



## Agenda

**Meeting: Planning and Regulatory Functions Committee**

**Venue: The Grand Meeting Room, Ground Floor, 1 Racecourse Lane, Northallerton, DL7 8QZ**

**Date: Tuesday, 12 November 2019 at 10.00 a.m.**

**PLEASE NOTE:** The Brierley Building (main County Hall building) is closed now until July 2020. All Committee meetings will be held in either No. 1 or No. 3 Racecourse Lane, Northallerton, DL7 8QZ. Please note the venue above for the location of this meeting. Visitors please report to main reception which is located in No. 3 Racecourse Lane and you will be guided to the venue.

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### Business

1. Minutes of the Meeting held on 10 September 2019.

(Pages 5 to 8)

2. Declarations of Interest.

### 3. Public Questions or Statements.

Members of the public may ask questions or make statements at this meeting if they have given notice of their question/statement to Steve Loach of Democratic Services (*contact details below*) by midday on Thursday 7 November 2019. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

Continued overleaf/...

- at this point in the meeting if their questions/statements relate to matters which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes); or
- when the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman, who will instruct anyone who may be taking a recording to cease while you speak.

### County Matters

4. **(NY/2019/0005/73)** - 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, 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 Southmoor 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 at land at the Former Kellingley Colliery, Turvers Lane, Kellingley, Selby

**(Report not yet available)**

5. **C8/2019/0061/CPO - (NY/2018/0229/73)** - Variation of Condition No. 2 of Planning Permission Ref. C8/10/3AC/CPO which relates to raising landfill levels at The Old Brick and Tile Works, Riccall Road, Escrick

**(Pages 9 to 44)**

### County Council Developments

6. **NY/2019/0123/FUL** - Demolition of an existing pre-fabricated classroom unit (68 sq. metres) and the erection of a new double pre-fabricated classroom unit (170 sq. metres), 2no. external staircases, a brick built electrical kiosk (32.4 sq. metres), creation of a tarmac footpath (110 sq. metres), 4no. air coil units, 6no wall mounted external lighting at Brompton On Swale Church Of England Primary School, Brompton Park, Brompton On Swale

**(Pages 45 to 58)**

7. **C1/19/00549/CM – NY/2019/0125/FUL** - Dismantling and rebuilding of all sections of parapet walls and sections of the downstream spandrel wall mainly using existing stone, re-pointing of parapet walls and adding stone around the base of the spandrel wall at Skeeby Bridge, Richmond Road, Skeeby, Richmond  
(Pages 59 to 80)
8. **C6/19/03583/CMA – NY/2019/0141/FUL** - Variation of Condition No. 2 of Planning Permission Ref. C6/19/01378/CMA for changes to location and quantity of external lighting, consisting of erection of 9 No. 6m high lighting columns, 7 No. 4m high lighting columns, 4 No. 1m high lighting bollards and, 16 No. external mounted lighting at Moorside Infant & Junior School, Harrogate Road, Ripon, North Yorkshire  
(Pages 81 to 98)

#### **General**

9. **Items dealt with under the Scheme of Delegation** (Pages 99 to 102)
10. **Publication by Local Authorities of information about the handling of planning applications**  
(Pages 103 to 118)
11. **Application for a Safety Certificate Pursuant to Section 26 of the Fire Safety and Safety of Places of Sport Act 1987 – Report of the Corporate Director, Business and Environmental Services** - To determine an application for the issue of a general safety certificate under section 26 of the Fire Safety and Safety of Places of Sport Act 1987 in respect of the regulated stand, 'the East Stand', at the Scarborough Athletic Football Club.  
(Pages 119 to 130)
12. **Other business which the Chairman agrees should be considered as a matter of urgency because of special circumstances.**

#### **PLEASE NOTE:-**

**Should it become apparent that the meeting will extend into the afternoon a lunch break will be taken at around 1.00pm**

Barry Khan  
Assistant Chief Executive (Legal and Democratic Services)  
County Hall  
Northallerton

November 2019

#### **NOTES: Emergency procedures for Meetings**

##### **Fire**

Details are provided at the venue.

##### **Accident or Illness**

First Aid treatment can be obtained by telephoning Extension 7575.

# Planning and Regulatory Functions Committee

## 1. Membership

County Councillors (11)						
	<i>Councillors Names</i>				<i>Political Party</i>	
1	BLADES, David (Vice-Chairman)				Conservative	
2	BROADBENT, Eric				Labour	
3	HESELTINE, Robert				Independent	
4	HUGILL, David				Conservative	
5	JORDAN, Mike				Yorkshire Party	
6	McCARTNEY, John				NY Independent	
7	METCALFE, Zoe				Conservative	
8	MUSGRAVE, Richard				Conservative	
9	PEARSON, Chris				Conservative	
10	PEARSON, Clive				Conservative	
11	SOWRAY, Peter (Chairman)				Conservative	
<b>Total Membership – (11)</b>				<b>Quorum – (3)</b>		
<b>Con</b>	<b>Lib Dem</b>	<b>NY Ind</b>	<b>Labour</b>	<b>Ind</b>	<b>Total</b>	
<b>8</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>11</b>	

## 2. Substitute Members

<b>Conservative</b>		<b>Labour</b>	
	<i>Councillors Names</i>		<i>Councillors Names</i>
1	WELCH, Richard	1	RANDERSON, Tony
2	JEFFELS, David	2	
3	SWIERS, Roberta	3	
4	LUNN, Clifford		
5	GOODRICK, Caroline		
<b>NY Independent</b>			
	<i>Councillors Names</i>		
1			
2			
3			
4			
5			

## North Yorkshire County Council

### Planning and Regulatory Functions Committee

Minutes of the meeting held at County Hall, Northallerton on 10 September 2019 at 10.00 am.

**Present:-**

County Councillors Peter Sowray (Chairman), David Blades, Robert Heseltine, David Hugill, Mike Jordan, John McCartney, Richard Musgrave, Chris Pearson, and Clive Pearson.

There was one member of the public and a representative of the press present.

**Copies of all documents considered are in the Minute Book**

**100. Minutes**

**Resolved -**

That the Minutes of the meeting held on 23 July 2019, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

**101. Declarations of Interest**

There were no declarations of interest.

**102. Public Questions or Statements**

The representative of the Assistant Chief Executive (Legal and Democratic Services) stated that, apart from the person 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.

**103. (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 sq. metres) 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**

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a part retrospective planning application for the erection of four rectangular kiosks, feed pumping stations, tertiary solids capture unit, sludge holding tank, internal access track and hardstanding and installation of high access gate and high green weld mesh fence on land at Borrowby Waste Transfer Treatment Works, Bob Lane, Borrowby.

The application was subject to an objection from a local resident having been raised in respect of the proposal on the grounds of loss of privacy and visual impact and, was therefore reported to the Committee for determination.

It was noted that the application had originally been reported to 23 July 2019 meeting at which it was deferred to allow for the finalisation of amended landscaping conditions and further information, as the development had been built slightly differently from the original submitted plans. A revised plan was available at that meeting, however, further detail was needed in relation to some elements. Mr Robert Warren, Harkers Consulting Limited, the agent for the applicant, addressed the Committee, outlining the following:-

- The purpose of the new facilities was to reduce the discharge of phosphorous from the treatment works in accordance with the requirements of the Environment Agency's National Environment Programme.
- The development was necessary as the Environment Agency had said all water companies in England and Wales must reduce phosphorous in waste water to below 1.0mg/l by the end of March 2020.
- The programme represented a significant package of works which would improve the water environment across a large part of North Yorkshire.
- The process to be used was based on conventional removal techniques. The upgrading works also included a replacement of existing sampling points to facilitate improved monitoring and control of the treatment process.
- Alterations made to the application ensured there was a balance made within the scheme to alleviate any unacceptable environmental impacts.
- The impacts of the development were outweighed by the social and environmental benefits to be obtained.

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

Detailed plans, photographs and visual information were presented to complement the report.

Details of the amendments that had been made to the report and the revised plan were highlighted and it was considered that the conclusions remained the same as the previous Committee report submitted to 23 July 2019 meeting, and that report was provided as an Appendix for consideration alongside the amended details.

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

- ◆ A Member asked whether the application was fully retrospective. In response it was stated that the landscape planting had not been carried out and would take place in October/November 2019 and the fencing could not be put in place until the planting had taken place. In view of that, the application was not fully retrospective.
- ◆ Clarification was provided in relation to the landscape planting that would take

place and the species of planting that would be utilised, which were native species. It was noted that Hornbeam had been accepted by the developer as an appropriate species of planting to screen the elevated aspects of the application.

- ◆ A photograph was provided to highlight the aspects of the elevated sections of the development in relation to the screen planting provided. It was noted that this would be more visible when leaves had fallen from the trees, however, the provision of Hornbeam would assist in screening those aspects.
- ◆ Members welcomed the additional aspects that included screen planting and painting, agreed by the developer, to ensure that the development was less obtrusive to nearby local residents.

**Resolved -**

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

- 104. C6/500/277/CMA - (NY/2015/0306/ENV) - Planning Application, accompanied by an Environmental Statement, for the variation of condition Nos 10 (duration of development), 11 (definition of development), 43 (maintenance) and 44 (landscape and restoration) of Planning Permission Ref. No. C6/500/95B and C2/99/045/0011 for the continuation of sand and gravel extraction for a further 4 years after 31 December 2015 and the submission of a revised restoration scheme at Ripon Quarry, North Stainley, Ripon**

**Considered -**

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application, accompanied by an environmental statement, as detailed above.

The application was subject to objections having been raised on the grounds of the type of impact of the amended restoration of the site and was therefore, reported to the Committee for determination. 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 and planning considerations. The report also provided a conclusion and recommendations.

Detailed plans, photographs and visual information were presented to complement the report.

As an update to the report it was noted that an appropriate assessment screening, concluding that the proposal would not have a negative impact upon the Special Area of Conservation (SAC), had now been provided, as required under the Conservation of Habitats and Species Regulations. This had been carried out by the NYCC Ecologist and had determined that there were no likely significant effects in respect of the proposal. It was noted that this negated the second paragraph in section 9.3 of the report, contained within the recommendation.

Members considered the report and discussed the application, outlining the following:-

- ◆ In terms of sections 9.1 to 9.3 of the recommendation within the report it was suggested that the actions be delegated to officers, should Members be minded to

approve the report. It was re-emphasised, in relation to that proposal, that paragraph 2 of 9.3 within the recommendation relating to the appropriate assessment screening had now been undertaken to the satisfaction of officers.

- ◆ It was noted that a Section 106 Agreement was still required in relation to the application.

**Resolved -**

That, subject to prior completion of an updated planning obligation (legal undertaking) under the provisions of Section 106 of the Town and County Planning Act 1990 (as amended) to secure amendments to the management plan and site plan to include changes to the restoration of the site, considered necessary to make the development acceptable in planning terms, directly related to the development and were fairly and reasonably related in scale and kind to the development, and that this matter be delegated to the Head of Planning Services to undertake, in conjunction with appropriate officers, the planning application be approved for the reasons stated within the report and, subject to the inclusion of the condition detailed below, in line with the conditions set out in the report:-

- Within 12 months of the date of this permission full details of the removal of the river crossing works must be submitted to the County Planning Authority for written approval and the works completed by the 31 December 2024, having regards to sensitive species including but not exclusive to river lamprey.

**105. 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 24 June 2019 to 11 August 2019 inclusive.

**Resolved -**

That the report be noted.

**106. Proposed Site Visit - Went Edge Quarry, Kirk Smeaton**

**Resolved -**

That the site visit agreed by Members at the meeting of the Committee held on 23 July 2019 be undertaken on 15 October 2019 at 10 am.

The meeting concluded at 10.30 am

SL/JR



**North Yorkshire County Council**

**Business and Environmental Services**

**Planning and Regulatory Functions Committee**

**12 NOVEMBER 2019**

**C8/2019/0061/CPO - PLANNING APPLICATION FOR THE PURPOSES OF THE VARIATION OF CONDITION NO. 2 OF PLANNING PERMISSION REF. C8/10/3AC/CPO WHICH RELATES TO RAISING LANDFILL LEVELS ON LAND AT THE OLD BRICK AND TILE WORKS, RICCALL ROAD, ESCRICK, YO19 6ED ON BEHALF OF ESCRICK ENVIRONMENTAL SERVICES LTD (SELBY DISTRICT) (ESCRICK ELECTORAL DIVISION)**

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

**1.0 Purpose of the report**

- 1.1 To determine the Council's position in relation to an application which is now under appeal against non-determination to the Secretary of State, in order that the County Planning Authority's formal view on this matter can be submitted to the Planning Inspectorate.
- 1.2 This application is subject to objections having been raised by Escrick Parish Council and the County Council's Landscape Architect in respect of this proposal on the grounds of impact on amenity, highways, need for the development in terms of the justification for the increase in height and landscape impact and is, therefore, reported to this Committee for determination.

**2.0 Background**

Site Description

- 2.1 The Old Brick and Tile Works is a former clay pit which currently operates as an inert landfill site. The site is located to the west of the A19 and is midway between Selby and York. The villages of Escrick and Riccall are located approximately 2 kilometres to the north and south respectively. Although the site is known as the 'brickworks' the manufacture of bricks and tiles ceased in 1991 and the brick factory was demolished in 2006.
- 2.2 The application site extends to approximately 11.6 hectares and is currently being restored to a mountain bike skills centre. A secondary and recycled aggregates facility has also been established at the site.
- 2.3 Access to the site is gained via the haul road from the A19, the entrance of which is shared with Escrick Business Park.
- 2.4 Prior to the current operations, the site operated as an integrated brick and tile works where clay was extracted and stored pending its use in on site kilns for the manufacture of bricks and tiles. These operations ceased in 1991 and the site was then used to provide clay feedstock to a light-weight block manufacturing plant situated at Great Heck in North Yorkshire. Clay extraction and restoration activities have now taken place for a number of years and a small amount of clay reserve remains to be worked along the western boundary of the site.

- 2.5 The application site lies in a relatively remote rural setting where surrounding land uses would be categorised as being broadly agricultural in nature with some isolated residential dwellings. The Sustrans Selby to York cycle track runs parallel to the western site boundary. There is a plantation of trees lining the cycle track, to the western and northern boundaries of the site.
- 2.6 Approximately 150m to the east of the application site lies the Escrick Business Park, a small business park housing a mixture of light industrial and office uses established at around the same time as the mountain bike skills centre operations on the former site of the old brickworks factory. The Business Centre and application site share the same access from the A19 and have done so successfully for the last 10 years.
- 2.7 Some areas of the site where clay has been extracted have colonised with self-seeded saplings on the unused ground. Lower areas have become quite marshy, and there was thought to be potential to find protected wildlife species on the site. The site is not within any formal wildlife or habitat designated sites, however, the woodland to the west of the site boundary along the cycle track is designated as deciduous broadleaved woodland, within the National Forest Inventory (2014); and is also designated locally (non-statutory) as a Site of Interest to Nature Conservation (SINC).
- 2.8 Flood risk across the site varies from flood zone 1 to flood zone 3. The majority of the site is located within flood zones 1 and 2 with the south western corner of the site found within flood zone 3 as defined on the current Environment Agency flood risk maps. The site is approximately 3km from the River Ouse, which is the main source of fluvial flooding in the area. There is also a local drainage stream adjacent to the site, known as the Bentley Park Drain, which runs across the northern boundary of the site, passes underneath the cycle track then runs southwards, in parallel with the western boundary of the site area.
- 2.9 A plan showing the application site is attached to this report.

### Planning History

- 2.10 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -
- C8/10/3AC/CPO granted 4 November 2013 for the variation of condition no. 6 of planning permission reference C8/10/3AB/PA which relates to the type of waste accepted at the site. This permission does not include an explicit end date for operations;
  - C8/10/3AB/PA granted 14 November 2007 for the continuation of clay extraction and infilling of resulting void with inert waste to provide mountain bike skills centre and associated facilities. This permission does not include an explicit end date for operations;
  - C8/10/3AA/PA granted 26 October 2007 for the variation of Conditions 3 and 8 of Planning Permission C8/10/3R/PA to extend the time for operations and revise the restoration scheme;
  - C8/10/3R/PA granted 27 January 1992 for the Extension of the area of clay extraction and backfilling of the excavations with domestic, commercial and industrial waste by controlled landfill.
- 2.11 The County Planning Authority is currently considering an application on adjoining land, which was received as complete on 6 September 2019 for a proposed new  
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quarry to extract approximately 6 million tonnes of clay by 2053 and restoration of the site to agriculture and nature conservation with the importation of up to 2.67 million tonnes of inert materials together with the construction of new internal site access haul road, site compound, car park, site office, wheel washing facility, security fencing and gates and the construction of a temporary bridge crossing over the National Route 65 of the National Cycle Network (NY/2019/0136/ENV).

### **3.0 The proposal**

- 3.1 Planning permission is sought for the Variation of Condition No. 2 of Planning Permission Ref. C8/10/3AC/CPO dated 4 November 2013 which relates to raising landfill levels on land at The Old Brick and Tile Works, Riccall Road, Escrick, YO19 6ED on behalf of the Escrick Environmental Services Ltd.
- 3.2 The Applicant has affirmed in the supporting information that prior to current operations, the site operated as an integrated brick and tile works where clay was extracted and stored pending its use in on site kilns for the manufacture of bricks and tiles. These operations ceased in 1991 and the site was then used to provide clay feedstock to a light-weight block manufacturing plant situated at Great Heck in North Yorkshire. Clay extraction and restoration activities have now taken place for a number of years and a small amount of clay reserve remains to be worked along the western boundary on the site under the original planning permission ref. C8/10/3R/PA dated 27 January 1992 (since varied as explained in point 2.10). It is proposed to initially extract the remaining residual amount of clay located in the south west corner of the site. This area has yet to be subject to any infilling as working continues in Phase 2 of the currently permitted activities. Clay would be worked to a maximum depth of -2.5mAOD in accordance with the currently permitted activities. Extracted Clay would be placed in temporary storage around the site for later use in cell construction.
- 3.3 The site would be subsequently be filled principally within 3 cells (Phase 1 would be split into phases 1a and 1b) working in a clock-wise direction from the south-west to north-east with a fourth, and final cell, in the south-east adjacent to the Biffa Cell, restored to a low-level reed-fringed wetland. Completed cells would be capped with clay material sourced either from the in-situ clays placed in storage around the site or from other suitable local sources. A depth of 1m of soils or compost like output would then be placed on top of the capped cells.
- 3.4 Other than the approved restoration scheme, this planning application does not seek to alter any other aspect of the currently permitted activities. The range of wastes accepted at the site would be in accordance with planning permission C8/10/3AC/CPO dated 4 November 2013 and all operational practices regarding waste acceptance, wheel cleaning, hours of operation etc would remain as currently permitted.
- 3.5 The proposed changes to the approved restoration scheme would provide an additional void space of circa 500,000 cubic metres (equivalent to approximately 900,000 tonnes of additional material). It is proposed that the works would be completed and the site restored over a 10 year period, although this would of course be influenced by a number of factors including the market conditions prevailing over that period of time.
- 3.6 It is proposed that the site would be worked in accordance with current practice to provide a basal layer to a level of approximately 6-7m, this would enable the engineering of the site and ensure that the site was suitably lined. Following on from establishment of the basal layer, materials would then continue to be placed into the engineered cells to construct the proposed amended landform.

- 3.7 The principal restoration after use would be to a mountain bike skills centre established within a woodland setting together with a wetland area for surface water management and nature conservation purposes. Landfill cells 1-3 would be restored to woodland and trails with remaining landfill cell 4 restored to a low-lying wetlands. The sites peripheral vegetated areas i.e.; hedgerows, scrub and wooded areas, excluding the existing restored landfill cell, make-up the remaining area of the Application Site.
- 3.8 The main plateau would be restored to gradient of 1:40 sloping generally from 14.5metres down to 11.5metres in the south. It is envisaged that two gently rounded 'knolls' would be established, one at the north-west corner of the site and one on the site's eastern edge rising to 17.5metres and 16.5metres respectively. These features are intended to form subtle wooded landmarks and points of reference in the local landscape linking with nearby Hollicarrs Wood and Common Wood to the south-east and Heron Wood situated on a gently rising landform to the north.
- 3.9 Following the completion of construction activities, the site would be established as a mountain bike skills centre in accordance with the provisions of the previous grant of planning permission, however, it is anticipated that the revised landform will provide a significantly more challenging skills centre. The overall concept is to establish mountain bike trails within an elevated woodland setting with permanent deciduous woodland on site margins. Perimeter landfill cell slopes would be graded to a maximum gradient of 1:5 to promote woodland establishment and minimise, as much as possible, an engineered profile. Within the permanently wooded margins would be areas given over to bio-mass production, selectively coppiced on a phased basis to ensure continuity of cover and therefore maintaining woodland complexity.
- 3.10 The applicant has affirmed that local provenance planting materials would be utilised wherever possible for all planting works and use of non-native stock minimised. There is also scope to translocate existing marginal wetland vegetation from pond areas within the site, which would be lost due to proposed works, and re-located within the newly established wetland area.
- 3.11 It should be noted that the waste recovery operation and secondary and recycled aggregate facility currently operated on-site by Acumen Waste Services would continue to operate unchanged for the duration of the proposed operations. In the absence of a further grant of planning permission, this facility would be closed upon completion of operations under the existing planning permission and the services currently provided transferred to another site.

#### 4.0 Consultations

The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 18 January 2019.

- 4.1 **Selby District Council (Planning)** – responded confirming no objections or comments.
- 4.2 **Escrick Parish Council** – object to the proposed development on the ground of impact on visual amenity through the increased height of the restored area; restoration timescales with regard to the proposal lengthening the time for the site restoration to be completed; impact on highways with regard to road safety concerns in Escrick causing noise and vibration issues; and need for the development in terms of the justification for the increase in height.
- 4.3 **Selby District Council (Environmental Health)** – confirmed no objection.

- 4.4 **Environment Agency York** – confirm no objection, but remind the applicant of the need to vary the existing environment permit.
- 4.5 **Highway Authority** – confirmed no objection.
- 4.6 **NYCC Heritage - Ecology** - confirmed that the area of the development site which falls outside of the Extended Phase 1 habitat area is likely to be of low ecological value. In addition, the protection measures recommended in the Ecology Report will be sufficient to deal with any mobile species and/or changes that may take place across the site prior to works commencing. The Ecologist has requested that a condition be added to any grant of planning permission which deals with the habitat creation, establishment and management plan in addition to the species protection measures.
- 4.7 **NYCC Heritage - Principal Landscape Architect** – Initially responded stating that the proposed landform high-point should be below the existing perimeter trees to reduce visibility and that screen planting should be provided to the site boundaries. Requested that the phasing be reviewed in order to provide an early landform/ restoration to the north, east and southern boundaries particularly to reduce visibility of ongoing working from the A19.

Further objected to the proposed development following the points in earlier response being reviewed by the Applicant; because the proposed scheme will create an incongruous feature in the landscape adversely affecting landscape character and setting. The extended working period would also delay restoration. “The proposed landfill height would be visually intrusive, out of character with surrounding landscape and result in an engineered landform incongruous to its surroundings. It constitutes a landfill exercise which is far in excess of a restoration exercise of a clay pit to bring the site up to surrounding levels, or to achieve some modest landform variation necessary for a bike and fitness trail. In reality this is a land-raising exercise and a very different scheme to what has previously been approved”.

- 4.8 **NYCC Public Rights of Way Team** – at the time of writing this report, no response had been received.
- 4.9 **Ouse and Derwent IDB** – reminds the applicant that, in order to protect the Boards ability to maintain and improve watercourses within the Boards district, formal consent (out of the planning process) is needed for any construction, fencing or planting within 9 metres of the landward toe of the bank where there is an embankment or wall, or within 9 metres of the top of the batter where there is no embankment or wall, or where the watercourse is enclosed within 9 metres of the outer edge of enclosing structure.
- 4.10 **The Lead Local Flood Authority (SuDS)** – confirmed no comments.
- 4.11 **Natural England** – confirmed no comments.
- 4.12 **Yorkshire Water Services Ltd** – confirmed no observations are required.
- 4.13 **Sustrans**– at the time of writing this report, no response had been received.

#### Notifications

- 4.14 **County Cllr. Richard Musgrave** – was notified of the application.

## 5.0 Advertisement and representations

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5.1 This application has been advertised by means of three site notices posted on 23 January 2019 (responses to which expired on 19 February 2019). The Site Notices were posted in the following locations:

- Site entrance
- Escrick village notice board
- Escrick village bus stop

A Press Notice appeared in the Selby Times/Post on 31 January 2019 (responses to which expired on 14 February 2019).

5.2 Neighbour Notification letters were sent on 24 January 2019 and the period in which to make representations expired on 14 February 2019. The following properties received a neighbour notification letter:

- 21 properties on Escrick Business Park;
- 12 properties on Riccall Road, Escrick.

5.3 There have been no letters of representation received raising objections.

## 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 'saved' policies of the North Yorkshire Waste Local Plan (2006);
- The extant policies of the Selby District Core Strategy Local Plan (2013);
- The 'saved' policies of the Selby District Local Plan (2005).

During discussion of the development plan, reference is made to the National Planning Policy Framework (NPPF) and National Planning Policy for Waste (NPPW) which are referred to and discussed later in this report from point 6.63.

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 (North Yorkshire County Planning Authority, the City of York Council and North York Moors National Park Authority).

