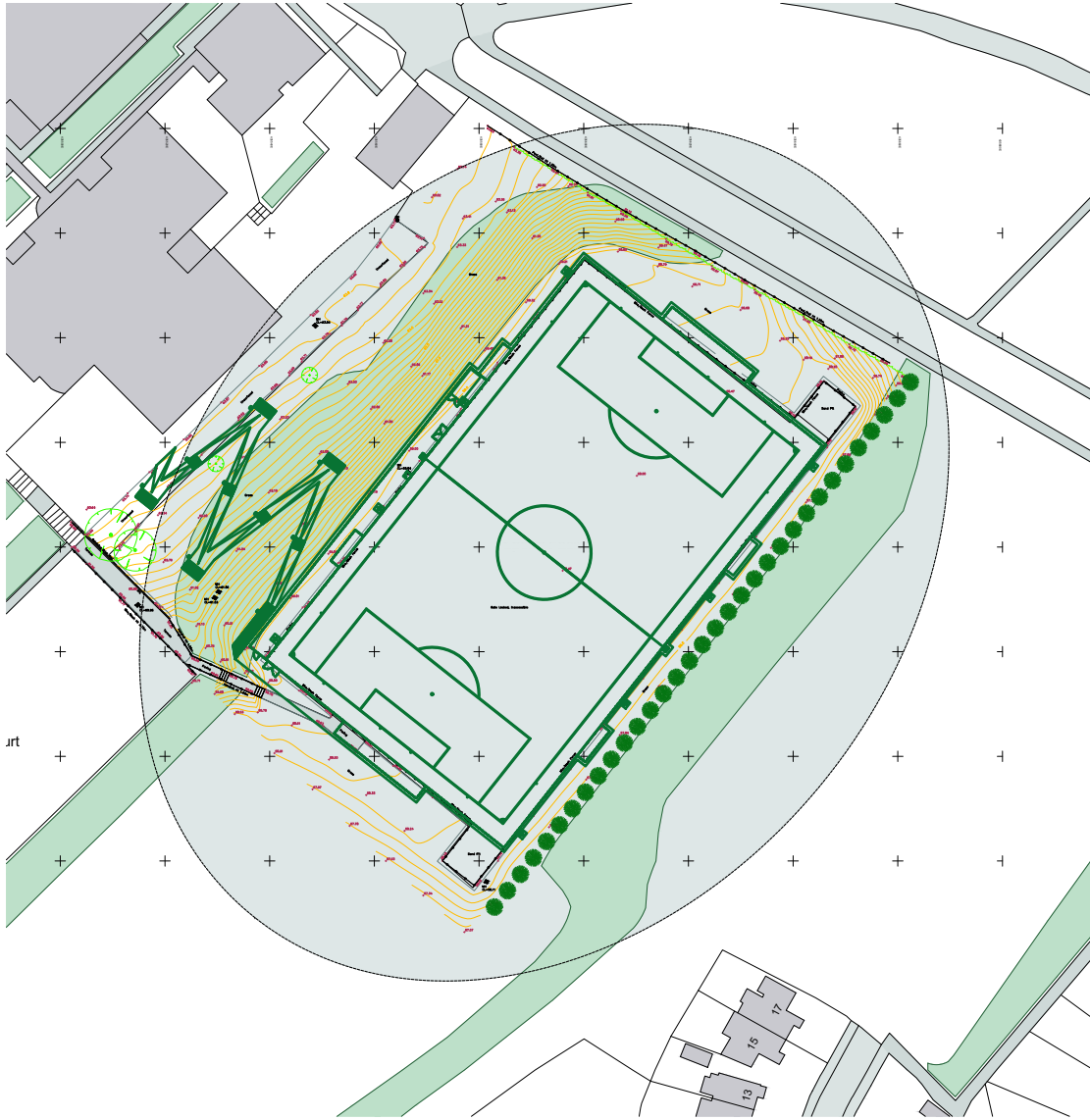
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Date : May 2019

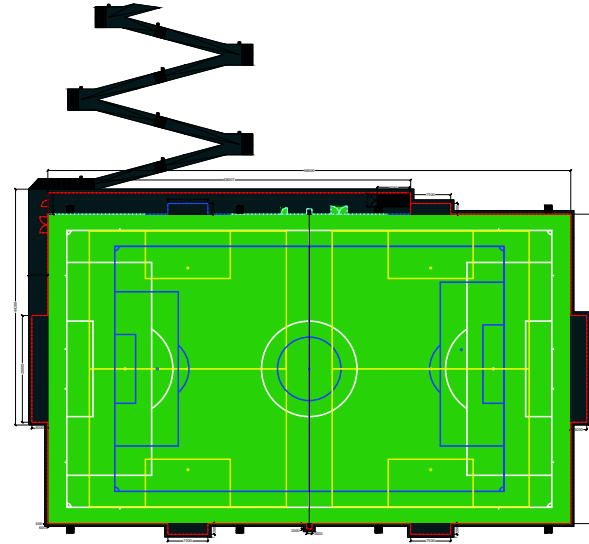
Filename : King James

Compilation & Analysis : AT/JB

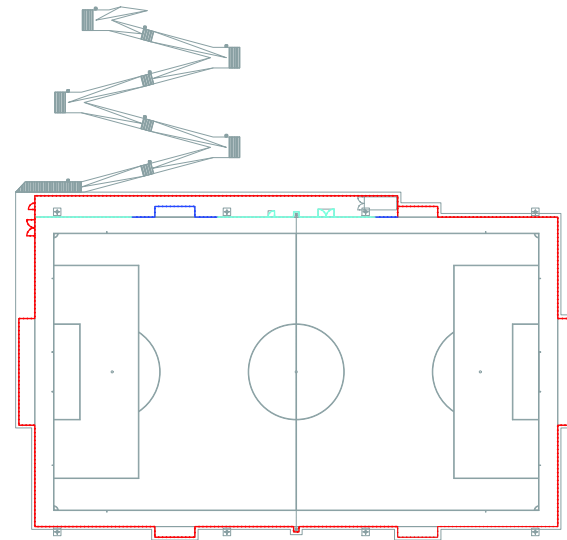
ARTIFICIAL GRASS PITCH (AGP) LAYOUT



AGP LAYOUT WITH DIMENSIONS



AGP BALL STOP FENCING AND PITCH BARRIER ARRANGEMENT



DO NOT SCALE FROM THIS DRAWING.
 CHECK ALL DIMENSIONS PRIOR TO COMMENCEMENT OF WORKS.
 NO GUARANTEE CAN BE GIVEN THAT ALL SERVICES HAVE BEEN SHOWN ON THE DRAWING.
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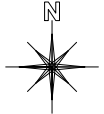
- ARTIFICIAL GRASS (FOOTBALL TURF) SURFACING TO FIELD OF PLAY
- HARD STANDING AREAS (PORTABLE GOALS STORAGE / PEDESTRIAN ACCESS AND CIRCULATION / MAINTENANCE ACCESS)
- PAVED MOWING MARGIN (WEED / VEGETATION BARRIER)
- MAINTENANCE EQUIPMENT STORE
- DIVIDING NET SYSTEM
- 15M HIGH FLOODLIGHT MAST WITH LUMINAIRES AND CONCRETE BASE FOUNDATION
- 4.5M HIGH BALL STOP FENCE
- 2.0M HIGH PITCH BARRIER
- 1.2M HIGH PITCH BARRIER
- 3.0M HIGH PEDESTRIAN GATED ENTRANCE TO SOUTH WESTERN AGP ENCLOSURE
- 1.2M HIGH PEDESTRIAN GATED ENTRANCE INTERNALLY WITHIN FENCED ENCLOSURE
- 3.0M HIGH MAINTENANCE GATED ENTRANCE TO SOUTH WESTERN CORNER OF AGP ENCLOSURE
- 1.2M HIGH MAINTENANCE GATED ENTRANCE INTERNALLY WITHIN FENCED ENCLOSURE
- LEVEL APPROACH (CLEAN ACCESS) WITH 1:24 GRADIENTS INCLUDING LEVEL LANDINGS FOR EACH 500 RISE ALONG THE ACCESS ROUTE
- AMENITY BOLLARD LIGHTING ALONG LEVEL APPROACH ROUTE
- EXAMPLE NOISE CONTOUR WHERE EQUIVALENT CONTINUOUS NOISE LEVEL OF 50 DB (LAKS 12 HOURS) CAN BE ACHIEVED AT HEIGHT OF 1.5M ABOVE GROUND

NOISE IMPACT
 THE TYPICAL EXTENT WHERE EQUIVALENT CONTINUOUS NOISE LEVELS CREATED BY USE OF THE AGP REDUCES TO 50 DB AT A HEIGHT OF 1.5M ABOVE GROUND LEVEL BEFORE REACHING RESIDENTIAL NEIGHBOURS INDICATES THAT ACOUSTIC MITIGATION TO REDUCE NOISE IMPACTS TO RESIDENTIAL NEIGHBOURS IS NOT NECESSARY.

(WORLD HEALTH ORGANISATION GUIDANCE ADVICES THAT TO AVOID 'MODERATE ANNOYANCE' DURING THE DAYTIME AND EVENING THE NOISE LEVEL SHOULD NOT EXCEED 50 DB (LAKS 12 HOURS))

INCLUSIVE ACCESS
 DISABLED ACCESS HAS BEEN CAREFULLY CONSIDERED THROUGHOUT THE WHOLE DESIGN AND APPLIED WHEREVER POSSIBLE WITH THE INTENTION TO PROVIDE A SMOOTH TRANSITION TO AND FROM AREAS WITHIN THE SCHOOL, FOR USE BY PEOPLE OF ALL AGES AND ABILITIES

NEW PEDESTRIAN PATHS WILL COMPLY WITH APPROVED DOCUMENT M - VOLUME 2 AND SPORT ENGLAND'S TECHNICAL DESIGN GUIDANCE NOTE 'ACCESSIBLE SPORTS FACILITIES 2018'



AUTHOR
 KING JAMES'S SCHOOL
CLIENT
 ARTIFICIAL GRASS PITCH (AGP) REFURBISHMENT

AGP LAYOUT	
PLANNING	TB
LSUK 18-0461	09.11.18
AL	1:500



North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

23 July 2019

**C5/2019/20294/NYCC - PLANNING APPLICATION FOR THE PURPOSES OF THE
INSTALLATION OF 1.2 M HIGH BLACK WELD MESH FENCING ON TOP OF
EXISTING STONE BOUNDARY WALL (TOTAL HEIGHT 2.1 M) AND THE
BLOCKING UP OF THE EXISTING PEDESTRIAN GATEWAY/STEPPED ACCESS
USING MATCHING STONE ON LAND AT WATER STREET CP SCHOOL, ELLIOT
STREET, SKIPTON, BD23 1PE
ON BEHALF OF CORPORATE DIRECTOR, CHILDREN AND YOUNG PEOPLE'S
SERVICES
(CRAVEN DISTRICT) (SKIPTON WEST 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 installation of 1.2 m high black weld mesh fencing on top of existing stone boundary wall (total height 2.1 m) and the blocking up of the existing pedestrian gateway/stepped access using matching stone on land at Water Street CP School, Elliot Street, Skipton, BD23 1PE on behalf of Corporate Director, Children and Young People's Services.
- 1.2 This application is subject to one objection having been raised by local resident in respect of this proposal on the grounds of impact on residential amenity and is, therefore, reported to this Committee for determination.

2.0 Background

Site Description

- 2.1 Water Street Community Primary School is located towards the north-west of the settlement of Skipton and lies within Skipton Conservation Area. The school has a site area of approximately 0.35 hectares, with the school building located towards the south-east of the site and playground to the north and west. The school is accessed from Elliot Street via a gated entrance and towards the west of the school site is a vehicular entrance and car park.
- 2.2 The application site is located within a residential area. The site consists of a two storey main school building, situated south-east of the site and a single storey prefabricated classroom unit, located along the western boundary and positioned approx. 5 metres north-west of the main school building. The temporary classroom unit has planning permission to remain on the school site until 12 June 2023.
- 2.3 The school and the surrounding properties are constructed from local stone under slate pitched roofs. Along the boundary of the school site to the west, north and south, there are several two storey residential properties. The nearest residential properties from the proposed development lie approximately 5 metres north west on Prospect Place, 12 metres west on St Stephen's Close, 13 metres north on Primrose Hill and 14 metres south on Elliot Street. To the south of the school site is a public highway known as Elliot Street, which connects Water Street to the east and St. Stephen's Close to the west.

- 2.4 The topography of the area makes the location of the site at raised level from Water Street to the east, with rise in the land from east-west direction. Due to the topography of the land, the site is divided among three distinct levels. The highest of which is towards the west where the hard standing playground for the school is located and a temporary classroom unit is also situated in this area. Along the east of the hard standing area, there is 1.5 metre high metal railing which provides separation to the below middle level. This middle level is approximately 2 metres lower than the ground level to the west and has the second area of hard standing. The lowest level of the site is to the north of school building and east of the other two levels. This area consists of landscaped gravel walkways, several trees and shrubs.
- 2.5 The boundary treatment of the site consists of a 2 metre high green mesh fence towards the north, a 0.9 metre high stone wall towards the west and south, part of the stone wall towards the south also has a mesh fence above the stone wall and towards the east there is a 1.5 metre high evergreen hedge. The north of the school building is also screened by mature trees.
- 2.6 A plan showing the application site is attached to this report.

Planning History

- 2.7 The planning history relating to the proposed development site relevant to the determination of this application is as follows:-
- C5/2018/19887/NYCC, 28 January 2019, Replacement of 2 external windows, creation of access door, construction of 2 external steps including retaining walls, widening of existing footpath, soft and hard landscaping works – Granted
 - C5/2017/18258/NYCC, 20 July 2017, Retention of prefabricated classroom unit 1290 (69 sq. metres) for a further 6 years – Granted
 - C5/63/2012/13109, 07 January 2013, Erection of a single storey extension and associated landscaping – Granted
 - C5/63/2011/11731, 27 July 2011, Retention of Spooner Unit 1290 – Granted
 - C5/63/2011/11342, 22 March 2011, Erection of a black welded metal mesh fence, 2 metre high, on Elliott Street – Granted
 - C5/63/2010/11207, 10 January 2011, A retrospective planning application for the development of a landscaped science garden to include three landscaped structures, low connecting arched walkway, timber pergola, a trellis structure, curved wall – Granted
 - C5/63/2009/9343, 24 June 2009, Small extension to school to form entrance area and storage – Granted
 - C5/63/2008/8636, 13 June 2008, Retention of temporary (Spooner unit 1290) classroom – Granted
 - C5/63/2006/6610, 3 October 2006, Erection of small panel antenna – Granted
 - C5/63/2005/5427, 18 July 2005, Retention of a Spooner prefabricated Unit No.1 – Granted
 - C5/63/2003/3360, 2 September 2003, Insertion of Velux rooflights above new IT classroom to provide sufficient lighting and ventilation to comply with building regs. – Granted
 - C5/63/2002/2171, 18 July 2002, Retention of a spooner unit No.1 – Granted

3.0 The proposal

- 3.1 Planning permission is sought for the installation of 1.2 m high black weld mesh fencing on top of existing stone boundary wall (total height 2.1 m) and the blocking up of the existing pedestrian gateway/stepped access using matching stone on land at Water Street CP School, Elliot Street, Skipton, BD23 1PE on behalf of the Corporate Director, Children and Young People's Services.

- 3.2 The proposal is for 30 metres weld mesh boundary fencing to be installed along the boundary facing Elliot Street and St Stephen's Close. The proposed fence would be erected on top of the existing stone boundary wall up to a height of 1.2 metres being 2.1 metres high in total at its highest point. The proposed fence would be coloured black to match the existing fencing and would be fixed back into the existing stone wall within the school boundary.
- 3.3 The proposal also includes blocking up of the existing pedestrian gate on Prospect Place using matching stone and removal of the existing stepped access leading to the pedestrian gate.
- 3.4 The school states this is required due to safety concerns and the proposed scheme would provide security, privacy, improve safe guarding for the site users and prevent trespassers.

4.0 Consultations

The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 11 March 2019 and the subsequent re-consultation on 11 April 2019 following the receipt of amended plans and description relating to the amendments of the proposed scheme (i.e. 3m high fence omitted from the proposal).

- 4.1 **Craven District Council (Planning)** – A response was received on 13 March 2019 stating *'The applications seeks to erect 3m high black weld mesh boundary fencing, 1.2m high fencing on top of an existing stone boundary wall to a total height of 2.1m, and the blocking up of an existing pedestrian access off Prospect Place. It is understood that the proposal is being introduced to allow the greater safeguarding of pupils of the school.'*

It is respectfully requested that the amenity of neighbouring occupiers is taken into account in particular the occupiers of No's 19-23 Primrose Hill to the north of the 3m proposed fencing. It is recognised that this potential harm to the amenity of the occupiers of these properties must be weighed against the benefits the development would developer in terms of safeguarding the school, having particular regard to paragraph 95 of the NPPF.'

A re-consultation response was received on 16 April 2019 stating *'In light of the amended works proposed for the scheme the Local Planning Authority wish to withdraw their previous concern and would wish to provide no further comments.'*

- 4.2 **Conservation Officer (Craven District Council)** – No response has been received to either the initial consultation or the subsequent re-consultation.
- 4.3 **Environmental Health Officer (Craven)** – A response was received on 15 March 2019 stating *'I have not identified any potential Environmental Protection issues that would give cause for concern.'*
- 4.4 **Skipton Town Council** – No response has been received to either the initial consultation or the subsequent re-consultation.
- 4.5 **NYCC Heritage – Ecology** – A response was received on 11 March 2019 stating no comments in regards to the proposal. A re-consultation response was received on 11 April 2019 stating that there were no further comments to make.
- 4.6 **NYCC Heritage - Principal Landscape Architect** – A response to re-consultation was received on 12 April 2019 stating *'The proposed weldmesh fence should be of the same design and colour as the existing fence. On that basis I would have no Landscape objection.'*

4.7 **Highway Authority** – A response was received on 2 April 2019 stating no objections to the proposed development. A re-consultation response was received on 23 April 2019 stating no objections to the proposal.

4.8 **NYCC Arboricultural Officer** – A response to re-consultation was received on 23 April 2019 stating *'I can confirm that I have no further comments from an Arboricultural perspective.'*

4.9 **NY Police - Designing Out Crime Officer**- A response was received on 19 March 2019 stating *'Although it is acknowledged that the main purpose of the application is to improve the security from within the school site in terms of safeguarding, there is an opportunity to enhance the security of the school to prevent unauthorised access to the school grounds. With this in mind, when removing the pedestrian access gate on Prospect Place, consideration could be given to increasing the height of the boundary treatment at this location, in a similar way to those on Elliot St & St Stephen's Close.'*

It is important that when erecting fencing above an existing wall, that careful consideration takes place to ensure that it is positioned in such a way to prevent the wall from being used as a climbing aid.'

A re-consultation response was received on 11 April 2019 stating that there were no further comments to add to the original response.

Notifications

4.10 **County Cllr. Andy Solloway** – Was notified of the application on 11 March 2019 and on 11 April 2019.

5.0 Advertisement and representations

5.1 This application has been advertised by means of three Site Notices posted on 21/03/2019 (responses to which expired on 11 April 2019). The Site Notices were posted in the following locations:

- Elliot Street, south of the application site;
- St. Stephen's Close, west of the application site;
- Prospect Place, north-west of the application site.

5.2 A Press Notice appeared in the Craven Herald on 21 March 2019 (responses to which expired on 11 April 2019).

5.3 Neighbour Notification letters of the original proposed scheme were sent on 11 March 2019 and the period in which to make representations expired on 1 April 2019. The following properties received a neighbour notification letter:

- 1-8 (inclusive) Prospect Place, Skipton, North Yorkshire, BD23 1NX;
- 1, 2, 3, 4, 5, 6, 8 St Stephen's Close, Skipton, North Yorkshire, BD23 1PF;
- 11-25 (odd numbers only) Primrose Hill, Skipton, North Yorkshire, BD23 1NR.