- 6.4 The draft MWJP was published in November 2016 for representations, after 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. At present the plan is still in the examination phase with the hearing 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 the determination of this application are:

*Draft Development Management Policies*

- D01 - Presumption in favour of sustainable minerals and waste development
- D02 - Local amenity and cumulative impacts
- D03 - Transport of minerals and waste and associated traffic impacts
- D06 - Landscape
- D10 – Reclamation and afteruse
- W11 - Waste site identification principles

- 6.5 Policy D01 in regards to presumption of sustainable development *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.”*

- 6.6 Policy D02 in regards to Local Amenity and Cumulative Impacts *states* “*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.*

6.7 Policy D03 in regards to Transport of minerals and waste and associated traffic impacts 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 maneuvering, parking and loading/unloading.*

*Where access infrastructure improvements are needed to ensure that the requirements above can be complied 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.”*

6.8 Policy D06 in regards to Landscape relevant points state:

*“1) All landscapes will be protected from the harmful effects of development. Proposals will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures.*

*4) Where proposals may have an adverse impact on landscape, tranquility or dark night skies, schemes should provide for a high standard of design and mitigation, having regard to landscape character, the wider landscape context and setting of the site and any visual impact, as well as for the delivery of landscape enhancement where practicable.”*

6.9 Policy D10 states that “proposals which require restoration and afteruse elements will be permitted where it can be demonstrated that they would be carried out to a high standard and, where appropriate to the scale and location of the development, have demonstrably:

- i.) Been brought forward following discussion with local communities and other relevant stakeholders and, where practicable, the proposals reflect the outcome of those discussions;



- ii.) Taken into account the location and context of the site, including the implications of other significant permitted or proposed development in the area and the range of environmental and other assets and infrastructure that may be affected, including any important interactions between those assets and infrastructure;
- iii.) Reflected the potential for the proposal restoration and/or afteruse to give rise to positive and adverse impacts, including cumulative impacts, and have sought where practicable to maximise potential overall benefits and minimize overall adverse impacts
- iv.) Taken into account potential impacts on and from climate change factors;
- v.) Made best use of onsite materials for reclamation purposes and only rely on imported waste where essential to deliver a high standard of reclamation;
- vi.) Provided for progressive, phased restoration where appropriate, providing for the restoration of the site at the earliest opportunity in accordance with an agreed timescale;
- vii.) Provided for the longer term implementation and management of the agreed form of restoration and afteruse (except in cases of agriculture or forestry afteruses where a statutory 5 year maximum aftercare period will apply)."

6.10 Draft Policy W11 (Waste site identification principles) of the emerging Minerals and Waste Joint Plan states that determination of planning applications should be consistent with a number of principles, including the provision of any *"additional capacity required for landfill of waste through preferring the infill of quarry voids for mineral site reclamation purposes, giving preference to proposals where a need for infill has been identified as part of an agreed quarry reclamation scheme and where any pollution control concerns can be mitigated to an acceptable level"*.

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

- 6.10 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.
- 6.11 The 'saved' policies of the North Yorkshire Minerals Local Plan (1997) relevant to the determination of this application (the mineral extraction element) are:
- Policy 4/1 - Determination of Planning Applications;
  - Policy 4/6a - Nature Conservation and Habitat Protection – Local;
  - Policy 4/10 – Water Protection
  - Policy 4/13 - Traffic Impact;
  - Policy 4/14 - Local Environment and Amenity;
- 6.12 '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’.*
- 6.13 The NPPF does not mention the matters raised in points a), b), c), d).
- 6.14 Where criterion e) is concerned, Paragraph 144 of the NPPF states that when determining planning applications, local planning authorities should ensure that any unavoidable emissions or vibrations are controlled or mitigated (if it is not possible to remove them at source).
- 6.15 With regard to criteria f) and g), Paragraph 144 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, where necessary.
- 6.16 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 32 of the NPPF states that improvements to the transport network should be considered, therefore, the NPPF should be given more weight in this instance.
- 6.17 Criterion i) of ‘saved’ Policy 4/1 is in compliance with paragraph 144 of the NPPF. Paragraph 144 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.
- 6.18 ‘Saved’ Policy 4/6A ‘Nature Conservation and Habitat Protection – Local’, states that in making decisions on planning applications, the Mineral Planning Authority will protect the nature conservation or geological interest of Local Nature Reserves and of other sites having a nature conservation interest or importance, and will have regard to other wildlife habitats.
- 6.19 This Policy is consistent with paragraph 109 of the NPPF. Paragraph 109 states that that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity.
- 6.20 ‘Saved’ Policy 4/10 ‘Water Protection’, states that proposals for mining operations and the associated depositing of mineral waste will only be permitted where they would not have an unacceptable impact on surface or groundwater resources. Paragraph 143 of the NPPF states that when preparing local plans, local planning authorities should set out environmental criteria, in line with policies in the NPPF, against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts on the flow and quantity of surface and groundwater and this policy is compliant with paragraph 143 of the NPPF.
- 6.21 ‘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.

- 6.22 This Policy is consistent with the provisions of paragraph 32 of the NPPF which also states that improvements to the transport network should be considered.
- 6.23 '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.
- 6.24 This Policy is considered to be consistent with paragraph 144 of the NPPF. Paragraph 144 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.

#### North Yorkshire Waste Local Plan

- 6.25 The North Yorkshire Waste Local Plan (adopted 2006) has particular relevance in the determination of this application and the policies most relevant include:
- 4/1 – Waste Management Proposals;
  - 4/3 – Landscape Protection;
  - 4/18 – Traffic Impact;
  - 4/19 – Quality of Life;
  - 4/22 – Site Restoration
  - 5/3 – Recycling, sorting and transfer of industrial, commercial and household waste;
  - 6/1 – Landfill Proposals
  - 6/3 – Disposal of Waste by Landraising
- 6.26 'Saved' Policy 4/1 of the North Yorkshire Waste Local Plan is considered relevant to the determination of this application as the nature of the development is for a waste management facility. The policy advises that *'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;*
  - 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'.*
- 6.27 Both the NPPF and the NPPW (referred to later in this report from point 6.63) are silent on matters raised in criteria b), i) and j) of 'saved' Policy 4/1. With regard to criteria f), 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, where necessary. However, consideration is given within Appendix B of the NPPW in relation to the testing the suitability of a proposed site in determining planning applications. With regards to criteria a), it is noted that the NPPF is silent on the matters raised, whilst paragraph 7 of the NPPW notes that consideration should be given to the type and scale of a proposed waste management facility. Therefore, only partial can be afforded only to criteria a) of this policy in the determination of this planning application.

- 6.28 Criterion g) 'Saved' Policy 4/1, is considered to not conflict with the provisions of the NPPF. However, there are differences in the objectives in that criterion g) states that transport links should be adequate, whereas the NPPF states that improvements to the transport network should be considered as part of proposals. However, Appendix B of the NPPG notes that considerations should be given to the suitability of the of the highway network in the determination of an application and assessing the suitability of a site. Furthermore, consideration should be given in the extent to which a development would rely upon the existing highway network, rail networks and transport links to ports. 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.
- 6.29 In terms of criteria c), d) and h) of 'saved Policy 4/1, the NPPF states that developments should contribute to and enhance the local environment, not give rise to unacceptable risks from pollution and cumulative effects should be taken into account rather than the wording in 'saved' Policy 4/1 which states that there should not be unacceptable impacts and that safeguards should mitigate the impacts. Although there is a slight difference in emphasis, the provisions of the Policy are considered to be generally conforming to the NPPF. Furthermore, Paragraph 7 of the NPPW notes that the potential harm to the local environment should be assessed in the determination of a planning application against the criteria set out in Appendix B of the document, the general thrust of which seeks to ensure that the suitability of a proposed site is assessed against a number of environmental criteria. Therefore, partial weight should be given to this element of the policy in the determination of this application.
- 6.30 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 paragraphs 124 - 127 of the Framework, and Appendix B of the NPPW, both of which note the importance of developments responding to local character and landscapes, however more emphasis should be given to protecting and enhancing valued landscapes. Therefore, this element of the policy should be afforded partial weight in relation to this planning application.
- 6.31 'Saved' Policy 4/3 of the North Yorkshire Waste Local Plan is considered relevant to the determination of this application as the development has the potential to impact upon the local landscape. The policy advises that *'Proposals for waste management facilities will only be permitted where there would not be an unacceptable effect on the character and uniqueness of the landscape. Wherever possible, proposals should result in an enhancement of the local landscape character'*. It is considered that this Policy is broadly in line with the principles of the NPPF in conserving and enhancing the natural environment as detailed within Chapter 15 of the Framework. However, whilst the Framework outlines the importance of protecting and enhancing landscapes, this relates to those described as 'valued landscapes' and therefore, does not relate to all landscapes. The NPPF does advise on the importance of the planning system in enhancing biodiversity. This is in part supported by Appendix B of the NPPW which makes reference to considering 'landscapes or designated areas of

national importance however, the NPPW further notes the importance of considering whether a development respects landscape character in ascertaining the suitability of a site in the determination of planning applications. It is, therefore, considered that full weight can be given to this Policy in the determination of this planning application with regards to the NPPW.

- 6.32 'Saved' Policy 4/18 of the North Yorkshire Waste Local Plan is considered relevant to the determination of this application as the development involves the transport of waste materials by vehicles. The policy advises that *'Where rail, waterway or other environmentally preferable modes of transport are not feasible, waste management facilities will only be permitted where the level of vehicle movements likely to be generated can be satisfactorily accommodated by the local highway and trunk road network and would not have an unacceptable impact on local communities'*. It is considered that this policy is generally in compliance with the principles of the NPPF as outlined in Chapter 9 of the Framework. However, it is noted that differences do exist in that the NPPF advises that improvements to the transport network, in addition to the use of sustainable transport methods, should be considered as part of developments that are likely to result in significant amounts of vehicle movements. However, the locational criteria contained within Appendix B of the NPPW notes that the suitability of the road network, the reliance placed upon it, the rail network and transport links all require consideration in testing the suitability of a site in determining a planning application. Therefore, whilst this policy demonstrates some conformity with the NPPW and can be given some weight, it is considered that greater weight be given to the NPPG in this instance.
- 6.33 'Saved' Policy 4/19 of the North Yorkshire Waste Local Plan is considered relevant to the determination of this application as the development has the potential to impact upon the local environment and residential amenity. 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.
- 6.34 Furthermore, it is noted that the NPPW confirms that environmental impacts and impacts upon amenity are to be considered against the Locational Criteria set out in Appendix B when determining planning applications. It is noted that Appendix B includes factors such as visual impacts, air emissions including dust, odours, noise, light and vibrations. It is, therefore, 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.
- 6.35 'Saved' policy 4/22, in relation to site restoration, states that "proposals for waste disposal should demonstrate that the restoration proposals will restore and enhance, where appropriate, the character of the local environment". 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, where necessary. It is therefore considered that this policy which seeks restoration appropriate to the locality is compliant with the NPPF and should be given weight.
- 6.36 'Saved' Policy 5/3 of the North Yorkshire Waste Local Plan is considered relevant to the determination of this application as the development involves the sorting and

transfer of waste materials. The policy advises that *‘Proposals for facilities for recycling, sorting and transfer of industrial, commercial and household wastes will be permitted provided that:*

- a) *The proposed site is suitably located with an existing, former or proposed industrial area of a character appropriate to the development; or*
- b) *The proposed site is suitably located within a redundant site or building;*
- c) *The proposed site is appropriately located within or adjacent to active or worked out quarries or landfill sites; and*
- d) *The operations are carried out in suitable buildings; and*
- e) *The highway network and site access can satisfactorily accommodate the traffic generated; and*
- f) *That in appropriate cases it does not prejudice the restoration and afteruse of the quarry or landfill site; and*
- g) *The proposal will not have an unacceptable impact on local amenity or the environment’.*

- 6.37 In terms of Criterion a), it is considered that both the NPPF and NPPW are silent on the matters raised. However, Paragraph 7 of the NPPW does note that facilities should be designed so as to positively contribute to the character of the area. Therefore, it is considered that partial weight be applied to this Policy.
- 6.38 It is considered that the NPPF is silent in relation to the matters raised in Criterion b), c), d) and f). Furthermore, the NPPW is also silent in relation to the matters raised in Criterion b), c) and d). It is noted that Chapter 7 of the NPPW does make reference to the restoration of landfill sites, but only insofar as applications should ensure that landfill sites are restored appropriately at the earliest opportunity and makes no reference to prejudicing the restoration of quarry or landfill sites. Therefore, limited weight can be given to these elements of the Policy in the determination of this application.
- 6.39 In terms of Criterion e) it is considered that this policy is generally in compliance with the principles of the NPPF as outlined in Chapter 9 of the Framework. However, it is noted that differences do exist in that the NPPF advises that improvements to the transport network, in addition to the use of sustainable transport methods, should be considered as part of developments that are likely to result in significant amounts of vehicle movements. Additionally, with the NPPW, the locational criteria contained within Appendix B notes that the suitability of the road network and the reliance placed upon it, require consideration in testing the suitability of a site in determining a planning application. Therefore, this element of the 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.
- 6.40 In terms of Criterion g) it is considered that the Policy is in compliance with the principles of the NPPF as outlined within Paragraph 170 of the Framework. Furthermore, it is also considered to be in-compliance with Paragraph 7 of the NPPW in relation to the restoration of landfill sites. Therefore, considerable weight can be given to this element of the Policy in the determination of this planning application.
- 6.41 ‘Saved’ policy 6/1 of the North Yorkshire Waste Local Plan provides details of what the County Council would normally view as being appropriate for waste disposal via landfill. The wording of the policy reads:  
 “Proposals for additional landfill capacity for the disposal of waste will be permitted provided that:-
- a) It can be demonstrated that there is an over-riding need for the development and there are no available alternative methods for treating the waste; or
  - b) It is required for the restoration of a former mineral void which cannot be satisfactorily reclaimed in any other way; and

- c) Where appropriate, provision is made for the selective recycling of waste; and
  - d) The highway network and site access can satisfactorily accommodate the traffic generated; and
  - e) The proposal will not have an unacceptable impact on local amenity or the environment.”
- 6.42 The NPPF is silent on guidance relative to landfill and waste and, therefore, as previously set out, more weight can be given to saved policy 6/1 regarding highways and traffic issues and the points covering impacts on local amenity or the environment, which generally accord with the provisions on the NPPF.
- 6.43 Policy 6/3 of the North Yorkshire Waste Local Plan is considered relevant to the determination of this application as the proposed development involves the disposal of waste by landraising to create the mountain bike skills centre. The policy states that “proposals for the disposal of waste by landraising will be permitted provided that:-
- a) It can be demonstrated that the need for landfill capacity cannot be met by the infilling of mineral workings, and no suitable alternative methods for treating or disposing of the waste are available; and
  - b) The proposal will not have an adverse visual impact and the final landform will not have a detrimental impact on the surrounding landscape; and
  - c) The highway network and site access can satisfactorily accommodate the traffic generated; and
  - d) The proposal will not have an unacceptable impact on local amenity or the environment; and
  - e) Where appropriate, provision is made for the selective recycling of waste.”
- 6.44 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.

#### Selby District Core Strategy

- 6.45 The Selby District Core Strategy is the long-term strategic vision for how the District will be shaped by setting out a number of broad policies to guide development principles for the area.
- 6.46 The Core Strategy (2013) does not contain any policies specific to mineral development (‘County Matters’), but there are general development management policies which would usually be applicable to District-scale development which, in this instance, are relevant to the determination of this application. The policies considered relevant to the determination of this application are:
- SP1 - Presumption in Favour of Sustainable Development;
  - SP15 - Sustainable Development and Climate Change;
  - SP18 - Protecting and Enhancing the Environment;
  - SP19 - Design Quality.
- 6.47 Policy SP1 of the Selby District Core Strategy states *‘When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly 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 the 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 (as defined by the NPPF) at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in that Framework indicate that development should be restricted’.

6.48 Policy SP15 of the Selby District Core Strategy relates to Sustainable Development and Climate Change and specifically Part B is of relevance to this application, and states (inter alia):

“B. *Design and Layout of Development*

*In order to ensure development contributes toward reducing carbon emissions and are resilient to the effects of climate change, schemes should where necessary or appropriate:*

- d) *Protect, enhance and create habitats to both improve biodiversity resilience to climate change and utilise biodiversity to contribute to climate change mitigation and adaptation;*
- e) *Include tree planting, and new woodlands and hedgerows in landscaping schemes to create habitats, reduce the ‘urban heat island effect’ and to offset carbon loss;*

6.49 Policy SP18 of the Selby District Core Strategy seeks to sustain the high quality and local distinctiveness of the natural and manmade environment. A number of points within Policy SP18 are of relevance to the proposed development, as follows:

“*The high quality and local distinctiveness of the natural and man-made environment will be sustained by (inter alia):*

1. *Safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledged importance...*
3. *Promoting effective stewardship of the District’s wildlife by:*
  - a) *Safeguarding international, national and locally protected sites for nature conservation, including SINCS, from inappropriate development.*
  - b) *Ensuring developments retain, protect and enhance features of biological and geological interest and provide appropriate management of these features and that unavoidable impacts are appropriately mitigated and compensated for, on or off-site*
  - c) *Ensuring development seeks to produce a net gain in biodiversity by designing-in wildlife and retaining the natural interest of a site where appropriate...*
7. *Ensuring that new development protects soil, air and water quality from all types of pollution”.*

6.50 Policy SP19 of the Selby District Core Strategy states “*Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Where appropriate schemes should take account of design codes and Neighbourhood Plans to inform good design. Both residential and non-residential development should meet the following key requirements:*

- a) *Make the best, most efficient use of land without compromising local distinctiveness, character and form.*
- b) *Positively contribute to an area’s identity and heritage in terms of scale, density and layout;*
- c) *Be accessible to all users and easy to get to and move through;*



- d) *Create rights of way or improve them to make them more attractive to users, and facilitate sustainable access modes, including public transport, cycling and walking which minimise conflicts;*
- e) *Incorporate new and existing landscaping as an integral part of the design of schemes, including off-site landscaping for large sites and sites on the edge of settlements where appropriate;*
- f) *Promote access to open spaces and green infrastructure to support community gatherings and active lifestyles which contribute to the health and social well-being of the local community;*
- g) *Have public and private spaces that are clearly distinguished, safe and secure, attractive and which complement the built form;*
- h) *Minimise the risk of crime or fear of crime, particularly through active frontages and natural surveillance;*
- i) *Create mixed use places with variety and choice that complement one another to encourage integrated living, and*
- j) *Adopt sustainable construction principles in accordance with Policies SP15 and SP16.*
- k) *Preventing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water, light or noise pollution or land instability.*
- l) *Development schemes should seek to reflect the principles of nationally recognised design benchmarks to ensure that the best quality of design is achieved”.*

#### Selby District Local Plan

- 6.51 Notwithstanding the adoption of the Selby District Core Strategy Local Plan in 2013, referred to above, some of the policies in the existing Selby District Local Plan (adopted in 2005 and saved in 2008 by Direction of the Secretary of State) remain extant following the adoption of the Core Strategy.
- 6.52 Within the Selby District Local Plan, the ‘saved’ policies relevant to the determination of this application are:
- ENV1- Control of Development;
  - ENV2 - Environmental pollution and Contaminated land;
  - ENV21- Landscaping Requirements;
  - T1- Development in Relation to the Highway network;
- 6.53 ‘Saved’ Policy ENV1, advises that *‘proposals for development will be permitted provided a good quality of development would be achieved.’* The plan further advises that when considering proposals, considerations will take into account of *‘the effect upon the character of the area or amenity of adjoining occupiers’*; *‘the potential loss, or adverse effect upon significant buildings, related species, trees, wildlife habitats, archaeological or other features important to the character of the area’*; *‘the relationship of the proposal to the highway network, the proposed means of access and arrangements to be made for car parking’*; and *‘the standard of layout, design and materials in relation to the site and its surroundings and associated landscaping’*. 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 and therefore full weight is given to this policy in the determination of this application.
- 6.54 This policy ENV1- Control of Development states that “...development will be permitted provided a good quality of development would be achieved” and sets out a number of points which the District Council will take account of in considering proposals for development:
1. The effect upon the character of the area or the amenity of adjoining occupiers;

2. The relationship of the proposal to the highway network, the proposed means of access, the need for road/junction improvements in the vicinity of the site, and the arrangements to be made for car parking;
3. The capacity of local services and infrastructure to serve the proposal, or the arrangements to be made for upgrading, or providing services and infrastructure;
4. The standard of layout, design and materials in relation to the site and its surroundings and associated landscaping;
5. The potential loss, or adverse effect upon, significant buildings, related spaces, trees, wildlife habitats, archaeological or other features important to the character of the area;
6. The extent to which the needs of disabled and other inconvenienced persons have been taken into account;
7. The need to maximise opportunities for energy conservation through design, orientation and construction; and
8. Any other material considerations”.

6.55 It is considered that limited weight can be attached to ‘saved’ Policy ENV1 as the NPPF makes clear that the effects of pollution on the natural environment or general amenity, and the potential sensitivity of the area to adverse effects from pollution, should be taken into account. However, with regards to transport, the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe and, therefore, only limited weight may be given in this instance.

- 6.56 ‘Saved’ Policy ENV2 - Environmental pollution and contaminated land states that
- A) *Proposals for development which would give rise to, or would be affected by, unacceptable levels of noise, nuisance, contamination or other environmental pollution including groundwater pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme. Such measures should be carried out before the use of the site commences.*
  - B) *Where there is a suspicion that the site might be contaminated, planning permission may be granted subject to conditions to prevent the commencement of development until a site investigation and assessment has been carried out and development has incorporated all measures shown in the assessment to be necessary”.*

This Policy is generally considered to be compliant with Chapter 11 of the NPPF.

- 6.57 ‘Saved’ Policy ENV21 – Landscaping Requirements states that:
- A) *Where appropriate, proposals for development should incorporate landscaping as an integral element in the layout and design, including the retention of existing trees and hedgerows, and planting of native, locally occurring species.*
  - B) *The District Council may make tree preservation orders, impose planting conditions, or seek an agreement under Section 106 of the Town and Country Planning Act 1990 to ensure the protection and future maintenance and/or replacement of existing trees, hedgerows and proposed new planting”.*

6.58 This Policy is generally considered to be compliant with Chapter 15 of the NPPF (conserving and enhancing the natural environment).

6.59 ‘Saved’ Policy T1- Development in Relation to the Highway network states that development proposals should be well related to the existing highways network and will only be permitted where existing roads have adequate capacity and can safely serve the development, unless appropriate off-site highway improvements are undertaken by the developer. It is considered that ‘saved’ Policy T1 is consistent with

the NPPF and should be given full weight in the determination of this application. This is because the objectives in the NPPF state that improvements to the transport network should be considered.

Other policy considerations:

National Planning Policy

- 6.60 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 for Waste (NPPW) (published October 2014)

National Planning Policy Framework

- 6.61 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- 6.62 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.'*
- 6.63 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'.*
- 6.64 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.
- 6.65 Paragraph 127 within Chapter 12 (Achieving well-designed places) of the NPPF identifies 6 objectives that planning policies and decisions should aim to ensure that new developments:
- "function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
  - optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
  - respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
  - create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
  - are visually attractive as a result of good architecture and appropriate landscaping.”
- 6.66 Within Chapter 15 (Conserving and enhancing the natural environment) of the NPPF it is clear that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.
- 6.67 Paragraph 170 within Chapter 15 (Conserving and enhancing the natural environment) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:
- 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
- 6.68 Paragraph 175 of the NPPF seeks to protect habitats and biodiversity in the form of:
- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
  - b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
  - c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>58</sup> and a suitable compensation strategy exists; and*
  - d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*
- 6.69 Paragraph 180 within Chapter 15 (Conserving and enhancing the natural environment) of the NPPF states that planning policies and decision should ensure that new development is appropriate for its location, taking into account the likely effects of pollution on health, living condition 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.

- 6.70 Paragraph 183 within Chapter 11 states that “the focus of planning policies and decision should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities”.
- 6.71 Within the NPPF, paragraph 149 of the Framework confirms that Local Planning Authorities should adopt proactive strategies to *‘mitigate and adapt to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes’*.
- 6.72 Paragraph 155 of the Framework notes that inappropriate development within areas at risk of flooding should be avoided however where development is necessary in such locations it should be made safe *‘without increasing flood risk elsewhere.’*
- 6.73 Paragraph 163 of the NPPF advises that in determining planning applications, Local Planning Authorities should *‘ensure flood risk is not increased elsewhere’* and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, *‘it can be demonstrated that:*
- a) *within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location;*
  - b) *development is appropriately flood resistant and resilient;*
  - c) *It incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
  - d) *Any residual risk can be safely managed; and*
  - e) *safe access and escape routes are included where appropriate, as part of an agreed emergency plan.’*
- 6.74 Furthermore, when determining the application consideration needs to be given to the bullet points in Paragraph 205 of the NPPF relevant to the proposed development, which states that *“When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy).* In considering proposals for mineral extraction, minerals planning authorities should:
- e) *provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances”*

National Planning Policy for Waste (published October 2014)

- 6.75 The National Planning Policy for Waste (NPPW) replaced 'Planning Policy Statement 10: Planning for Sustainable Waste Management' (PPS 10) published in 2006 and is to be considered alongside other national planning policy for England - such as in the NPPF (2012) and Defra's Waste Management Plan for England (2013).
- 6.76 Paragraph 1 of the NPPW states that the Government's ambition is to "work towards a more sustainable and efficient approach to resource use and management". The NPPW sets out the "pivotal role" that planning plays in delivering the country's waste ambitions with those of relevance to this application being as follows:
- "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 of NPPW);
  - 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; and
  - ensuring the design and layout of new residential and commercial development and other infrastructure (such as safe and reliable transport links) complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste".
- 6.77 It should be noted that a footnote is included in the National Planning Policy for Waste for the reference in bullet point three to the "proximity principle". The footnote refers to Schedule 1, Part 1, paragraph 4 of The Waste (England and Wales) Regulations 2011 (S.I 2011/988) for the principles behind the term proximity (as well as self-sufficiency). The reference states the following:
- "(1) To establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private households, including, where such collection also covers such waste from other producers, taking into account best available techniques.*
  - (2) The network must be designed to enable the European Union as a whole to become self-sufficient in waste disposal and in the recovery of mixed municipal waste collected from private households, and to enable the United Kingdom to move towards that aim taking into account geographical circumstances or the need for specialised installations for certain types of waste.*
  - (3) The network must enable waste to be disposed of and mixed municipal waste collected from private households to be recovered in one of the nearest appropriate installations, by means of the most appropriate technologies, in order to ensure a high level of protection for the environment and human health.*
  - (4) This paragraph does not require that the full range of final recovery facilities be located in England or in Wales or in England and Wales together".*
- 6.78 Paragraphs 2 to 6 of the NPPW relate to the preparation of Local Plans in respect of the evidence base, identification of need in Local Plan making, identifying suitable sites and Green Belt protection and are not directly relevant to the determination of planning applications for waste management facilities.

- 6.79 In relation to the determination of planning applications, Paragraph 7 of the NPPW states that Waste Planning Authorities should:
- “only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;
  - recognise that proposals for waste management facilities such as incinerators that cut across up-to-date Local Plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration, and expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy;
  - consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;
  - 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;
  - 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;
  - ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary”.

National Planning Practice Guidance (PPG) (2014)

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

Air Quality

- 6.81 In terms of possible mitigation for an impact on air quality, the NPPG states that mitigation options will be “locationally specific” and “proportionate to the likely impact”, and that these can be secured through appropriate planning conditions or obligations. Suggested examples of mitigation provided in the NPPG include amendments to layout and design to increase distances between sources of air pollution and receptors; the use of green infrastructure to increase the absorption of dust and pollutants; control of emissions and dust during both construction and operation; and the provision of funding towards measures which have been identified to offset any air quality impacts arising from new development.

Design

- 6.82 The guidance states “*Good design responds in a practical and creative way to both the function and identity of a place. It puts land, water, drainage, energy, community, economic, infrastructure and other such resources to the best possible use – over the long as well as the short term*”.
- 6.83 When determining applications, the NPPG advises that “*Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies, and other material considerations*”. Where buildings “*promote high levels of sustainability*”, the NPPG advises that planning permission should not be refused on the basis on concerns about whether the development is incompatible with an existing townscape, if good design can mitigate the concerns.
- 6.84 In general, the NPPG states that “*Development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinct patterns of development... while not preventing or discouraging appropriate innovation*”.
- 6.85 In relation to landscape impacts, the NPPG advises that development can be integrated into the wider area through the use of natural features and high quality landscaping. In addition, the NPPG promotes the creation of green spaces and notes that high quality landscaping “*makes an important contribution to the quality of an area*”.

#### Health and Wellbeing

- 6.86 The NPPG advises that health and wellbeing should be taken into consideration by Local Planning Authorities in their decision making, including “*potential pollution and other environmental hazards, which might lead to an adverse impact on human health*”.

#### Noise

- 6.87 This section advises on how planning can manage potential noise impacts in new development. In terms of decision taking on planning applications its states that Authorities 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. 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*”.

#### Waste

- 6.88 With regard to the Waste Hierarchy the guidance states that “*driving waste up the Waste Hierarchy is an integral part of the National Waste Management Plan for England and national planning policy for waste*” and “*all local planning authorities, to the extent appropriate to their responsibilities, should look to drive waste management up the hierarchy*”.
- 6.89 The guidance states, in respect of the use of unallocated sites for waste management facilities, that applicants should be able to demonstrate that the envisaged facility will not undermine the waste planning strategy through prejudicing movement up the Waste Hierarchy. If the proposal is consistent with an up to date Local Plan, there is no need to demonstrate ‘need’.
- 6.90 With regard to expansion/extension of existing waste facilities the guidance states that “*the waste planning authority should not assume that because a particular area has hosted, or hosts, waste disposal facilities, that it is appropriate to add to these or extend their life. It is important to consider the cumulative effect of previous waste*



*disposal facilities on a community's wellbeing. Impacts on environmental quality, social cohesion and inclusion and economic potential may all be relevant".*

- 6.91 The guidance includes advice on the relationship between planning and other regulatory regimes. On this matter it states "The planning system controls the development and use of land in the public interest. This includes consideration of the impacts on the local environment and amenity taking into account the criteria set out in Appendix B to National Planning Policy for Waste. There exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively. The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes".
- 6.92 The guidance states that "the role of the environmental permit, regulated by the Environment Agency, is to provide the required level of protection for the environment from the operation of a waste facility. The permit will aim to prevent pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health".

## **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, the need, landscape and visual impact, local amenity, flood risk and drainage, ecology and highways matters.

### Principle of the proposed development

- 7.2 The principles of a landfill operation and extraction of clay at the site have been established through the existing operations under the extant planning permission reference C8/10/3AC/CPO dated 4 November 2013 and a number of historical planning permissions at the site. The current proposed variation of conditions however is to raise the existing approved levels by importing additional waste, and therefore amending the restoration scheme substantially by land raising. The site has been used during the landfill operation as a waste management site with waste arriving at the site, being screened and then split into that used for fill and that which was exported as secondary aggregates. This proposed variation seeks to allow the continuation of operations at the site, albeit with amendments as proposed.
- 7.3 Planning permission was originally granted for the infilling of the former clay quarry void with inert waste to provide an end use of a mountain bike skills centre and associated facilities, once restored. The landfilling was expected to take approximately 10 years, after which the site would have been restored to create the mountain bike skills centre and nature trail. The end use of the land once restored and the time taken to reach that outcome were both material considerations at the time of determination of the original planning permission. At present the remaining life of the site is currently expected to be less than two years based on the void space and topography as per the approved scheme. There is no explicit end date of the current extant planning permission (ref. C8/10/3AC/CPO dated 4 November 2013) and therefore the cessation of operations on site is currently determined by the completion of the final landform and restoration. This planning application seeks to extend the waste management operations at the site for another 10 years (so 8 years

on current operations) before restoring the land to be used as a mountain bike trail with steeper slopes.

- 7.4 The proposed amendment of the approved restoration scheme would result in the continuation of waste management activities at the site, and would result in a substantial increase to the approved contours. The current approved scheme would see the site restored to approximately 8.5 metres AOD, whereas the revised proposals would take this level to approximately 15-16 metres AOD, with other levels forming an elevated plateau typically 8 metres above existing perimeter levels (6 metres above currently approved levels). It is therefore considered that the proposed development constitutes a land raising operation, rather than landfilling. A theoretical zone of visibility assessment was undertaken as part of this application within the Landscape and Visual Impact Assessment, which states that *'potentially within a 2 kilometre radius of the site there would be a high degree of inter-visibility particularly to the east and west. Field observations have proved however that there are no major/prominent viewpoints within the locality and that views of the site and the proposed development are likely to be limited, particularly in summer when intervening hedgerows and trees are in full-leaf.'* The County Council's Landscape Architect broadly agrees with the Landscape and Visual Assessment (LVIA) that there is likely to be moderate adverse effect on landscape character due to its sensitivity and magnitude, and major/ moderate adverse visual effects on local receptors such as the A19 and Sustrans cycle path. It is noted that the Applicant made some adjustment to the phasing and restoration proposals in order to try and reduce potential impacts, and as a result of this, *'some adverse effects may be reduced over 15 years as the restoration scheme becomes established, however, the adverse effects are likely to remain significant'*. The landfilling operation has almost been completed under the terms of the previous planning permission and it was the expectation of the Waste Planning Authority that it would be completed within the next two years as advised by the Applicant.
- 7.5 Regarding Landraising, Policy 6/3 of the North Yorkshire Waste Local Plan states that *"proposals for the disposal of waste by landraising will be permitted provided that it can be demonstrated that the need for landfill capacity cannot be met by the infilling of mineral workings, and no suitable alternative methods for treating or disposing of the waste are available"*. However, this application has not explored alternative methods for the disposal of waste in the area and there is insufficient justification proposed in the application to support the case particularly as the proposed land raising would be a significant variation to the existing approved levels, up to 8 metres higher than the approved scheme. An acceptable approved restoration scheme is currently in place for a mountain bike skills centre to be created at a significantly lower level than proposed in this application (by 6 - 8 metres) and the Applicant's justification to create a more diverse mountain bike skills centre at a higher level is considered to not carry sufficient weight to outweigh other issues. It is therefore considered that the proposal is contrary to draft policy D01 of the emerging MWJP in regards to presumption of sustainable development which seeks to secure development that improves the economic, social and environmental conditions in the area.
- 7.6 It is considered that the principle of inert landfilling has been established at the Old Brick and Tile Works site through the existing operations, however land raising has not been established and has not taken place on this planning application site. Potential adverse impacts on the environment and amenity arising from the proposed development therefore need to be considered in detail and the main considerations are addressed in the subsequent sections of this report. NPPF paragraph 170 requires planning authorities to make decisions which contribute to and enhance the natural and local environment by protecting landscapes, recognising the character of

the countryside, minimising impacts on biodiversity, preventing pollution and remediating despoiled land.

#### Need

- 7.7 Escrick Parish Council and the County Council's Landscape Architect both object on the basis that there are no exceptional circumstances, in their view, to justify the additional waste operations at the site. The site has an approved restoration scheme to restore the landfill to a lower-level mountain bike skills centre to that which has been applied for. The Applicant has affirmed that it is proposed to initially extract the remaining residual amount of clay located in the south west corner of the site to make full use of the extant permission, this receives support in 'saved' policies 4/1, 4/10, 4/13 and 4/14 of the North Yorkshire Minerals Local Plan in terms of the siting and scale of the proposal to extract the remaining reserve being acceptable in relation to the protection of water sources, traffic impact and amenity, due to the extraction element of this proposal already having an extant planning permission in place. This area has yet to be subject to any infilling as working currently continues in phase 2 of the site. Clay would be worked to a maximum depth of -2.5 metres AOD in accordance with the currently permitted activities and this area of the site would be subsequently filled and restored to a low-level reed fringed wetland.
- 7.8 The proposed changes to the approved restoration scheme would add a further circa 500,000 cubic metres of inert waste (equivalent to approximately 900,000 tonnes of additional material). It is proposed that the works would be completed and the site restored over a ten-year period, although this would be influenced by market conditions prevailing over that period of time. The scheme would look to increase the approved height of the landfill by up to 8 metres. The current approved scheme would see the site restored to approximately 8.5 metres AOD, whereas the revised proposals would take this level to approximately 15-16 metres AOD, with other levels forming an elevated plateau typically 8 metres above existing perimeter levels (6 metres above currently approved levels).
- 7.9 Draft Policy W11 (Waste site identification principles) of the emerging Minerals and Waste Joint Plan states that determination of planning applications should be consistent with a number of principles, including the provision of any "*additional capacity required for landfill of waste through preferring the infill of quarry voids for mineral site reclamation purposes, giving preference to proposals where a need for infill has been identified as part of an agreed quarry reclamation scheme and where any pollution control concerns can be mitigated to an acceptable level*".
- 7.10 In this planning application, it is considered that the proposal is to import additional waste in excess of that which has already had planning permission to infill the existing quarry void. The agreed quarry restoration scheme for this site requires no further infill than that permitted in the previous permission. 'Saved' policy 6/1 of the North Yorkshire Waste Local Plan (Landfill proposals) provides details of what the County Council would normally view as being appropriate for waste disposal via landfill. Proposals for additional landfill capacity for the disposal of waste will be permitted provided that it can be demonstrated that there is an over-riding need for the development and there are no available alternative methods for treating the waste. It is not considered that an over-riding need for this proposal is warranted, nor have alternative methods of treating waste, or alternative sites been considered and therefore the proposal is contrary to this policy and draft policy W11 of the emerging MWJP.

#### Landscape and visual impact

- 7.11 An assessment of the potential impact upon the landscape as a result of the proposed development was submitted with the application and identifies that the site falls within the Vale of York Character Area as defined in 1999 by the Countryside

Agency, but that there are no landscape designations associated with the site. The report concludes that the magnitude of change on landscape character is assessed as medium due to the introduction of an elevated landform increasing in height by up to 8 metres above the current permitted development.

- 7.12 The County Council's Landscape Architect broadly agrees with the Landscape and Visual Assessment (LVIA) that there is likely to be moderate adverse effect on landscape character due to its sensitivity and magnitude, and major/ moderate adverse visual effects on local receptors such as the A19 and Sustrans cycle path. It is noted that the Applicant made some adjustment to the phasing and restoration proposals in order to try and reduce potential impacts, and as a result of this, *'some adverse effects may be reduced over 15 years as the restoration scheme becomes established, however, the adverse effects are likely to remain significant'*. It is considered that the proposal would introduce a visibly recognisable new topographic feature that would likely be considered substantially uncharacteristic when set within the attributes of the receiving landscape and that this would have a significant effect on landscape character. The NPPF seeks to ensure that developments are sympathetic to local character, including the surrounding built environment and landscape setting. Furthermore, it indicates that planning decisions should contribute to and enhance the natural and local environment by, amongst other things; protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. The area of countryside within which the site is located is not the subject of any statutory landscape designations, which attract the highest levels of protection, however, policy 4/3 of the North Yorkshire Waste Local Plan requires that proposals for waste management facilities will only be permitted where, amongst other things, there would be no unacceptable effect on the character of the landscape, and it is therefore considered that the proposal to conflicts with this policy.
- 7.13 Escrick Parish Council object to the application on impact upon visual amenity. They consider that no valid justification for the additional height proposed has been put forward and that the proposal is out of character in the flat area of the Vale of York around Selby and that the proposed landraising is excessive. The County Council's Landscape Architect also objects to the proposed development for similar reasons because it would create an incongruous feature in the landscape adversely affecting landscape character and setting. *"The surrounding land is typically flat agricultural fields with isolated farms and residential dwellings, and isolated blocks of woodland... at its highest point levels would be 10 metres above existing perimeter levels (8 metres above currently approved levels) with other levels forming an elevated plateau typically 8 metres above existing perimeter levels. The proposed landfill landform would have regular engineered outer slopes"*.
- 7.14 'Saved' Policy 6/3 of the North Yorkshire Waste Local Plan 2006 also states that proposals *"will not have an adverse visual impact and the final landform will not have a detrimental impact on the surrounding landscape; and the proposal will not have an unacceptable impact on local amenity or the environment"*. It is considered however that this proposal would have an adverse impact on the surrounding landscape, therefore contrary to policy 6/3.
- 7.15 Draft Policy D06 of the emerging Minerals and Waste Joint Plan (publication draft, 2016), although afforded limited weight at this stage, indicates that all landscapes will be protected from the harmful effects of development. Proposals will not be permitted where it is demonstrated that there will be unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. Given the comments of the County Council's Principle Landscape Architect, it is clear that the proposed development would have harmful effects on the local landscape.

- 7.16 Policy SP19 of the Selby District Core Strategy states “*Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside.*”. ‘Saved’ Policy ENV1 of the Selby District Local Plan, states that considerations will take into account of the effect upon the character of the area or amenity of adjoining occupiers. It is considered that the proposed development has not been designed with regard to the local character and context of its surroundings.
- 7.17 The NPPF requires planning decisions to 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. It is considered that prolonging the operations on site for a further ten years could give rise to the potential for noise and dust issues. As discussed later in this report (7.23), a recent complaint received by the County Planning Authority in July 2019 raised concerns regarding noise and dust issues occurring due to operations at the site. The complaint noted that since operations have been progressing towards the void being full, and therefore reaching ground level, noise and dust issues are becoming prominent. This is evidence that operations as they stand at present are giving rise to complaints regarding noise, dust and amenity, and that any further prolonged operations on this site, and an increase in height of the approved scheme could result in further adverse effect on local amenity. The continuation of operations for this further length of time could therefore prolong any impacts on the local community and the environment.
- 7.18 For the reasons detailed above, it is considered that the proposed development would result in an unacceptable adverse impact upon the character of the area and surrounding landscape and would create an incongruous feature which would not constitute a suitable final restored landform. The proposed development would also be contrary to the aims of the principles of the NPPF in relation to local landscape character as outlined within Chapter 15 of the framework including paragraphs 170, 175, 180 and the PPG in regards to the natural environment. It also conflicts with the landscape and character protection elements of ‘saved’ policies 4/1, 4/14 of the North Yorkshire Minerals Local Plan (NYMLP), ‘saved’ policies 4/18, 4/19, 4/22, 5/3 of the North Yorkshire Waste Local Plan (NYWLP), Policies, SP18 and SP19 of the Selby District Core Strategy and ‘saved’ Policy ENV1, ENV21 of the Selby District Local Plan, all of which seek to ensure that the restoration of minerals sites and developments generally, would include landscape requirements to enhance the character and appearance of the site and local area. It is considered however, that this proposal would not enhance the character and appearance of the site or the local area.

Local amenity (noise and dust)

- 7.19 The application states that there would not be an increase in levels of noise, dust or odour generated by the continuation of the operation. The site has however been operating as a facility for the receipt and management of inert wastes and non-hazardous soils under the terms of the existing permission with resultant impacts on local amenity. As the original proposal is nearly complete, the waste management operation on the site will cease within the near future.
- 7.20 This planning application does not propose to change any of the current waste management operating practices at the site, including hours of operation or methods of working. The only change to operational practice has, following discussion with local residents and representatives of Escrick Parish Council, been that the applicant has purchased a street sweeper to maintain the public highway outside of the site

entrance. It has been informally agreed with the Parish Council that the sweeper would also maintain the highway up to the village.

- 7.21 Conditions 17-19 inclusive of the extant planning permission (ref. C8/10/3AC/CPO dated 4 November 2013) limit the permissible noise levels at the nearest residential properties and the Applicant has affirmed that these controls would remain in place following any further grant of planning permission. No further noise assessment has been undertaken by the applicant or discussed within the application submission in relation to the proposed development.
- 7.22 It is acknowledged that operation of the site can give rise to dust, particularly during periods of dry weather or wind. The applicant has affirmed that the proposed development would continue to be undertaken in accordance with the current practice, including the requirements of the Environmental Permit relating to the control of fugitive emissions. Access and haul roads would continue to be maintained and vehicle leaving the site would be expected to continue using the wheel washing facilities on site. Speed limits are enforced on site and stockpiles are suppressed with water in dry conditions.
- 7.23 It is noted that the County Planning Authority has received numerous complaints over the last few years regarding mud on the highway, and a more recent complaint received in July 2019 raised concerns regarding noise and dust issues occurring due to operations at the site. The complaint noted that since operations have been progressing towards the void being full, and therefore reaching ground level, noise and dust issues are becoming prominent. This is evidence that operations as they stand at present are giving rise to complaints regarding noise, dust and amenity (whilst appropriate conditions are in place), and that any further prolonged operations on this site, and an increase in height of the approved scheme could result in further adverse effect on local amenity. It is considered possible that conditions could be imposed in order to alleviate issues occurring, however the continuation of operations for this further length of time could therefore prolong any impacts on the local community and the environment.
- 7.24 It is noted that Escrick Parish Council object on the basis of the impact upon restoration timescales, that the proposed operations would extend the restoration of the site for much longer than originally anticipated. The proposed development, subject of this planning application, as stated above, proposes continuation of operations on site for approximately another ten years (8 years on current predicted site life). It is acknowledged that there is no definitive end date for the existing extant planning permission, although operations are assessed as being towards the final stages currently.
- 7.25 Notwithstanding the possibility of imposing appropriate planning conditions onto any grant of planning permission, it is considered that the proposed development would not be in accordance with the amenity protection elements of the development plan and would result in an impact upon the amenity of local residents living in proximity to the site or to the nearby village of Escrick. Current practice on site is causing issues as noted through the receipt of a complaint regarding noise and dust, so to prolong this could cause further issues to occur. The proposed development is therefore considered to be inconsistent with the Planning Practice Guidance, along with the principles of the NPPF paragraph 180 in relation to the protection of local amenity, and saved policies ENV1 and ENV2 of the Selby District Local Plan, which seek to ensure that there is no significant effect upon amenity arising from developments.
- 7.26 Paragraph 205 of the NPPF refers to the restoration of mineral extraction sites, and that decisions should provide for restoration and aftercare at the earliest opportunity. Paragraph 7 of the NPPW also refers to restoration of landfill at the earliest

opportunity and 'saved' policy 4/22 of the NYWLP seeks to ensure that restoration of waste management facilities will restore and enhance, where appropriate, the character of the local environment. The application site is a former clay quarry, what has not yet been restored via the approved method of landfilling which would further result in the creation of a mountain bike skills centre; therefore, it is considered that prolonging waste management operations at the site and to a height which would impact on the local environment would be contrary to paragraph 205 of the NPPF, paragraph 7 of the NPPW and 'saved' policy 4/22 of the NYWLP as restoration of the site at the earliest opportunity would not be the case if operations were to continue on the application site, nor would the restoration enhance the character of the local environment.

- 7.27 Draft Policy D10 of the emerging Minerals and Waste Joint Plan, although afforded limited weight at this stage, states that proposals which require restoration and afteruse elements will be permitted where it can be demonstrated that they would be carried out to a high standard and, where appropriate to the scale and location of the development, have demonstrably reflected the potential for the proposal restoration and/or afteruse to give rise to positive and adverse impacts, including cumulative impacts, and provided for progressive, phased restoration where appropriate, providing for the restoration of the site at the earliest opportunity in accordance with an agreed timescale. Again and as stated above, restoration of the site at the earliest opportunity would not be achieved if operations were to continue for another 10 years, therefore contrary to this draft policy.
- 7.28 'Saved' Policy 5/3 of the NYWLP seeks to ensure that proposals '*will not have an unacceptable impact on local amenity or the environment*'. The proposal development therefore conflicts with this in terms of impact on local amenity and the character of the local environment.

#### Flood risk and drainage

- 7.29 An assessment of the potential impacts of the proposed development upon hydrology and flood risk was undertaken as part of this application, and the report identifies that the entire site and immediate surrounding area is located in Flood Zone 2 and the proposed development and restoration to mountain bike skills centre is a water-compatible development and a low fluvial flood risk is deemed acceptable according to Planning Practice Guidance. Furthermore, the proposed development would have raised surface levels above the current topographical levels within the site, which should reduce the fluvial flood risk.
- 7.30 The report also confirms that there is no sewer network present on site and there are no historical flood records. The report concludes that the proposed development is a water compatible development and is deemed appropriate. The development's effect on flood risk elsewhere is estimated to be insignificant and it is anticipated that a detailed scheme of surface water management would be requested following any grant of planning permission. This is further endorsed by the consultation response from the Environment Agency which confirms no objection to the proposed development.
- 7.31 For the reasons detailed above, it is considered that the proposed development would not have an adverse impact upon flood risk or drainage in the locality. Therefore, the proposed development is considered to be consistent with the paragraphs 149, 155 and 163 of the NPPF with regard to flood risk and drainage.

#### Ecology

- 7.32 The application is accompanied by an Ecology Report, undertaken by BSG Ecology on behalf of the Applicant. The report comprises the results and assessment of an Extended Phase 1 Habitat Survey and subsequent further survey work.

- 7.33 The report identifies that there are no statutory sites of nature conservation recorded within 2 kilometres of the application site. The report does note though that there are four non-statutory sites recorded within 1 kilometre of the application site. The report also identifies that the application site lies within the impact risk zone for Skipwith Common Site of Special Scientific Interest (SSSI). Inert landfill operations are included under the Skipwith Common SSSI as development types for which Natural England will need to be consulted. Furthermore, Natural England confirmed in their consultation response that they had no comments to make in respect of the proposed development.
- 7.34 The surveys assessed the suitability of the application site to support protected species, focussing particularly upon Great Crested Newts, Badger, Bats, Water Voles and Birds. The report concluded with recommendations for protection measures, which the County Council's Ecologist has confirmed are sufficient to deal with any mobile species and/or changes that may take place across the site prior to works continuing. It has been asked that a condition be included on any grant of planning permission to deal with these. The Ecologist has also requested that a condition be added to any grant of planning permission which deals with the habitat creation, establishment and management plan in addition to the species protection measures. Policy SP15 (part d) of the Selby District Core Strategy relates to Sustainable Development and Climate Change and requests that schemes should be resilient to the effects of climate change and should 'Protect, enhance and create habitats to both improve biodiversity resilience to climate change and utilise biodiversity to contribute to climate change mitigation and adaptation'. It is considered that the imposition of a condition on any grant of planning permission to deal with habitat creation would be compliant with this policy.
- 7.35 It is therefore considered that the proposed development would not have an adverse impact upon ecological matters in the locality. Therefore, the proposed development is considered to be consistent with paragraphs 175 of the NPPF, 'Saved' Policy 4/6A of the NYMLP and Policy SP15 of the Selby District Core Strategy in terms of ecological matters.