5.4 A total of 2 letters of representation have been received to the original proposed scheme, raising objections/comments on the grounds of:-

- The height of the fence been higher than the existing (Comment from a resident of Primrose Hill);
- It would give the feeling that residents are "fenced in" as similar experience at the rear of our properties which abut St Stephen's CP School playgrounds which we were not consulted. Children are well supervised, don't feel there is any risk of children being kidnapped. Reconsider the fencing aspect and refuse its construction. Residents will be left feeling fenced in 365 days of the year (Objection from a resident of St Stephen's Close).

- 5.5 The occupiers of the residential properties listed above were notified of the revised scheme. Re-consultation neighbour notification letters were sent on 11 April 2019 in regards to the amended plans and description, the period to make representations expired on 25 April 2019. No further representations have been received in response to the subsequent neighbour notification letter.

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 *Development Plan* for the determination of this particular application comprises the 'saved' policies of the Craven District Council (outside the Yorkshire Dales National Park) Local Plan (1999).
- 6.3 In regards to the emerging Craven Local Plan, it was submitted to the Secretary of State on 27th March 2018 which is at an advanced stage and therefore weight can be given to it. The draft policies most relevant include:
- Draft Policy SD1 – The presumption in favour of sustainable development;
 - Draft Policy ENV2 – Heritage;
 - Draft Policy ENV3 – Good Design;
 - Draft Policy INF2 – Community Facilities and Social Spaces.
- 6.4 While the Draft Craven Local Plan is at an advanced stage, paragraph 48 of the NPPF (2019) states that the weight that should be given to draft policies will depend upon *'the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given)'* and *'the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).'*
- 6.5 Therefore the draft policies referred above are considered to be relevant in the determination of this application. However there are unresolved objections to some policies and an assessment of the significance of those objections has not yet been made. For this reason it is considered beneficial to adopt a precautionary approach and consider that whilst some weight can be given to those policies that have no outstanding objections, the greater weight should remain with the 'saved' policies and the NPPF.
- 6.6 A review of these 'saved' policies indicate that none are relevant to the determination of this application.

Other policy considerations:

National Planning Policy

- 6.7 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) (revised February 2019)

National Planning Policy Framework

- 6.8 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- 6.9 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.'*
- 6.10 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*
 - ii.) *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.'*
- 6.11 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.
- 6.12 Paragraph 92 within Section 8 (Promoting healthy and Safe Communities) of the NPPF states that *'to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*
- a) *plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
 - b) *take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
 - c) *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
 - d) *ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*
 - e) *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.'*

- 6.13 Paragraph 94 within Section 8 (Promoting healthy and Safe communities) of the NPPF states that *'the government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.'* Going on to specify planning authorities should take a *'proactive, positive and collaborative approach to meeting this requirement'*. They should:
- a) *'give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
 - b) *work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'*
- 6.14 Paragraphs 124-127 within Section 12 (Achieving Well Designed Places) of the NPPF states 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 aim to 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 visits*
 - 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*
- 6.15 Paragraph 130 within Section 12 (Achieving Well Designed Places) of the NPPF states that *'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).'*
- 6.16 Paragraph 192 within Section 16 (Conserving and enhancing the historic environment) of the NPPF states that *'in determining applications, local planning authorities should take account of:*
- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) *the desirability of new development making a positive contribution to local character and distinctiveness.'*

- 6.17 Paragraph 193 within Section 16 (Conserving and enhancing the historic environment) of the NPPF states that *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*
- 6.18 Paragraph 194 within Section 16 (Conserving and enhancing the historic environment) of the NPPF states that *'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*
- a) *grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
 - b) *assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'*
- 6.19 Paragraph 195 within Section 16 (Conserving and enhancing the historic environment) of the NPPF states that *'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*
- a) *the nature of the heritage asset prevents all reasonable uses of the site; and*
 - b) *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
 - c) *conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
 - d) *the harm or loss is outweighed by the benefit of bringing the site back into use.'*
- 6.20 Paragraph 196 within Section 16 (Conserving and enhancing the historic environment) of the NPPF states that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*
- 6.21 Paragraph 201 within Section 16 (Conserving and enhancing the historic environment) of the NPPF states that *'Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.'*

National Planning Practice Guidance (PPG) (2014)

- 6.22 On 6th 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: -

Conserving and Enhancing the Historic Environment

- 6.23 This states authorities should set out their Local Plan with a positive strategy for the conservation and enjoyment of the historic environment. Heritage assets may be affected by direct physical change or by change in their setting; therefore it is important to assess the significance of a heritage asset and the contribution to its setting. Furthermore all heritage assets settings may have more significance than the extent of their curtilage. The guidance also requires authorities to consider the implications of cumulative change and whether a development materially detracts from the asset.
- 6.24 'Conservation' in terms of heritage policy is defined in the Glossary of the National Planning Policy Framework as *'The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.'*

Design

- 6.25 This states how good design is essential to sustainable development with reference to the importance of it being functional, in that it relates well to its surrounding environment, and is designed so that it delivers its intended purpose whilst maintaining a distinctive character. It though must also *'reflect an areas function, history, culture and its potential need for change.'* Ensuring 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 wellbeing.
 - address the need for different uses sympathetically.
- 6.26 It is noted within the guidance that good quality design is considered to be *'an integral part of sustainable development.'* To assist in the assessment of the design of a new development, it is noted that the following considerations be taken into account:
- *'Layout – the way in which buildings and spaces relate to each other;*
 - *Form – the shape of buildings;*
 - *Scale – the size of buildings;*
 - *Detailing – the important smaller elements of building and spaces;*
 - *Materials – what a building is made from.'*

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 the following:

Principle of the proposed development

- 7.2 The applicant states in the Design & Access Statement that the proposed development is required to provide the school with security, safety and privacy to its user. The proposed scheme will minimise risks with regards to health and safety and improve safeguarding for the site occupants.
- 7.3 It is considered that the existing boundary treatment (low-level boundary wall along Elliott Street and St Stephen's Close) is inadequate in terms of site security and the prevention of unauthorised access to the site. Additionally the existing pedestrian gateway (off Prospect Place) and stepped access is considered a risk to the safeguarding of the pupils as it offers potential as a ladder for students to leave the site.

7.4 The principle of improving school facilities receives support within the NPPF in both securing sustainable development and supporting the need to alter/enhance schools. Therefore it is considered that the proposal is in accordance with the NPPF (2019). Furthermore the school is a community facility, hence the proposal is considered to be consistent with the aims of paragraph 94 of the NPPF which seeks to ensure that development on schools are considered positively and should be given great weight when being determined. Paragraph 92 also seeks to support development of community facilities and this school can be considered as such.

7.5 It is acknowledged that whilst the school building is contribution to the character of the area, however the proposed development is small scale in nature. It is therefore considered that the proposed development is acceptable in principle. However the County Planning Authority did have concerns in relation to the original proposed scheme.

Revised scheme

7.6 The original proposal differed from that now under consideration in that a 3m high fencing along the northern boundary was also to be installed to the rear of the residential properties on Primrose Hill. The amenity space (garden) to the rear of these properties is significantly small and limited, hence it was not considered to be acceptable due to creating sense of enclosure.

7.7 Resident(s) on Primrose Hill highlighted a concern that the 3 metres high fence would extend above the existing boundary fence and as a result the fence would be imposing and unsightly.

7.8 It was considered that the proposed 3 metres high fencing to the rear of these residential properties was excessive and there was potential for the fence to have an overbearing impact upon the neighbouring residential properties. Furthermore due to the topography of the site being higher than the rear of these residential properties and given the size of the rear garden, this would have exacerbated the impact on the residential amenity.

7.9 The proposed 3 metres high fencing was also considered to have an impact on the visual amenity and the character of the area. Furthermore the proposal was not considered to enhance or preserve the wider Skipton Conservation Area.

7.10 Following the site visit and discussion with the agent/applicant, the application has been revised in order to address the concerns referred above by omitting the 3 metres high fence along the northern boundary.

7.11 It is considered that the amendments have resulted in better design and as such the revised scheme in acceptable in principle.

Site Security

7.12 It is considered that security measures need to be proportionate to the threats faced and appropriate to the needs of the school. In the Design & Access Statement, which accompanies the planning application, the applicant highlights a number of issues/concerns arising from unauthorised access and low level boundary treatment, causing risk to health and safety of pupils and staff.

- 7.13 The current boundary treatment comprises either stone walls approx. 0.9 – 1.0 metre high or 1.8 metre high fence. The existing stone wall along Elliot Street and St Stephen's Close is low level (approx. 0.9m high) which provides a foothold for climbing and has insufficient fall protection, hence causing health and safety issue. Additionally the existing pedestrian gateway (off Prospect Place) and stepped access also provides ease of unauthorised access to the site and potential as a ladder for students to leave the site. Therefore it is considered to be inadequate in terms of site security and the prevention of unauthorised access to the site.
- 7.14 The proposed fencing would be located on the southern and western boundary of the site facing Elliot Street and St Stephen's Close. The fencing would be constructed using black welded metal mesh and will measure 1.2 metres above the height of the existing wall (making total height of 2.1m). It is considered that the proposed weld mesh fencing would be robust and difficult to climb and as such the fence would protect against casual trespass and improve the safety of the site occupants. Furthermore the proposed weld mesh fence has a lightweight design and would be relatively transparent in nature allowing good levels of visibility into and out of the site for surveillance. The security of the site is a material planning consideration and it is considered that the proposal accords with the guidance contained within Section 12 of the National Planning Policy Framework (NPPF) (2019) entitled '*Achieving Well Designed Places*'.
- 7.15 It is acknowledged that the blocking up of the existing pedestrian gateway on Prospect Place and removal of stepped access could not keep out an intruder intent on scaling a height of approx. 0.9m but it would protect against casual trespass and safeguard the pupils from leaving the site. Furthermore any potential intruder would be overlooked by the windows of residential properties on Prospect Place and therefore the site benefits from clear natural surveillance.
- 7.16 The NY Police – Designing Out Crime Officer suggest that the boundary treatment at Prospect Place, following removal of pedestrian access gate, it should be increased in a similar way to those on Elliot Street and St Stephen's Close. It is acknowledged that the boundary treatment at this location is low level (approx. 0.9m) which may present security risk. However the potential risk has to be considered against the visual impact upon the street scene and wider Conservation Area. In this instance, it is considered that due to the topography of the site and the site benefiting from a good level of natural surveillance from the nearby residential properties, it should help to deter trespassers from the potential risk arising due to a low level boundary wall.

Design & Impact upon the street scene and Conservation Area

- 7.17 It is considered that the proposed development is sought to provide a local public service in regards to safeguarding, meeting the needs of the school and providing security to the user of the site.
- 7.18 It is acknowledged that the proposed fencing would be visible from parts of Elliot Street and St Stephen's Close. Additionally the site is within the limits of the Skipton Conservation Area and as such it is important to use materials and a design which is sympathetic to the character of the area and preserve the character of the designated area. However given the lightweight design of the fence (black weld mesh), it is considered that the proposed fence would not have a detrimental impact on the visual amenity of the street scene or wider Conservation Area. Furthermore part of the existing boundary treatment facing Elliot Street (south of the site), there is black weld mesh fencing and it is similar to those proposed. It is therefore considered that the proposed fencing would be in keeping with the existing fencing and sympathetic to the character of the school and Conservation Area.

- 7.19 The proposed blocking up of pedestrian access gate is also considered to be acceptable as the materials proposed would match the existing wall and as such would be in keeping with the existing boundary treatment on Prospect Place.
- 7.20 Section 16 of the NPPF set out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations within this section. In this instance the key heritage asset is the Skipton Conservation Area.
- 7.21 The school is located within a designated Conservation Area and as such the character of the school building should therefore be protected whilst acknowledging that the school needs to also function as an educational facility, safeguarding its occupants and its wider social role within the local community. Paragraph 192 of the NPPF confirms that planning authorities should take account of the positive contribution that heritage assets can make to sustainable communities. Whilst paragraphs 193 and 194 of the NPPF state that the balance of the proposals public benefit must be carefully considered against what harm it may have upon the designated areas and buildings to which the proposal may have an impact. Furthermore Paragraph 201 acknowledges that not all parts of a designated area will '*necessarily contribute to its significance*'.
- 7.22 The NPPF clearly states that designated areas must be protected however if they are not detrimentally harmed then proposals should be supported. Furthermore, the NPPF requires Planning Authorities to give 'great weight' to proposals that seek to expand or alter schools and facilities which are 'community' based. It is acknowledged that the site is located within a designated Conservation Area, however, due to the nature and scale of the proposed scheme it is not considered to harm this designated area in any significantly detrimental way. Furthermore the proposal will allow continued enjoyment and use of the building and improve safeguarding of the users of the school. On this basis, the balance between protecting designated assets and encouraging and supporting development for community facilities is a fundamental part of the determination of this proposal. Overall the proposal is considered to be acceptable in terms of design, appearance and scale in relation to both the original building and the wider Conservation Area and in accordance with Section 16 of the NPPF.
- 7.23 In line with the Planning (Listed Building and Conservation Area) Act 1990 special regard is given to preserving the heritage asset. In this instance the harm to the significance of the designated asset is outweighed by the public benefit identified and therefore in the absence of any evidence to suggest this proposal would result in a significantly detrimental impact upon the character of the designated Conservation Area, it is considered that the proposal should be supported and recommended for approval. On balance, the proposal is considered to be in-keeping with the principles of the NPPF (2019), NPPG (2014) and with the Planning (Listed Building and Conservation Area) Act 1990, which seek to preserve heritage assets whilst adding considerable weight in support of this application.

Neighbouring Amenity

- 7.24 In regards to the proposed black weld mesh fencing, the nearest residential properties are located opposite to the west (12 metres) and to the south (14 metres) of the site, along St Stephen's Close.
- 7.25 An objection raised by a local resident of St Stephen's Close states that the proposed fence would give a feeling of residents are fenced in 365 days of the year. Also have similar experience at the rear of their properties which abut St Stephen's CP School playgrounds.

- 7.26 It is considered that given the existing gradient of the pavement, separation distance and the type of proposed fencing being a lightweight design and relatively transparent in nature, it is not considered that the proposed fencing would have detrimental impact on the amenity of nearby residential properties. Additionally the impact of the mesh fencing would not have a significant harm upon the openness of the site given the type of fence being lightweight and transparent and not a solid visual barrier. It is therefore considered that the proposal would not have an adverse impact on the residential amenities.
- 7.26 In regards to the comments relating to similar experience at the rear of properties which about St Stephen's CP School playgrounds and we were not consulted, St Stephen's CP School is an Academy, hence any developments for this school would have been determined by the Craven District Council, including consultation. As this appears to be outside the jurisdiction of North Yorkshire County Council (NYCC), it cannot be addressed within this report in regards to not being consulted for the fence erected at the playgrounds of St Stephen's CP School.
- 7.27 However having checked the Craven District Council planning history on their website, it appears that an application was validated on 4 June 2015 for a proposal relating to '*Provision of 1.8m high steel railings to part of the site perimeter in order to resolve on-going safeguarding issues (amended design and height)*' and the decision shows '*Permission not required.*' It should be noted that schools do have permitted development rights which allows them to erect a fence up to 2m in height provided it is not adjacent to highway.
- 7.28 The proposal for blocking up of pedestrian access gate on Prospect Place is not considered to detrimentally affect the amenity of neighbouring residential properties due to the nature of the proposed scheme.

Highways & Site Access

- 7.29 The proposed scheme does not alter the existing vehicular and pedestrian site access arrangement. Additionally, the proposal will not affect the car parking requirements or the car parking facilities for the school and as such will have no impact on highways safety.
- 7.30 The proposed scheme would help to clearly define the pedestrian access point to the site and would allow the school to control and improve pedestrian access and egress onto the school site. Additionally the proposal would deter casual trespass and unauthorised access during and outside of school hours.
- 7.31 The Highway Authority has raised no objections or concerns to the proposed scheme. It is therefore considered that the proposal would improve the site safety without interference with the public highway.

Trees

- 7.32 The proposed new fencing will follow the line of the existing fence and it is considered there should be no adverse impact on any of the mature trees which shall remain in situ along the boundary of the site. The Design & Access Statement states '*Mechanical means of post excavation will not be permitted within the root protection zone of a retained mature tree. Hand digging only will be permitted.*' It also states that care and assessment would be carried out where any fencing will interfere with the overhanging branches. The County Council's Arboricultural Officer has raised no objections or concerns to the proposed scheme. To ensure that trees would not be adversely impacted by the development, a planning condition will be attached to any grant of planning permission.

8.0 Conclusion

- 8.1 The proposed 1.2 metre high black weld mesh boundary fencing exhibits a lightweight design, hence it would be relatively transparent in nature when viewed from a distance. The fence would visually integrate with the existing fence along the site boundary and as such would have a sympathetic relationship with the frontage of the school. Additionally the proposal for blocking up of the existing pedestrian access gateway is considered to be acceptable in terms of design and appearance as the proposed material would match the existing. It is therefore considered that the proposed development would be in keeping with the form, character and appearance of the surrounding settlement, would not have an adverse affect on the amenity of adjoining residents.
- 8.2 Furthermore the erection of the fence and blocking up of pedestrian access gate would prevent intruders and trespassers accessing the site, hence improving health and safety of the occupants of the site and safeguarding the school.
- 8.3 It is therefore considered that there are no material planning considerations to warrant the refusal of this application for the installation of 1.2 m high black weld mesh fencing on top of existing stone boundary wall (total height 2.1 m) and the blocking up of the existing pedestrian gateway/stepped access using matching stone.
- 8.4 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 reason(s):
- i. it is considered that the proposed development will not adversely affect the character of the local area and the Skipton Conservation Area;
 - ii. it is considered that the proposed development would not adversely impact upon neighbouring residential amenity; and
 - iii. it is considered that the proposed development is in accordance with NPPF (2019) and NPPG (2014)

- 9.2 It is recommended 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 8 January 2019 (amended 3 April 2019) and the following approved documents and drawings:

Ref.	Date	Title
7913	Feb 2019	Location Plan
No reference	Dec 2018	Block Plan Revised
E2356/05 A	Feb 2019	Boundary Fencing Works – Existing Plan
E2356/06 Rev. A	Dec 2018	Boundary Fencing Works – Elevations/Details

E2356/07	Dec 2018	Pedestrian Gateway Works – Elevations/Details
No reference	Dec 2018	Site Compound Plan
No reference	No date	Design & Access Statement including Heritage Statement
No reference	03 Apr 2019	Email from Helen Horton with photo showing stonework for gateway

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

- The materials to be used in the construction of the fence hereby permitted shall match, in materials, colour and finish, to those used in the existing fence facing Elliot Street.

Reason: In the interests of visual amenity and the character and appearance of the area.

- The external brickwork for the development hereby permitted shall be constructed to match that of the existing boundary wall in terms of its colour, texture, face bond, size, jointing and pointing.

Reason: In the interests of visual amenity and the character and appearance of the area.

- Any excavation works for postholes adjacent to any tree along the boundary of the site shall utilise hand dig methods to avoid excessive damage to the tree roots.

Reason: To ensure that the trees within the area of proposed development are not damaged during the installation of the fencing and the character and amenity of the area are not impaired.

- Any pruning or crown lifting works should be carried out prior to works commencing and should be carried out in accordance with BS 3998 (2010): British Standard Recommendations for Tree Work.

Reason: To ensure protection during construction works of trees which are to be retained on and near the site and in the interests of visual amenity.

Informatives:

- Nesting Birds
Any tree surgery/felling should be undertaken outside the bird breeding season (March to August) wherever possible, to ensure compliance with the Wildlife & Countryside Act 1981 (as amended). If this is not possible, a suitable experience ecologist should check for the presence of nesting birds beforehand.
- Bats
Should bats be found at any time during works, work shall stop immediately and Natural England or an experienced licensed bat surveyor shall be contacted for advice.

Explanation: Bats and their roost sites are fully protected at all times under the Wildlife & Countryside Act 1981 (as amended) and under the Conservation of Habitats and Species Regulations 2017 (as amended).