#### Highways matters - Traffic and transport

- 7.36 Escrick Parish Council object on the basis of the impact on highways and state that the majority of lorries deliver to the site via the A19 through Escrick, contributing to road safety concerns in the village and causing noise and vibration for residents along the A19. The planning application does not propose to change any of the current operating practices including hours of operation or methods of working, and HGV lorries would continue to travel through Escrick village causing further impact on the condition of the highway and on the residential amenity of those who live in Escrick village. The only change to operational practice has been that the applicant has purchased a road sweeper to maintain the public highway outside of the site entrance. It has been informally agreed with the Parish Council that the sweeper would also maintain the highway up to the village, which spans up to three kilometres north of the site. Prior to the submission of this application, the County Planning Authority had not received any complaints regarding existing operations at the site since January 2018, whereby the condition of the highway became an issue and the Applicant subsequently purchased the road sweeper. Since the submission and publicity of this application, one complaint has been received regarding noise and dust issues occurring due to operations at the site which are causing disturbance in the locality.
- 7.37 The Highway Authority has no objection to the planning application in highways terms as it is considered that the local highway network would have enough capacity to accommodate the proposed vehicle movements during continuation of the works,



which is sought in 'Saved' Policy 4/18 (Traffic Impact) of the North Yorkshire Waste Local Plan and 'saved' policy T1 of the Selby District Local Plan (Development in Relation to the Highway network) in terms of vehicles numbers being accommodated on the highway. However, it is considered that it has not been demonstrated that there would not be unacceptable impacts on local amenity and local businesses in the area from the continuation of vehicle movements at the site and through Escrick village for another 10 year period. 'Saved' Policy 4/18 also seeks to ensure that there would be no unacceptable impact on local communities resulting in traffic from waste developments, and as such, it is considered that the proposed development would be contrary to 'Saved' Policy 4/18 of the NYWLP and emerging MWJP Policy D02 (Local Amenity and cumulative impacts) and national policy.

- 7.38 It is considered that the proposed development would not have an adverse effect on the local highways network, in capacity terms, however, the proposed extension of time, effectively doubling the time period for restoration could have the potential to impact upon amenity through further noise, dust and vibration of the vehicle movements from the site.
- 7.39 Given the assessment regarding adverse impact on the local landscape character that would occur as a result of this proposal, together with the potential for impact on restoration of the site it is considered on balance that the proposed development would not be acceptable. The applicant has not demonstrated that there is any other good reason that this development should be granted planning permission other than the continued use of a waste management operation. Therefore, the proposed development is considered to be inconsistent with paragraphs 170 and 180 of the NPPF. It also conflicts with the landscape and character protection elements of 'saved' policies 4/1, 4/14 of the North Yorkshire Minerals Local Plan (NYMLP), 'saved' policies 4/19, 4/22, 5/3, 6/1 of the North Yorkshire Waste Local Plan (NYWLP), policies SP18 and SP19 of the Selby District Core Strategy, 'saved' policies ENV1 and ENV21 of the Selby District Local Plan and draft policies D01, D10, W11 of the emerging Minerals and Waste Joint Plan.

## 8.0 Conclusion

- 8.1 It is considered that the material planning considerations considered above warrant the refusal of this application for the variation of Condition No. 2 of Planning Permission Ref. C8/10/3AC/CPO dated 4 November 2013 which relates to raising landfill levels.
- 8.2 The proposed development is considered to not be compliant with the policies which comprise the Development Plan currently in force for the area and taking account of all other relevant material considerations. On balance, it is considered that the proposed development would result in a level of harm to the local landscape character which would not be appropriate for the location of which the development is proposed and that the harm that could be caused would outweigh any potential economic benefits. There would also be likely continued adverse impacts on local amenity.

## 9.0 Recommendation

- 9.1 That, the County Council submits to the Secretary of State that **PLANNING PERMISSION BE REFUSED** for the following reasons:
1. The proposed development would give rise to adverse landscape and visual effects in the local area due to the proposed landraising operations creating a landform

height of up to 8 metres above the approved restored levels. It is considered that the proposal would create an incongruous feature in the landscape adversely affecting local landscape character and setting. As such the proposal is inconsistent with Paragraphs 170 and 180 of the NPPF. It also conflicts with the landscape and character protection elements of 'saved' policies 4/1, 4/14 of the North Yorkshire Minerals Local Plan (NYMLP), 'saved' policies 4/19, 4/22, 5/3, 6/1 of the North Yorkshire Waste Local Plan (NYWLP), policies SP18 and SP19 of the Selby District Core Strategy, 'saved' policies ENV1 and ENV21 of the Selby District Local Plan and draft policies D01, D10, W11 of the emerging Minerals and Waste Joint Plan.

2. The proposed development is considered to be inconsistent with paragraph 205 of the NPPF and paragraph 7 of the NPPW and conflicts with 'Saved' policy 4/22 of the North Yorkshire Waste Local Plan (NYWLP) and draft Policy D10 of the emerging Minerals and Waste Joint Plan. The prolonging of operations on site by an additional 10 years of operations on site (8 years in addition to the current expected life of the site) would be inconsistent with these policies which seek to ensure that restoration of minerals workings (of which the site is a former mineral working) and waste sites is carried out at the earliest opportunity and to a high standard.

**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.*

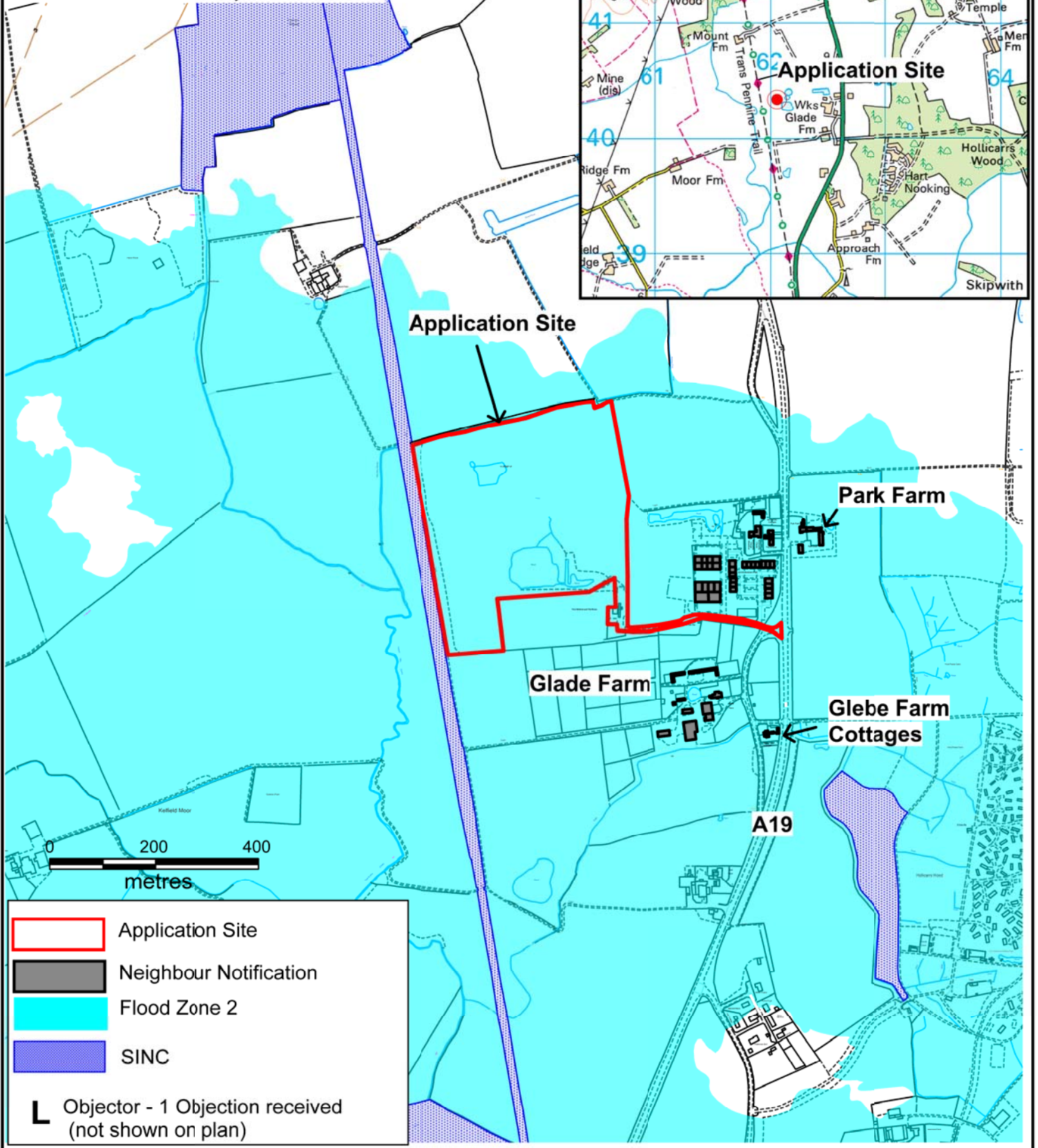
D BOWE  
Corporate Director, Business and Environmental Services  
Growth, Planning and Trading Standards






Background Documents to this Report:

1. Planning Application Ref Number: C8/2019/0061/CPO (NY/2018/0029/73) registered as valid on 18 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.

Author of report: Amy Taylor


# The Old Brick And Tile Works, Riccall Road, Escrick



	Application Site
	Neighbour Notification
	Flood Zone 2
	SINC
	Objector - 1 Objection received (not shown on plan)

**Application No : C8/10/3AC/CPO**

Title: Variation of Condition No. 2 of Planning Permission Ref. C8/10/3AC/CPO which relates to raising landfill levels at Escrick Environmental Services Ltd, Brickworks Riccall Road, Escrick, York

 <b>N</b>	Business and Environmental Services North Yorkshire County Council County Hall, Northallerton, North Yorkshire. DL7 8AH
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Scale : 1:10,000  
Date : July 2019  
Filename : Escrick  
Compilation & Analysis : AT/JB

**North Yorkshire County Council**

**Business and Environmental Services**

**Planning and Regulatory Functions Committee**

12 November 2019

**PLANNING APPLICATION FOR THE PURPOSES OF THE DEMOLITION OF AN EXISTING PRE-FABRICATED CLASSROOM UNIT (68 SQ. METRES) AND THE ERECTION OF A NEW DOUBLE PRE-FABRICATED CLASSROOM UNIT (170 SQ. METRES), 2NO. EXTERNAL STAIRCASES, A BRICK BUILT ELECTRICAL KIOSK (32.4 SQ. METRES, CREATION OF A TARMAC FOOTPATH (110 SQ. METRES), 4NO. AIR COIL UNITS, 6NO WALL MOUNTED EXTERNAL LIGHTING ON LAND AT BROMPTON ON SWALE CHURCH OF ENGLAND PRIMARY SCHOOL, BROMPTON PARK, BROMPTON ON SWALE, DL10 7JW**

**On Behalf of Corporate Director, Children and Young People's Services  
(Richmondshire District) (Catterick Bridge Electoral Division)**

**1.0 Purpose of the report**

- 1.1 To determine a planning application for the demolition of an existing pre-fabricated classroom unit (68 sq. metres) and the erection of a new double pre-fabricated classroom unit (170 sq. metres), 2no. external staircases, a brick built electrical kiosk (32.4 sq. metres, creation of a tarmac footpath (110 sq. metres), 4no. air coil units, 6no wall mounted external lighting on land at Brompton On Swale Church Of England Primary School, Brompton Park, Brompton On Swale, DL10 7JW 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 need and highways and is, therefore, reported to this Committee for determination.

**2.0 Background**

Site Description

- 2.1 Brompton-on-Swale Primary School is located within the village of Brompton-on-Swale and in a residential part of the village accessed via Pembury Mews (cul-de-sac). The school was constructed in 1983 from buff coloured brick. It is a single storey building and incorporates pitched roofs which are tiled. The school educates children between the ages of 4 and 11 years of age and the current pupil number on roll is 212 against a net capacity of 210.
- 2.2 The school has a playing field to the north of the main school building with areas of macadam playground and a multi-use games area on the western and southern sides of the school site. The site incorporates a car park to the east of the main school building as well as 4 temporary units which offer further teaching accommodation. Three are immediately adjacent to the school building to the north whilst the other is located to the west. The school is bounded by a mixture of wooden fencing and dense, mature hedgerows to the south of the school site.

- 2.3 The nearest residential property to the school site is number 24 Pembury Mews which adjoins the school's boundary to the south. The nearest residential properties to the development area subject to this application are 56 & 57 Brompton Park which sit approximately 25 metres east/south-east. The properties along the eastern boundary of the school site are a mix of bungalow and two-storey houses, which are separated from the school site by a bridleway which in turn adjoins the school land. The school's boundary is indicated by a painted, wooden featherboard fence, approximately 2 metres in height.
- 2.4 A plan showing the application site is attached to this report.

#### Planning History

- 2.5 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -
- Planning permission reference C1/12/420A/CM (NY/2008/0220/73A) for the retention of an Elliott Medway prefabricated unit 1584 until 13 August 2011, granted and implemented;
  - Planning permission reference C1/12/420H/CM (NY/2011/0284/73A) for the retention of an Elliott unit 1584 until 13 August 2017, granted and implemented;
  - Planning permission reference C1/17/00534/CM (NY/2017/0189/73A) for the retention of prefabricated classroom unit 1584 (62 sq. metres) for a further 6 years until 13 August 2023, granted and implemented.

### **3.0 The proposal**

- 3.1 Planning permission is sought for the demolition of an existing pre-fabricated classroom unit (68 sq. metres) and the erection of a new double pre-fabricated unit (170 sq. metres), 2no. external staircases, a brick built electrical kiosk (32.4 sq. metres, creation of a tarmac footpath (110 sq. metres), 4no. air coil units, 6no wall mounted external lighting on land at Brompton On Swale Church Of England Primary School, Brompton Park, Brompton On Swale, DL10 7JW on behalf of the Corporate Director, Children and Young People's Services.
- 3.2 The School has identified the need to demolish an existing single temporary classroom unit which is beyond viable repair, and replace it with a permanent double prefabricated single-storey unit. The Applicant has affirmed that the requirements for the project need each classroom to provide a minimum of 30 places with a cloakroom space as well as direct access to an external play area. The new unit would have toilet provision and an appropriate amount of storage associated with the teaching space.
- 3.3 The existing unit is located adjacent the school car park and playing field and is situated between two existing single prefabricated classroom units. This is the same location for the proposed double classroom unit.
- 3.4 The new unit would measure 18.1 metres in length, 9.8 metres in width and 3.5 metres in height and would have plastic coated steel external cladding in vandyke brown colour to match the existing units. Four air coil units are proposed to be fitted to the unit externally, along with six external wall mounted lights which would illuminate the perimeter of the unit and be controlled with a timing system.
- 3.5 It is also proposed that a new bitmac footpath and low level retaining wall would be constructed around the perimeter of the new unit, allowing level access from the existing path and two external staircases to allow a means of escape from the classrooms.

3.6 As part of the proposal, the school require a power upgrade and therefore a masonry electrical kiosk is proposed to be built to house the new electricity supply. The kiosk would be 2.3 metres in length, 2 metres in width and 3.2 metres in height and would be constructed of stone matching the existing main school building.

#### **4.0 Consultations**

The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 17 July 2019.

4.1 **Richmondshire District Council (Planning)** – confirmed no objection.

4.2 **Environmental Health Officer (Richmondshire)** – confirmed no objection.

4.3 **Brompton on Swale Parish Council** – confirmed strong concern with regard to the increase in capacity of the number of children’s places at the school. “There are parking and safety issues with regard to the amount of vehicle traffic currently using the local roads and therefore any potential increase in the number of school users would only exacerbate the problem. Brompton Park, Pembury Mews and Station Road are used by parents for parking. Pembury Mews is a cul de sac, which in itself is an issue, with the number of vehicles trying to access and then manoeuvre their vehicles in the opposite direction and pass by the school again to leave the estate whilst children are crossing the road”.

4.4 **Highway Authority** - Confirmed no objection to the proposed development but suggested that the works be carried out during the school holidays due to the school car parking being proposed as the site compound, if no alternative parking is available.

4.5 **NYCC Heritage - Ecology** – requested that an informative be included on any grant of planning permission that asks the Applicant to be mindful of the recommendations which are set out within the Preliminary Ecological Appraisal.

4.6 **Sport England** – confirmed no objection.

Notifications

4.7 **County Cllr. Carl Les** – was notified of the application.

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

5.1 This application has been advertised by means of two site notices posted on 17 July 2019 (responses to which expired on 09 August 2019). The Site Notices were posted at the school entrance and on Pembury Mews.

5.2 Neighbour Notification letters were sent on 18 July 2019 and the period in which to make representations expired on 8 August 2019. 18 properties on Brompton Park and Pembury Mews received a neighbour notification letter.

5.3 One letter of representation has been received by Richmondshire District Councillor Leslie Rowe, raising objections on the grounds of the justification for a temporary structure in the form of a prefabricated classroom unit, rather than a longer term permanent replacement structure.

#### **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 extant policies of the Richmondshire Local Plan Core Strategy (2014).

6.3 The Richmondshire Local Plan (adopted 2014) has particular relevance in the determination of this application and the policies most relevant include:

- CP1 - Planning Positively;
- CP3 - Achieving Sustainable Development;
- CP11 - Supporting Community, Cultural and Recreational Assets;
- CP13 - High quality design of both buildings and landscaping is a priority in all development proposals’.

6.4 Core Policy CP1 “*Planning Positively*” advises that ‘*When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly 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 plan area*’. Furthermore stating when there are no relevant policies to the application or policies are out of date the council will grant permission unless material considerations indicate otherwise – taking into account whether:

1. *any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework, taken as a whole; or*
2. *specific policies in that Framework indicate that development should be restricted.*

6.5 Core Policy CP3 ‘*Achieving Sustainable Development*’ states that support will be given for sustainable development which promotes the following:

*‘the efficient use of land and infrastructure including developments with a sustainable and complementary mix of uses;*

- a. *the conservation of scarce resources and reduction of their use, and encouragement of the use and re-use of sustainable resources;*
- b. *the health, economic and social well-being, amenity and safety of the population;*
- c. *a reduction in social inequalities and disadvantages within the community;*
- d. *the quality of natural resources including water, air, land and biodiversity and minimises the impacts of airborne pollution;*
- e. *the protection of the best and most versatile agricultural land;*
- f. *the natural drainage of surface water mitigating the effects of flash flooding of rivers, drains and drought;*
- g. *the vitality of the area;*
- h. *a high quality and adaptability of development;*
- i. *the character and quality of local landscapes and the wider countryside;*
- j. *the distinctiveness, character, townscape and setting of settlements;*
- k. *the historic, environmental and cultural features of acknowledged importance;*
- l. *the provision of essential services to the public;*
- m. *the reduction of waste, the promotion of recycling and the provision of suitable and accessible sites which foster sustainable waste management’.*



- 6.6 Core Policy CP11 “*Supporting Community, Cultural and Recreational Assets*” states:
1. *Support will be given to proposals that help create, protect, retain or enhance community, cultural and recreational assets (land and/or buildings) which: improve assets, provide additional assets or improve the safety and accessibility of assets;*
  2. *Proposals involving the loss or alternative development of existing community, cultural and recreational assets will only be supported where there is evidence that: satisfactory alternative provision can be made that outweighs the loss;*
  3. *All new development will be expected to: plan positively to ensure the provision and integration of sufficient quality community, cultural and recreational assets for existing and future occupiers and recreational facilities;*
  4. *Applications involving a loss or change of use of assets (and particularly those identified in a Register of Community Assets) and applications for new development generating additional needs and demands will be required to be accompanied by an assessment of provision and need.*
- 6.7 Core Policy CP13, in part advises that ‘*High quality design of both buildings and landscaping is a priority in all development proposals*’. Support will be given for proposals that:
- a. *provide a visually attractive, functional, accessible and low maintenance development;*
  - b. *respect and enhance the local context and its special qualities, including its design features, landscape, social activities, historic environment and nationally and locally recognised designations;*
  - c. *optimise the potential of the site;*
  - d. *minimise the use of scarce resources;*
  - e. *adopt sustainable construction principles;*
  - f. *facilitate access through sustainable forms of transport.*

Other policy considerations:

National Planning Policy

- 6.8 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

- 6.9 The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied.
- 6.10 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.*
- 6.11 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'.*
- 6.12 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.
- 6.13 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.'*
- 6.14 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'.*
- 6.15 Paragraph 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 area's defining characteristics. Planning policies and decisions should aim to ensure that developments:
- *'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;*

- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- 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);
- 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
- 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
- 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’.

6.16 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)’.*

6.17 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)

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

Design

6.19 Good quality design is an integral part of sustainable development and that planning should drive up standards across all forms of development as a core planning principle, plan-makers and decision takers should always seek to secure high quality design.

- 6.20 Achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations. Good design responds in a practical and creative way to both the function and identity of a place. It puts land, water, drainage, energy, community, economic, infrastructure and other such resources to the best possible use – over the long as well as the short term.

## **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 development, the need and justification, location, design, local amenity and highways matters.

### Principle of the proposed development

- 7.2 The Applicant has affirmed that planning permission is sought as a need has been identified for each classroom to provide a minimum of 30 places for pupils. At present and as per currently pupil numbers it is proposed that one of the new classrooms would be used as a permanent classroom to teach, and the second classroom would be used for extra space to aid the function of the school for other activities). This would be satisfied with a permanent double prefabricated classroom unit which would comprise two classrooms, a cloakroom area, toilet provision and storage area. Therefore, in terms of sustainable development the proposed is considered consistent with the NPPF. Policy CP11 of the Richmondshire Local Plan also seeks to support development of community facilities and accordingly this policy is considered to support the principle of the proposal.
- 7.3 The principle of improving school facilities receives support within NPPF paragraph 94 in supporting the need to alter/enhance schools. Further support for the development is received within Policy CP3 of the Richmondshire Local Plan which looks to achieve sustainable development and Policy CP11 which supports the protection, enhancement and retention of community assets.
- 7.4 Given the aforementioned policy support, it is considered that the principle of this development is supported in a policy context, notwithstanding the consideration of all other material considerations.

### Need and justification

- 7.5 Concern has been raised regarding the need for additional classroom space, and the need for the replacement of the unit with a temporary building type in the form of a prefabricated unit, rather than a permanent built solution.
- 7.6 The Applicant has affirmed in the Design & Access Statement that the school has identified the need to demolish an existing single temporary classroom unit which is beyond viable repair, and replace it with a permanent double prefabricated single-storey unit. Due to funding available to the school, the only viable option at present is to install a prefabricated unit rather than a more permanent build. It is proposed however, rather than allowing a permanent planning consent for the unit, that a temporary ten-year permission be granted. The building would be constructed with temporary materials and the County Planning Authority would wish to review the position at the end of the stated period to ensure the building has been satisfactorily maintained, presents an acceptable appearance in the interests of the visual amenities of the area, and no firm plans exist for its permanent replacement.

- 7.7 Policy CP11 of the Richmondshire Local Plan supports the protection, enhancement and retention of community assets, and the principle of improving school facilities receives support within NPPF paragraph 94 in supporting the need to alter/enhance schools. Accordingly, these policies are considered to support the need for the proposed unit.

#### Location

- 7.8 The location of the proposed classroom unit has been determined on that of the existing unit and is proposed to be on the same footprint, albeit extended. The classroom would remain between two existing single prefabricated classroom units, which all site adjacent the school car park and playing field, east of the main school building.
- 7.9 It is considered that the location of the unit has been investigated in order to create the most viable solution, which is compliant with policy CP11 of the Richmondshire Local Plan which supports the protection and enhancement of community assets.

#### Design

- 7.10 It is considered that the scale and external finish of the unit being a double prefabricated vandyke brown classroom with a flat roof, white PVCu windows and brown external doors is sympathetic to the existing school site and its surroundings. Initially, the Applicant had proposed an olive green colour cladding, however, on negotiation with the County Planning Authority it was agreed that any additional unit should mirror the colour of the existing so that the unit would be in keeping with the school site.
- 7.11 The visual impact of the proposed unit is lessened because it would mirror the general profile of a standard prefabricated classroom unit, mirroring the two existing units which are located either side of the proposed location. It is acknowledged that the prefabricated unit would be of limited architectural design, but has been designed to accommodate pupils and staff at the school and is of a height and scale which is in keeping with the existing school buildings so as not to affect the sky line.
- 7.12 Four air coil units are proposed to be fitted to the unit externally, along with six external wall mounted lights which would illuminate the perimeter of the unit and be controlled with a timing system to ensure that the lighting is only in use when required by users of the classroom. 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.
- 7.13 It is also proposed that a new bitmac footpath and low level retaining wall would be constructed around the perimeter of the new unit, allowing level access via a ramp from the existing path and two external staircases to allow a means of escape from the classrooms. It is proposed that the retaining wall would be constructed of facing brickwork to match the exiting school building, therefore not detracting from the school site.
- 7.14 As part of the proposal, the school require a power upgrade and therefore a masonry electrical kiosk is proposed to be built to house the new electricity supply. The kiosk would be 2.3 metres in length, 2 metres in width and 3.2 metres in height and would also be constructed of stone matching the existing main school building.
- 7.15 It is therefore considered that the proposed development would not conflict with the existing school building and is not inappropriate for a school site and therefore it is considered that the design and scale of the development is acceptable and consistent with the NPPF and Planning Practice Guidance (2014).

- 7.16 Furthermore, whilst the unit would be of limited architectural design, the proposal is considered compliant with policy CP13 of the Richmondshire Local Plan which expects development to respect and enhance the local context and its special qualities, including its design features and landscape, as it is considered that the unit would not detract from the school site or its surroundings.

Local amenity (noise and light)

- 7.17 The nearest residential properties are located on Pembury Mews and Brompton Park, which are located immediately adjacent the school site to the south and east respectively with partial views onto the school site.
- 7.18 The use of the new classroom unit on the school site for teaching provision is considered unlikely to generate any additional noise or other environmental impacts which would be of detriment to local residential amenity. It is acknowledged that the works comprising the demolition and removal of the existing unit and construction of the new unit and electrical kiosk could result in additional noise being generated for the temporary period in which works would take place, however it is proposed that hours of construction being restricted by condition to ensure minimal impact on residential amenity. It is considered that once constructed, the new unit would be unlikely to appear out of place in regards to the existing school buildings. To this effect, it is considered that there would be no visual impact upon local amenity resulting from the proposed development, being consistent with the paragraph 180 of the NPPF in terms of development not undermining the quality of life.
- 7.19 The orientation of the existing school building, the position and profile of the proposed unit, and the boundary treatment means that external views of the proposal from public vantage points would be limited. It is considered that the likelihood of any significant loss to residential amenity as a consequence of this proposal is unlikely, which again is compliant with policy CP3 of the Richmondshire Local Plan which looks to protect the health, economic and social well-being, amenity and safety of the population.
- 7.20 It is proposed that six external wall mounted lights would be installed on the unit which would illuminate the perimeter of the unit and be controlled with a timing system to ensure that the lighting is only in use when required by users of the classroom. 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 transport

- 7.21 Whilst the Applicant has affirmed that the development does not seek to cater for additional staff or pupil numbers, it is noted that concerns have been expressed by the Parish Council, local residents and local District Councillor regarding highways issues which already exist at the school site. School drop off and pick up times have been raised as an issue for vehicles using Pembury Mews for parking and manoeuvring and residents are concerned that additional staff and/or pupil numbers would exacerbate this issue.
- 7.22 Consideration has been given to the potential impact of the proposed development on the public highway including Pembury Mews which is located immediately south of the school site. The Highways Authority confirmed no objection to the proposed development but suggested that the works be carried out during the school holidays due to the school car parking being proposed as the site compound, if alternative parking is not available for school users. This would ensure that users of the car park would not spill onto the neighbouring residential streets.
- 7.23 It has since been confirmed by the School that should it not be possible for works to be undertaken during the school holidays, alternative parking has been agreed and is

available for staff at the nearby church and public house, both just a short walk from the school site.

- 7.24 It is therefore considered that the development is in accordance with policy CP3 of the Richmondshire Local Plan which looks to protect the health, economic and social well-being, amenity and safety of the population.

## 8.0 Conclusion

- 8.1 There are no material planning considerations to warrant the refusal of this application for the demolition of an existing pre-fabricated classroom unit (68 sq. metres) and the erection of a new double pre-fabricated classroom unit (170 sq. metres), 2no. external staircases, a brick built electrical kiosk (32.4 sq. metres, creation of a tarmac footpath (110 sq. metres), 4no. air coil units, 6no wall mounted external lighting. It is proposed however, that rather than granting a permanent planning permission, a temporary ten-year permission be granted. The building is constructed with temporary materials and the County Planning Authority would wish to review the position at the end of the stated period to ensure the building has been satisfactorily maintained, presents an acceptable appearance in the interests of the visual amenities of the area, and no firm plans exist for its permanent replacement.
- 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. the proposed development would not result in an adverse impact upon local amenity;
  - ii. the proposed development would not result in an adverse impact upon the local area;
  - iii. the proposal is in compliance with the National Planning Policy Framework (2019), the National Planning Practice Guidance (2013) and with extant Policies CP1, CP3, CP11 and CP13 of the Richmondshire Local Plan (2014)

That, **PLANNING PERMISSION BE GRANTED** for the purposes of the demolition of an existing pre-fabricated classroom unit (68 sq. metres) and the erection of a new double pre-fabricated classroom unit (170 sq. metres), 2no. external staircases, a brick built electrical kiosk (32.4 sq. metres, creation of a tarmac footpath (110 sq. metres), 4no. air coil units, 6no wall mounted external lighting for a period of ten years, 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 permission hereby granted is valid only until 12 November 2029 and the building shall be removed from the site before that date.

*Reason: The building is constructed with temporary materials and the County Planning Authority wish to review the position at the end of the stated period to ensure*

*the building has been satisfactorily maintained, presents an acceptable appearance in the interests of the visual amenities of the area, and no firm plans exist for its permanent replacement.*

3. The development hereby permitted shall be carried out in accordance with the application details dated 8 July 2019 and the following approved documents and drawings:

<b>Ref.</b>	<b>Date</b>	<b>Title</b>
18030/A/001 (rev P2)	15/01/19	Location Plan
18030/A/010 (rev P1)	08/07/19	Existing and Proposed Site Plans
18030/A/011 (rev P1)	31/07/19	Proposed Block Plan
18030/A/030 (rev P2)	12/06/19	Proposed Compound and Contractor Access Plan
18030/A/201 (rev P1)	15/07/19	Existing Elevations and Demolition Plan
18030/A/220 (rev P1)	08/07/19	Plans and Elevations of Modular Unit
18030/A/221 (rev P1)	08/07/19	Proposed Electrical Kiosk Plans & Elevations
18030/A/222 (rev P1)	08/07/19	Proposed electrical Kiosk Sections & Roof Plan
-	09/10/19	Design & Access Statement
APP-19-14	August 2019	Preliminary Ecological Appraisal

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

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

0800 – 1800hrs Monday to Friday;  
0800 – 1200hrs Saturdays

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

*Reason: In the interests of public amenity.*

**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.*



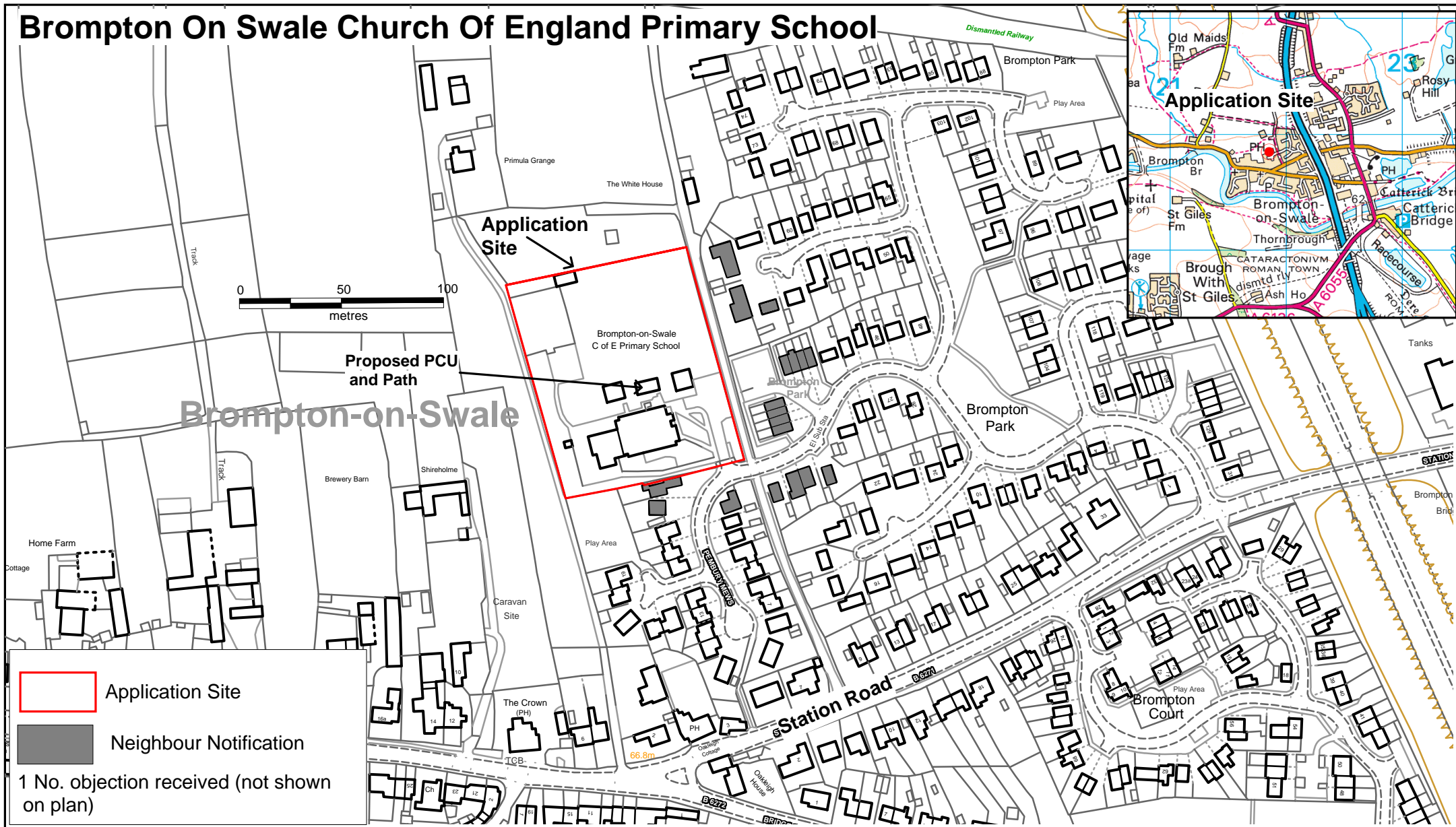
DAVID BOWE  
Corporate Director, Business and Environmental Services

Background Documents to this Report:

1. Planning Application Ref Number: C1/19/00498/CM (NY/2019/0123/FUL) registered as valid on 17 July 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.

Author of report: Amy Taylor

# Brompton On Swale Church Of England Primary School



**Application No : C1/19/00498/CM**

Title: Demolition of an existing pre-fabricated classroom unit (68 sq. metres) and the erection of a new double pre-fabricated classroom unit (170 sq. metres), 2no. external staircases, a brick built electrical kiosk (32.4 sq. metres, creation of a tarmac footpath (110 sq. metres), 4no. air coil units, 6no wall mounted external lighting at Brompton On Swale Church Of England Primary School, Brompton Park, Brompton On Swale, DL10 7JW



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

Scale : 1:2500

Date : Nov. 2019

Filename : Brom-on-Swale

Compilation & Analysis : AT/JB

## North Yorkshire County Council

## Business and Environmental Services

## Planning and Regulatory Functions Committee

12 November 2019

**C1/19/00549/CM - PLANNING APPLICATION FOR THE PURPOSES OF THE  
DISMANTLING AND REBUILDING OF ALL SECTIONS OF PARAPET WALLS AND  
SECTIONS OF THE DOWNSTREAM SPANDREL WALL MAINLY USING EXISTING  
STONE, RE-POINTING OF PARAPET WALLS AND ADDING STONE AROUND THE  
BASE OF THE SPANDREL WALL ON LAND AT SKEEBY BRIDGE, RICHMOND ROAD,  
SKEEBY, RICHMOND, NORTH YORKSHIRE,**

**On behalf of Corporate Director, Business and Environmental Services  
(Richmondshire District) (Richmondshire North Electoral Division)**

**1.0 Purpose of the report**

- 1.1 To determine a planning application for the dismantling and rebuilding of all sections of parapet walls and sections of the downstream spandrel wall mainly using existing stone, re-pointing of parapet walls and adding stone around the base of the spandrel wall on land at Skeeby Bridge, Richmond Road, Skeeby, Richmond, North Yorkshire, on behalf of Corporate Director, Business & Environmental Services.
- 1.2 This application is subject to two objections having been raised in respect of this proposal on the grounds of design and the cumulative impact to the heritage of the bridge through the proposed development and is, therefore, reported to this Committee for determination.

**2.0 Background**

Site Description

- 2.1 Skeeby lies approximately 29 kilometres north-west of the county town of Northallerton in the Richmondshire district of North Yorkshire. It is located on the A6108 road, the main road between Richmond and Scotch Corner linking the A66 and the A1 (M) motorway. The main settlements to Skeeby are Richmond approximately 3.7 kilometres to the west and Gilling West 4.5 kilometres to the north. It is a small linear settlement set along the road with just less than 200 dwellings and no services being without a shop, school, post office or pub.
- 2.2 A small beck flows through the village, as well as Gilling Beck which becomes Skeeby Beck and flows under Skeeby Bridge which then flows into the River Swale just above Brompton-on-Swale. At the bridging point Skeeby Beck is a relatively small stream however it lies in a wide, flat bottomed valley which has historically been prone to winter flooding. Skeeby Bridge is a relatively long structure for the size of water course it crosses appearing almost as a causeway in some views due to the length of the approaching embankments and their height above the surrounding fields. The large masonry embankment on the north side of the beck is punctuated by a low flood arch which usually remains dry. This is blocked on the downstream elevation with drainage pipes passing through the masonry to allow water through, but remains open on the upstream side. The effect of the raised approach is to reduce the steepness of approach to Skeeby village from the valley bottom and from the bridge itself wide views both up and down the valley are gained. The length of the bridge reduces the prominence of it crown almost to the point of non-existence however it is just possible to discern the high point between the two main river arches.

- 2.3 Skeeby Bridge was dated a listed building from Historic England 06 November 1986 (no. 1131550). The list entry states '*Bridge. C17, late C18 and early C19. Ashlar, dressed stone and rubble. Four widely and unevenly-spaced arches, including a dry arch to the north, widened upstream. Downstream side: late C18 except for C17 second arch from left. From left: flat segmental arch of dressed stone voussoirs; semicircular arch of dressed stones; semicircular arch of ashlar voussoirs; fourth arch mainly below ground. Upstream side, early C19, from left: segmental arch; 2 semicircular arches; segmental arch of ashlar voussoirs. Rubble spandrels and parapets with segmental ashlar coping.*'
- 2.4 Within the immediate area there are 10 other listed structures, however, due to their distance they are not considered relevant to the setting of the bridge. The nearest listed buildings to the proposed site include:
- Milepost, approximately 370 metres south-west/ south of the bridge;
  - Church of St Agatha, approximately 410 metres south-west/ south of the bridge
- 2.5 The proposal is also positioned outside of the Skeeby Conservation Area which begins 350 metres south/ south-west of the bridge.
- 2.6 The nearest residential property is located approximately 137 metres east of the Bridge, at Barnacres Farm. The Old Mill is located approximately 300 metres north/ north-west of the bridge and 68 Richmond Road is located approximately 160 metres south-west of the Bridge.
- 2.7 A plan showing the application site is attached to this report.

#### Planning History

- 2.8 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 dismantling and rebuilding of all sections of parapet walls and sections of the downstream spandrel wall mainly using existing stone, re-pointing of parapet walls and adding stone around the base of the spandrel wall on land at Skeeby Bridge, Richmond Road, Skeeby, Richmond, North Yorkshire, on behalf of the Corporate Director, Business & Environmental Services.
- 3.2 The Applicant has affirmed that the reasons for the consideration of this scheme are '*To provide a safe and efficient road network which includes river crossings and bridges. It is in pursuance of this duty that the repairs to the bridge are being proposed following an assessment of the overall general condition of the structure and its approaches. The proposed work will include a specification developed to ensure the need for good quality repairs to the structure, to address general deterioration of the masonry, recent impact damage and past inappropriate repair techniques and to respect the historic character and fabric of the bridge. The present structure is at significant risk of substantial deterioration due to the loss of pointing to large areas of the faces of the stones which form the parapets and in other more localised areas lower down the structure at river level. It is essential to maintain a good weathering face to the pointing in order to protect the core of the parapet wall which without protection will allow water penetration resulting in a loss of structural integrity.*'
- 3.3 The bridge is approximately 90 metres in length and 3.5 metres in height, with four main arches which have spans of 6.8 metres, 4.4 metres, 6 metres and 2.7 metres. The most northern of the arches serves as a flood arch set within a long masonry structure almost forming a causing across the shallow river valley.

- 3.4 The applicant has highlighted that due to the significant erosion of the spandrel walls on the downstream side around river arches 1, 2 and 3, attention to retain the structural integrity of the external faces and protect the core work is required. Past repairs within this area have included use of cement mortar which in many areas has detached from the stonework and become loose, providing no weathering cover for the open joints beneath. The primary locations on the downstream face where this work is required are at the Skeeby end of the approach wall, isolated and localised points along the approach, the pilaster at the Skeeby side of the bridge which has displacement of stone and the loss of its chamfered coping, significant areas of facework around the arch of arch 1- some of which are displaced, and areas above arch 2. The outer faces of the piers are also proposed to be worked on as a result of scouring of the stonework by the river.
- 3.5 Following the repairs to the bridge faces it is proposed to protect the base of the spandrel walls against future scouring by the river by placing stone deposits at the base of the walls.
- 3.6 The downstream parapet wall is proposed to be taken down and rebuilt throughout its full length. The Skeeby end of the parapet is described as being in particularly poor condition containing areas throughout which will require rebuilding where pointing has been lost and facework has fallen away as a result. The applicant has indicated that in certain areas which may initially appear sound with a few open joints, it is likely that substantial work and rebuilding is required. In these locations prolonged exposure of open joints will have led to the deterioration of the core work resulting in structural weakness which is often exacerbated by vegetation growth. Throughout the length of the bridge the copings are described by the applicant as being in good condition and would be retained and re-used as they are described as a defining feature of the wall head.
- 3.7 Rebuilding of the upstream parapet wall is also proposed except at a section at the Northern/ Scotch Corner end which appears to be of more recent construction and in good pointed condition.
- 3.8 It is also proposed that the deposition embankment is excavated and removed from the present watercourse upstream of acres 1 and 3 and downstream of arch 1 where years of deposition have altered the width and flow character of Skeeby Beck. Removal of vegetation from the carriageway is also proposed as the applicant states that *'it appears to be penetrating the lower levels of the parapet and causing damage.'*

#### 4.0 Consultations

The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 2 August 2019 and the subsequent re-consultation (on **27 August 2019**) following the receipt of revised information being submitted from the applicant following the original consultation responses being received.

- 4.1 **Richmondshire District Council (Planning)** – confirmed no objection.
- 4.2 **Richmondshire DC - Conservation Officer** – stated that they raise no objections in principle to the proposed works, subject to the conservation bodies being satisfied with the revised details. When contacted to see if they would expand on their comments, we were informed that due to no formal conservation officer being in office at the present time no further comment would be made.
- 4.3 **Highway Authority** – confirmed no objection.

- 4.4 **NYCC Public Rights of Way Team**- commented that they confirmed that no line of any Public Right of Way is likely to be affected by the application.
- 4.5 **Skeeby Parish Council** – did not respond.
- 4.6 **Historic England** – made comment that they “welcome proposals to repair Grade II listed bridges where the approach is to undertake the minimum works necessary in a manner which is sympathetic to the historic structure and uses traditional materials.” They state that “The Heritage Statement submitted in support of this application is very thorough and raises some very useful suggestions about how the heritage significance of the historic bridge can be better maintained by modifying some of the works proposed”. However, they have stated that they have some “concerns regarding the application on heritage grounds,” and advise that further exploration of the recommendations stated in sections 8.8 and 8.10 of the Heritage Statement are explored.
- 4.7 **NYCC Heritage - Ecology** – confirmed that following a site visit, the in-stream works performed did not raise any protected species issues, however, following the bat report submission a condition would be recommended along the lines of “The scheme should follow the advice set out in section 9.2 of the bat survey report (Bat survey report: Skeeby Bridge, John Drewett Ecology, July 2019).”
- 4.8 **The Society for the protection of Ancient buildings** – object to the proposal, stating that “we must register our objection to this current application due to the risk of damaging the character and the physical loss of historic fabric to the grade II listed structure.” Through re-consultation received on 03/09/19 further comment stated “Our recommendation is that they appoint a conservation accredited structural engineer to undertake an inspection to justify that all the work proposed is actually needed, they may be able advise on alternative techniques which is less invasive and more cost effective. If this justification can be provided then any approval could be conditioned for an archaeological team to record the features and masonry prior to dismantling so that it can be accurately reinstated.”
- 4.9 **Ancient Monuments Society** – did not respond.
- 4.10 **The Council for British Archaeology** – object to the proposal stating that proposal “Does not demonstrate how the heritage significances as explained and defined in the Heritage Statement, are to be conserved and enhanced and harm to significance can be minimised.” They recommend that the applicant “re-engages the services of their conservation specialist to ensure that the recommendations contained in the Heritage Statement fully inform the scope of works for this Listed Grade II bridge.”
- 4.11 **The Georgian Group** - did not respond.
- 4.12 **The Victorian Society** – did not respond.
- 4.13 **The Twentieth Century Society** – did not respond.
- 4.14 **Environmental Health Officer (Richmondshire)** – confirmed no objection or additional comments to make in relation to the proposal.
- 4.15 **Environment Agency York** - did not respond.
- 4.16 **NYCC Heritage - Principal Landscape Architect** – confirmed no landscape comment or objection to be made.
- 4.17 **NYCC Heritage – Archaeology** – confirmed no objection to the proposal or further comments to make.

- 4.18 **The Lead Local Flood Authority (SuDS)** – did not wish to make comment on the application.

#### Notifications

- 4.19 **County Cllr. Angus Thompson** – was sent notification of the proposal on 02 August 2019.

### **5.0 Advertisement and representations**

- 5.1 This application has been advertised by means of three Site Notices posted on the 2 August 2019 (responses to which expired on 23 August 2019). The Site Notices were posted in the following locations: One on a prominent road sign near the entrance to Skeeby Grange at the junction of the A6108 and C-road 108; a second on a telegraph pole off the A6108 near property 68 Richmond Road at the start of Skeeby village and a third on a telegraph pole off the A6108 by the public bus stop going West to Richmond and the Church of St Agatha. A Press Notice appeared in the Darlington and Stockton Times on 09 August 2019 (responses to which expired on 31 August 2019).

- 5.2 Neighbour Notification letters were sent on 2 August 2019 and the period in which to make representations expired on 23 August 2019. The following properties received a neighbour notification letter:

- Barnacres Farm;
- Barnacres Bungalow;
- 60 Richmond Road;
- 62 Richmond Road;
- 64 Richmond Road;
- 66 Richmond Road;
- 68 Richmond Road;
- 1 Ebor Close;
- 2 Ebor Close;
- 3 Ebor Close;
- 4 Ebor Close;
- The Flat, 4 Ebor Close;
- The Old Mill;
- Land End Farm;
- Skeeby Grange.

- 5.3 One representation commenting on the application has been received, however, it was not regarded as stating any material considerations in regards to the application as the comments were in regards to the management of traffic during the works.

### **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 Richmondshire Local Plan Core Strategy (2014);
- 6.3 The Richmondshire Local Plan (adopted 2014) has particular relevance in the determination of this application and the policies most relevant include:
- CP1- Planning Positively;
  - CP3- Achieving sustainable development;
  - CP7- Promoting a Sustainable Economy;
  - CP8 - Achieving Rural sustainability;
  - CP11- Supporting community, cultural and recreational assets
  - CP12 – Conserving and enhancing environmental and Historic Assets
  - CP13- Promoting high quality design;
  - CP14 – Providing and Delivering Infrastructure
- 6.4 Core Policy CP1 ‘Planning Positively’ advises that *‘When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly 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 plan area’*. Furthermore, stating when there are no relevant policies to the application or policies are out of date the council will grant permission unless material considerations indicate otherwise – taking into account whether:
1. *any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework, taken as a whole; or*
  2. *specific policies in that Framework indicate that development should be restricted’*.
- This policy is consistent with Section 2 of the NPPF (Achieving sustainable development) and so full weight should be given to this policy when considering this application.
- 6.5 Core Policy CP3 ‘Achieving Sustainable Development’ states that support will be given for sustainable development which promotes the following –
- a. *‘the efficient use of land and infrastructure including developments with a sustainable and complementary mix of uses;*
  - b. *the conservation of scarce resources and reduction of their use, and encouragement of the use and re-use of sustainable resources;*
  - c. *the health, economic and social well-being, amenity and safety of the population;*
  - d. *a reduction in social inequalities and disadvantages within the community;*
  - e. *the quality of natural resources including water, air, land and biodiversity and minimises the impacts of airborne pollution;*
  - f. *the protection of the best and most versatile agricultural land;*
  - g. *the natural drainage of surface water mitigating the effects of flash flooding of rivers, drains and drought;*
  - h. *the vitality of the area;*
  - i. *a high quality and adaptability of development;*
  - j. *the character and quality of local landscapes and the wider countryside;*
  - k. *the distinctiveness, character, townscape and setting of settlements;*
  - l. *the historic, environmental and cultural features of acknowledged importance;*
  - m. *the provision of essential services to the public;*
  - n. *the reduction of waste, the promotion of recycling and the provision of suitable and accessible sites which foster sustainable waste management’*.