**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 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.

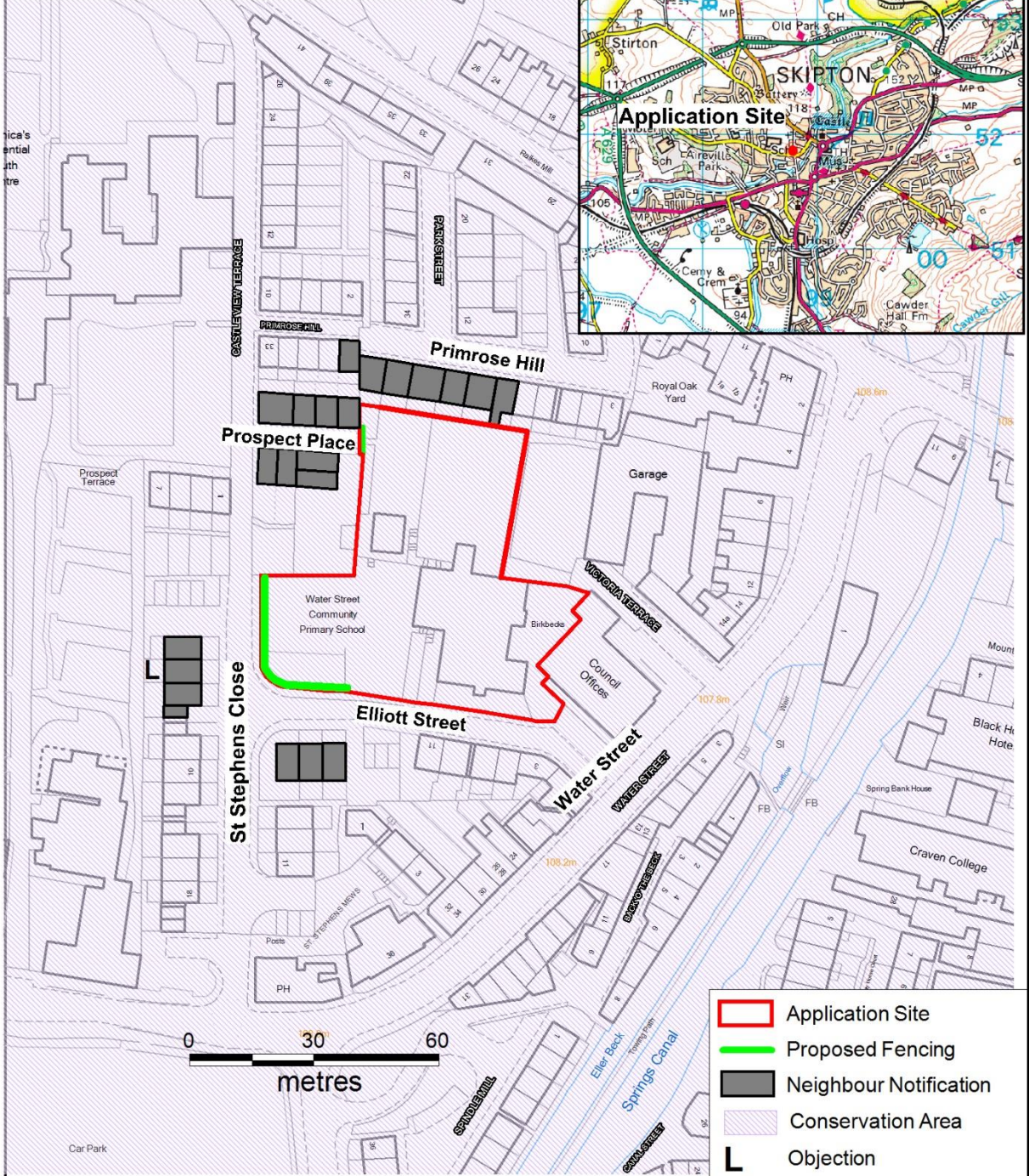
DAVID BOWE
Corporate Director, Business and Environmental Services

Author of report: Sukaina Devraj

Background Documents to this Report:

1. Planning Application Ref Number: C5/2019/20294/NYCC (NY/2019/0036/FUL) registered as valid on 07 March 2019. 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/PlanAppDisp.aspx?recno=10780>
2. Consultation responses received.
3. Representations received.

Water Street CP School



- Application Site
- Proposed Fencing
- Neighbour Notification
- Conservation Area
- L Objection

Application No : C5/2019/20294/NYCC

Title: installation of 1.2 m high black weld mesh fencing on top of existing stone boundary wall (total height 2.1 m) and the blocking up of the existing pedestrian gateway/stepped access using matching stone at Water Street CP School, Elliot Street, Skipton, BD23 1PE



Business and Environmental Services
North Yorkshire County Council
County Hall, Northallerton,
North Yorkshire. DL7 8AH

Scale : 1:1250
Date : July 2019
Filename : Water Street
Compilation & Analysis : SD/JB

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Proposed Fence Elevation

Typical elevation showing existing 0.9m high stone boundary wall with 1.2m high Weld-mesh panel system above (shown purple on plan)

Photo of Elliott St from playground showing existing metal fencing (shown blue on plan)

Photo of Elliott St from playground showing existing stone wall where metal fencing is proposed (shown purple on plan)

Typical extract showing existing 0.9m high stone boundary wall (shown purple on plan)

North Yorkshire County Council
Water Street Community Primary School
Boundary/Fencing Works - Elevations/Details

NTS	HLH	AP	Dec 2018
Rev 1		Rev 1	
E2386		E2386/05	
Rev 1	Rev 1	Rev 1	Rev 1

Pedestrian Gateway/Stepped Access Details

land graded to match existing (either side of steps)

stone wall to playground to be built up to line through with existing

Typical extract showing gateway and stepped access removed as proposed (shown green on plan)

Existing gateway/stepped access to be blocked off (green)

Typical extract showing existing gateway and stepped access (shown green on plan)

North Yorkshire County Council
Water Street Community Primary School
Pedestrian Gateway Works - Elevations/Details

NTS	HLH	AP	Dec 2018
Rev 1		Rev 1	
E2386		E2386/07	
Rev 1	Rev 1	Rev 1	Rev 1

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

23 July 2019

**C6/19/01378/CMA - PLANNING APPLICATION FOR THE PURPOSES OF THE ERECTION OF SINGLE STOREY CLASSROOM EXTENSION (280 SQ. METRES), ERECTION OF GLAZED WALKWAY CANOPY (43 SQ. METRES), DEMOLITION OF EXISTING CORRIDORS (64 SQ. METRES), HARD STANDING AREA AND VEHICLE PICK UP AND DROP OFF AREA WITH EXTENDED CAR PARKING (1433 SQ. METRES) INSTALLATION OF 1.8 M GREEN WELD MESH SITE SECURITY PERIMETER FENCING, AND 1.8 M HIGH GATES, WIDENING OF ACCESS ROAD, CREATION OF FOOTPATHS, ERECTION OF 10 NO. 6 M HIGH LIGHTING COLUMNS, 6 NO. 4 M HIGH LIGHTING COLUMNS, 3 NO. 1 M HIGH LIGHTING BOLLARDS, 16 NO. EXTERNAL FIXED MOUNTED LIGHTING, REMOVAL OF TREES AND HARD AND SOFT LANDSCAPING ON LAND AT MOORSIDE INFANT & JUNIOR SCHOOL, HARROGATE ROAD, RIPON, NORTH YORKSHIRE, HG4 1SU
ON BEHALF OF CORPORATE DIRECTOR, CHILDREN AND YOUNG PEOPLE'S SERVICES
(HARROGATE DISTRICT) (RIPON SOUTH 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 single storey classroom extension (280 sq. metres), erection of glazed walkway canopy (43 sq. metres), demolition of existing corridors (64 sq. metres), area and vehicle pick up and drop off area with extended car parking (1433 sq. metres) installation of 1.8 m green weld mesh site security perimeter fencing, and 1.8 m high gates, widening of access road, creation of footpaths, erection of 10 No. 6 m high lighting columns, 6 No. 4 m high lighting columns, 3 No. 1 m high lighting bollards, 16 No. external fixed mounted lighting, removal of trees and hard and soft landscaping on land at Moorside Infant & Junior School, Harrogate Road, Ripon, North Yorkshire, HG4 1SU on behalf of Corporate Director, Children and Young People's Services.
- 1.2 This application is subject to an objection(s) having been raised in respect of this proposal on the grounds of light pollution, noise nuisance, loss of trees and visual impact and is, therefore, reported to this Committee for determination.

2.0 BackgroundSite Description

- 2.1 The application site relates to Moorside Infant & Junior School, which is located to the south of Ripon in North Yorkshire and within a residential area. The site itself consists of two main school buildings, an Infant School and a Junior School. The Infant School building is located to the north-east and is a non-denominational school for students aged between 3 and 7 years of age. The Junior School building is located to the north-west and is non-denominational school for students aged between 7 and 11 years. Both school building likely have been built post World War II, are single storey structure and constructed of brown brick, timber cladding and glazed infill panels with a mixture of flat and lean-to roofs. There is also a temporary classroom unit, located to the rear of Infant School (north-east of the site) and has permission to remain on the school site until 19 September 2022.

- 2.2 The site is predominantly bounded by residential properties, consisting of a mixture of 2 storey and single storey properties. There is a small parade of shops on Lead Lane, located adjacent to the south of the site and also a Salvation Army centre on Lead Lane which abuts the southern boundary of the site.
- 2.3 There are various public highway that surround the site. The public highway of Lead Lane to the south, the rear boundary of properties along Highfield Road to the west, to the north is the boundary with the properties along Whitcliffe Grove separated by a pedestrian access and the eastern boundary is shared with the rear of the properties at Wendy Avenue and the vehicular access from Harrogate Road. The entrance to the site is gained directly off Harrogate Road which forms the school's main site entrance and the only vehicular access to the site. There are several pedestrian access points around the site which are gained from Harrogate Road (east), Whitcliffe Grove (north) and Lead Lane (south).
- 2.4 The boundary treatment to the east along the public highway of Harrogate Road consists of evergreen hedge (approx. 1.5m high) and wooden fence (approx. 1m high). To the south along Lead Lane is denoted by approx. 1.5 metre high evergreen hedge. To the west, it is partly denoted by 1.5 m high hedge and partly by 1.5 metre high boundary wall which runs along the rear of the properties of Highfield Road. To the north of the site boundary along Whitcliffe Grove, there is approx. 2 metre high deciduous hedge. The boundary treatment between the site and the rear of the properties of Wendy Avenue is denoted by approx. 2 metre high deciduous hedge (north-east), positioned on a raised area of grass land and further north it consists of 1m high wall and 1m high wooden fence affixed on top of it. There are a number of mature deciduous trees planted at various locations along all of the boundaries and in between the school buildings and within the site.
- 2.5 To the south of the main school building (both Junior & Infant School), there is an area of which is surrounded by an area of grass playing fields. There is a school car park to the east of the Infant School, which is accessible off Harrogate Road via a tarmac path to the north of the site. This path connects the site with Junior School and also leads to the additional school car parking area located to the north-east of the Junior School.
- 2.6 A plan showing the application site is attached to this report.

Planning History

- 2.7 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -
- C6/31/1628/J/CMA, 03 June 2014, Erection of a new prefabricated classroom unit and extension of the existing grasscrete car park – Withdrawn
 - C6/31/2164/D/CMA, 15 February 2013, Erection of playground equipment – Granted
 - C6/31/2164/A/CMA, 6 February 2006, Erection of an external link corridor – Granted
 - C6/31/1628/F/CMA, 4 November 2004, Construction of a car park extension – Granted
 - C6/31/2164/CMA, 21 July 2004, Erection of a corridor link extension – Granted

3.0 The proposal

- 3.1 Planning permission is sought for the erection of single storey classroom extension (280 sq. metres), erection of glazed walkway canopy (43 sq. metres), demolition of existing corridors (64 sq. metres), area and vehicle pick up and drop off area with extended car parking (1433 sq. metres) installation of 1.8 m green weld mesh site security perimeter fencing, and 1.8 m high gates, widening of access road, creation of footpaths, erection of 10 No. 6 m high lighting columns, 6 No. 4 m high lighting

columns, 3 No. 1 m high lighting bollards, 16 No. external fixed mounted lighting, removal of trees and hard and soft landscaping on land at Moorside Infant & Junior School, Harrogate Road, Ripon, North Yorkshire, HG4 1SU on behalf of the Corporate Director, Children and Young People's Services.

- 3.2 The applicant states in the Design & Access Statement that this application seeks planning permission due to the *'need to amalgamate the existing Infant and Junior schools onto a single site, currently the junior school site, to create an all-through primary school. Achieving this requires adaptations to toilets and creation of improved free-flow access from some classrooms. The current Moorside Infants school site will then be used as a satellite of Mowbray School, thus requiring changes to car parking, access for student transport and segregation requiring the alteration of boundary fencing. There is also a requirement to carry out further refurbishment works to the existing building fabric including internal refurbishment, replacement of thermally inefficient windows and panelling, replacement of the fire alarm system and boilers with associated pipework etc.*
- 3.3 An extension is proposed for a single storey structure which will be located on the western section of the existing Junior School building on the southern elevation. This element of the proposed extension would have an overall width of 10.13 metres, a depth of 24.2 metres and an overall height of 4.3 metres. The proposed extension would provide a nurture room with kitchenette area, PPA room, staff room, hygiene room, group work area, cloakroom area, additional WCs and corridor.
- 3.4 A further single storey extension is proposed to the opposite wing of the Junior School building on the northern elevation. The proposed extension would have a width of 4.2 metres, a depth of 13 metres and an overall height of 3.4 metres. This element of the proposed extension would provide a library area.
- 3.5 The application also proposes a glazed canopy which will be located to the north-west elevation of the existing classrooms on the middle arm of the Junior School building. It would have a width of 2.5 metres, a depth of 17.2 metres and a ridge height of 3.2 metres. The canopy would be supported by steel columns with a polyester powder coat finish.
- 3.6 The proposed materials for the extensions would be facing brickwork to match the existing or coloured render where timber window panels would be replaced. The roof would be flat roof construction with a grey mineral felt roof to match existing. Soffits, fascias and rainwater goods would be uPVC white coloured.
- 3.7 The new and replacement windows would be uPVC white with openable lights. The new and replacement doorsets, glazed or half glazed would be aluminium framed in red finish or in white.
- 3.8 The proposed extension would provide additional space and facilities for the amalgamation of the existing Infant and Junior Schools. The proposed scheme would also provide level access to all internal and external areas, hence ensuring areas are accessible by all users. The proposed extension would incorporate doors with effective clear opening widths that would be wheelchair accessible. The existing corridors would be demolished to make way for the proposed extensions.
- 3.9 The proposed scheme involves reconfiguration and extension of existing Junior School car park which would provide parking for school staff up to 26 parking bays of which 2 bays would accommodate DDA compatible parking areas. The extended parking would only provide parking for school during school usage hours only. A new footpath would be installed alongside the existing access road to the Junior School to provide safe pedestrian access to the Junior School.

- 3.10 The scheme also proposes the replacement of the existing Infant School's enclosed adventure play area and the grass-crete finished car park with a new tarmac car park with pick up and drop off loop provision compatible with large accessible vehicles and small buses. This would also involve felling of some trees in order to make way for the proposed car park. The new car park would provide up to 35 parking bays of which 2 bays would accommodate DDA compatible parking areas. Some of the parking bays would be double stacked parking bays to maximise staff parking bays. A designated area for pickup and drop off would also be provided to accommodate the needs of the school pupils of Mowbray School Satellite. The renovated car park would also provide visitor parking bays, indicated by low level car park signage. The existing entrance to the Infant School building would be accessible via a sloping DDA complaint footpath and it would connect to the pickup and drop off area and DDA compatible parking bays.
- 3.11 The existing access road leading to the current Infant Scholl would be widened to accommodate bi-directional vehicle travel. The access to Harrogate Road and the accompanying pedestrian path would also be widened. The proposed pick up and drop off area would incorporate soft landscaping to mitigate the impact of . The application also proposes tree replacement scheme of a mixed copse of 30 sapling trees comprising of silver birch, rowan and wild cherry trees which would be provided by the Woodland Trust and planted in autumn 2019.
- 3.12 The proposed scheme also consists of 1.8 metre high weld mesh fencing adjacent to the existing site boundary to provide security and enhance the current safeguarding provision. Visual mitigation would be provided to residential neighbours by allowing the existing hedge row to grow up to the 1.8 metre height of the proposed security fence to minimise impact of the new fence from neighbouring properties. The scheme also proposes 1.8 metre high lockable metal entrance security gates for pedestrian and vehicular access.
- 3.13 The scheme proposes external lighting consisting of 10 No. 6 m high lighting columns, 6 No. 4 m high lighting columns and 3 No. 1 m high lighting Bollards within the new pick up and drop off area with associated car park, the existing access road with new pedestrian footpath and extended Junior School car park. The proposed lighting would be controlled via a digital time clock with lights on and lights off period set, to ensure the car park is not illuminated at any time overnight. The column heads would be LED with no upward lighting, hence alleviating sky glow and no backward lighting causing light pollution. The column heads would also have a rear cowl fitted in order to reduce any direct sight of the LED head. The Design & Access Statement provides the details of the proposed lighting which states *'Each of the column heads shall incorporate SmartScan Technology by Thorlux Lighting (or equal), which have a built-in daylight sensor along with motion detection. This ensures that the luminaires are only illuminated whilst people or vehicles are within the car park area. For example; at dusk the lights can be pre-set to come on at a lower level say only 20%, if required, they can stay on at that lower 'security level' until a person/vehicle approaches the column. Once someone approaches the column, the luminaire will then detect a presence and will turn up to full output. We will program each sensor to send a signal to the other columns nearby to turn up to full output as a group, to illuminate the area for the person/vehicle as they move forward rather than slowing down and waiting for them to come on. Once the person/vehicle has left the area again, the columns will time out (set to any time we require) and will dim back to their pre-set 'security level'. This provides the area with excellent, very low level security lighting that not only saves energy, but also is less intrusive for neighbours.....and further is a design considerations for nocturnal natured fauna (bats) etc.'*

- 3.14 The application also proposes 16 No. external fixed mounted lighting to be provided around the perimeter of the proposed extensions. The external lighting would be controlled via a photocell and digital time switch complete with a manual override switch.
- 3.15 The application indicates that building site and compound access would be gained initially from the existing access off Harrogate Road leading to the existing Infant School and Junior School car park area for the proposed car park and access road works. The proposal also incorporates a separate temporary access to allow construction vehicles to access the site for the proposed extensions. The temporary site access would be located off Lead Lane and the applicant states that any hedge row and fence to be removed in order to facilitate access would be replanted and reinstated upon completion of the works. The temporary access would comprise a temporary road surface enabling vehicles to access the site. The temporary access would be removed upon completion of the works and areas affected would be restored to its former condition. During the construction period the temporary site access road and building construction site compound area would be enclosed by a Heras style fence, incorporating a double priority gating system.

4.0 Consultations

The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 27 March 2019 and the subsequent re-consultation on 6 June 2019 following the receipt of amended plans and Design & Access Statement relating to the amendments of the proposed scheme consisting of changes to the proposed car park layout, retention of trees, changes to the external lighting columns and soft landscaping.