It also states that *'Development proposals will be encouraged to re-use or adapt existing buildings. Where this is not practicable or is shown to be a less sustainable solution, proposals should seek to reuse existing materials, where possible.'*

This policy is supported by several chapters of the NPPF including Section 2: Achieving sustainable development; Section 8: Promoting healthy and safe communities; Section 11: Making effective use of land; Section 15: Conserving and enhancing the natural environment; and Section 16: Conserving and enhancing the historic environment. In particular paragraph 198 of section 16 which states *'Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.'* Therefore, full weight should be given to this policy when considering this application.

- 6.6 Core Policy CP7 entitled 'Promoting a Sustainable Economy' states *'In order to develop and sustain the economy of Richmondshire, in accordance with Spatial Principle SP5, support will be given to:*
- a. *the development of employment activities that diversify the current offer in Richmondshire, and in particular those activities that will provide high quality jobs which can capitalise on and/or enhance the skills of the resident population;*
  - b. *development which promotes the sustainable growth of the key economic sectors within the area, particularly agriculture, food, military, retail, tourism, leisure and equine enterprises;*
  - c. *the development of digital, creative and cultural enterprises;*
  - d. *green, renewable and low carbon industries;*
  - e. *sustaining small and medium sized enterprises, including the development of support services to encourage existing and new business to grow;*
  - f. *the provision of education and training facilities to develop the District's skills base;*
  - g. *strengthening and enhancing the role and performance of Richmond, Catterick Garrison and Leyburn town centres to ensure their continued vitality and viability;*
  - h. *safeguarding the unnecessary loss of valued facilities and services;*
  - i. *small scale rural economic development to meet local needs;*
  - j. *the provision of high quality sites and premises suitable for B1 uses in Richmond, Catterick Garrison and Leyburn;*
  - k. *the development of mixed use sites, high quality layouts, landscaping and design;*
  - l. *developing institutional and commercial links with the Tees Valley and the North East;*
  - m. *infrastructure necessary to support economic development, including communications, high speed broadband and transport investment'.*

This policy is supported by paragraph 81 of the NPPF (Building a strong, competitive economy) which states that planning policies should *'seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment,'* As well as chapters 2 and 9 of the NPPF.

- 6.7 Core Policy CP8 entitled 'Achieving Rural sustainability' in part advises that *'support will be given to the social and economic needs of rural areas'.* To this effect it is noted that the support and encouragement will be given to:
- a. *'small scale housing developments in or adjacent to smaller villages;*
  - b. *expansion of rural businesses;*
  - c. *re-use of suitable rural buildings for housing, tourism and employment generating uses supporting Strategic Principles SP3 and SP5;*
  - d. *provision of live-work units in smaller villages or by conversion of traditional rural buildings;*
  - e. *diversification of the agricultural economy;*

- f. *tourism related initiatives;*
- g. *recreation uses appropriate to a rural location;*
- h. *small scale renewable energy projects and businesses to serve the industry;*
- i. *arts and crafts based industries;*
- j. *technological developments needed to facilitate employment development in rural areas;*
- k. *improvement of public transport services'. This policy is supported by paragraphs 81 and 92 of the NPPF.*

6.8 Core Policy CP11 entitled 'Supporting community, cultural and recreational assets' states,

1. *Support will be given to proposals that help create, protect, retain or enhance community, cultural and recreational assets (land and/or buildings) that:*
  - a. *improve access to assets by non-car modes of transport;*
  - b. *improve assets;*
  - c. *provide additional assets;*
  - d. *retain assets where there is scarcity;*
  - e. *improve community well-being;*
  - f. *improve the safety and accessibility of assets;*
  - g. *improve the mix of uses in a development which encourage social interaction;*
  - h. *promote the role of settlements in the Settlement Hierarchy.*
2. *Proposals involving the loss or alternative development of existing community, cultural and recreational assets will only be supported where there is evidence that:*
  - a. *the asset is no longer required and is redundant;*
  - b. *it is no longer, or cannot be made, viable;*
  - c. *satisfactory alternative provision can be made that outweighs the loss;*
  - d. *the proposal is for a new community, cultural or recreational asset, the need for which outweighs the loss and has the support of the wider community.*
3. *All new development will be expected to:*
  - a. *plan positively to ensure the provision and integration of sufficient quality community, cultural and recreational assets for existing and future occupiers and recreational facilities, including formal and informal, equipped and unequipped areas for open space, sport and recreation and links to Public Rights of Way;*
  - b. *make provision, or contribute towards the provision, of new or enhanced assets to meet identified needs of new development or expanded communities; and locate buildings and land for new community, cultural and recreation assets where they will be well served by public transport and accessible by walking and cycling.*
4. *Applications involving a loss or change of use of assets (and particularly those identified in a Register of Community Assets) and applications for new development generating additional needs and demands will be required to be accompanied by an assessment of provision and need'. This policy is supported by Section 8: Promoting healthy and safer communities of the NPPF, which states that planning policies and decisions should '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' and therefore should receive full weight when considering this application.*

- 6.9 Core Policy CP12 entitled 'Conserving and enhancing environmental and Historic Assets' states in relation to Historic Assets that:
1. *Those elements which contribute to the significance of the heritage assets across the Plan area will be conserved and, where appropriate, enhanced. Particular attention will be paid to those assets referred to in Paragraph 4.12.16 which make a particularly important contribution to the character and sense of place of Richmondshire.*
  2. *Where a proposal is likely to result in harm to the significance of a designated heritage asset and there are compelling reasons for allowing that development, opportunities will be sought to offset this harm by ensuring that other elements which contribute to the significance of that particular asset are enhanced or their significance better revealed.*
  3. *Consideration of development proposals will also need to take into account the objective of securing the long term existence of the heritage asset. This is particularly the case for those assets which have been identified as being at risk. Enabling development may be considered acceptable in the particular location (site or buildings), where all other alternatives have been explored, and the development or use proposed is the only practical means of securing the future conservation of a heritage asset.'* This policy is consistent with paragraphs 185, 190, 192, 194, 196 and 198 of section 16 of the NPPF (Conserving and enhancing the historic environment) and therefore weight should be applied to this policy.
- 6.10 Core Policy CP13 entitled 'Promoting High Quality Design' states, '*High quality design of both buildings and landscaping is a priority in all development proposals. Support will be given for proposals that:*
- a. *provide a visually attractive, functional, accessible and low maintenance development;*
  - b. *respect and enhance the local context and its special qualities, including its design features, landscape, social activities, historic environment and nationally and locally recognised designations;*
  - c. *optimise the potential of the site;*
  - d. *minimise the use of scarce resources;*
  - e. *adopt sustainable construction principles;*
  - f. *facilitate access through sustainable forms of transport;*
  - g. *secure improvements to public spaces and incorporate public art, where appropriate.*

*Design of all developments (including transport schemes) must take account of the need to promote safe living environments and reduce the opportunities for crime and the fear of crime, disorder and anti-social behaviour. A balance should be made to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and areas of nature conservation. Development proposals should be supported by a Design Statement'. This policy is supported by Section 12: Achieving well designed spaces of the NPPF; in particular paragraph 127 which states that 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),'* and so should receive full weight when considering this application.

6.11 Paragraph 4.14.1 of the Richmondshire local plan under Core Policy CP14 entitled 'Providing and Delivering Infrastructure' states that '*A good, working infrastructure is crucial to the well-being of any society. From the roads, railways, footpaths and cyclepaths that criss-cross the District to the pipes and cables below ground that provide water, gas and telecommunications, a fully operational, well-planned and well-maintained infrastructure network has to be at the heart of good planning, now and in the future.*' This policy is consistent with chapters 2, 3, 6 and 9 of the NPPF and therefore warrants consideration.

6.12 Following the adoption of the Richmondshire Local Plan Core Strategy in 2014, there are no 'saved' policies within the Richmondshire Local Plan considered relevant to the determination of this planning 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*
- 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'.*

6.17 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 81 within Chapter 6 (Building a strong, competitive economy) of the NPPF states that '*Planning policies should:*
- a) *set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;*
  - b) *set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;*
  - c) *seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and*
  - d) *be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.'*
- 6.19 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.'*
- 6.20 Paragraph 102 within chapter 9 (Promoting sustainable transport) of the NPPF states that '*Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:*
- a) *the potential impacts of development on transport networks can be addressed;*
  - b) *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;*
  - c) *opportunities to promote walking, cycling and public transport use are identified and pursued;*
  - d) *the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
  - e) *patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.'*
- 6.21 Paragraph 109 within chapter 9 (Promoting sustainable transport) of the NPPF states that '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*
- 6.22 Paragraphs 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 visit*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

6.23 Paragraph 156 of chapter 14 of the NPPF states *'Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.'*

6.24 Within the NPPF, paragraph 174 within chapter 15 (Conserving and enhancing the natural environment) the framework advises that in order to protect and enhance the biodiversity and geodiversity, plans should *'promote the conservation, restoration and enhancement of priority habitats, ecology networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity'*.

6.25 Chapter 16 (conserving and enhancing the historic environment) of the NPPF provides the context for conserving and enhancing the historic environment.

6.26 Paragraph 184 states that *'Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.'*

6.27 Paragraph 185 of chapter 16 (Conserving and enhancing the historic environment) of the NPPF states that *'Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:*

- a) *the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;*
- b) *the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*
- c) *the desirability of new development making a positive contribution to local character and distinctiveness; and*
- d) *opportunities to draw on the contribution made by the historic environment to the character of a place.'*

- 6.28 Paragraph 190 states *'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'*
- 6.29 Paragraph 192 states *'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.'*
- 6.30 Paragraph 193 within chapter 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.'*
- 6.31 Paragraph 194 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'.*
- 6.32 Paragraph 195 states *'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.'*
- 6.33 Paragraph 196 states *'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 securing its optimum viable use'.*
- 6.34 Paragraph 198 within Section states *'Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred'.*

- 6.35 Paragraph 202 states that *'local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.'*

National Planning Practice Guidance (PPG) (2014)

- 6.36 On 6 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

- 6.37 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.

Design

- 6.38 Good design is an integral part of sustainable development and that planning should drive up standard across all forms of development as a core planning principle, plan makers and decision takers should always seek to secure high quality design.
- 6.39 This planning practise guidance states how good design is essential to sustainable development with reference to the importance if 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 of buildings and spaces, by considering amongst other things for and function; efficiency and effectiveness and their impact on wellbeing;
  - Address the need for different uses sympathetically.

## **7.0 Planning considerations**

- 7.1 In light of the abovementioned policies the main considerations in this instance are whether the works would: -
- preserve the features of special architectural or historic interest which the listed building possesses;
  - respect the character and architectural merit of the building and retain as much historic fabric and architectural detailing as possible;
  - give rise to any material harm to the setting of any other listed building;
  - lead to less than substantial harm to the significance of the designated heritage asset; and
  - weigh up any potential harm to the significance of the heritage asset against the benefits of the proposal.



### Principle of the proposed development and impact upon historic environment

- 7.2 The primary consideration in relation to the determination of this listed building consent application, is the impact of the proposed development upon the listed structure. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires the Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.3 The Council for British Archaeology and The Society for the protection of Ancient Buildings have both objected to this proposal on heritage grounds and have advised that the proposed works do not demonstrate how the heritage significances are to be conserved and enhanced, and harm to significance can be minimised. From a local perspective, Richmondshire District Council's Planning and Conservation Team considered the impact of the proposal on the special interest of the Listed Building, with the Planning team confirming no objections and the conservation officer not wishing to expand further following other comments received. The applicant has confirmed that the historic fabric of the structure will be retained and materials re-salvaged where possible. The scheme for which this application relates has been deemed the most viable in terms of highway safety and efficiency, whilst proposing to salvage materials where possible and cause minimal harm to the structure, visual appearance and local amenity.
- 7.4 The heritage statement produced by the applicant justifies why the works are needed and demonstrates the balance of retaining the significance of this heritage asset and the structure being fit for purpose as well as ensuring the safety of highway users and commuters using the bridge. The Applicant has a duty to provide a safe and efficient road network, which includes river crossing and bridges. It is in pursuance of this duty that the repair works to the bridge are being proposed following repeated damage to the bridge through, impact, weathering and previously poor techniques of repair. On the basis of the statements that the applicant has provided, it is considered that the need for the proposed works has been clearly justified. This is consistent with paragraph 194 of the NPPF which states that any harm to the significance of a listed structure should give clear and convincing justification.
- 7.5 The heritage statement also considers that the proposed works involves less than substantial harm to the heritage asset because the scheme of repairs proposed comprising rebuilding of most of the parapet walls and re-facing the downstream masonry elevation to the spandrels is deemed as "largely un-contentious as these elements have been repaired and rebuilt at various times in the past." The proposal to rebuild the downstream face is deemed less favourable, however the new work will replicate the existing form and detailing of the listed bridge and will reuse as much as possible of the salvaged existing stonework. The heritage statement concludes that the changes put forward by the applicant in the form of the bridge repairs are considered largely acceptable. Paragraph 195 of the NPPF states that where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that substantial harm is necessary to achieve substantial public benefits that outweigh that harm. In this instance, although it is acknowledged that potentially harm will be caused to the bridge by the proposed works, the safety of highway users and local residents using the bridge is the purpose for the works and this therefore allows the public benefit of the scheme to be set against the historic value of the asset when considering the impact. Therefore, the proposed scheme is consistent with paragraphs 109, 124 and 192 of the NPPF and and Core Policy CP11 through improving assets and safety and accessibility of assets.

7.6 The applicant has affirmed that every effort will be made to reinstate original features and provide a solution to problems which otherwise threatens the character of the building. Notwithstanding the proposed harm, considerable weight has been given to the preservation of the bridge and this will be achieved through careful repairs and maintenance works as proposed by this application. It is considered that further harm could be caused to the bridge if the repair and maintenance was not undertaken. It is therefore, considered that the development is in line with section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990, the principles of the NPPF- in particular paragraphs 194 and 195 as well as also being compliant with Policies CP3, CP11 and CP12 of the Richmondshire Local Plan through ensuring *“Where a proposal is likely to result in harm to the significance of a designated heritage asset and there are compelling reasons for allowing that development, opportunities will be sought to offset this harm by ensuring that other elements which contribute to the significance of that particular asset are enhanced or their significance better revealed.”*

#### Need and Justification of the proposed development

7.7 In terms of the existing provision and local demand for the continued use of the bridge as part of the A6108 which connects Richmond with Scotch Corner and provides a valuable connection, therefore, it is noted that no objections have been received with regard to the need for the continued use of the bridge as a highway feature. It is understood that the proposed works would enable the bridge to continue to function as a transport infrastructure link for the foreseeable future. This is compliant with Core Policy CP14 (Providing and Delivering Infrastructure) through looking at current and future planning needs and Policy CP7 (Promoting a Sustainable Economy) of the Richmondshire Local Plan; which acknowledges that infrastructure including transport investment is necessary to support economic development.

7.8 This is also endorsed by the Highways consultation response dated 29 January 2019 which has no objection to the proposal, and is also supported by the NPPF (2019) which acknowledges in paragraph 102 (chapter 9 Promoting Sustainable Transport). In the NPPF it states that transport issues should be considered within plan making in particular looking at *“opportunities from existing or proposed transport infrastructure and changing transport technology and usage.....”*

#### Design and impact of the proposed development on the setting of the listed structure

7.9 As detailed in The Proposal, the applicant has affirmed that the reasons for the consideration of this scheme are *“To provide a safe and efficient road network which includes river crossings and bridges. It is in pursuance of this duty that the repairs to the bridge are being proposed following an assessment of the overall general condition of the structure and its approaches.”* And to reduce the structures current *“risk of substantial deterioration due to the loss of pointing to large areas of the faces of the stones which form the parapets and in other more localised areas lower down the structure at river level.”*

7.10 The works will comprise on both downstream and upstream sections of the bridge. The outer faces of the piers require work including repointing on the downstream side which includes the left-hand side of Arch 1 and the right-hand side of Arch 3. The bases of the spandrel walls require work in terms of placing of stone deposits to the base of the walls to protect the bridge from future scouring by the river. Sections of the spandrel walls are also proposed to be repaired below parapet after being taken down and rebuilt. The downstream parapet wall is proposed to be taken down and rebuilt throughout its full length, the Skeeby end of the downstream parapet will require rebuilding as pointing and face work has previously been lost. Within the downstream parapet there is also a section where a washed out section of the foot of the parapet has been very poorly rebuilt and this is proposed to be replaced with an appropriate quality of work and materials. The upstream parapet wall is also proposed to be rebuilt with the exception of the Northern/ Scotch Corner end which has had

more recent construction and repairs to it. It is then finally proposed that the deposition embankment is excavated and removed from the present watercourses.

- 7.11 The Heritage Statement states that *“The proposed work will include a specification developed to ensure the need for good quality repairs to the structure, to address general deterioration of the masonry, recent impact damage and past inappropriate repair techniques and to respect the historic character and fabric of the bridge. The repair work proposed is considered to be in line with best practice for maintaining masonry structures and has been successfully undertaken on a number of bridges of varying ages throughout North Yorkshire.”*
- 7.12 It is considered that the proposed works would not detract from the overall setting of the listed structure, the applicant has affirmed that existing materials will be utilised as far as possible. This is considered to be in line with the principles of the Planning Practice Guidance, NPPF and with Policy CP13 of the Richmondshire Local Plan which seeks to ensure that developments are respectful of the character of the local context and qualities and do not result in an adverse impact upon them and adopt sustainable construction principles.
- 7.13 Where it is not possible to use existing materials, the repair work would match the existing style and architecture through seeking very similar materials to that of the existing. Thus meaning that the character of the original listed building would not be significantly harmed. The design of the proposed works is therefore considered to be in-keeping with the historic fabric of the Listed Building. This is in keeping with Richmondshire Core Policy CP12 and the NPPF through chapter 16. It is also considered that the development is in line with the National Planning Practice Guidance (2014) Design section and NPPF paragraph 127 chapter 12 (achieving well designed places) in that it would ensure that the developments would ‘function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development’, be ‘visually attractive as a result of good architecture, layout and appropriate and effective landscaping;’ and ensure that they are ‘sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.’ As such, it is felt that the works, although would propose some harm to the bridge, would contribute to the long term sustainability and preservation of this asset to the local community and therefore is compliant with local and national policy.

#### Visual impact of the proposed development

- 7.14 The Heritage Statement states that *“The bridge is not a dominant feature in the landscape as it is positioned low within the valley, with little rise to the crown and low parapets. The main characteristic in views is the “causeway” appearance of the masonry structure which is largely simple and unadorned and is viewed from a distance. In views it therefore appears as a single element of masonry and only in close up is the quality of workmanship apparent. The proposals do not include changes to form or details of the bridge and as such they are not considered to have any significant detrimental impact on the appearance of the bridge in the wider landscape context.”*
- 7.15 The stated intention throughout the course of this development is to reuse salvaged stone from the works and the proposal will present an opportunity to replace the existing mismatched material with better matched and detailed stonework of a consistent form which will look to reinstate some of the original architectural intention of the design.

- 7.16 “Closer examination of the structure reveals a range of poorly specified repairs, cement rich patch pointing in areas and open joints and decayed stonework along with intrusive vegetation growth. Visually and aesthetically this detracts from the current appearance of the structure making the distinction between phases unclear, breaking up the uniformity of the structure and lacking an architectural cohesiveness. The proposed repairs will remove inappropriate pointing and vegetation, repair decayed stonework and reinstate the uniformity of the masonry. Careful specification will allow the different phases of the structure to be discerned on the downstream face and will reinstate the unity of the upstream extension. It is considered that with a carefully specified scheme the repairs will have a positive impact on the structure making the phased construction more legible whilst unifying the bridge as a whole in views.” (Heritage Statement). The proposal will therefore have an impact of some significance on the appearance of the parapet walls but this should be considered to be a positive impact as it reinstates the original architectural intention of this element.
- 7.17 The works proposed for the downstream spandrel walls are considered to be less favourable than that proposed for the upstream parapet in terms of the physical impact on the historic fabric of the bridge however, with appropriate detailing at the design stage and careful construction the appearance of the downstream spandrel should be little altered and the works would have limited impact on the visual character which is consistent with policy CP13 of the Richmondshire Local through ensuring development is “*visually attractive, functional and accessible development;*” which optimises the potential of the site. This is further supported through the Design advice within the PPG and section 12 of the NPPF (Achieving well-designed places).

#### Other matters

- 7.18 For your information as stated in the Design and Access statement, the bridge carries the A6108 over Beck between the village of Skeeby and the A1(M) / A66 junction at Scotch Corner providing a link to Richmond. The A6108 acknowledged as being a frequently-used bus route and is an important route for both private and public transport and therefore it is important that the bridge will remain a useable asset. The Local Highways Authority have raised no objection to the scheme and the applicant has confirmed that the repairs will cause minimum impact on the appearance of the bridge and will remain open during the works. It is therefore considered that the proposed development would not have an adverse impact upon the local highway network, which is capable of continuing to accommodate the proposed vehicle movements. Therefore, the proposed development is considered to be in-compliance with the paragraphs 109 of the NPPF and paragraph 124 of the NPPF through ensuring that the development creates places which are accessible and have a “*high standard of amenity for existing and future users.*” As well as Policy CP8 from the Richmondshire Local Plan which promotes the ‘improvement of public transport services’.

## **8.0 Conclusion**

- 8.1 Notwithstanding the objections from The Council for British Archaeology and The Society for the protection of Ancient Buildings, it is considered that the material planning considerations considered above support this application for the dismantling and rebuilding of all sections of parapet walls and sections of the downstream spandrel wall mainly using existing stone, re-pointing of parapet walls and adding stone around the base of the spandrel wall.
- 8.2 Paragraph 195 of the NPPF states that where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that substantial harm is necessary to achieve substantial public benefits that outweigh that harm. In this instance, it is acknowledged that some harm may be caused by the proposed development, however the continued use of the bridge as part of an A –road and safety of highway

users using the bridge is the purpose for the works and this therefore allows the public benefit of the scheme to be set against the historic value of the asset when considering the impact. It is therefore considered that the public benefit and highway safety requirements of the proposed development outweigh the harm. The Applicant has also affirmed that whilst these works are required, the preservation of the listed structure has been and will continue to be taken into consideration and works will be carried out respectfully whilst any new materials used will be as close match to the existing as possible, where existing materials cannot be salvaged and reused.

- 8.3 It should be noted that The Planning (Listed Buildings and Conservation Areas) Regulations 2015 require that only in cases where Historic England or one of the National Amenity Societies objects (where there is a requirement to notify them of the application), and where the authority do not propose to refuse the application, will the application be referred to the Secretary of State for Communities and Local Government (National Planning Casework Unit) for determination. In this instance, following the objections received from two amenity bodies, the application will be referred to the District Council, who will then refer it to the Secretary of State for Communities and Local Government (National Planning Casework Unit) for determination.

## 9.0 Recommendation

- 9.1 It is therefore, recommended that the application be **FORWARDED** to **RICHMONDSHIRE DISTRICT COUNCIL** with a recommendation that the **SECRETARY OF STATE FOR LOCAL GOVERNMENT AND COMMUNITIES GRANT LISTED BUILDING CONSENT** for the following reasons:
- i. The harm proposed to the listed structure is outweighed by the need for highway safety and public benefit through repairing the bridge;
  - ii. The proposed development will not have a detrimental impact upon the local amenity;
  - iii. The proposed development is in-compliance with the principles of the NPPF, Planning Practice Guidance and Policies CP1, CP3, CP7, CP8, CP11, CP12, CP13 and CP14 of the Richmondshire Local Plan.