- 4.1 **Harrogate Borough Council (Planning)** – No response has been received to either the initial consultation or the subsequent re-consultation (Correct 24th June 2019).
- 4.2 **Environmental Health Officer (Harrogate)** – A response was received on 28 March 2019. It raised no objection but recommended an informative for the proposed external lighting stating *‘The external lighting scheme should comply with the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011 (or later version). It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.’* A re-consultation response was received on 6 June 2019 stating comments remain same as original response.
- 4.3 **Ripon City Council** – A response was received on 1 May 2019 stating *‘That the council does not object in principle but that it is concerned about the light pollution from 19 no high level lighting columns. That the council objects in the strongest terms to the removal of any trees where it is not absolutely necessary for both facilitation and level of risk reasons.’* No response has been received to the subsequent re-consultation (Correct 24th June 2019).
- 4.4 **NYCC Heritage - Principal Landscape Architect** – A response was received on 18 April 2019 objecting to the proposed scheme, stating *‘I object to the Application in its current form because the scheme is detrimental to local landscape character and setting of the school and is likely to adversely affect local amenity visually. The site is highly visible from Harrogate Road. The existing permeable grasscrete paving is to be removed. In particular this relates to removal of 2 mature trees at the school frontage (T1641 & T1642) and other soft landscape areas, and the increase in (to create car parking and drop off areas). There is no provision for tree and shrub planting to replace that removed, ‘soften’ or offset the adverse visual impact of the development fronting Harrogate Road.’* The Principal Landscape Architect requested further information / clarification in order to fully assess the scheme. Further information were submitted to address the concerns raised by the Principal

Landscape Architect. A re-consultation response was received on 28 June 2019 stating *'satisfied with the overall design and layout. But there are some outstanding issues:*

- Temporary trees protection measures – details are required now or will be needed as a pre-commencement Condition.

- The 'Proposed Junior and Infant School Block Plan' 18010-A-40 v. P5 still refers to green hatched areas as tarmac. The only green hatched areas on the plan are the planting beds. This should be corrected.

- Lighting impacts – no further drawing provided to reduce overspill to gardens and Harrogate Road. Is this correct?

Notwithstanding the above, a detailed landscaping scheme will be needed, planting to be implemented in the first available planting season. This could be requested though a suitably worded Condition.'

The agent submitted revised drawing to address the reference issue on the plan. The agent has agreed to pre-commencement condition and the lighting issues are still under consideration with ongoing discussion between Case Officer and the agent/applicant. A further response from the Principal Landscape Architect was received on 9 July 2019 stating *'I have reviewed the revised drawing and this clarifies the 'green hatch' issue. Tree and hedgerow protection will need to be a pre-commencement condition. I have no further comment or objection.'*

- 4.5 **NYCC Heritage – Ecology** – A response was received on 26 March 2019. It raised no objection but recommend that the mitigation measures set out in section 5.1 of the Ecological Impact Assessment (EclA) report should be secured by condition. The Ecology Officer also highlighted the presence of mature Ginkgo tree on the proposed access route and suggested to consult with the Council's Arboricultural Office regarding its significance and appropriate protection measures. An Informative for works to trees to be carried out outside bird nesting season was also recommended by the Ecology Officer. A re-consultation response was received on 9 June 2019 stating *'the additional information does not affect our previous comments.'*
- 4.6 **Highway Authority** – A response was received on 15 May 2019 stating no objection to the proposed development. Recommended 5 conditions (relating to: 1) Construction Requirements, 2) Visibility Splays, 3) Provision of Approved Access, Turning and Parking Areas, 4) Travel Plans, 5) Construction Management Plan) and an informative (Licence from Highway Authority to allow works in the adopted highway) to be attached to any permission granted. A re-consultation response was received on 25 June 2019 stating *'I can confirm the local Highway Authority have no objections to the amendments. The revised car parking layout does result in 8 fewer car parking spaces, but the applicant has indicated the transport requirements for the school at maximum occupation may be in the region of 15-20 vehicles. Taking into account the staff parking requirements it is considered that this number of vehicles could be satisfactorily accommodated within the car park area. The drop off zone with the car park and service delivery bay off the access road onto the site could be utilised for mini buses and or small coaches if required.'* Further amendments submitted to the proposed revised car parking layout following discussion between the agent and the Landscape Architect. The Highway Authority were consulted on the amendments and a further response was received on 28 June 2019 stating *'The local highway authority have no additional comments to make regarding the latest amendments. The recommended conditions from the highway authority response dated the 15 May 2019 and still considered appropriate.'*
- 4.7 **NYCC Arboricultural Officer** – A response was received on 17 May 2019 stating *'1. The removal of T1641 and t1642 to accommodate additional parking spaces is not supported, both trees are 'B' category trees with a safe useful life expectancy of 20+ years therefore the proposal should seek to retain these trees b exploring alternative car parking arrangements.*

2. *The site access from Lead Lane would be the preferred options as this negates the impact on T1694 and T1695 which are both assessed as 'A' category trees. The proposed route should also seek to avoid impact on T1686 another 'A' category Tree.*
3. *A detailed TPP is required based upon the information within the Tree Survey this should be conditioned as part of any permission granted.*
4. *All tree protection measure should be installed prior to any construction works and should be sequential to the details provided in the TPP.*
5. *Any proposed tree works and facilitating pruning should be carried out prior to the commencement of any construction works by a suitably qualified and insured contractor.*
6. *A replacement planting plan should be submitted to mitigate any tree loss as consequence of the proposal, the suggested ration would be 1:1.'*

A re-consultation response was received on 28 June 2019 stating 'based upon the amended information I have the following comments:

1. *There are no objections to the revised tree removals.*
2. *The proposed tree works and the installation and maintenance of tree protection measures should be included in the Contractors Site Access and Phasing Plan'.*

- 4.8 **Sport England** – A response was received on 1 April 2019 stating '*The proposed development results in minor encroachment onto the playing field caused by the new fence. However, having considered the nature of the playing field and its ability to accommodate a range of pitches, it is not considered that the development would reduce the sporting capability of the site. Consequently, Sport England are of the view that the proposal broadly meets exception E3 of our playing fields policy, in that: The proposed development affects only land incapable of forming part of a playing pitch This being the case, Sport England does not wish to raise an objection to this application.*' A re-consultation response was received on 11 June 2019 stating the amendments do not alter their original response and Sport England has no objection to the amendments.

Notifications

- 4.9 **County Cllr. Stuart Martin** – Responded on 21 April 2019 stating '*main concerns regarding this application is to do with the lighting columns and potential for light pollution to the neighbours.*' No response received to the subsequent re-consultation (Correct 24th June 2019).

5.0 Advertisement and representations

- 5.1 This application has been advertised by means of four Site Notices posted on 09/04/2019 (responses to which expired on 02 May 2019). The Site Notices were posted in the following locations:

- Harrogate Road, at main school entrance, east of the application site;
- Harrogate Road, further down the road, east of the application site;
- Lead Lane, south of the application site;
- Whitcliffe Grove, north of the application site.

- 5.2 Neighbour Notification letters for the original proposed scheme were sent on 26 March 2019 and the period in which to make representations expired on 16 April 2019. The following properties received a neighbour notification letter:
- 54C and 58 Harrogate Road, Ripon, North Yorkshire, HG4 1SU;
 - Grove House, 85 Harrogate Road, Ripon, North Yorkshire, HG4 1SX;
 - Flat 1, Flat 2, Flat 3 and Flat 4, Grove House, 85 Harrogate Road, Ripon, North Yorkshire HG4 1SX;
 - The Lodge, 1 Grove Close, Ripon, North Yorkshire, HG4 1SY;
 - 7 Grove Close, Ripon, North Yorkshire, HG4 1SY;

- 1A and 1-6 (inclusive) Wendy Avenue, Ripon, North Yorkshire, HG4 1TD;
- 37 and 39 Whitcliffe Crescent, Ripon, North Yorkshire, HG4 2JP;
- 28 Whitcliffe Grove, Ripon, North Yorkshire, HG4 2JW;
- 2-20 (even numbers only) Highfield Road, Ripon, North Yorkshire, HG4 2JZ;
- 1 and 2 Cedar Close, Ripon, North Yorkshire, HG4 2PQ;
- 11-41 (odd numbers only) Lead Lane, Ripon, North Yorkshire, HG4 2PF;
- The Salvation Army, Salvation Army Reachout Centre, Lead Lane, Ripon, North Yorkshire, HG4 2NE;
- 2 Dudley Walk, Ripon, North Yorkshire, HG4 2PJ.

5.3 A total of 2 letters of representation have been received raising objections on the grounds of:-

- Light pollution in a residential area;
- The height of the lighting columns;
- Hours of lighting operation;
- Security fence protruding above the hedge and request height is reviewed and is no higher than the hedge;
- Increase in noise from use of new car park;
- There is existing noise during and after school hours;
- Impact on residential amenity during winter months due to lack of foliage on the hedges and allowing car headlights into the garden and bedrooms. Also causes disturbance to pets from car headlights, banging of car doors and shouting;
- Concern to the proximity of the new car park to the residential garden and lighting columns, causing an increase in light pollution and noise nuisance.

5.4 The occupiers of the residential properties listed above were notified of the revised scheme. Re-consultation neighbour notification letters were sent on 6 June 2019 in regards to the amended plans and Design & Access Statement, the period to make representations expired on 20 June 2019.

5.5 A total of 4 further letters of representation (one of the representation is from the same neighbour who objected on the original scheme) have been received raising objections/concerns on the grounds of:-

- Light pollution to neighbours and the environment;
- The height of the lighting columns;
- Hours of lighting operation and how lighting would be managed;
- Concerned about the removal of trees;
- Need of lighting and why low level lighting not adopted if there is a need of such lighting;
- Hours of lighting operation;
- Drop-off zone would increase noise and air pollution;
- How the use of drop-off zone would be managed, time restriction, type of vehicles using drop-off zone, would engine be switched off to reduce noise and air pollution;
- Increase in noise by larger vehicles;
- Increase in traffic;
- There is already noise and complaints have been made to the school. The proposal will increase further noise nuisance;
- Suggestion to switch off engine while vehicle picking up and dropping off, to reduce noise level and to benefit the health of pupils suffering from respiratory problems;
- Noise also arising from after school clubs, specifically ones held on the weekend and after 5pm.

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 *Development Plan* for the determination of this particular application comprises the following:
- The extant policies of the Harrogate District Core Strategy (2009);
 - The ‘saved’ policies of the Harrogate District Local Plan (2001).
- 6.3 The Harrogate District Core Strategy (adopted 2009) has particular relevance in the determination of this application and the policies most relevant include:
- Policy SG4 – Design and Impact
 - Policy C1 – Inclusive Communities
 - Policy TRA3 – Travel Management
- 6.4 Policy SG4 of the Harrogate District Core Strategy, entitled ‘Design and Impact’ with regards to residential amenity it states *‘the scale, density, layout and design should make the most efficient use of land’*, and that the *‘visual, residential and general amenity should be protected and where possible enhanced.’* This policy is consistent with the NPPF’s objectives of presumption in favour of sustainable development, which relates to the importance of achieving a good quality of design to ensure a good quality and standard of amenity for all existing and future occupants. Therefore, full weight can be given to this policy in the determination of this application.
- 6.5 Policy C1 of the Harrogate District Core Strategy, entitled ‘Inclusive Communities’ states, *‘Proposals for the use and development of land will be assessed having regard to community needs within the District, with particular importance placed on the following specific needs identified through the Harrogate District Community Plan and other relevant strategies and plans:*
- a. elderly people, especially in terms of open market housing, health, sport and recreation;*
 - b. young people, especially in terms of affordable housing, higher education/training and sport, leisure, cultural and entertainment facilities;*
 - c. the rural population especially in terms of affordable housing and access to services;*
 - d. disabled people, especially in terms of access to services and mobility.’*
- 6.6 This policy is also consistent with the NPPF’s objectives of promoting health communities, as outlined in Chapter 8 of the NPPF, entitled ‘Promoting Healthy and Safe Communities, emphasis the role that the planning system can have in facilitating social interaction and creating healthy and inclusive communities. Stating that planning policies and decisions should *‘plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments.’* As well as *‘Ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.’*

- 6.7 Policy TRA3 of the Harrogate District Core Strategy, entitled 'Travel Management' identifies areas where the Council will work with the County Council and other transport providers to implement measures to reduce traffic congestion and improve accessibility to jobs, shops, services and facilities. The policy within the Strategy, paragraph 6.24 states that the *'availability of parking is a major influence on how people choose to travel. The Regional Transport Strategy identifies the importance of adopting a consistent approach throughout the Region to avoid undermining neighbouring authority's policies.'* It is considered that the policy is consistent with Chapter 9 of the NPPF entitled 'Promoting Sustainable Transport' which states that *'Transport issues should be considered from the earliest stages of plan-making and development proposals so that opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated.'* It is therefore considered that Policy TRA3 is consistent with national guidance and is given weight in the determination of this application.
- 6.8 In addition to the Harrogate District Core Strategy (2009), the Harrogate District Local Plan (2001) also warrants consideration in relation to this proposal. The policies most relevant include:
- 'Saved' Policy HD20 - Design of New Development and Redevelopment
 - 'Saved' Policy C2 – Landscape Character
- 6.9 'Saved' Policy HD20, of the Harrogate District Local Plan, entitled 'Design of New Development and Redevelopment', advises that proposals must take into account the following design principles:
- *'New buildings must make a positive contribution to the spatial quality of the area and their siting and density should respect the area's character and layout;*
 - *The use and application of building materials should respect materials of neighbouring and the local area;*
 - *New development should respect the local distinctiveness of existing buildings, settlements and their landscape setting;*
 - *New buildings should respect the scale, proportions and height of neighbouring properties;*
 - *New building design should respect, but not necessarily mimic, the character of their surroundings and, in important location, should make a particularly strong contribution to the visual quality of the area;*
 - *The use and application of building materials should respect materials of neighbouring buildings and the local area;*
 - *New development should be designed with suitable landscaping as an integral part of the scheme;*
 - *Special consideration will be given to the needs of disabled and other inconvenienced persons, particularly in proposed developments to which there will be public access;*
 - *New development should respect the privacy and amenity of nearby residents and occupiers of adjacent buildings;*
 - *New development should maximise the opportunities for conservation of energy and resources through design, layout, orientation and construction;*
 - *New development should, through design, layout and lighting, pay particular attention to the provision of a safe environment.'*

- 6.10 This Policy is considered partially consistent with the NPPF's objectives of achieving sustainable development through good design, as outlined in Chapter 12, in particular paragraph 127, which relates to development being *'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation of change.'* Furthermore, paragraph 130 states that *'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents'*. It is therefore considered that the Policy HD20 is consistent with the aims of the NPPF and weight should be given to the determination of this application.
- 6.11 'Saved' Policy C2, of the Harrogate District Local Plan, entitled 'Landscape Character', states that *'development should protect existing landscape character. In locations where restoration of the landscape is necessary or desirable, opportunities should be taken for the design and landscaping of development proposals to repair or reintroduce landscape features, to the extent that this is justified by the effects of the proposal.'*
- 6.12 This Policy is consistent with the principles of the NPPF in relation to design. Therefore, it is considered that full weight can be given to this Policy in the determination of this application.

Other policy considerations:

National Planning Policy

- 6.13 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) (published February 2019)

National Planning Policy Framework

- 6.14 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- 6.15 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.'*

- 6.16 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*
 - ii.) *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’.*
- 6.17 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.
- 6.18 Paragraph 92 within Chapter 8 (Promoting healthy and Safe Communities) of the NPPF states that *‘to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*
- a) *plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
 - b) *take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
 - c) *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;*
 - d) *ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*
 - e) *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.’*
- 6.19 Paragraph 94 within Chapter 8 (Promoting Healthy and Safe Communities) of the NPPF states that *‘the government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.’* Going on to specify planning authorities should take a *‘proactive, positive and collaborative approach to meeting this requirement’*. They should:
- a) *‘give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
 - b) *work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.’*
- 6.20 Paragraph 124-127 within Chapter 12 (Achieving Well Designed Places) of the NPPF states 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 aim to 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 visits*

- 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

6.21 Paragraph 130 within Chapter 12 (Achieving Well Designed Places) of the NPPF states that *'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).'*

6.22 Paragraph 180 within Chapter 15 (Conserving and Enhancing the Natural Environment) of the NPPF states 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.'*

National Planning Practice Guidance (PPG) (2014)

6.23 On 6th 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

6.24 This states how good design is essential to sustainable development with reference to the importance of it being functional, in that it relates well to its surrounding environment, and is designed so that it delivers its intended purpose whilst maintaining a distinctive character. It though must also *'reflect an areas function, history, culture and its potential need for change.'* Ensuring 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 wellbeing.
- address the need for different uses sympathetically.

6.25 It is noted within the guidance that good quality design is considered to be ‘*an integral part of sustainable development.*’ To assist in the assessment of the design of a new development, it is noted that the following considerations be taken into account:

- *Layout – the way in which buildings and spaces relate to each other;*
- *Form – the shape of buildings;*
- *Scale – the size of buildings;*
- *Detailing – the important smaller elements of building and spaces;*
- *Materials – what a building is made from.’*

Light Pollution

6.26 Light intrusion occurs when the light ‘spills’ beyond the boundary of the area being lit. For example, light spill can impair sleeping, cause annoyance to people, compromise an existing dark landscape and/or affect natural systems (e.g. plants, animals, insects, aquatic life). It can usually be completely avoided with careful lamp design selection and positioning:

- Lighting near or above the horizontal is usually to be avoided to reduce glare and sky glow (the brightening of the night sky).
- Good design, correct installation and ongoing maintenance are essential to the effectiveness of lighting schemes.

6.27 Lighting only when the light is required can have a number of benefits, including minimising light pollution, reducing harm to wildlife and improving people’s ability to enjoy the night-sky:

- Lighting schemes could be turned off when not needed (‘part-night lighting’) to reduce any potential adverse effects e.g. when a business is closed or, in outdoor areas, switching-off at quiet times between midnight and 5am or 6am. Planning conditions could potentially require this.
- Impact on sensitive wildlife receptors throughout the year, or at particular times (e.g. on migration routes), may be mitigated by the design of the lighting or by turning it off or down at sensitive times.

Noise

6.28 This states how noise needs to be considered when new developments would be sensitive to the prevailing acoustic environment. The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation. Local 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.

6.29 It also states that ‘*neither the Noise Policy Statement for England nor the National Planning Policy Framework (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.*’

6.30 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.

Open space, sports and recreation facilities, public rights of way and local green space

- 6.31 This states how all open space of public value should be taken into account in planning for a new development. This can take many forms and have many benefits including health and wellbeing, ecological and contribute to green infrastructure. It is also important in achieving sustainable development. It is for local authorities to access the need for provision in their local areas but are required to consult Sport England in certain cases affecting playing fields. This also states public rights of way form an important component of sustainable transport links and should be protected or enhanced.

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 summarised under the following headings:

Principle of the proposed development

- 7.2 The applicant states in the Design & Access Statement (Ref. 18010 Rev. P10, dated 11 July 2019) that the proposed development is required due to the *'need to amalgamate the existing Infant and Junior schools onto a single site to create an all-through primary school and to allow the current Moorside Infants site to be repurpose.'*
- 7.3 The proposal seeks to amalgamate the existing Infant School with the Junior School onto single, which is currently the Junior School site only. The current Moorside Infant School site would then be used as a satellite of Mowbray School. It is considered that under the Town and Country Planning (Use Classes) Order 1987 (as amended), both the amalgamation of the Infant & Junior School and the existing Infant site to be used as satellite of Mowbray School, fall under the same use classification 'D1 – Non-Residential Institutions', and as such planning permission is not required for this amalgamation as no change of use is proposed.
- 7.4 It is considered that the remaining elements of the proposed development (the single storey classroom extensions, erection of glazed walkway canopy, demolition of existing corridors, area and vehicle pick up and drop off area with extended car parking, installation of 1.8 m green weld mesh site security perimeter fencing, 1.8 m high gates, widening of access road, creation of footpaths, erection of 10 No. 6 m high lighting columns, 6 No. 4 m high lighting columns, 3 No. 1 m high lighting bollards, 16 No. external fixed mounted lighting, removal of trees and hard and soft landscaping) all require planning permission.
- 7.5 It is considered that the proposal seeks to create and enhance community facilities in terms of health, education and security, whilst enabling access by less able-bodied people. It is considered that the development will both protect the existing community services offered by the existing Moorside School, but also the amalgamation of the Junior & Infant School into one site will create additional service as the existing Infant School will be used as satellite of Mowbray School.
- 7.6 It is acknowledged that the development will result in the loss of the existing Infant School teaching space provision, however this is outweighed by the proposed extensions and associated works, and the continued use of the existing Infant site by Mowbray School for education provision. Furthermore no objections have been received in relation to the loss of the teaching space, and therefore it is considered that this is insufficient reason to refuse the application. Additionally, the principle of improving school facilities receives support within the NPPF in both ensuring

sustainable development, whilst supporting the need to alter and/or enhance existing school infrastructure. It is therefore considered that the proposed development is consistent with the NPPF, in that the proposal will facilitate social interaction and promote a conclusive community. Further support for the development is received within Policy C1 of the Harrogate District Core Strategy which seeks to create inclusive communities through developing education facilities. It is therefore considered the proposal accords with Policy C1 of the Harrogate District Core Strategy as the development will enhance existing and provide new community facilities. Therefore, the development is considered acceptable in principle, subject to consideration of other matters.

Design & Visual Amenity

Proposed Extensions and Glazed Walkway Canopy and External Fixed Mounted Lighting

- 7.7 The proposed single storey classroom extensions to Junior School are considered to be acceptable in terms of design, scale and appearance. This element of the proposal will occupy the position towards the central area of the existing Junior School building within the area and as such it will not be readily visible from the street scene. Furthermore it will be screened by the existing boundary treatment. The proposed extensions will have a similar design to the existing building and as such it will be in keeping and sympathetic addition to the original building. Additionally it will appear subservient to its host as it will have a lower ridge height than the existing building and proportionate to the main building. The extensions are proposed to be constructed of matching materials which is appropriate in appearance terms. Due to the scale and design, the proposed extensions will be seen in context of its host building. It is therefore considered that the proposed extensions will not have an adverse impact upon the visual amenity of the local area.
- 7.8 The proposed glazed walkway canopy is also considered to be acceptable in terms of design, scale and appearance. The proposed canopy will be situated to the northern elevation of the existing Junior School building and due to the topography and boundary treatment, the proposal will not be readily visible from the street scene. It is considered that the scale and external finish of the proposed canopy is sympathetic to the existing school site. Additionally the design is well formed with mostly glazing applied on all sides to reduce the impact of solid brick. It is considered that the structure with respect to its style and appearance will achieve a satisfactory match with the main body of the existing building. Overall, in design and visual amenity terms, the proposed canopy is therefore considered to be acceptable.
- 7.9 The proposed single storey extensions and glazed walkway canopy will not conflict with the existing school building and is not inappropriate for a school site. Additionally the external fixed mounted lighting proposed within the perimeter of the proposed extensions and glazed canopy and existing Junior School building is considered acceptable. This element of external lighting is not considered to have an adverse impact on the visual amenity. Therefore it is considered that the design and scale of the proposal is acceptable and consistent with Paragraph 124-127 of the NPPF and PPG guidance in terms of design because of it being of an appropriate design, optimising the use of the site and an enhancement to the school sites general amenity.
- 7.10 Additionally, the proposal is considered compliant with the Harrogate District Core Strategy Policy SG4 and Harrogate District Local Plan 'saved' Policy HD20 which states that the scale, density, layout and design should make the most efficient use of land and being proportionate to the context of the site.

Hard standing area, vehicle pickup and drop off area with extended car parking, widening of access road and creation of footpaths

- 7.11 This element of the proposal has been amended as it was considered to have an adverse impact on the visual amenity, in particular the renovated infant site car park. The Principal Landscape Architect and Arboricultural Officer, both objected to the original scheme on the grounds of impact on visual amenity and loss of trees. The scheme has been amended to address the issues by retaining two of the trees, reconfiguring the layout of the car park and soft landscaping and tree replacement scheme proposed.
- 7.12 It is acknowledged that the existing boundary treatment consisting of mature trees and hedgerow at the frontage of the site and the retention of two trees within the infant site car park area will provide partial screening to the access and car parking surface. However it was considered that the proposed car parking area to the infant site, will have some impact upon the visual amenity of the area, albeit of a revised scheme. It was therefore considered that additional changes to the revised car park layout together with the additional landscaping will be required to further mitigate the visual impact of the hard standing.
- 7.13 The Principal Landscape Architect requested further changes to the revised scheme in particular adding soft landscaping within the proposed Infant site car park in order to soften the impact of hard standing. The agent was made aware of this requirement and have submitted a further revised car parking layout for the infant site, providing additional soft landscaping to minimise the visual impact of the hard standing. The Principal Landscape Architect was consulted on the revised layout and he is satisfied with the overall design and layout of the scheme subject to the submission of the temporary trees protection measures and a detailed landscaping scheme. Additionally the Arboricultural Officer has been consulted on the amended scheme, although he has not objected to the revised tree removals, however have requested tree protection measures to be provided.
- 7.14 It is noted that whilst the revised car parking layout of the infant site and the proposed landscape scheme has addressed the objections, it is considered that the inclusion of planning conditions on any grant of planning permission is reasonable. Therefore a condition requiring the details of tree protection measures and a detailed landscaping scheme is to be submitted and approved to ensure that a suitable landscaping is in place to mitigate the impact of the development on the visual amenity of the area.
- 7.15 Overall the amended car parking layout has resulted in better design as two of the trees will be retained and additional landscaping is proposed to mitigate the visual impact. Therefore, the proposal is considered to be consistent with the aims of good design as outlined in both the NPPF (2019) and PPG (2014) for design and accords with 'saved' Policy C2 of the Harrogate District Local Plan which states that development should protect existing landscape character and opportunities should be taken to reintroduce landscape features.

External Lighting Columns

- 7.16 The proposed development further seeks to erect in total 19 external lighting columns (10 No. 6m high lighting columns, 6 No. 4m high lighting columns and 3 No. 1m high lighting bollards) to the north and east of the application site. This is to illuminate the new pick up and drop off area with associated car park (infant site), existing access road with new pedestrian footpath and extended Junior School car park, to make them safe outside of daylight hours. The original scheme has been amended by reducing the height of two of the lighting columns to 4m in order to address some of the objections raised.

- 7.17 The proposed lighting has been designed to ensure that there is minimal glare or light intrusion in accordance with Planning Practice Guidance for lighting (2014). The applicant states in the Design & Access Statement (Ref. 18010 Rev. P10, dated 11 July 2019) that the lighting will be controlled via a digital time clock where the lights on and lights off period can be set, to ensure that the car park is not illuminated at any time overnight. The applicant also states that *'each of the column heads shall incorporate SmartScan Technology by Thorlux Lighting (or equal), which have a built-in daylight sensor along with motion detection. This ensures that the luminaires are only illuminated whilst people or vehicles are within the car park area.'*
- 7.18 Whilst it could be argued that the lighting columns add further visual clutter it is considered that when viewed against the backdrop of adjacent school complex they would not have any significant visual impact on the area. This is supported by Planning Practice Guidance for light pollution and consistent with NPPF paragraph 180 which both state through careful design, correct installation and ongoing maintenance the effects of lighting can be limited.
- 7.19 However given its proximity to the rear of residential properties on Wendy Avenue, the agent/applicant has been made aware of this and have revised the scheme by reducing the height of the lighting columns to 4m high within the junior car park and 1m high lighting bollards within the pedestrian footpath area instead of 6m high lighting columns. An option for the complete omission of lighting within the proposed junior car parking area was also suggested to the agent, however the agent has affirmed that the school have concerns to the complete omission of the lighting due to the health and safety of their staff using the car park in winter months. It is acknowledged that the school's concerns are reasonable and therefore some form of lighting would be required.
- 7.20 The proposal has been subject to consultation with Harrogate Borough Council (Planning and Environmental Health Officers). No response has been received from the Planning Officer. A response from Harrogate Borough Council Environmental Health Officer raised no objection to the scheme, however requested an informative to be added on any grant of planning permission in regards to the external lighting complying with the Institution of Lighting Professionals Guidance Note.
- 1.8 m green weld mesh site security perimeter fencing, 1.8 m high gates
- 7.21 The proposed fencing and gates are considered to be acceptable in terms of design and appearance. It is not considered that the weld mesh fencing will have a detrimental impact upon the openness of the site and visual amenity of the surrounding area given that it is transparent and lightweight and not a solid visual barrier. Furthermore there is already similar mesh fencing that exists within the site and as such the proposal is considered to blend in with the existing fencing. Additionally the proposed colour finish is suitable, hence limiting the visual impact of the development and would be in keeping with the existing weld mesh fencing.
- 7.22 Whilst the application has received an objection on the grounds of visual impact, from a residence adjoining the site on the corner of the south-east boundary, the applicant has affirmed that the fence would not be higher than the existing hedge. Additionally, the proposed fence to the corner of south-east boundary of the site, will not be adjacent to highway, therefore the fall back position is that section of fencing can be erected under the permitted development rights as it does not exceed 2 metres in height.
- 7.23 The Principal Landscape Architect raised concern to a section of proposed fencing to the infant site car park (eastern elevation), at the frontage of the site facing Harrogate Road. It is acknowledged that the fencing is required to provide security to the site, however a small section of the fencing within the car park area (eastern elevation) is not considered necessary given that the site will be secured by the proposed fence to the southern elevation of the car park. It is considered that this would unbalance the

existing boundary treatment as a small section of fencing will stand out. The proposed fencing has been amended to address these issues. The Principal Landscape Architect has been consulted on the revised proposed fencing and he is satisfied with the amended scheme.

Local Amenity (Noise and Light)

- 7.24 It is acknowledged that the site is bounded by residential properties, hence the potential impact of the proposed development upon local amenity is an important consideration in the determination of this application. Furthermore, concerns have been raised to the proposed scheme having impact upon residential amenity in terms of noise, lighting and potential increase in vehicle movements arising from the proposal.

Proposed Extensions and Glazed Walkway Canopy and External Fixed Mounted Lighting

- 7.25 This element of the proposal is not considered to detrimentally impact the residential amenity of the neighbouring properties due to its siting, separation distance and boundary treatment.
- 7.26 The nearest residential properties are along Highfield Road, which are located at a distance of approx. 28 metres west of the proposal. It is therefore considered that due to the separation distance and siting, it would be unlikely that the proposal would have a detrimental impact on the amenity of these properties.
- 7.27 Therefore it is considered this aspect of the proposed scheme is in compliance with Policy SG4 of the Harrogate District Core Strategy and 'saved' Policy HD20 of the Harrogate District Local Plan. It is also consistent with the NPPF because the residential amenity of current or future occupants is unlikely to be detrimentally affected due to the boundary treatment and separation distance between the school and the residential properties.
- 7.28 It is acknowledged that during construction of the extension there is the potential for some impacts in terms of noise and so it is recommended that a condition be applied to restrict the hours of construction for the benefit of the amenity of the area. It is also though acknowledged that the Environmental Health Officer did not offer any objections to the proposed scheme in terms of noise.

Hard standing area, vehicle pickup and drop off area with extended car parking, widening of access road and creation of footpaths

- 7.29 The effect of the new extended car parking and the new pickup and drop off area would have on residential amenity is something that has been considered as an important issue in the determination of this planning application. It is further noted, that objections have been received to the potential impact of the proposal upon their amenity in terms of increase in car noise, lighting, air pollution from running engine and increase on traffic.
- 7.30 It is further acknowledged that the extended Junior School car parking area will be located on the north eastern boundary along the rear of the residential properties of Wendy Avenue. Whilst the proximity of the Junior School car park is near an existing boundary shared with residential properties, there is a substantial deciduous hedge along the boundary. The agent has affirmed that the hedge row is 2.0 metres high and predominantly agricultural and Hawthorn variety. It is considered that the existing boundary treatment will aid in screening this aspect of the proposal from nearby residential properties.

- 7.31 Furthermore it was noted from the site visit that the grassed area is currently being used for parking as there were cars parked within the proposed junior car parking area, hence the proposal is simply creating a designated parking area and therefore it is not considered to exacerbate the existing situation. Additionally the use of the car park would likely be transient unlike a building that would be occupied by staff or pupils for a period of time or a garage repairing cars. It is therefore considered that the proposed junior car parking would not have an adverse impact on the residential amenities.
- 7.32 Additionally the application does not propose change of school hours and the use of the extended car park will remain as existing and will provide parking only for the staff as indicated within the application documents.
- 7.33 In regards to noise arising as a result of the proposed car parking area, whilst it is accepted that there will be some noise generated from the vehicles visiting the school, it is not considered that the levels would have a significant adverse impact upon local amenity given the far more transient nature of use of the car park and for the reasons refereed in paragraph 7.31 above. Furthermore the Environmental Health Officer has been consulted on the scheme and has not raised objections to the proposal. It is therefore considered that this aspect of the proposal is acceptable and consistent with the principles of the NPPF in relation to noise, as outlined within paragraph 180 of the Framework, which seeks to ensure that developments do not result in, or generate unacceptable noise levels which would adversely impact upon local amenity or quality of life significantly, adding further weight in support of this application.
- 7.34 It is acknowledged that during the construction phase of the development, amenity would likely be affected to some degree but once constructed the school would function as it does now. Notwithstanding this, the proximity of residential properties is acknowledged. For this reason, it is considered appropriate to restrict the permitted hours of construction to avoid any such works taking place at unsociable hours, which would be secured and controlled through condition in the event that planning permission is granted for the development. This approach is considered to be consistent with the principles of the NPPF as outlined within paragraph 180 of the Framework, which advocates the use of conditions to further mitigate against the potential negative impacts of noise and to ensure appropriate protection of residential amenity. Furthermore the proposal is considered compliant with the Policy SG4 of the Harrogate District Core Strategy and 'saved' Policy HD20 of the Harrogate District Local Plan.
- 7.35 The proposed extended Junior School car parking area and the renovated Infant site car park with additional parking is not considered to be a significant loss of land. It is considered that the proposed parking will be more beneficial for the amenity of the area if the school had the provision to allow staff parking as well as visitor parking on site, as opposed to parking within the immediate surrounding area. It is noted that concerns have been raised in regards to an increase in traffic movement, however given the school would be able to provide adequate provision for staff and visitor parking, it is considered that the proposal would help to ensure no undue pressure upon the surrounding local highway network. Additionally the Highway Authority has been consulted on the scheme and they have raised no objection to the proposed development. The proposal is therefore considered to be consistent with the NPPF and PPG and accords with Policy TRA3 of the Harrogate District Core Strategy which aims to improve accessibility to jobs, shops, services and facilities.

- 7.36 There have been concerns raised in regards to air pollution from car engine kept running within the proposed pickup and drop off area and having an impact upon environment and pupil's health. However this would need to be monitored by the school to ensure engines are switched off. Furthermore, it has been noted that the Environmental Health Officer has offered no Environmental Protection objections in relation to this application. Additionally, Design and Access Statement submitted with application states *'The school will undertake a managed regime at these times such that vehicles will arrive and park in their respective positions with engines off before students are released. Loading of vehicles will then be completed with all students and passengers secured in their respective vehicles before drivers are allowed to make any vehicle movements.'*

External Lighting Columns

- 7.37 The proposed development further seeks to erect in total 19 external lighting columns (10 No. 6m high lighting columns, 6 No. 4m high lighting columns and 3 No. 1m high lighting bollards) to the north and east of the application site. This is to illuminate the new pick up and drop off area with associated car park (infant site), existing access road with new pedestrian footpath and extended Junior School car park, to make them safe outside of daylight hours. The original scheme has initially been amended by reducing the height of only two of the lighting columns along the western boundary of the Junior School car park to 4 metre high and positioned close to the tall boundary hedge row in order to address some of the objections raised.
- 7.38 It is noted from the submitted information that the proposed lighting has been designed to not omit light in an upward direction and the light heads will be fitted with shrouds, hence preventing direct views of the light source itself from the nearby residential properties. Additionally the proposed lighting will be controlled by daylight sensors, time clocks where the lights on and lights off period will be set and motion detectors to ensure it is only illuminated when it detects presence of people and vehicles within the car park area. Furthermore the brightness will reduce down to 20% of the full lighting brightness when the presence of people or vehicle movement is not detected. This will ensure whilst providing the required lighting, it will be less intrusive to the neighbouring amenities.
- 7.39 The potential for light pollution from the proposed lighting columns has been considered carefully and several options discussed during the course of the application, in particular its proximity to the rear of residential properties on Wendy Avenue. Whilst the design of the lighting columns is considered acceptable, however due to the proximity of the residential properties to the proposed junior car park and the pedestrian footpath, low level lighting is considered to be appropriate in order to safeguard the residential amenities. Furthermore it is noted that there have been concerns raised over the possibility of lighting pollution having a negative impact upon residential amenities. Therefore in order to address these concerns, the agent/applicant has been advised to consider an option for low level (1m high) bollard style lighting within the pedestrian footpath and 4 metre high lighting columns within the junior car park. The agent/applicant has agreed to the suggested option and have further revised the proposed lighting scheme as recommended by the Case Officer in order to protect the residential amenities of neighbouring properties.
- 7.40 The proposed lighting has raised objections from members of public, however it is noted that the Harrogate Borough Council Environmental Health Officer has raised no objections/concerns in relation to the proposed lighting. Therefore it is not considered necessary to condition further shielding or limit the hours of use and operation of the proposed lighting given that the car park will be lit for limited hours during winter months and will be controlled as detailed in paragraph 7.38 above.

- 7.41 It is acknowledged that lighting is required to the proposed car park due to the health and safety concerns, hence the provision of lighting columns creates a safe environment in the new car park. Therefore the proposed lighting scheme in its amended form is considered unlikely to have an adverse impact upon local amenity. Additionally the lights will be completely switched off after 8:30pm, hence it will avoid impacting upon local amenity through light disturbance late at night. Furthermore the proposed lighting columns are a standard car park specification which are considered appropriate in this context and are comparable to street/car park lighting within the vicinity rather than floodlights which are used to illuminate sports pitches. Additionally the height of the lighting columns within the junior car park, being lower than existing street lighting columns will ensure that their impact upon the visual amenity is minimal.
- 7.42 Overall it is considered that the proposed development would not have a significant adverse impact on the local amenity and as such accords with Policy SG4 of the Harrogate District Core Strategy and 'saved' Policy HD20 of the Harrogate District Local Plan.

Highways

- 7.43 Consideration has been given to the impact of the proposed development on the public highway. The Highway Authority has been consulted and not objected to the scheme however has recommended conditions to be imposed on the grant of any permission.
- 7.44 It is considered that the proposal will not have an adverse impact on the highway network, given that adequate parking provision will be provided on site. Furthermore the proposal will improve the access to the site by providing suitable access for vehicles anticipated to be used by the satellite Mowbray School. Therefore with the controls suggested by the Highway Authority and the reasons stated above it is considered that the proposed development would be consistent with the NPPF and compliant with Policy TRA3 of the Harrogate District Core Strategy and 'saved' Policy HD20 of the Harrogate District Local Plan as the proposal will not have adverse impact on highway traffic and safety.

8.0 Conclusion

- 8.1 There are no material planning considerations to warrant the refusal of this application for the erection of single storey classroom extension (280 sq. metres), erection of glazed walkway canopy (43 sq. metres), demolition of existing corridors (64 sq. metres), hard standing area and vehicle pick up and drop off area with extended car parking (1433 sq. metres) installation of 1.8 m green weld mesh site security perimeter fencing, and 1.8 m high gates, widening of access road, creation of footpaths, erection of 10 No. 6 m high lighting columns, 6 No. 4 m high lighting columns, 3 No. 1 m high lighting bollards, 16 No. external fixed mounted lighting, removal of trees and hard and soft landscaping.
- 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 reason(s):
- i. it is considered that the proposed development will not adversely affect the character of the local area or the local highway network;
 - ii. it is considered that the proposed development would not adversely impact upon local amenity; and

- iii. it is considered that the proposed development is in accordance with NPPF (2019), NPPG (2014), Policies SG4, C1 and TRA3 of the Harrogate Core Strategy (2009) and 'saved' Policies HD20 and C2 of the Harrogate Local Plan (2001).