That, **LISTED BUILDING CONSENT 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 09/7/19 and the following approved documents and drawings:

Ref.	Date	Title
BADS/139/2019/002B	15/07/19	Location Plan
BADS/139/2019/002C	18/07/19	Site Plan
BADS/139/2019/004C	19/07/19	Scaffolding Arrangement
BADS/139/2019/001D	15/07/19	General Arrangement
BADS/139/2019/005A	18/07/19	De-Watering Plan
No. 139 Revision 2	August 2019	Design and Access Statement
Proposed Repair Works	May 2019	Heritage Statement
Revision 2	July 2019	Flood Risk Assessment
Skeebly Bridge	24/07/19	Bat Report

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

3. The scheme should follow the advice set out in section 9.2 of the bat survey report (Bat survey report: Skeeby Bridge, John Drewett Ecology, July 2019)

*Reason: To protect and maintain biodiversity.*

**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.*

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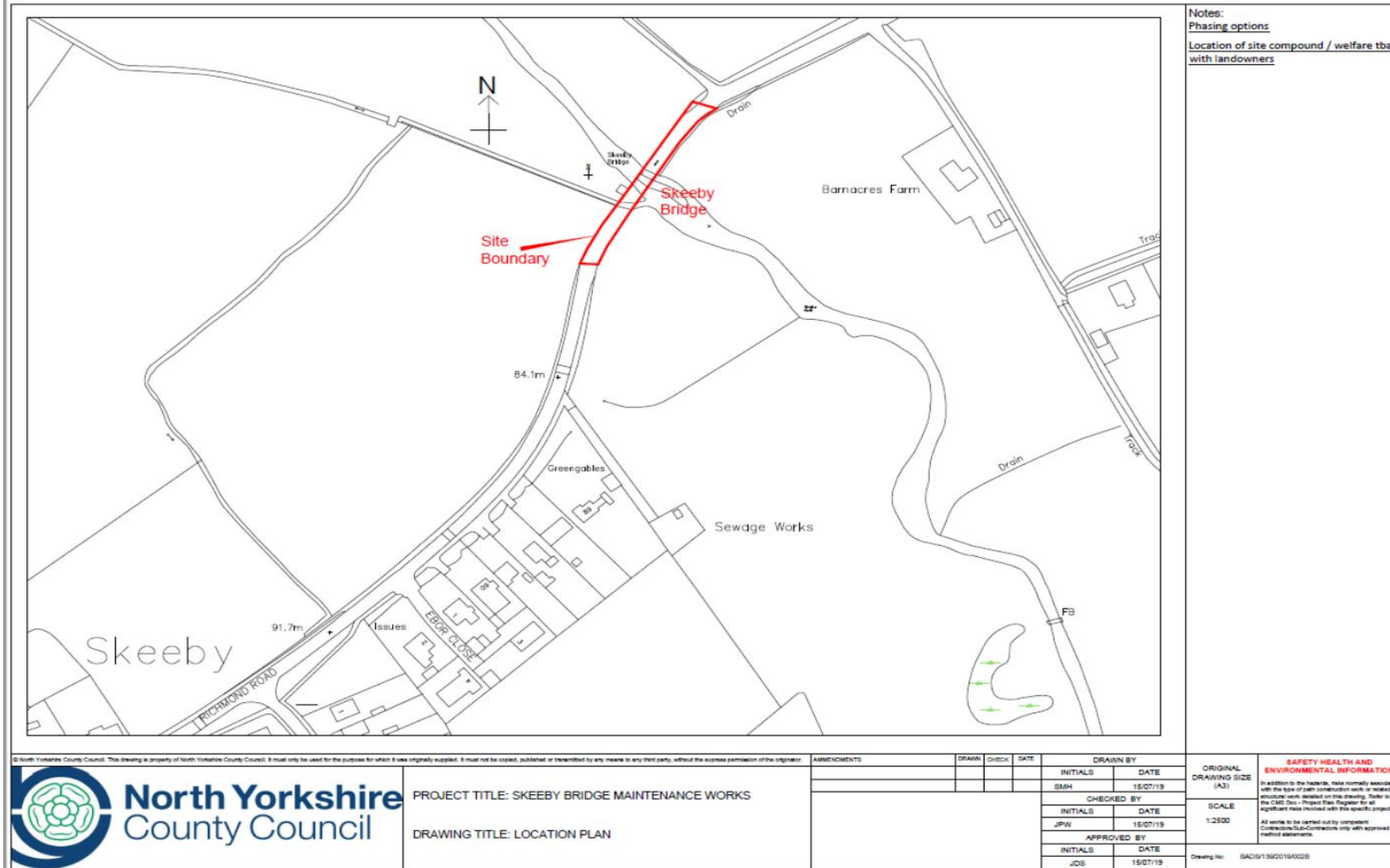
Head of Planning Services Growth, Planning and Trading Standards

Background Documents to this Report:

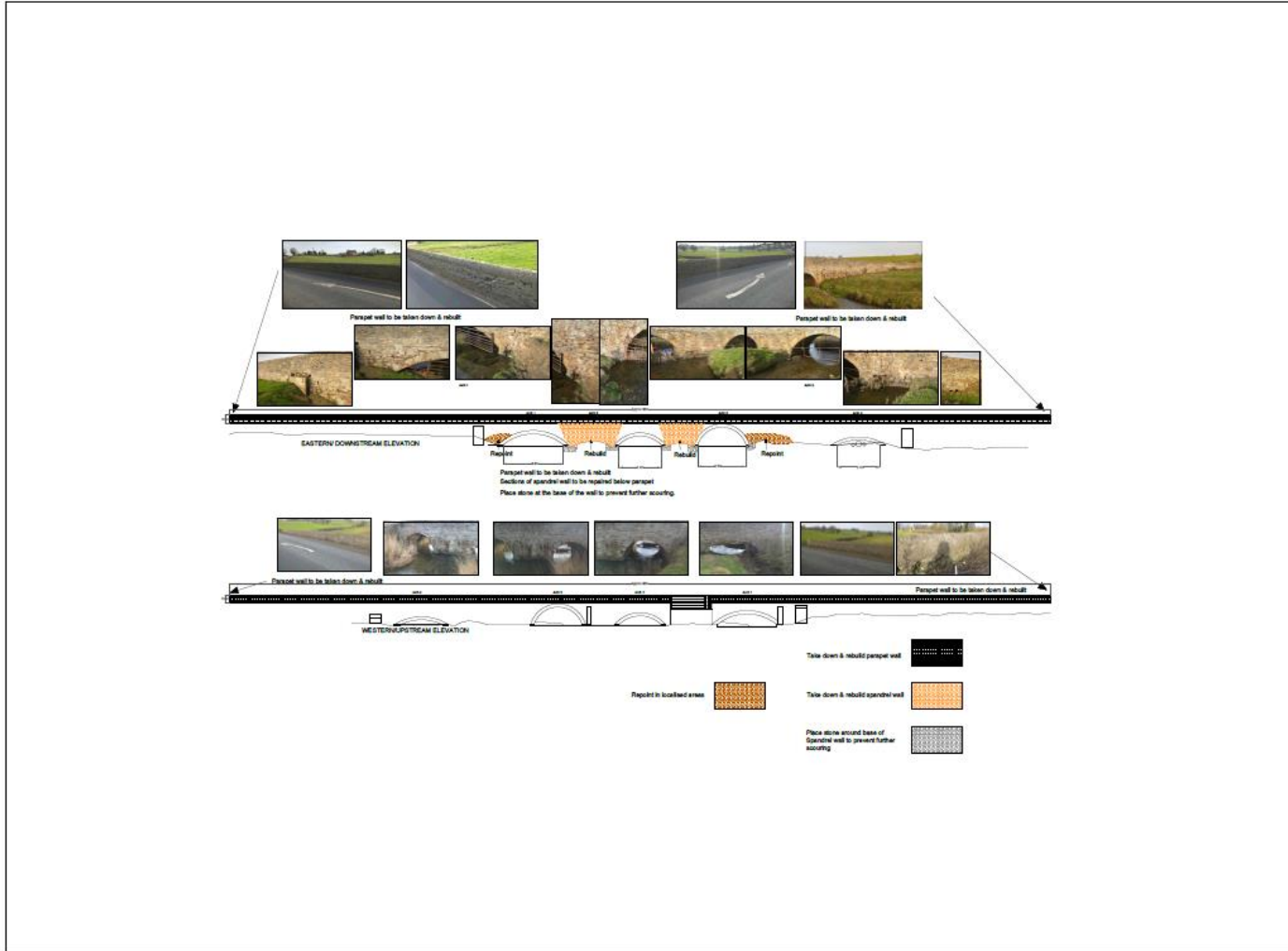
1. Planning Application Ref Number: C1/19/00549/CM .(NY/2019/0125/LBC) registered as valid on 22/07/19. Application documents can be found on the County Council's Online Planning Register by using the following web link:  
<https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation responses received.
3. Representations received.

Author of report: Emma Coverdale

Appendix A – Location Plan



Appendix B – General Arrangement Plan of Bridge



PROJECT TITLE: SKEEBY BRIDGE MAINTENANCE WORKS  
 DRAWING TITLE: GENERAL ARRANGEMENT

DATE	BY	DESCRIPTION
12/11/19	SM	ISSUED FOR TENDER
12/11/19	SM	ISSUED FOR TENDER
12/11/19	SM	ISSUED FOR TENDER
12/11/19	SM	ISSUED FOR TENDER
12/11/19	SM	ISSUED FOR TENDER
12/11/19	SM	ISSUED FOR TENDER



**North Yorkshire County Council**

**Business and Environmental Services**

**Planning and Regulatory Functions Committee**

12 November 2019

**C6/19/03583/CMA - PLANNING APPLICATION FOR THE PURPOSES OF THE VARIATION OF CONDITION NO. 2 OF PLANNING PERMISSION REF. C6/19/01378/CMA FOR CHANGES TO LOCATION AND QUANTITY OF EXTERNAL LIGHTING, CONSISTING OF ERECTION OF 9 NO. 6M HIGH LIGHTING COLUMNS, 7 NO. 4M HIGH LIGHTING COLUMNS, 4 NO. 1M HIGH LIGHTING BOLLARDS AND 16 NO. EXTERNAL MOUNTED LIGHTING 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 part retrospective planning application for the variation of Condition No. 2 of Planning Permission Ref. C6/19/01378/CMA for changes to location and quantity of external lighting, consisting of erection of 9 No. 6m high lighting columns, 7 No. 4m high lighting columns, 4 No. 1m high lighting bollards and 16 No. external mounted lighting 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 having been raised by Ripon City Council in respect of this proposal on the grounds of light pollution and is, therefore, reported to this Committee for determination.

**2.0 Background**

Site 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 buildings likely have been built post World War II, are single storey structures 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 highways 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 residential 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). The boundary treatment between the site and the rear of the residential properties of Wendy Avenue consists of approx. 2 metre high deciduous hedge (north-east), mature trees and 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 hard standing 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 The application site is shown on Appendix A – the Committee Plan and the lighting is shown on Appendix B – the Lighting Plan, are 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: -
- C6/19/01378/CMA, 24 July 2019, Erection of single storey classroom extension (280 sq. metres), erection of glazed walkway canopy (43 sq. metres), demolition of existing corridors (64 sq. metres), hardstanding 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 – Granted and implemented.

### **3.0 The proposal**

- 3.1 Planning permission is sought under Section 73A of the Town and County Planning Act 1990 for the variation of Condition No. 2 of Planning Permission Ref. C6/19/01378/CMA for changes to location and quantity of external lighting, consisting of erection of 9 No. 6m high lighting columns, 7 No. 4m high lighting columns, 4 No. 1m high lighting bollards and 16 No. external mounted lighting 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 application seeks to vary specific elements i.e. external lighting of the approved scheme (planning permission ref. C6/19/01378/CMA). The amendments proposed are reposition of 1 No. 6m high lighting column from the site boundary, omission of 1 No. 6m high lighting column and additional external lighting consisting of 1 No. 1m high lighting bollard within the access road/pedestrian footpath and 1 No. 4m high

lighting column within the extended Junior School car park. The changes are proposed to provide uniform distribution of ambient light while mitigating its impact to adjacent trees, site security and lighting efficiency.

3.3 The approved external lighting plan referred in Condition 2 is:

<b>Ref.</b>	<b>Date</b>	<b>Title</b>
18010/E/607 Rev. P6	July 19	Electrical Building Services Proposed Car Park Lighting Layout – 4m columns

3.4 The proposed external lighting plan as varied is:

<b>Ref.</b>	<b>Date</b>	<b>Title</b>
18010/E/607 Rev. P8	August 19	Electrical Building Services Proposed Car Park Lighting Layout – 4m columns

3.5 The design, lighting control system and hours of operation of the external lightings would remain same as previously approved scheme.

#### 4.0 Consultations

The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 22 August 2019.

4.1 **Harrogate Borough Council (Planning)** – A response was received on 13 September 2019 stating no objection with an observation. The observation recommended a condition for tree replacement if trees are felled and an informative to comply with Institution of Lighting Professionals Guidance Notes for the reduction of obtrusive light 2011 (or later versions). A further response was received on 25 September 2019 stating *‘There was an error in the wording of observation one.....however I can confirm the wording for condition one should be as follows: 1. A landscaping condition should be attached to any consent to ensure that for every tree felled, two replacement trees are planted on site.’*

4.2 **Environmental Health Officer (Harrogate)** – A response was received on 27 August 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 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.’*

4.3 **Ripon City Council** – A response was received on 17 September 2019 objecting to the proposed scheme, stating *‘Ripon City Council continue to object to this application in the strongest terms. The Council is concerned that the proposed lighting will adversely affect neighbouring properties and consider 6m and 4m high lighting unnecessary at this premises.’*

The agent submitted amended supporting statement highlighting the reasons for the lighting columns and detailing the reason for the changes following the grant of original planning permission ref. C6/19/01378/CMA.

Ripon City Council have been re-consulted and a response was received on 17 October 2019 objecting to the proposed scheme, stating *‘The council resolved to continue to object in the strongest terms on this matter and were dissatisfied with the explanation. The council consider that ‘anticipating’ the revised position of the lighting lessening the effect of overspill to neighbouring properties does not give adequate*

*reassurance and is concerned that local residents will suffer unacceptable levels of light pollution as a result of this matter.'*

- 4.4 **NYCC Heritage - Principal Landscape Architect** – A response was received on 30 August 2019 stating no Landscape objection or comment.
- 4.5 **Highway Authority** – A response was received on 4 September 2019 stating no objections to the proposed amendments.
- 4.6 **NYCC Heritage – Ecology** – A response was received on 23 August 2019 stating *'As it relates to a minor change in the layout of car park lighting, we do not have any comments to offer on this occasion.'*
- 4.7 **NYCC Arboricultural Officer** – No response has been received to date.

#### Notifications

- 4.8 **County Cllr. Stuart Martin** – Was notified of the application on 22 August 2019.

### **5.0 Advertisement and representations**

- 5.1 This application has been advertised by means of three Site Notices posted on 12 September 2019 (responses to which expired on 03 October 2019). The Site Notices were posted in the following locations:
- Harrogate Road, at main school entrance, east of the application site;
  - Whitcliffe Grove, north of the application site;
  - Wendy Avenue, east of the application site.
- 5.2 Neighbour Notification letters were sent on 22 August 2019 and the period in which to make representations expired on 13 September 2019. The following properties received a neighbour notification letter:
- 1A, 1, 4 and 5 Wendy Avenue, Ripon, North Yorkshire, HG4 1TD
- 5.3 Additional neighbours were identified and neighbour notification letters were sent on 12 September 2019 and the period in which to make representations expired on 3 October 2019. The following property received a neighbour notification letter:
- 2 and 3 Wendy Avenue, Ripon, North Yorkshire, HG4 1TD
- 5.4 A total of 4 letters of representation (3 of the representation are from the same neighbour) have been received, all relating to the original approved planning permission ref. C6/19/01378/CMA. The comments relate to incorrect lighting columns installed and disturbance caused by early start and late finish by the contractors. The agent was informed of these concerns and the site manager has since been made aware of all the conditions to be complied with including the working hours' condition. Also it was noted on the site visit the incorrect lighting columns being taken down.
- 5.5 No further representations have been received from the neighbouring properties in response to the abovementioned advertisement of the application.

### **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
- 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 healthy 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 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

- 6.8 '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.'*

- 6.9 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.

Other policy considerations:

National Planning Policy

- 6.10 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

- 6.11 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- 6.12 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.'*

- 6.13 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'.*
- 6.14 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.
- 6.15 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.'*
- 6.16 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.'*
- 6.17 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.'*
- 6.18 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).'*
- 6.19 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)

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

#### Design

- 6.21 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

- 6.22 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.
- 6.23 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.

## **7.0 Planning considerations**

- 7.1 Section 73 of the Town and Country Planning Act 1990 provides for application for planning permission to develop land without complying with conditions previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue.
- 7.2 With a Section 73 application the Planning Authority is required to consider only the question of the conditions subject to which planning permission should be granted. This does not prevent the Planning Authority from looking at the wider considerations affecting the original grant of permission, but the permission itself remains intact. Section 73 enables the Planning Authority to grant permission subject to conditions differing from those subject to which the previous permission was granted or unconditionally and the effect of which is the issue of a new planning permission sitting

alongside the original permission. Alternatively, the application can be refused if it is decided that the original conditions should continue.

- 7.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 also 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 making its decision the Council should focus its attention on national or local policies or other material considerations which may have changed significantly since the original grant of permission, as well as the changes sought. In light of the abovementioned policies the main considerations in this instance are summarised under the following headings:

#### Principle of the proposed development

- 7.4 This planning application made under Section 73A of the Town and Country Planning Act 1990 seeks planning permission to vary specific elements i.e. external lighting of the approved scheme. The principle of the external lighting has previously been deemed acceptable under planning permission ref. C6/19/01378/CMA and as such this application will only consider the proposed changes to location and quantity of the external lighting.
- 7.5 The amendments proposed are reposition of 1 No. 6m high lighting column from the site boundary, omission of 1 No. 6m high lighting column and additional external lighting consisting of 1 No. 1m high lighting bollard within the access road/pedestrian footpath and 1 No. 4m high lighting column within the extended Junior School car park.
- 7.6 The proposed changes will provide site security, lighting efficiency and uniform distribution of light while mitigating its impact to adjacent trees and minimise the effect of lighting overspill to neighbouring properties. It is considered that the proposed amendments seek to create and enhance community facilities in terms of health, education and security.
- 7.7 It is noted that the principle of improving school facilities receives support within the NPPF in both securing sustainable development and supporting the need to alter/enhance schools. It is therefore considered that the proposed development is consistent 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.
- 7.8 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 and visual impact

- 7.9 The approved scheme consists of 10 No. 6m high lighting columns, 6 No. 4m high lighting columns, 3 No. 1m high lighting bollards and 16 No. external fixed mounted lighting. However, the proposed amended scheme will result in 9 No. 6m high lighting columns, 7 No. 4m high lighting columns, 4 No. 1m high lighting bollards and 16 No. external fixed mounted lighting. The design, lighting control system and hours of operation of the external lighting would remain same as previously approved scheme. Therefore, the number of lighting units would not have any significant visual impact to its surrounding area.

- 7.10 In regards to the location of the external lighting, the proposed scheme does not differ significantly to the approved scheme, other than 1 No. 6m high lighting column along the north of the site to be positioned further away from the residential boundary in order to mitigate the impact on the adjacent trees and its roots. Furthermore, the proposed scheme will result in 2 No. 6m high lighting columns positioned along the boundary towards the rear of residential properties of Wendy Avenue rather than 3 No. 6m high lighting columns under the approved scheme. It is therefore considered the proposed scheme 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.
- 7.11 It is acknowledged that lighting is required within the car park area due to the health and safety concerns, hence the provision of lighting columns creates a safe environment. Therefore, the proposed variation will continue to provide a service in regards to safety of staff and visitors using the car park in winter months.
- 7.12 It is therefore considered the proposal is in compliance with Policy SG4 of the Harrogate District Core Strategy in terms of design and impact and 'saved' Policy HD20 of the Harrogate District Local Plan in terms of *'New development should, through design, layout and lighting, pay particular attention to the provision of a safe environment.'*
- Local amenity (light pollution)
- 7.13 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.
- 7.14 The lighting is required to illuminate the extended car parking area and the access/pedestrian footpath in order to make them safe outside of daylight hours. The impact of the external lighting has previously been considered acceptable under planning permission ref. C6/19/01378/CMA and as such this application will only consider the impact of the proposed changes to location and quantity of the external lighting.
- 7.15 The proposed amendment would result in 2 No. 6m high lighting column rather than 3 No. 6m high lighting column as previously approved, along the boundary of the residential properties of Wendy Avenue. Furthermore, one of the 6m high lighting column will be positioned further away from the residential boundary. It is therefore considered the current application would have a reduced impact on residential amenity than the previously approved scheme.
- 7.16 The current application proposes additional external lighting consisting of 1 No. 1m high lighting bollard and 1 No. 4m high lighting column. However, given the low level height of the additional lighting, being lower than existing street lighting columns will not have an adverse impact upon residential amenity. Furthermore, no objections have been received from the occupants of the neighbouring properties.
- 7.17 It is noted Ripon City Council have objected to the proposed scheme on the grounds of light pollution. However, the principle of external lighting columns consisting of 6m and 4m high has been deemed acceptable under planning permission ref. C6/19/01378/CMA. Nonetheless, the application has been subject to consultation with Harrogate Borough Council (Planning and Environmental Health Officers), both of whom raised no objection to the scheme, but 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.

7.18 Overall it is considered the proposed scheme will not have an adverse impact on residential amenity and as such accords with Policy SG4 of the Harrogate District Core Strategy and 'saved' Policy HD20 of the Harrogate District Local Plan.

Conditions of planning permission ref. C6/19/01378/CMA

7.19 All previously imposed planning conditions shall remain albeit updated to reflect the development proposed by this application (Condition 2) and any schemes approved under conditions since the grant of planning permission ref. C6/19/01378/CMA.

7.20 Condition 1 stating the statutory 3 year time limit for commencement of development has been removed as the development has been implemented in July 2019.

7.21 Condition 4, 5, 8 and 12 (pre-commencement conditions), have been discharged under application ref. NY/2019/0132/A27. These conditions will be retained but shall be reworded to remove reference to the submission of details prior to commencement and amended to show the works need to be carried out in accordance with the approved details.

7.22 There is at present an application outstanding (NY/2019/0153/A27) for discharging Condition 7 (landscape scheme). As the details have not been approved yet, Condition 7 will be retained.

## 8.0 Conclusion

8.1 There are no material planning considerations to warrant the refusal of this application for the variation of Condition No. 2 of Planning Permission Ref. C6/19/01378/CMA for changes to location and quantity of external lighting, consisting of erection of 9 No. 6m high lighting columns, 7 No. 4m high lighting columns, 4 No. 1m high lighting bollards and 16 No. external mounted lighting.

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):

- it is considered that the proposed development will not adversely affect the character of the local area;
- it is considered that the proposed development would not adversely impact upon local amenity; and
- it is considered that the proposed development is in accordance with NPPF (2019), NPPG (2014), Policies SG4 and C1 of the Harrogate Core Strategy (2009) and 'saved' Policy HD20 of the Harrogate Local Plan (2001).

9.2 It is recommended that, **PLANNING PERMISSION BE GRANTED** for the purposes of the variation of Condition No. 2 of Planning Permission Ref. C6/19/01378/CMA for changes to location and quantity of external lighting, consisting of erection of 9 No. 6m high lighting columns, 7 No. 4m high lighting columns, 4 No. 1m high lighting bollards and 16 No. external mounted lighting on land at Moorside Infant & Junior School, Harrogate Road, Ripon, North Yorkshire, HG4 1SU subject to the following conditions:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the application details dated 01 March 2019 (amended 12 July 2019) and approved drawings and documents (ref. C6/19/01378/CMA, dated 24 July 2019) and as amended by the application details dated 14 August 2019 and approved drawings and documents (ref. NY/2019/0138/NMT, dated 19 August 2019) and as amended by the application details dated 15 August 2019 and the following approved documents and drawings:

<u>Ref.</u>	<u>Date</u>	<u>Title</u>
18010-A-001 Rev. P7	14/08/2019	Site Location Plan
18010/E/607 Rev. P8	Aug 2019	Electrical Building Services Proposed Car Park Lighting Layout – 4m columns
18010 Rev. R1	02/10/2019	Planning Statement

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

2. 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.*

3. The development hereby permitted must be carried out in strict accordance with the Arboricultural Method Statement (Ref. BA8070AIA) dated 17 July 2019. The fencing must be retained intact for the full duration of the works and there must be no access, storage, ground disturbance or contamination within the fenced area.

*Reason: 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.*

4. The temporary access must be constructed in accordance with the Contractor Site Compound Access & Phasing Plan (Ref. 18010-A-080 Rev. P4) dated 25 July 2019. Any damage to the existing adopted highway occurring during use of the access until the completion of all the construction works must be repaired immediately. Before the development is first brought into use the highway verge/footway on Lead Lane must be fully reinstated in accordance with the scheme approved in writing by the County Planning Authority.

*Reason: In the interests of highway safety and visual amenity.*

5. 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, dated 21 June 2019, 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 must 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.*

6. Within three months of the date of decision notice of planning permission ref. C6/19/01378/CMA, a detailed scheme of landscaping must 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.*

7. The development hereby permitted must be carried out in strict accordance with:
- a. Construction Details, 18010-APP-00-XX-DR-C-00006 Rev. P03, dated 15 July 2019;
  - b. Section 184 Plan, 18010-APP-00-XX-DR-C-00002 Rev. P03, dated 15 July 2019;
  - c. S184 Levels & Setting Out Plan, 18010-APP-00-XX-DR-C-00003 Rev. P03, dated 15 July 2019;
  - d. S184 Surface Finishes Plan, 18010-APP-00-XX-DR-C-00004 Rev. P03, dated 15 July 2019 and
  - e. S184 Vehicle Tracking, 18010-AA-00-XX-M2-C-00005 Rev. P03, dated 15 July 2019.

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.*

8. 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.*

9. 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.*

10. 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.*

11. The development hereby permitted must be carried out in strict accordance with the Traffic Management Plan (Ref. F08.01 Rev. 7) dated 19 March 2019. The approved Statement shall be adhered to throughout the construction period for the phase.

*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.*

12. The development hereby approved, must, 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.*

13. Any excavation works adjacent to any trees and hedges within the site must 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.*

14. Any tree removals, pruning or crown lifting works must 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.*

15. No retained tree must be cut down, uprooted or destroyed, nor must any retained tree to be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approved must be carried out in accordance with British Standard [3998 (Tree Work)]. If any retained tree is removed, uprooted or destroyed or dies, another tree must be planted at the same place and that tree must be of such size and species, and must be planted at such time, as may be specified in writing by the County Planning Authority.

*Reason: To ensure that the retained trees within the area of proposed development are not damaged 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 8.