9.2 It is recommended 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 01 March 2019 (amended 12 July 2019) and the following approved documents and drawings:

<u>Ref.</u>	<u>Date</u>	<u>Title</u>
18010-A-001 Rev. P4	02/07/19	Site Location Plan
18010-A-070 Rev. P3	02/07/19	Proposed Site Block Plan
18010-A-40 Rev. P6	02/07/19	Proposed Junior & Infant School Block Plan
18010-A-050 Rev. P7	21/06/19	Proposed Site & Block Plan of Infants School
18010-A-060 Rev. P4	26/06/19	Proposed Site & Block Plan of Junior School
18010-A-102 Rev. P1	21/02/19	Existing Junior School Plan (inc Demo Works)
18010-A-101 Rev. P1	21/02/19	Existing Junior School GA Plan
18010-A-120 Rev. P3	18/06/19	Proposed Junior School Plan
18010-A-110 Rev. P1	22/02/19	Existing Junior GA Roof Plan
18010-A-130 Rev. P1	22/02/19	Proposed Junior School Roof Plan
18010-A-201 Rev. P1	21/02/19	Junior School Elevations as Existing (sht 1 of 2)
18010-A-201 Rev. P1	21/02/19	Junior School Elevations as Existing (sht 2 of 2)
18010-A-221 Rev. P3	18/06/19	Junior School Elevations as Proposed (sht 1 of 2)
18010-A-222 Rev. P3	18/06/19	Junior School Elevations as Proposed (sht 2 of 2)
18010-A-781 Rev.P1	28/03/19	Proposed External Surfacing Plan
18010/E/607 Rev. P6	July 19	Electrical Building Services Proposed Car Park Lighting Layout – 4m columns
18010-A-080 Rev. P3	21/06/19	Contractor Site Compound Access & Phasing Plan
18010-A-090 Rev. P1	14/03/19	Proposed Site Fencing & Gate Details
18010 Rev. P10	11/07/19	Design & Access Statement
APP-18-17 Rev. R1	Nov 18	Ecological Impact Assessment
BA8063	03/12/18	Tree Survey

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

3. No construction, demolition or any other works shall take place except between the following times:
- 08:00 – 18:00 Mondays to Fridays
08:30 – 13:00 Saturdays
- and at no time on Sundays and Bank (or Public) Holidays.
- Reason: In the general interest of residential amenity.*
4. Prior to commencement of development a Tree Protection Plan (TPP) in accordance with BS5837:2012 Trees in relation to Design, Demolition & Construction, shall be submitted to and approved in writing by the County Planning Authority. The TPP shall provide details of location, alignment and design of tree protective measures on site, taking into account any realignment for phasing of construction. Thereafter, the fencing shall be retained intact for the full duration of the works and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the County Planning Authority.
- Reason: This is a pre-commencement condition and considered warranted given the particular circumstances in the absence of the requisite information accompanying the application and imposed to ensure protection during construction works of trees and hedges which are to be retained on or near the site in order to ensure that the character and visual amenity of the area is not impaired.*
5. Prior to commencement of development details of the temporary access road and surface finish shall be submitted to the County Planning Authority for approval in writing in consultation with the Highway Authority. The temporary access shall be constructed in accordance with the approved details. Any damage to the existing adopted highway occurring during use of the access until the completion of all the construction works shall be repaired immediately. Before the development is first brought into use the highway verge/footway on Lead Lane shall be fully reinstated in accordance with the scheme approved in writing by the County Planning Authority.
- Reason: This is a pre-commencement condition and considered warranted given the particular circumstances in the absence of the requisite information accompanying the application and imposed in the interests of highway safety and visual amenity.*
6. Once the temporary access has been created only vehicles associated with on-site construction works are permitted to access the site via the approved temporary access as shown on Drawing No. 18010-A-080 Rev. P3, with the temporary access only to be used by vehicles associated with the construction works. Upon completion of the construction works the temporary access road and access point off Lead Lane shall be removed and the land reinstated to its previous condition, including any hedge planting as replacements following removal to create the access of Lead Lane.
- Reason: In the interests of highway safety and visual amenity.*
7. Within three months of the date of this decision notice, a detailed scheme of landscaping shall be submitted to and approved in writing by the County Planning Authority. These details shall include all planting, species, density of planting and aftercare and maintenance proposals. Thereafter, the landscaping shall be implemented in strict accordance with the approved scheme within the first available planting season. Any failures within the first five years of being planted shall be

replaced with species of the same size and maturity as previously specified in the approved scheme.

Reason: To safeguard and enhance the appearance of the development in the interests of visual amenity of the area.

8. 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:
- a. The details of the access shall have been approved in writing by the County Planning Authority in consultation with the Highway Authority.
 - b. The existing access shall be improved to give a minimum carriageway width of 6.5m for a distance of 20m into the site and shall be constructed in accordance with Standard Detail E7.
 - c. Any gates or barriers shall be erected a minimum distance of 15 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - d. That part of the access extending 10 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 30.
 - e. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.
 - f. Provision of tactile paving in accordance with the current Government guidance.

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

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

9. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of altering the site access) until splays are provided giving clear visibility of 33 measured along both channel lines of the major road Harrogate Road from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of road safety.

10. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved:
- a. have been constructed in accordance with the submitted drawing 18010-A-050 and 18010-A-060
 - b. are available for use unless otherwise approved in writing by the County Planning Authority.

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

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

11. Prior to the development being brought into use, a Travel Plan for both Schools shall have been submitted to and approved in writing by the County Planning Authority in consultation with the Highway Authority. This shall include:
- a. the appointment of a travel co-ordinator

- b. a partnership approach to influence travel behaviour
- c. measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- d. provision of up-to-date details of public transport services
- e. continual appraisal of travel patterns and measures provided through the travel plan
- f. improved safety for vulnerable road users
- g. a reduction in all vehicle trips and mileage
- h. a programme for the implementation of such measures and any proposed physical works
- i. procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

Reason: To establish measures to encourage more sustainable non-car modes of transport.

12. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the County Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. wheel washing facilities
- e. measures to control the emission of dust and dirt during construction
- f. HGV routing and scheduling to avoid school open and closing times

Reason: To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

13. The development hereby approved, shall, at all times, be carried out in accordance with the recommendations set out in section 5.1 of the Ecological Impact Assessment (Naturally Wild Consultants Limited, ref. APP-18-17, dated November 2018).

Reason: In the interests of protecting wildlife and their habitats.

14. Any excavation works adjacent to any trees and hedges within the site shall utilise hand dig methods to avoid excessive damage to the tree and hedge roots.

Reason: To ensure that the trees and hedges within the area of proposed development are not damaged during construction works in order to ensure that the character and visual amenity of the area is not impaired.

15. Any tree removals, pruning or crown lifting works shall be carried out prior to works commencing and shall be carried out in accordance with BS 3998 (2010): British Standard Recommendations for Tree Work, using a suitably qualified and insured arboricultural contractor.

Reason: To ensure protection during construction works of trees which are to be retained on and near the site and in the interests of visual amenity.

Informatives:

1. Any trees, shrubbery or other dense vegetation should be removed outside the bird nesting season (March to August inclusive for most species), or after a competent

person has confirmed that no nesting birds are present. If an occupied nest is found, work will need to be delayed until after young have fledged.

Explanation: Conservation of wildlife and to ensure compliance with the Wildlife & Countryside Act 1981 (as amended).

2. The external lighting scheme should comply with the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011 (or later versions). It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.
3. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the details constructional specification referred to Condition 9.

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

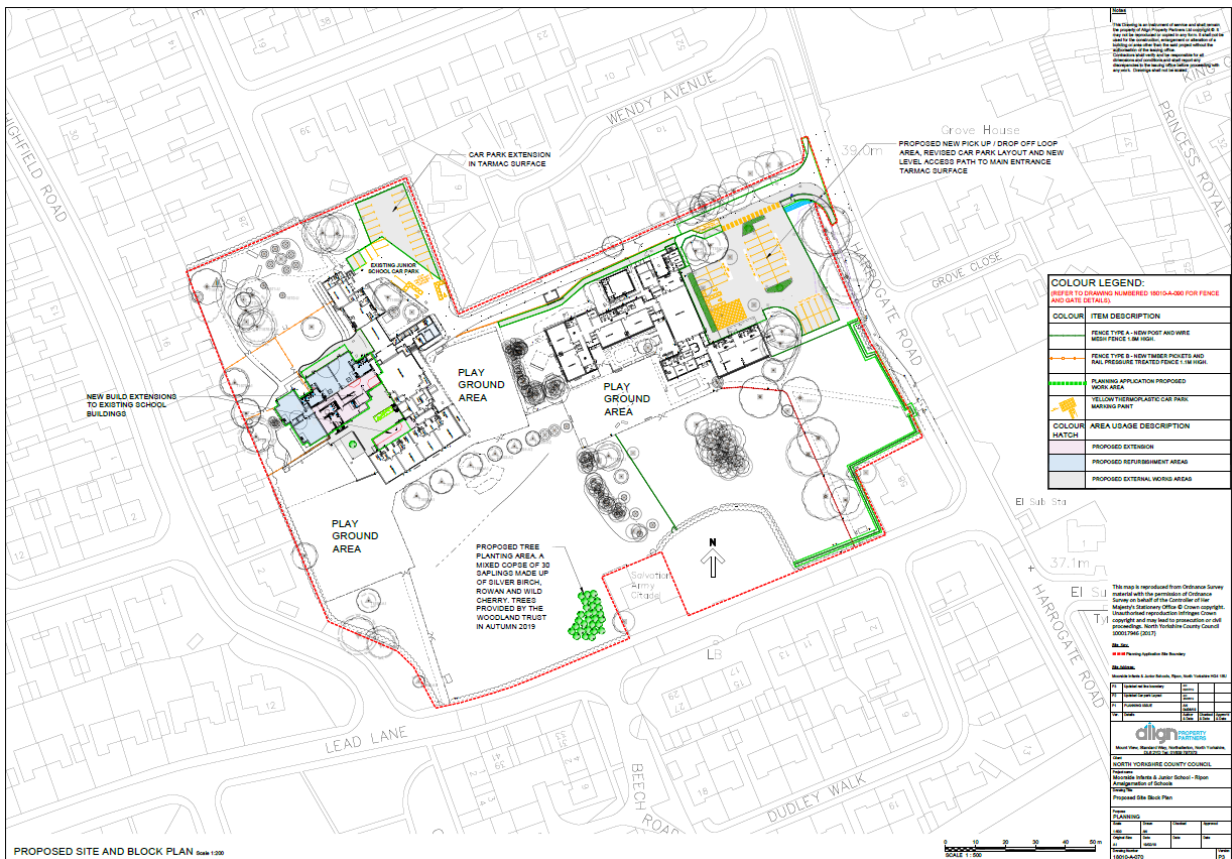
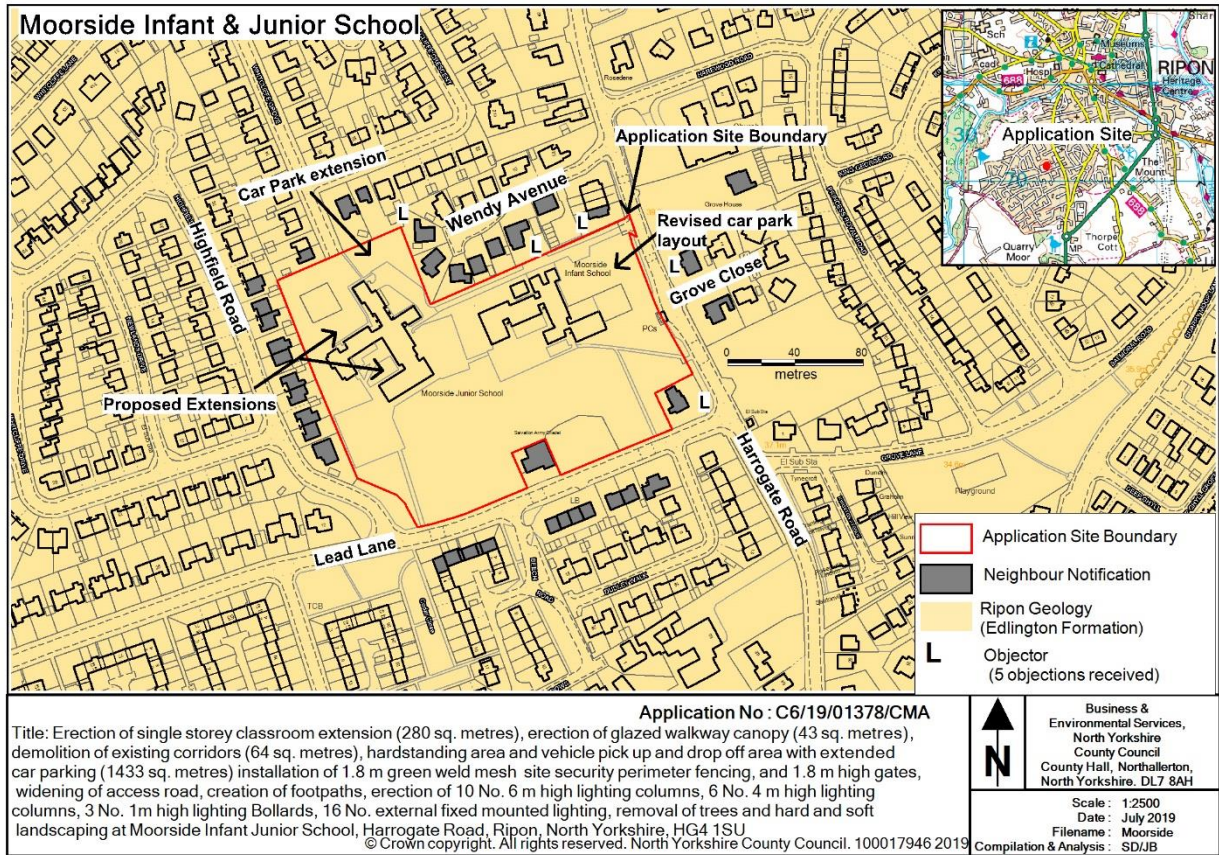
In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose to take up this service. Proposals 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: Sukaina Devraj

Background Documents to this Report:

1. Planning Application Ref Number: C6/19/01378/CMA (NY/2019/0043/FUL) registered as valid on 15 March 2019. 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/PlanAppDisp.aspx?recno=10787>
2. Consultation responses received.
3. Representations received.



North Yorkshire County Council

Planning and Regulatory Functions Committee

23 July 2019

Items Dealt With under the Scheme of Delegation

Report of the Corporate Director – Business and Environmental Services

The Items reported below have been determined between:
23 April 2019 to 23 June 2019 Inclusive

A. County Council Development**NY/2019/0076/A27****Barwic Parade CP School, Petre Avenue, Selby, YO8 8DJ**

Decision Notice: 17 May 2019

Application for the approval of details reserved by condition No. 3 of Planning Permission Ref. C8/2018/0376/CPO which relates to tree planting

Details APPROVED

C2/19/00899/CCC (NY/2019/0064/73A)**Sessay Church of England Voluntary Controlled Primary School, Sessay, Thirsk, North Yorkshire, YO7 3NA**

Decision Notice: 31 May 2019

Retention of prefabricated classroom units 0001 & 0002 for a further 6 years (358 sq. metres)

PLANNING PERMISSION GRANTED subject to conditions

C4/19/01292/CC (NY/2019/0061/FUL)**Wheatcroft CP School, Holbeck Hill, Scarborough, YO11 3BW**

Decision Notice: 19 June 2019

Erection of a single storey classroom extension to create a library (15 sq. metres), external ramped access and roof light

PLANNING PERMISSION GRANTED subject to conditions

NY/2019/0058/A27**Nawton Community Primary School, School Lane, Nawton, Helmsley, YO62 7SF**

Decision Notice: 21 May 2019

Application for the approval of details reserved by condition No's 5 & 6 of Planning Permission Ref. C3/18/01385/CPO which relates to a Highways Condition Survey and a Construction Method Statement

Details APPROVED

C6/19/01352/CMA (NY/2019/0050/FUL)

Holy Trinity Church of England Junior School, Church Lane, Ripon, HG4 2ES

Decision Notice: 13 May 2019

Erection of a single storey extension to create a toilet block and lobby (21 sq. metres)

PLANNING PERMISSION GRANTED subject to conditions

C6/19/01055/CMA (NY/2019/0046/FUL)

Elderly Persons Home, 16 Station View, Harrogate, HG2 7JB

Decision Notice: 30 April 2019

Car park extension to provide 12no. car parking bays and Installation of 4no. 6m high lighting columns.

PLANNING PERMISSION GRANTED subject to conditions

C1/19/00220/CM (NY/2019/0045/FUL)

Risedale Community College, Hipswell Road, Catterick Garrison, DL9 4BD

Decision Notice: 23 May 2019

Erection of a modular double storey sports pavilion (208 sq. metres) and the erection of a 2.4 m high weld mesh perimeter fence

PLANNING PERMISSION GRANTED subject to conditions

B. County Matter Development

C5/2019/20222/NYCC (NY/2019/0028/73)

Halton East Works, Low Lane, Halton East, North Yorkshire, BD23 6AD

Decision letter: 20 May 2019

Variation of Condition No. 12 of Planning Permission Ref. C5/34/2013/14104 to maintain the higher level of vehicle movements on a permanent basis

PLANNING PERMISSION GRANTED subject to conditions

NY/2019/0006/A27

Crayke Sewage Treatment, Sewage Works Track, Crayke, YO61 4TB

Decision Notice: 25 April 2019

Application for approval of details reserved by condition No's 5 & 6 of Planning Permission Ref. C2/1801484/CCC which relates to a highways condition survey and a hard and soft landscaping scheme

Details APPROVED

NY/2019/0053/NMT

Thirsk Waste Water Treatment Works, Sandholmes Lane, Sowerby, Thirsk, YO7 1JR

Decision Notice: 26 April 2019

Application for a non-material minor amendment to increase the size of the MCC kiosk which relates to Planning Permission Ref. C2/18/02736/CCC

DETAILS APPROVED

C5/2019/20419/NYCC (NY/2019/0067/FUL)

**Skipton Sewage Treatment Works,
Skipton, BD23 2UR**

Decision Notice: 16 May 2019

Erection of one glass reinforced plastic (GRP) MCC Kiosk. Proposed kiosk is an increase in size of plant, related to previously consented kiosk under application reference C5/2018/04247/DUTY

PLANNING PERMISSION GRANTED subject to conditions

C8/2019/0243/CPO (NY/2019/0017/FUL)

**Selby Asphalt Plant, Barlby Road,
Selby, North Yorkshire, YO8 5DZ**

Decision Notice: 28 May 2019

Proposed erection of 3 no. vertical bitumen tanks (58m² including the plinth).

PLANNING PERMISSION GRANTED subject to conditions

C2/19/00643/CCC (NY/2018/0254/FUL)

**Bedale Waste Water Treatment Works,
South End (B6285), Bedale, DL8 2ER**

Decision Notice: 20 May 2019

Two Glass Reinforced Plastic ('GRP') rectangular kiosks (combined total of 44.8 external square metres)

PLANNING PERMISSION GRANTED subject to conditions

To access the planning application details, consultation responses and a copy of the report and decision notice containing any planning conditions relevant to the development please access the County Council's Online Planning Register at the following web address:

<https://onlineplanningregister.northyorks.gov.uk/register/PlanAppSrch.aspx>

(Please enter the planning application reference number (NY/...) into the 'Application Reference' field).

DAVID BOWE

Corporate Director – Business and Environmental Services

Author of Report: Beth Strangeways

Background Documents: None

North Yorkshire County Council
Business and Environmental Services
Planning and Regulatory Functions Committee

23 July 2019

Publication by Local Authorities of Information about the handling of Planning Applications

Report of the Corporate Director – Business and Environmental Services

This report outlines the County Council's performance in the handling of 'County Matter' and County Council development planning applications for Quarter 4 (the period 1 January to 31 March 2019).

Information on Enforcement Cases is attached as an Appendix.

Recommendation: That the reported be noted.

DAVID BOWE
Corporate Director, Business and Environmental Services

Authors of Report: Jo Brownless

Background Documents to this Report: Application Files

Information on planning applications can be accessed via the County Council's Online Planning Register at the following web address:

<https://onlineplanningregister.northyorks.gov.uk/register/PlanAppSrch.aspx>

(Please enter the planning application reference number (NY/...) into the 'Application Reference' field).

County Matter' Planning Applications (i.e. Minerals and Waste related applications)

Table 1: 'County Matter' planning applications determined during quarter 4 (the period 1 January to 31 March 2019).

Total number of applications determined		9	
Number of delegated/committee decisions		Delegated: 8	Committee: 1
Speed of decisions			
Under 13 weeks	13- 16 weeks (if major, 13 and if EIA 16 weeks)	Over 13/16 weeks within agreed Extension of Time (EoT)*	Over 13/16 weeks without or outside of agreed EoT
3	0	6	0

*Article 34 of the Town and Country Planning (Development Procedure Order) 2015 provides for authorities to agree with the applicant to determine the planning application beyond the statutory 8/13/16 week period. This is referred to as an agreement for the extension of time (EoT) for the determination of the planning application. In instances where the application is determined within the agreed period the application is counted as satisfying the timeliness requirement.

Table 1a: Performance on 'County Matter' planning applications (NYCC Service Plan target - 60%)

2018/19	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of 'County Matter' applications determined within 13/16 weeks or within agreed Extension of Time (EoT)	100% (No. 3/3)	85.6% (6/7)	100% (6/6)	100% 9/9
No. of 'County Matter' applications determined within 13/16 weeks discounting Extension of Time agreements (EoT)	0% (No. 0/3)	14.2% (no. 1/7)	33.3% (2/6)	11.1% (1/9)

Table 1b: "Special measures" ** performance on 'County Matter' planning applications

2018/19	Quarter 1	Quarter 2	Quarter 3	Quarter 4
"Special Measures" stat. No. of 'County Matter' applications determined within 13/16 weeks or within agreed Extension of Time (EoT) over rolling two year period	01/07/16 – 30/06/18) 88.9% (No. 24/27)	01/10/16 - 30/09/18) 84.8% (No.28/33)	01/01/17 – 31/12/19 91.4% (No.32/35)	01/04/17- 31/03/19 92.5% (No.37/40)

** Under section 62A of the TCPA 1990 LPAs making 50% or fewer of decisions on time are at risk of designation ("Special Measures")

County Council's own development' Planning Applications

Table 2: County Council's own development planning applications determined during quarter 1 (the period 1 January to 31 March 2019)

Total number of applications determined		12		
Minor¹/Major²/EIA³		Minor: 12	Major: 0	EIA: 0
Number of delegated/committee decisions		Delegated: 12		Committee: 0
Speed of decisions				
Under 8 weeks	8- 13 weeks (if Major)	13- 16 weeks (if EIA)	Over 8/13/16 weeks within agreed Extension of Time (EoT)	Over 8/13/16 weeks without or outside of agreed EoT
2	1	0	9	0

¹A 'minor' development application is one where the floor space to be built is less than 1,000 square metres or where the site area is less than one hectare.

²A 'major' development application is one where the floor space to be built is more than 1,000 square metres or where the site area is more than one hectare. All minerals and waste related applications fall within the definition of major development.

³An EIA development application is one considered likely to have significant environmental effects and is accompanied by an Environmental Statement.

Table 2a: Performance on County Council's own development minor planning applications (NYCC Service Plan target - 65%)

2018/19	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of County Council's own development minor applications determined within 8 weeks or within agreed Extension of Time (EoT)	100% (No. 17/17)	100% (No. 10/10)	100% (No. 11/11)	100% (No. 12/12)
No. of County Council's own development minor applications determined within 8 weeks discounting Extension of Time agreements (EoT)	52.9% (9/17)	50% (5/10)	77.7% (8/11)	25% (3/12)

Table 3: List of all ‘County Matter’ planning applications in hand for more than 13 weeks and awaiting decision as at the end of Q1 i.e. 31 March

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Blubberhouses Quarry, Kex Gill NY/2011/0465/73 (C6/105/6C/CMA)	Variation of condition 2 of planning permission reference C6/105/6A/PA to allow extraction of silica sand and erection of processing plant at the site until 2036	06.12.11	Committee	Awaiting re-consultation.	No – to be requested
Ripon Quarry, North Stainley, Ripon, North Yorkshire, HG3 3HT NY/2015/0306/ENV (C6/500/277/CMA)	Planning Application accompanied by an Environmental Statement for the variation of condition No's 10 (duration of development), 11 (definition of development), 43 (maintenance) & 44 (landscape and restoration) of Planning Permission Ref. No. C6/500/95B & C2/99/045/0011 for the continuation of sand & gravel extraction for a further 4 years after 31 December 2015 and the submission of a revised restoration scheme	11.11.15	Committee	Potentially requires re-consultation.	No - to be requested
Forcett Quarry, East Layton, Richmond, North Yorkshire NY/2016/0042/ENV (C1/16/00174/CM)	Variation of condition no's 1 & 15 of planning permission ref. C1/29/15P/CM dated 7 September 2011 to allow the continuation of limestone extraction for a further 10 year period until 31 August 2026	03.03.16	Committee	The application was reported to Committee on 25 th October 2016 Members resolved to grant planning permission subject to prior completion of Legal Agreement. Awaiting completion of Legal Agreement. Engrossments circulated for signature.	No - further extension to be requested once S106 signed
Womersley Quarry, off Stubbs Lane, Womersley, DN6 9BB NY/2016/0073/ENV	Variation of condition No's 1, 2, 3, 5, 6, 14, 18 & 20 of Planning Permission ref. C8/2012/0035/CP dated 4 September 2012 for the continuation of tipping of colliery waste from	12.05.16	Committee	On 19 December 2017 Planning Committee resolved to grant planning permission subject to the prior completion	S106 signed. Decision issued 05/04/2019

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
(C8/41/107A/PA)	Kellingley Colliery and soil materials from other locations for a further two years until 13th May 2018, revised tipping materials and revisions to the vehicle route, revised restoration scheme and landscaping			of a Section 106 agreement.	
Brotherton Quarry, Byram Park, York Road, Knottingley, Brotherton NY/2016/0087/73A (C8/50/0220/PA)	Variation of condition No. 6 of Planning Permission Ref. C8/2013/1064/CPO to refer to an updated Dust Monitoring Scheme which removes the requirement to actively monitor for fugitive dust	29.06.16	Delegated	Awaiting completion of a legal agreement.	No – further extension to be requested once S106 signed
Middleton Lodge, Kneeton Lane, Middleton Tyas NY/2016/0220/73	Variation of condition No's. 1, 6, 7, 10, 12, 14, 20, 24, 26, 27, 29, 30 & 33 of Planning Permission Ref. No. C1/14/00747/CM which relates to phasing and restoration	18.11.16	Committee	Further information awaited from the Agent in respect of bat surveys and is also going to submit revised plans.	EoT agreed until 30.4.19
Former Stillingfleet Mine Site, Escrick Road, Stillingfleet NY/2016/0251/FUL (C8/999/16U/PA)	Change of use of part of the former coal mine site to create a waste transfer for construction and demolition wastes, installation of a weighbridge, a skip storage area, portable amenity cabin (30 sq. metres) and the provision of car parking spaces	1.2.17	Committee	Objection received from Sam Smiths Old Brewery. Objection from Selby District Legal advice and Counsel Opinion being assessed.	No. Further extension of time to be requested.
Land off Weeland Road, Kellingley, WF11 8DN NY/2017/0219/FUL	Drilling a borehole, testing of borehole including flaring, erect containerised units, associated plant and equipment, extract mine gas, generate electricity and ancillary operations	18/08/2017	Committee	County Planning Authority notified of change of Applicant company in August and held in abeyance 'til further notice. Applicant wishes to proceed now.	No. Further EoT to be requested.
Crossgates Quarry, Brimham Moor Road, Fellbeck, NY/2017/0231/FUL	Part retrospective planning application for proposed deposit of 66,000 tonnes of inert materials to achieve restoration of a former quarry by 30 November 2018	18/10/2017	Delegated	Awaiting further ecological and landscape information from the Applicant following consultation response	No – to be requested nearer to the time of determination

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
(C6/17/04649/CMA)				requests.	
land to the west of Raincliffe Grange Farm, Main Street, Seamer NY/2017/0267/ENV (C4/17/02418/CC)	Extraction and processing of sand and gravel from new quarry (11.9 hectares) including the construction of a site access road, internal haul road, mobile processing plant, site office, soil storage bunds, lagoons, stockpile area and restoration to agriculture and lake	25/10/2017	Committee	Committee Report in preparation. Applicant has commissioned additional deep peat drilling to address Historic England concerns. Information being assessed by specialists at HE. Resolution of impacts likely June 2019.	ETA to be requested when extra information received.
Pallett Hill Quarry, Catterick Village, Nr Richmond NY/2017/0326/ENV (C1/18/00013/CM)	Variation of condition No's 2, 5 & 8 of Planning Permission Ref. C1/15/250/PA/F dated 7th November 1994 to facilitate an extension to the permitted area of extraction, an amendment to the restoration design and to alter the period for completion of all mineral operations from 31st December 2017 to 31st December 2022 and the restoration of the site from 31st December 2018 to 31st December 2023	20/12/2017	Committee	Further Environmental Statement - ecology information required	No – to be requested upon confirmation of being placed on committee agenda
Alne Materials Recycling Facility, Forest Lane, Alne, NY/2017/0324/73A (C2/18/00147/CCC)	Variation of condition No. 9 of Planning Permission Ref. C2/03/006/0187D for the permanent retention of the site access, existing weighbridge, existing building and hardstanding areas and for use of these as an in-vessel composting facility	16/01/2017	Delegated	Issues with application type. Discussions ongoing.	No – to be requested.
Alne Materials Recycling Facility, Forest Lane, Alne NY/2017/0322/73A (C2/18/00146/CCC)	Variation of condition No. 2 of Planning Permission Ref. C2/11/02058/CCC for the permanent retention of the existing office building and parking area for use associated with the proposed in-vessel composting facility	16/01/2017	Delegated	Issues with application type. Discussions ongoing.	No – to be requested.

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Old London Road Quarry, Stutton, Tadcaster Kir NY/2018/0009/FUL	Extraction of 30,000 tonnes of limestone and importation of 600,000 tonnes of construction waste to complete restoration and export of 300,000 tonnes of secondary aggregate	09/02/2018	Committee	Information still under consideration.	No – to be requested.
Marishes Wellsite, Wath Hall, Low Marishes, Malton, YO17 6RF NY/2018/0118/73A	Variation of Condition No. 2 of Planning Permission C3/06/00625/CPO/E for an Extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035	17/05/2018	Delegated	One of nine concurrent applications to be processed along with four other 'sibling' applications once they become valid or otherwise upon receipt of legal advice.	Extension of time to be agreed upon the validation or otherwise of the remaining four 'sibling' applications
Kirby Misperton 1/3 Wellsite, Alma Farm, Kirby Misperton, NY/2018/0108/73A	Variation of condition No. 2 of Planning Permission Ref. C3/06/00625/CPO/C for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years to 31 December 2035	17/05/2018	Delegated	One of nine concurrent applications to be processed along with four other 'sibling' applications once they become valid or otherwise upon receipt of legal advice.	Extension of time to be agreed upon the validation or otherwise of the remaining four 'sibling' applications
Kirby Misperton 2 Wellsite, Alma Farm, Habton Road, Kirby Misperton NY/2018/0112/73A	Variation of condition No. 3 of Planning Permission Ref. C3/10/00924/CPO for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035	17/05/2018	Delegated	One of nine concurrent applications to be processed along with four other 'sibling' applications once they become valid or otherwise upon receipt of legal advice.	Extension of time to be agreed upon the validation or otherwise of the remaining four 'sibling' applications
Malton A Wellsite, Habton Lane, Great Habton, Malton NY/2018/0114/73A	Variation of Condition No. 2 of Planning Permission Ref. C3/06/00625/CPO/A for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035	17/05/2018	Delegated	One of nine concurrent applications to be processed along with four other 'sibling' applications once they become valid or otherwise upon receipt of legal advice.	Extension of time to be agreed upon the validation or otherwise of the remaining four 'sibling' applications
Malton B Wellsite, Kirby Misperton Lane, Great	Variation of Condition No. 2 of Planning Permission Ref. C3/06/00625/CPO/B for an	17/05/2018	Delegated	One of nine concurrent applications to be processed	Extension of time to be agreed upon the

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Habton, Malton, NY/2018/0116/73A	extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035			along with four other 'sibling' applications once they become valid or otherwise upon receipt of legal advice.	validation or otherwise of the remaining four 'sibling' applications
Whitewall Quarry, Welham Road, Norton on Derwent, North Yorkshire, YO17 9EH NY/2018/0167/FUL (C3/18/00967/CPO)	Retrospective application for a 2.4 hectare extension to an inert and demolition recycling area.	1/11/18	Committee	Further information on Traffic requested and now under consideration.	EoT agreed until 12.4.19
Black Quarry, Leyburn, North Yorkshire NY/2018/0156/FUL - (C1/18/00840/CM)	New access and haul road, erection of a single storey workshop and lubrication store (238 external sq. metres), double stacked site office (48 external sq. metres), 2 single storey welfare units (total 72 external sq. metres), weighbridge and weighbridge office (36 external sq. metres), 2 fuel tanks, bicycle rack, car parking area and hardstanding	17/09/18	Delegated	Further information awaited from the Agent following consultation responses request.	Yes - EoT agreed until 30.4.19
Borrowby Waste Water Treatment Works, Bob Lane, Borrowby, YO7 4QS NY/2018/0244/FUL	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	4/12/18	Delegated	Further landscape information received and to be sent out for re-consultation.	Yes – EoT agreed until 15 .4.19
Knapton Landfill Site, Village Street, East Knapton, Malton, YO17 8JA NY/2018/0095/73 - (C3/19/00012/CPO)	Variation of condition no's. 8, 10, 11, 13 & 22 of planning permission ref. no. C3/17/00604/CPO which relates to the time limit for the submission of a Noise Monitoring Scheme, Fire Prevention, Landscape Scheme, Landscape Management Plan and Litter Management Plan	13.12.18	Delegated	Awaiting sign off by Dc Team Leader.	No – to be requested.

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Allerton Park Landfill, Moor Lane (Off A168), Knaresborough, HG5 0SD NY/2018/0280/FUL -	Variation of Condition No's 1, 2 & 20 of Planning Permission Ref. C6/500/63J/CMA for the continuation of waste disposal operations for a further 6 years from 31 December 2018 until 31 December 2024 with a further year for restoration, to amend the final restoration levels across the site and to amend the final restoration scheme for the southern part of the site	21.12.18	Delegated	Awaiting consultation responses.	Yes – EoT agreed until 30.5.19

* The Development Management Procedure Order 2015 (Part 9, Article 40, Paragraph 13) allows for Local Authorities to “*finally dispose*” of applications for which the statutory period for determination has elapsed and the subsequent period for appealing against non-determination has passed.

Monitoring & Compliance Statistics Report – Quarter 1 (the period 1 January to 31 March 2019) 2018/2019

Table 1 – Complaints/alleged breaches of planning control received this quarter

Site Address	District	No. of Compl aints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
County Matters						
North Close Farm	Harrogate	1	Materials including soil and broken up concrete slabs have been brought on land	31/1/2019	Material removed from land.	4/2/2019
Foal Cote Farm, Markington, North Yorkshire, HG4 3AN	Harrogate	1	Unauthorised tipping, with 8 wheeler Lorries running along with significant numbers of tractors and trailers from Harrogate Building sites.	11/2/2019	Contact made with landowner and agent for housing development has sent reference numbers for waste exemptions T5: Screening and blending waste and U1: Use of waste in construction expiring on 18 October 2021. Awaiting formal response from landowner.	Partially
County Council Development						
Sherburn High School	Selby	1	Traffic at school drop off and pick up times	25/3/2019	School contacted for travel plan awaiting response.	

Table 2 – Updates on ‘live’ complaints/alleged breaches of planning control received prior to this quarter

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
County Matters						
Whitewall Quarry	Ryedale	7 (2 complainants)	Noise, speed of vehicles and dust on highway Further engineering operations outside of planning permission boundary.	Dates between 06/07/17 & April 2018.	Speed of vehicles on public highway not a planning matter, referred to Police. Operator reminded to keep public highway leading from site access in a clean condition. Investigations ongoing with regard to noise complaints. Investigation ongoing into engineering operation outside of planning permission boundary.	Partially
Murray Brown & Son waste transfer/recycling operation, Flixton	Scarborough		Noise and early morning disturbance and poor site management.	18/10/18	Contact made with Scarborough BC to chase up whether confirmation from the complainant to passing on the details of the complaint, plus anything which may be relevant from the Environmental Health Officer. Chased up in November 2018 as no contact from complainant or SBC.	Contact made with SBC 31/1/2019 and confirmation that EA are involved.
County Council Development						

Table 3 – Number of complaints/alleged breaches of planning control received by quarter

2018/19	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of complaints/alleged breaches of planning control received	10	Cumulative total no.	Cumulative total no.	3 Cumulative total no.

Table 4 – Number of complaints/alleged breaches of planning control resolved by quarter

2018/19	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
Number of complaints of the total number of 'live' complaints resolved	10% (no. 1/10)	% (no. /) Cumulative total % (no. /)	% (no. /) Cumulative total % (no. /)	0% (no.0/3) Cumulative total % (no. /)

Table 5 – Number of complaints/alleged breaches of planning control resolved by quarter

2018/19	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
Number of resolved complaints resolved within 20 days of receipt	10% (no. 1/10)	% (no. /) Cumulative total % (no. /)	% (no./) Cumulative total % (no /)	0% (no./) Cumulative total % (no. /)

Existing Enforcement Issues

Formal Enforcement notices served by the County Council

No notices were served during this period.

Table 6- Monitoring and Compliance Visits undertaken in Quarter 4 (Minerals and Waste Sites only)

Site	District	Date Visited
Betteras Hill Quarry	Selby	27/2/19

North Yorkshire County Council
Business and Environmental Services
Planning and Regulatory Functions Committee

23 July 2019

Publication by Local Authorities of Information about the handling of Planning Applications

Report of the Corporate Director – Business and Environmental Services

This report outlines the County Council's performance in the handling of 'County Matter' and County Council development planning applications for Quarter 1 (the period 1 April to 30 June 2019).

Information on Enforcement Cases is attached as an Appendix.

Recommendation: That the reported be noted.

DAVID BOWE
Corporate Director, Business and Environmental Services

Authors of Report: Jo Brownless

Background Documents to this Report: Application Files

Information on planning applications can be accessed via the County Council's Online Planning Register at the following web address:

<https://onlineplanningregister.northyorks.gov.uk/register/PlanAppSrch.aspx>

(Please enter the planning application reference number (NY/...) into the 'Application Reference' field).

County Matter' Planning Applications (i.e. Minerals and Waste related applications)

Table 1: 'County Matter' planning applications determined during quarter 1 (the period 1 April to 30 June 2019).

Total number of applications determined		5	
Number of delegated/committee decisions		Delegated: 4	Committee: 1
Speed of decisions			
Under 13 weeks	13- 16 weeks (if major, 13 and if EIA 16 weeks)	Over 13/16 weeks within agreed Extension of Time (EoT)*	Over 13/16 weeks without or outside of agreed EoT
3	0	1	1

*Article 34 of the Town and Country Planning (Development Procedure Order) 2015 provides for authorities to agree with the applicant to determine the planning application beyond the statutory 8/13/16 week period. This is referred to as an agreement for the extension of time (EoT) for the determination of the planning application. In instances where the application is determined within the agreed period the application is counted as satisfying the timeliness requirement.

Table 1a: Performance on 'County Matter' planning applications
(NYCC Service Plan target - 60%)

2019/20	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of 'County Matter' applications determined within 13/16 weeks or within agreed Extension of Time (EoT)	80% (No.4/5)			
No. of 'County Matter' applications determined within 13/16 weeks discounting Extension of Time agreements (EoT)	60% (No.3/5)			

Table 1b: "Special measures" ** performance on 'County Matter' planning applications

2019/20	Quarter 1	Quarter 2	Quarter 3	Quarter 4
"Special Measures" stat. No. of 'County Matter' applications determined within 13/16 weeks or within agreed Extension of Time (EoT) over rolling two year period	01/07/17 – 30/06/19 90% (No. 36/40)			

** Under section 62A of the TCPA 1990 LPAs making 50% or fewer of decisions on time are at risk of designation ("Special Measures")

County Council's own development' Planning Applications

Table 2: County Council's own development planning applications determined during quarter 1 (the period 1 April to 30 June 2019)

Total number of applications determined		9		
Minor¹/Major²/EIA³		Minor: 9	Major: 0	EIA: 0
Number of delegated/committee decisions		Delegated: 8		Committee: 1
Speed of decisions				
Under 8 weeks	8- 13 weeks (if Major)	13- 16 weeks (if EIA)	Over 8/13/16 weeks within agreed Extension of Time (EoT)	Over 8/13/16 weeks without or outside of agreed EoT
6	0	0	2	1

¹A 'minor' development application is one where the floor space to be built is less than 1,000 square metres or where the site area is less than one hectare.

²A 'major' development application is one where the floor space to be built is more than 1,000 square metres or where the site area is more than one hectare. All minerals and waste related applications fall within the definition of major development.

³An EIA development application is one considered likely to have significant environmental effects and is accompanied by an Environmental Statement.

Table 2a: Performance on County Council's own development minor planning applications (NYCC Service Plan target - 65%)

2019/20	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of County Council's own development minor applications determined within 8 weeks or within agreed Extension of Time (EoT)	88.8% (No. 8/9)			
No. of County Council's own development minor applications determined within 8 weeks discounting Extension of Time agreements (EoT)	66.6% (No.6/9)			

Table 3: List of all 'County Matter' planning applications in hand for more than 13 weeks and awaiting decision as at the end of Q1 i.e. 30 June

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Blubberhouses Quarry, Kex Gill NY/2011/0465/73 (C6/105/6C/CMA)	Variation of condition 2 of planning permission reference C6/105/6A/PA to allow extraction of silica sand and erection of processing plant at the site until 2036	06.12.11	Committee	Consultation in progress until 30 July 2019 and committee report in preparation.	No – to be requested
Ripon Quarry, North Stainley, Ripon, North Yorkshire, HG3 3HT NY/2015/0306/ENV (C6/500/277/CMA)	Planning Application accompanied by an Environmental Statement for the variation of condition No's 10 (duration of development), 11 (definition of development), 43 (maintenance) & 44 (landscape and restoration) of Planning Permission Ref. No. C6/500/95B & C2/99/045/0011 for the continuation of sand & gravel extraction for a further 4 years after 31 December 2015 and the submission of a revised restoration scheme	11.11.15	Committee	To be presented at the 23 July 2019 planning committee.	No - to be requested
Forcett Quarry, East Layton, Richmond, North Yorkshire NY/2016/0042/ENV (C1/16/00174/CM)	Variation of condition no's 1 & 15 of planning permission ref. C1/29/15P/CM dated 7 September 2011 to allow the continuation of limestone extraction for a further 10 year period until 31 August 2026	03.03.16	Committee	The application was reported to Committee on 25 th October 2016 Members resolved to grant planning permission subject to prior completion of Legal Agreement. Awaiting completion of Legal Agreement. Engrossments circulated for signature.	No - further extension to be requested once S106 signed
Brotherton Quarry, Byram Park, York Road, Knottingley, Brotherton NY/2016/0087/73A (C8/50/0220/PA)	Variation of condition No. 6 of Planning Permission Ref. C8/2013/1064/CPO to refer to an updated Dust Monitoring Scheme which removes the requirement to actively monitor for fugitive dust	29.06.16	Delegated	Awaiting completion of a legal agreement.	No – further extension to be requested once S106 signed

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Middleton Lodge, Kneeton Lane, Middleton Tyas NY/2016/0220/73	Variation of condition No's. 1, 6, 7, 10, 12, 14, 20, 24, 26, 27, 29, 30 & 33 of Planning Permission Ref. No. C1/14/00747/CM which relates to phasing and restoration	18.11.16	Committee	Further information awaited from the Agent in respect of bat surveys and is also going to submit revised plans.	EoT agreed until 30.9.19
Former Stillingfleet Mine Site, Escrick Road, Stillingfleet NY/2016/0251/FUL (C8/999/16U/PA)	Change of use of part of the former coal mine site to create a waste transfer for construction and demolition wastes, installation of a weighbridge, a skip storage area, portable amenity cabin (30 sq. metres) and the provision of car parking spaces	1.2.17	Committee	Objection received from Sam Smiths Old Brewery. Objection from Selby District Legal advice and Counsel Opinion received. Applicant has submitted further information (now out for consultation) regarding status of the land and planning policy.	Extension of time until 10.09.19
Land off Weeland Road, Kellingley, WF11 8DN NY/2017/0219/FUL	Drilling a borehole, testing of borehole including flaring, erect containerised units, associated plant and equipment, extract mine gas, generate electricity and ancillary operations	18/08/2017	Committee	Proceeding and still under consideration.	Yes - Extension of time agreed until determination
Crossgates Quarry, Brimham Moor Road, Fellbeck, NY/2017/0231/FUL (C6/17/04649/CMA)	Part retrospective planning application for proposed deposit of 66,000 tonnes of inert materials to achieve restoration of a former quarry by 30 November 2018	18/10/2017	Delegated	Delegated items letter in preparation.	No – to be requested nearer to the time of determination
land to the west of Raincliffe Grange Farm, Main Street, Seamer NY/2017/0267/ENV (C4/17/02418/CC)	Extraction and processing of sand and gravel from new quarry (11.9 hectares) including the construction of a site access road, internal haul road, mobile processing plant, site office, soil storage bunds, lagoons, stockpile area and restoration to agriculture and lake	25/10/2017	Committee	Committee Report in preparation. Applicant has commissioned additional deep peat drilling to address Historic England concerns. Information being assessed by specialists at HE. Additional core drilling	Extension of Time Agreement to be requested when extra information received.

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
				requested by HE. Resolution of impacts likely August 2019	
Pallett Hill Quarry, Catterick Village, Nr Richmond NY/2017/0326/ENV (C1/18/00013/CM)	Variation of condition No's 2, 5 & 8 of Planning Permission Ref. C1/15/250/PA/F dated 7th November 1994 to facilitate an extension to the permitted area of extraction, an amendment to the restoration design and to alter the period for completion of all mineral operations from 31st December 2017 to 31st December 2022 and the restoration of the site from 31st December 2018 to 31st December 2023	20/12/2017	Committee	Further Environmental Statement - ecology information requiring re-consultation aswell as an update to the applications certificates.	No – to be requested upon confirmation of being placed on committee agenda
Alne Materials Recycling Facility, Forest Lane, Alne, NY/2017/0324/73A (C2/18/00147/CCC)	Variation of condition No. 9 of Planning Permission Ref. C2/03/006/0187D for the permanent retention of the site access, existing weighbridge, existing building and hardstanding areas and for use of these as an in-vessel composting facility	16/01/2017	Delegated	Issues with application type. Discussions ongoing.	No – to be requested.
Alne Materials Recycling Facility, Forest Lane, Alne NY/2017/0322/73A (C2/18/00146/CCC)	Variation of condition No. 2 of Planning Permission Ref. C2/11/02058/CCC for the permanent retention of the existing office building and parking area for use associated with the proposed in-vessel composting facility	16/01/2017	Delegated	Issues with application type. Discussions ongoing.	No – to be requested.
Old London Road Quarry, Stutton, Tadcaster Kir NY/2018/0009/FUL	Extraction of 30,000 tonnes of limestone and importation of 600,000 tonnes of construction waste to complete restoration and export of 300,000 tonnes of secondary aggregate	09/02/2018	Committee	Further information provided by applicant for consultation.	Extension of Time Requested
Marishes Wellsite, Wath Hall, Low Marishes, Malton, YO17 6RF NY/2018/0118/73A	Variation of Condition No. 2 of Planning Permission C3/06/00625/CPO/E for an Extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035	17/05/2018	Committee	One of eight concurrent applications to be reported to the 10 th September 2019 meeting of the Committee.	Extension of time agreed until 17 th September 2019

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Kirby Misperton 1/3 Wellsite, Alma Farm, Kirby Misperton, NY/2018/0108/73A	Variation of condition No. 2 of Planning Permission Ref. C3/06/00625/CPO/C for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years to 31 December 2035	17/05/2018	Committee	One of eight concurrent applications to be reported to the 10 th September 2019 meeting of the Committee.	Extension of time agreed until 17 th September 2019
Kirby Misperton 2 Wellsite, Alma Farm, Habton Road, Kirby Misperton NY/2018/0112/73A	Variation of condition No. 3 of Planning Permission Ref. C3/10/00924/CPO for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035	17/05/2018	Committee	One of eight concurrent applications to be reported to the 10 th September 2019 meeting of the Committee.	Extension of time agreed until 17 th September 2019
Malton A Wellsite, Habton Lane, Great Habton, Malton NY/2018/0114/73A	Variation of Condition No. 2 of Planning Permission Ref. C3/06/00625/CPO/A for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035	17/05/2018	Committee	One of eight concurrent applications to be reported to the 10 th September 2019 meeting of the Committee.	Extension of time agreed until 17 th September 2019
Malton B Wellsite, Kirby Misperton Lane, Great Habton, Malton, NY/2018/0116/73A	Variation of Condition No. 2 of Planning Permission Ref. C3/06/00625/CPO/B for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035	17/05/2018	Committee	One of eight concurrent applications to be reported to the 10 th September 2019 meeting of the Committee.	Extension of time agreed until 17 th September 2019
Whitewall Quarry, Welham Road, Norton on Derwent, North Yorkshire, YO17 9EH NY/2018/0167/FUL (C3/18/00967/CPO)	Retrospective application for a 2.4 hectare extension to an inert and demolition recycling area.	1/11/18	Committee	Further information on Traffic requested and now under consideration. Further information required from Applicant.	Further Extension of Time to be requested.
Black Quarry, Leyburn, North Yorkshire NY/2018/0156/FUL - (C1/18/00840/CM)	New access and haul road, erection of a single storey workshop and lubrication store (238 external sq. metres), double stacked site office (48 external sq. metres), 2 single storey welfare units (total 72 external sq. metres), weighbridge and weighbridge office (36 external sq. metres), 2 fuel	17/09/18	Delegated	Further information awaited from the Agent following consultation responses request.	Yes – Extension of Time agreed until 28.6.19

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
	tanks, bicycle rack, car parking area and hardstanding				
Borrowby Waste Water Treatment Works, Bob Lane, Borrowby, YO7 4QS NY/2018/0244/FUL	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	4/12/18	Committee	Further landscape information was awaited and now received. Committee Report prepared. Further information on part-retrospective issues was awaited. Some now received. Agent now preparing photomontage and amended Landscape Plan to try to lift objection.	Yes – requested for 31 st July.
Knapton Landfill Site, Village Street, East Knapton, Malton, YO17 8JA NY/2018/0095/73 - (C3/19/00012/CPO)	Variation of condition no's. 8, 10, 11, 13 & 22 of planning permission ref. no. C3/17/00604/CPO which relates to the time limit for the submission of a Noise Monitoring Scheme, Fire Prevention, Landscape Scheme, Landscape Management Plan and Litter Management Plan	13.12.18	Delegated	Awaiting sign off by Team Leader.	No – to be requested.
Allerton Park Landfill, Moor Lane (Off A168), Knaresborough, HG5 0SD NY/2018/0280/73	Variation of Condition No's 1, 2 & 20 of Planning Permission Ref. C6/500/63J/CMA for the continuation of waste disposal operations for a further 6 years from 31 December 2018 until 31 December 2024 with a further year for restoration, to amend the final restoration levels across the site and to amend the final restoration scheme for the southern part of the site	21.12.18	Committee	Awaiting further information from agent, as last communication was scheme may change.	Yes – Extension of Time agreed until 31.7.19. Need to agree extension for taking to Sept Committee if possible.
- The Old Brick And Tile Works, Riccall Road, Escrick, YO19 6ED - NY/2018/0229/73	Variation of Condition No. 2 of Planning Permission Ref. C8/10/3AC/CPO which relates to raising landfill levels	18.1.2019	Committee	Committee report in preparation. Awaiting discussions regarding landscape objection.	No – be requested
- Land at the Former Kellingley Colliery, Turvers	Planning application accompanied by an Environmental Statement for the purposes of the variation of condition no's 2, 3, 4, 5, 6, 9, 11, 13,	21.1.2019	Committee	Conditions Discharge applications for parent	No – To be requested

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Lane, Kellingley, Selby, WF11 8DT NY/2019/0005/73	14, 15, 26, 37, 38, 39, 42, 43, 54, 55, 56, 57, 58 & 62 of planning permission ref. no. C8/2013/0677/CPO 'The relocation of colliery activities and construction of an energy centre to recover energy from waste with ancillary development including offices and utility uses (e.g. workshops and electrical rooms); parking; a new access point and improvements to the existing access; internal roads; railway sidings; a weighbridge and gatehouse; a substation and transformer compound; a national grid connection; private wire connection to the colliery; sustainable urban drainage systems; lighting; CCTV; landscaping and fencing on land at Kellingley Colliery, Turver's Lane, Knottingley, West Yorkshire, WF11 8DT.' The proposed variations relate to:- Increasing the consented annual throughput of waste at the Energy Centre, increasing the two way HGV movements, increasing the two way HGV movements during construction of the energy centre, changes to aspects of the consented development to accommodate plant selection including changes to the Turbine Hall, Boiler Hall, FGT plant and ACC unit, and changes to the consented construction phasing to include the use of the former Kellingley Colliery access			permission further information requested.	
- Pateley Bridge Quarry (Coldstones), Greenhow Hill, Pateley Bridge, Harrogate, North Yorkshire, HG3 5JQ NY/2019/0016/73A (C6/19/00523/CMA)	Variation of Condition No's 19 & 20 & of Planning Permission Ref. C6/500/109/F/CMA to enable Asphalt Operations to continue until 21:00 hours Monday to Friday until 31 December 2021	1.2.19	Committee	Objections received so going to Committee on 23 rd July 2019	Extension of Time agreed until 15.5.19

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Went Edge Quarry, Went Edge Road, Kirk Smeaton, Selby, WF8 3LU NY/2019/0002/ENV (C8/2019/0253/CPO)	9.7 hectare quarry extension (Area 8) eastward from the current working Area 7 to provide 4.9 million tonnes of magnesian limestone followed by restoration of the land with engineered fill from existing adjacent waste treatment facility	1.3.19	Committee	Still under consideration awaiting further information from the application	Yes - agreed until determination
Pickering Wellsite, Pickering Showground, Malton Road, Pickering, YO18 7JW NY/2018/01117/73A	Variation of Condition No. 9 of Planning Permission Ref. C3/09/00344/CPO for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035	26.9.18	Committee	One of eight concurrent applications to be reported to the 10 th September 2019 meeting of the Committee.	Extension of time agreed until 17 th September 2019
Pipeline to Knapton Generating Station, East Knapton, Malton, North Yorkshire, YO17 8JF NY/2018/01113/73A	Variation of condition No's 1 & 2 of Planning Permission Ref. C3/06/00625/CPO/F for the retention of the existing Vale of Pickering pipeline network between existing wellsites and Knapton Generating Station (including the pipeline from the Pickering wellsite to Kirby Misperton–A wellsite) for a further 17 years from 2018 to 2035	26.9.18	Committee	One of eight concurrent applications to be reported to the 10 th September 2019 meeting of the Committee.	Extension of time agreed until 17 th September 2019

* The Development Management Procedure Order 2015 (Part 9, Article 40, Paragraph 13) allows for Local Authorities to “*finally dispose*” of applications for which the statutory period for determination has elapsed and the subsequent period for appealing against non-determination has passed.

Monitoring & Compliance Statistics Report – Quarter 1 (the period 1 March to 30 June 2019) 2019/2020

Table 1 – Complaints/alleged breaches of planning control received this quarter

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
County Matters						
Silverdale Farm, Darley	Harrogate	1	Mounds of earth being dug up and moved	18/05/2019	Site visited 11/06/2019 – levelled and grassed	Yes
Land off Busk Lane, Church Fenton	Selby	1	Possible unauthorised tipping on waste	04/06/2019	Site visited 07/06/2019 & 01/07/2019	Letters sent out to land owners 21/06/19 – no response received at this time, however, work appeared to have stopped on 2 nd site visit.
Stobarts, Great Heck	Selby	1	Possible unauthorised development: laying of concrete pad	26/06/2019	Site visited 01/07/2019	Work appears to be in compliance with Planning Permission C8/2016/0008/CPO
County Council Development						
Crakehall C of E Primary School	Hambleton	1	Erection of a bin store to the front of the school building	29/04/2019	Site visited 29/04/2019 and discussions in progress regarding appearance and siting	

Table 2 – Updates on ‘live’ complaints/alleged breaches of planning control received prior to this quarter

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
County Matters						
Whitewall Quarry	Ryedale	7 (2 complainants)	Noise, speed of vehicles and dust on highway Further engineering operations outside of planning permission boundary.	Dates between 06/07/2017 & April 2018	Speed of vehicles on public highway not a planning matter, referred to Police. Operator reminded to keep public highway leading from site access in a clean condition. Investigations ongoing with regard to noise complaints. Investigation ongoing into engineering operation outside of planning permission boundary.	Partially
Murray Brown & Son waste transfer/recycling operation, Flixton	Scarborough	1	Noise and early morning disturbance and poor site management.	18/10/2018	Contact made with Scarborough BC to chase up whether confirmation from the complainant to passing on the details of the complaint, plus anything which may be relevant from the Environmental Health Officer. Chased up in November 2018 as no contact from complainant or SBC.	Contact made with SBC 31/1/2019 and confirmation that EA are involved. No further contact from complainant or SBC. Case closed.
Sowerton Farm Yard, Tollerton	Hambleton	Mixed number of responses in relation to District	Unauthorised waste transfer station	03/12/2018	Complainant advised that no planning permissions for waste uses at site and matter is being investigated	Still being monitored (some enforcement)

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
		Enforcement matters and County matters				nt action taken by HDC)
North Close Farm	Harrogate	1	Materials including soil and broken up concrete slabs have been brought on land	31/01/2019	Material removed from land.	04/02/2019
Foal Cote Farm, Markington, North Yorkshire, HG4 3AN	Harrogate	1	Unauthorised tipping, with 8 wheeler Lorries running along with significant numbers of tractors and trailers from Harrogate Building sites.	11/02/2019	Contact made with landowner and agent for housing development has sent reference numbers for waste exemptions T5: Screening and blending waste and U1: Use of waste in construction expiring on 18 October 2021. Awaiting formal response from landowner.	Partially
Metcalfe Farms, Washfold Farm	Richmondshire	2	Alleged unauthorised blasting operations and sale of mineral	23/01/2019	Jointly been assessed with Richmondshire DC.	Ongoing
County Council Development						
Sherburn High School	Selby	1	Traffic at school drop off and pick up times	25/3/2019	School contacted for travel plan awaiting response.	

Table 3 – Number of complaints/alleged breaches of planning control received by quarter

2018/19	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of complaints/alleged breaches of planning control received	4	Cumulative total no.	Cumulative total no.	3 Cumulative total no.

Table 4 – Number of complaints/alleged breaches of planning control resolved by quarter

2018/19	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
Number of complaints of the total number of 'live' complaints resolved	25% (no. 1/4)	% (no. /) Cumulative total % (no. /)	% (no. /) Cumulative total % (no. /)	0% (no.0/3) Cumulative total % (no. /)

Table 5 – Number of complaints/alleged breaches of planning control resolved by quarter

2018/19	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
Number of resolved complaints resolved within 20 days of receipt	25% (no. 1/4)	% (no. /) Cumulative total % (no. /)	% (no./) Cumulative total % (no /)	0% (no./) Cumulative total % (no. /)

Existing Enforcement Issues

Formal Enforcement notices served by the County Council

No notices were served during this period.

Table 6- Monitoring and Compliance Visits undertaken in Quarter 4 (Minerals and Waste Sites only)

Site	District	Date Visited
Marfield Quarry	Harrogate	10/5/19
Nosterfield Quarry	Harrogate	10/5/19
Potgate Quarry	Harrogate	14/6/19