**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.*

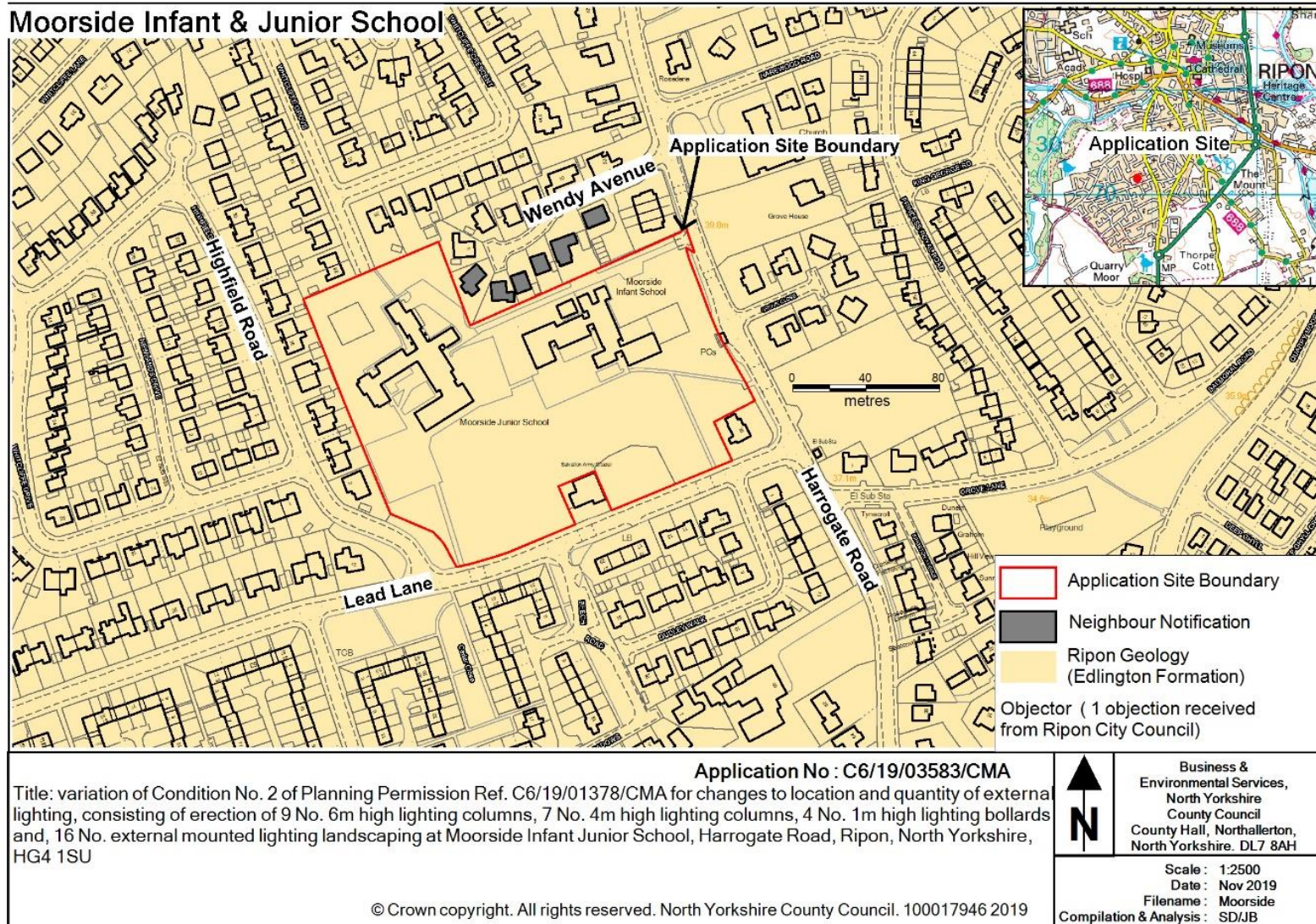
DAVID BOWE  
Corporate Director, Business and Environmental Services

Author of report: Sukaina Devraj

Background Documents to this Report:

1. Planning Application Ref Number: C6/19/03583/CMA (NY/2019/0141/73A) registered as valid on 21 August 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=10880>
2. Consultation responses received.
3. Representations received.





Appendix B – Lighting Plan





**North Yorkshire County Council**

**Planning and Regulatory Functions Committee**

**12 November 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:  
12 August 2019 to 13 October 2019 Inclusive**

**A. County Council Development**

**NY/2019/0138/NMT**

**Moorside Infant & Junior School,  
Harrogate Road, Ripon, North  
Yorkshire, HG4 1SU**

Decision Notice: 19 August 2019

Application for a non-material minor amendment for changes to window fenestration, external building facades at north and west facing, omission of rendered panels below openings and increasing the size of window, in-lieu of render which relates to planning permission Ref. C6/19/01378/CMA

DETAILS APPROVED

**C8/2019/0572/CPO (NY/2019/0572/FUL)**

**Selby High School, Leeds Road, Selby,  
YO8 4HT**

Decision Notice: 15 August 2019

erection of 3 canopies (420.5 sq. metres)

PLANNING PERMISSION GRANTED subject to conditions

**C6/19/02652/CMA (NY/2019/0103/A27)**

**Long Marston Church Of England  
Primary School, Angram Road, Long  
Marston, YO26 7LR**

Decision Notice: 15 August 2019

erection of wooden shelter (36.34 sq. metres), new and replacement decking and steps (49.88 sq. metres) and hedge removal

Details APPROVED

**C1/19/00464/CM (NY/2019/0059/FUL)**

**Hunton and Arrathorne CP School,  
Hunton, Bedale, North Yorkshire, DL8  
1QB**

Decision Notice: 16 August 2019

erection of a Bird Hide/Outdoor Learning Space (10.8 sq. metres) with access ramp and handrail

PLANNING PERMISSION GRANTED subject to conditions

## **B. County Matter Development**

**NY/2019/0166/A27**

**Ripon City Quarry, Boroughbridge  
Road, Ripon, North Yorkshire, HG4 1UE**

Decision Notice: 02 October 2019

Application for the approval of details reserved by condition No. 32 of planning permission Ref. C6/500/90/E/CMA which relates to an aftercare scheme

Details APPROVED

**NY/2019/0142/A27**

**Eggborough Sandpit, Weeland Road,  
Hensall, Selby, DN14 0RL**

Decision Notice: 06 September 2019

Application for the approval of details reserved by condition No. 26 of Planning Permission Ref. C8/2018/0563/CPO which relates to a detailed landscaping scheme

Details APPROVED

**NY/2019/0128/A27**

**Land South Of Tofts Road, Kirby  
Misperton, Malton, YO17 6BG**

Decision Notice: 05 September 2019

Application for the approval of details reserved by condition No's 13, 17 & 28 of Planning Permission Ref. C3/17/01366/CPO which relates to the odour control until and dust control measures, details of the proposed alternatives to standard vehicle reversing alarms and details of the measures to be implemented to ensure that the peripheral vegetation and any adjoining land around the site is maintained free of windblown litter

DETAILS APPROVED

**NY/2019/0102/A27**

**Land at the Former Kellingley Colliery,  
Turvers Lane, Kellingley, Selby, WF11  
8DT**

Decision Notice: 18 September 2019

Application for the approval of details reserved by condition No's 17, 29, 31 & 36 of Planning Permission Ref. C8/2017/0455/CPO which relates to foul and surface water drainage schemes, land contamination, screening bund and cycle parking

Details APPROVED

**C6/19/02340/CMA (NY/2019/0083/73A)**

**Potgate Quarry, Water Lane, North  
Stainley, HG4 3JN**

Decision Notice: 07 October 2019

variation of Condition No. 3 of Planning Permission Ref. C6/12/22/P/CMA to allow for the continuation of the extraction of magnesian limestone and restoration for a further 2 years until 1 June 2024

PLANNING PERMISSION GRANTED subject to conditions

**C6/19/02332/CMA (NY/2019/0082/73A)**

**Potgate Quarry, Water Lane, North  
Stainley, HG4 3JN**

Decision Notice: 07 October 2019

variation of Condition No. 1 of Planning Permission Ref. C6/12/22/R/CMA to allow for the continuation of the extraction of magnesian limestone and restoration for a further 2 years until 1 June 2024

PLANNING PERMISSION GRANTED subject to conditions

**NY/2019/0070/A27**

**Land at the Former Kellingley Colliery,  
Turvers Lane, Kellingley, Selby, WF11  
8DT**

Decision Notice: 30 September 2019

Application for the approval of details reserved by condition No's 3, 6, 7, 8, 9, 11, 13, 14, 15, 16, 25, 38, 39, 42 of Planning Permission Ref. C8/2017/0455/CPO which relates to a Construction Environmental Management Plan, wheel wash details, landscaping details, woodland management, lighting, Bat Mitigation Scheme, Amphibian protection measures, water body enhancement, breeding bird mitigation scheme, provision of nest boxes, fencing, Construction Traffic Management Plan, Operational Traffic Management Plan and On-site car parking provision

Details APPROVED

**NY/2019/0013/A27**

**Ripon Quarry, North Stainley, Ripon**

Decision Notice: 22 August 2019

Application for the approval of details reserved by condition No. 26 of Planning Permission Ref. C6/500/95/D/CMA which relates to a Noise Monitoring Scheme

Details APPROVED

**C6/17/04649/CMA (NY/2019/0231/FUL)**

**Crossgates Quarry, Brimham Moor  
Road, Fellbeck, North Yorkshire, HG3  
5EU**

Decision Notice: 13 September 2019

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

PLANNING PERMISSION GRANTED subject to conditions

**NY/2017/0206/SCC**

**Drax Power Station**

Decision Notice: 04 October 2019

NSIP - Development of Gas Powered Generating Units

PLANNING PERMISSION GRANTED subject to conditions

**C. Other**

**NY/2019/0113/PAA**

**Settle-Carlisle Railway to the west of the  
B6479 in Stainforth**

Decision Notice: 12 September 2019

Request for Prior Approval under Part 18 of the General Permitted Development Order for proposed work to re-construct the 'Banks' bridge

PLANNING PERMISSION GRANTED subject to conditions

**NY/2019/0112/PAA**

**Settle-Carlisle Railway to the north west  
of B6479 in Stainforth**

Decision Notice: 12 September 2019

Request for Prior Approval under Part 18 of the General Permitted Development Order 2015 for proposed work to re-construct the 'Fosters' bridge

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**

**12 November 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 July to 30 September 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 July to 30 September 2019).

<b>Total number of applications determined</b>		3	
<b>Number of delegated/committee decisions</b>		Delegated: 1	Committee: 2
<b>Speed of decisions</b>			
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
0	0	2	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%)

<b>2019/20</b>	<b>Quarter 1 (Apr-Jun)</b>	<b>Quarter 2 (Jul-Sept)</b>	<b>Quarter 3 (Oct-Dec)</b>	<b>Quarter 4 (Jan-Mar)</b>
No. of 'County Matter' applications determined within 13/16 weeks or within agreed Extension of Time (EoT)	80% (No.4/5)	66.6% (No.2/3)		
No. of 'County Matter' applications determined within 13/16 weeks discounting Extension of Time agreements (EoT)	60% (No.3/5)	0% (No.0/3)		

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

<b>2019/20</b>	<b>Quarter 1</b>	<b>Quarter 2</b>	<b>Quarter 3</b>	<b>Quarter 4</b>
"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)	01/10/17 – 30/09/19 87.5% (No. 35/40)		

\*\* Under section 62A of the TCPA 1990 LPAs making 60% 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 June to 30 September 2019)

<b>Total number of applications determined</b>		11		
<b>Minor<sup>1</sup>/Major<sup>2</sup>/EIA<sup>3</sup></b>		Minor: 11	Major: 0	EIA: 0
<b>Number of delegated/committee decisions</b>		Delegated: 8		Committee: 3
<b>Speed of decisions</b>				
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
3	1	0	7	0

<sup>1</sup>A '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.

<sup>2</sup>A '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.

<sup>3</sup>An 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%)

<b>2019/20</b>	<b>Quarter 1 (Apr-Jun)</b>	<b>Quarter 2 (Jul-Sept)</b>	<b>Quarter 3 (Oct-Dec)</b>	<b>Quarter 4 (Jan-Mar)</b>
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)	100% (No. 11/11)		
No. of County Council's own development minor applications determined within 8 weeks discounting Extension of Time agreements (EoT)	66.6% (No.6/9 )	36.3% (No.4/11)		

**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 September**

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	To be reported to committee on 21 January 2020	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	Awaiting Legal agreement to be signed.	No
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 <sup>th</sup> 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 31.1.20
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 on status of land. Committee report completed but subject to Counsel review at the request of NYCC legal department.	Extension of time agreed until 19.10.19
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	Amended plans received and out for re-consultation. Proceeding and still under consideration.	Yes - Extension of time agreed until 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 requested by HE. Resolution of impacts likely August 2019	Extension of Time Agreement 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	20/12/2017	Committee	Further Environmental Statement information submitted and application is out for Reg 25 re-consult.	No – to be requested upon confirmation of being placed on committee agenda

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
	restoration of the site from 31st December 2018 to 31st December 2023				
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 anticipated to be reported to the 12 <sup>th</sup> November 2019 meeting of the Committee.	One agreed until 17 <sup>th</sup> September 2019; an extension to which is to be sought.
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 anticipated to be reported to the 12 <sup>th</sup> November 2019 meeting of the Committee.	One agreed until 17 <sup>th</sup> September 2019; an extension to which is to be sought.
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 anticipated to be reported to the 12 <sup>th</sup> November 2019 meeting of the Committee.	One agreed until 17 <sup>th</sup> September 2019; an extension to which is to be sought.

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
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 anticipated to be reported to the 12 <sup>th</sup> November 2019 meeting of the Committee.	One agreed until 17 <sup>th</sup> September 2019; an extension to which is to be sought.
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 anticipated to be reported to the 12 <sup>th</sup> November 2019 meeting of the Committee.	One agreed until 17 <sup>th</sup> September 2019; an extension to which is to be sought.
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 requested from Applicant.	Extension of Time agreed until 24 January 2020.
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	Awaiting further information from the agent following consultation responses. Discussions ongoing.	No – Further Extension of Time to be requested
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.

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/2018/0280/73	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 meeting on 20 <sup>th</sup> September agreed they will produce further information to explain assessments and further Masterplan.	Yes – Extension of Time agreed until 30.11.19. Need to agree extension for taking to January Committee.
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. Delay due to consultation responses requiring further information.	No
Land at the Former Kellingley Colliery, Turvers Lane, Kellingley, Selby, WF11 8DT NY/2019/0005/73	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, 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	21.1.2019	Committee	Conditions Discharge applications for parent permission now discharged. Committee Report in preparation.	Yes – Extension in time agreed until 18 <sup>th</sup> November 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
	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				
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/2018/0117/73A	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 anticipated to be reported to the 12 <sup>th</sup> November 2019 meeting of the Committee.	One agreed until 17 <sup>th</sup> September 2019; an extension to which is to be sought.
Pipeline to Knapton Generating Station, East Knapton, Malton, North Yorkshire, YO17 8JF NY/2018/0113/73A	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 anticipated to be reported to the 12 <sup>th</sup> November 2019 meeting of the Committee.	One agreed until 17 <sup>th</sup> September 2019; an extension to which is to be sought.
Barnsdale Bar Quarry, Long Lane, Kirk Smeaton, WF8 3JX – NY/2019/0072/ENV	Extension to existing quarry to extract 7 million tonnes of limestone by 2040 followed by two years of final restoration by 2042	20.5.19	Committee	Awaiting further information from the applicant.	Requested until 24 January 2020. Verbally agreed, but awaiting written confirmation form.
Kirby Misperton A wellsite (2012 Extension), Alma	Continue use of the extension to the Kirby Misperton A wellsite (previously consented under C3/12/00989/CPO) for operations associated with	31.5.19	Committee	One of eight concurrent applications anticipated to be reported to the 12 <sup>th</sup>	One agreed until 17 <sup>th</sup> September 2019; an

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
Farm, Kirby Misperton, North Yorkshire, YO17 6XS NY/2019/0079/FUL	gas production; including production of gas from the existing production borehole, the drilling and testing of one additional production borehole followed by subsequent production of gas and the maintenance of the wellsite and boreholes (workovers).			November 2019 meeting of the Committee.	extension to which is to be sought.
Gale Common Ash Disposal Site, Cobcroft Lane, Cridling Stubbs, Knottingley, North Yorkshire, WF11 0BB – NY/2019/0091/ENV (C8/2019/0732/CPO)	The extraction and export of pulverised fuel ash ('PFA') from Lagoons C and D and Stages II and III of the Gale Common Ash Disposal Site and associated development, including the provision of processing plant, extended site loading pad, upgraded site access arrangement and facilities, additional weighbridges and wheel wash facility, extended site office and other ancillary development; highway improvement works on Cobcroft Lane/Whitefield Lane between the site and the A19 and at the Whitefield Lane junction with the A19; and a new access from Cobcroft Lane, car parking and ancillary development in connection with proposals for public access to Stage I.	24.6.19	Committee	To be reported to 21 January committee	Yes – Agreed until 25 January 2020

\* 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 2 (the period 1 July to 30 September 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?
<b>County Matters</b>						
Land North of Beckstead Grange, Knayton	Hambleton	1	Depositing of waste on site including a skip hire business	22/08/19	Site Visited 23/08/19	Yes- Material appeared to be in compliance with Planning permission 18/01300/FUL including Drawing P17-00252-02 issued by District.
Betteras Hill Quarry	Selby	1	Deposit of waste on top of closed landfill (Environment Agency complaint followed by complaint via EA from member of public)	21/8/19	Complainant (member of public) contacted by e-mail. No further contact by them. Trying to set up meeting with District and EA.	Partially – site owner has admitted offence and EA taking enforcement action. Still to be investigated by NYCC from planning perspective. Waiting for EA to confirm date of meeting with NYCC and District.
Scholla Grange, Bullamoor Road DL6 3RA	Hambleton	1	Deposit of waste	16/8/19	Site visited 29/08/19	Partially. Need to speak to District Enforcement Officer.
Eggborough Sandpit	Selby	1	Filling the Quarry with waste without permission	6.8.19	Site monitoring visit required site has permission for receiving waste for recycling plant	Agent contacted – site visit to be arranged.
Whitewall Quarry, Concrete Batching plant	Ryedale	3 (1 complaint)	Noise from Concrete Batching plant (early morning)	24.7.19 30.8.19 12.9.19	Noise complaints fall within permitted operating hours. Complainant giving consideration to option of using Environmental Health	Partially, but decision to use Environmental Health noise monitoring being given

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
					Officer for noise monitoring to establish if noise nuisance. Operator contacted each occurrence and reports no operations out of ordinary.	consideration by complainant.
<b>County Council Development</b>						
King James School, Knaresborough	Harrogate	1	Tree protection root zone not implemented correctly	7.8.19	Site Visited and spoken to applicant to move the fencing to the correct area	Yes.
Ripon Grammar School, Ripon	Harrogate	1	Tree protection root zone not implemented correctly	9.8.19	Site Visited and spoken to agent to remove construction waste from area and put up correct fencing	Yes

**Table 2 – Updates on ‘live’ complaints/alleged breaches of planning control received prior to this quarter (ones in red text can be removed from document as are resolved)**

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
<b>County Matters</b>						
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 Enforcement matters and County matters	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 action taken by HDC)

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
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	Awaiting response from environment agency on whether further action would be required.	Partially
Metcalfe Farms, Washfold Farm	Richmondshire	2	Alleged unauthorised blasting operations and sale of mineral	23/01/2019	Resolved as extraction of mineral formed part of the development of the 2 agricultural buildings permitted by Richmondshire District Council 18/00515FULL granted on 1 <sup>st</sup> October 2018.	Ongoing
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 <sup>nd</sup> site visit, 3 <sup>rd</sup> visit planned.
Stobarts, Great Heck	Selby	1	Possible unauthorised development: laying of concrete pad	26/06/2019	Site visited 01/07/2019	Yes- Work appears to be in compliance with Planning Permission C8/2016/0008/CPO – case resolved.

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
Cattal Station Yard, Station Road, Cattal, YO26 8EB	Harrogate	1	Non-compliance with conditions 3,4,6,7 and 14.	25/7/2019	Being investigated before a site visit is arranged.	On-going
<b>County Council Development</b>						
Sherburn High School	Selby	1	Traffic at school drop off and pick up times	25/3/2019	School contacted for travel plan awaiting response.	
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	Yes, bin store redesigned.

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

2019/20	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.	Cumulative total no.

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

2019/20	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. /)	% (no. /)	0% (no.0/)
		Cumulative total % (no. /)	Cumulative total % (no. /)	Cumulative total % (no. /)

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

2019/20	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. /)	% (no./)	0% (no./)
		Cumulative total % (no. /)	Cumulative total % (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 2 (Minerals and Waste Sites only)**

Site	District	Date Visited
Newbridge Quarry	Ryedale	25/07/19

**North Yorkshire County Council**

**Business and Environmental Services**

**Planning and Regulatory Functions Committee**

**12 November 2019**

**Application for a Safety Certificate Pursuant to Section 26 of the Fire Safety and Safety of Places of Sport Act 1987**

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

**1.0 Purpose of the report**

- 1.1 To determine an application for the issue of a general safety certificate under section 26 of the Fire Safety and Safety of Places of Sport Act 1987 in respect of the regulated stand, 'the East Stand', at the Scarborough Athletic Football Club.

**2.0 Background**

Regulation of Sports Grounds

- 2.1 A county council is responsible for the issuing of safety certificates for any designated sports ground or regulated stand at a sports ground in its area.
- 2.2 The Secretary of State for Culture, Media and Sport may designate any sports ground which in his opinion has accommodation for more than 10,000 persons, or more than 5,000 persons in the case of Premiership or Football League grounds in England and Wales.
- 2.3 Any sports ground which is not a designated sports ground and which provides covered accommodation in stands for 500 or more spectators must hold a general safety certificate issued by the local authority. Such a stand is known as a 'regulated stand', and is determined to be such by the local authority in accordance with guidance issued by the Secretary of State ('the Green Guide'). The local authority makes a preliminary determination that the stand is a regulated stand. This becomes a final determination once two months has elapsed.

**3.0 The Application**

Description of Sports Ground

- 3.1 A safety certificate is sought by Scarborough Athletic Football Club Limited for the regulated stand, known as the East Stand at the Flamingo Land Stadium, Scarborough Athletic Football Club, Scarborough Sports Village, Ashburn Rd, Scarborough YO11 2JW. A copy of the application form is at Appendix A. The ground has one other non-regulated seated viewing area stand with a capacity below 500 persons, and pitch-side standing areas. The new structure known as the East Stand is the subject of this application and will provide viewing of football from 336 seats and a further 802 person standing area. The stand provides rear loading of people rather than the traditional loading from the front of the stand. This is managed on a risk assessed basis by adequate safety steward presence and with a satisfactory means of escape in the event of an incident taking into consideration the capacity, number of available exits and physical factors associated with the stand, such as the stand being maintained in a sterile state to ensure that there are no combustible materials in the area. The Club currently play in the Northern Premier League Premier Division, the seventh tier of league football in the UK.

3.2 A plan showing the sports ground is attached to this report at Appendix B.

#### Determination

3.3 Officers and Safety Advisory Group members inspected the ground, plans and operational plan documentation. The building work commenced on the stand on 5 June 2019. A preliminary determination was made that the stand is a regulated stand based on a calculated total capacity of 1138, which is in excess of the 500 person threshold. This was agreed by the Safety Advisory Group and recorded in the minutes of the meeting on 5<sup>th</sup> June 2019, a copy of which is at Appendix C. The preliminary determination was notified to Scarborough Athletic Football Club by letter dated 27<sup>th</sup> June 2019. No appeal against this determination was received and so this became a final determination on 27 August 2019.

#### The Applicant

3.4 The person who qualifies for the issue of a general safety certificate is the person responsible for the management of the ground and who, in accordance with section 3 of the Safety of Sportsgrounds Act 1975, is a person likely to be in a position to prevent contravention of the terms and conditions of a certificate. If the local authority determines that the applicant is a person who qualifies for the issue of the general safety certificate they shall issue to him such a certificate.

3.5 The effect of this provision is that a certificate must be issued to a person as long as the Committee is satisfied that the requirements of 3.4 above are met. Any concerns about spectator safety arising from the condition or management of the ground would be addressed by adjusting the capacity of the stand, including reducing it to zero if necessary. Officers are permitted to amend any safety certificate once issued under the Officers' Delegation Scheme allowing them to address issues as and when they arise.

3.6 The applicant, Mr Mick Davison, is the Match Day operations Director of Scarborough Athletic Football Club and he has been a board member at the club for two years. He has confirmed at the Safety Advisory Group that he is responsible person for the management of the ground and is an active member of the Board of Directors to Scarborough Athletic Football Club. Mr Davison is a person who is likely to be in a position to prevent any contravention of the terms and conditions of a safety certificate.

### **4.0 Consultations**

4.1 Section 28(10) of the Fire Safety and Safety of Places of Sport Act 1987 states that a copy of the application must be sent to the Chief of Police, the Fire Authority and the Building Authority and that the local authority shall consult with them about the terms and conditions to be included in the certificate. Copies of the application were sent to the respective authorities on 20 May 2019. Additional documentation, including the operational plan were sent to each consultee for review and comment.

4.2 **North Yorkshire Police** commented that a small amendment was required in the Operation plan to account for the Joint Terrorism Analysis Centre (JTAC) threat level definitions have changed slightly for the low, substantial and critical definitions. These have now been updated.

4.3 **North Yorkshire Building Partnership** said that the Operational Plan was satisfactory from a Building Control perspective.



- 4.4 **North Yorkshire Fire and Rescue Service** commented that some formatting on their copy had been corrupted, with some detail out of alignment. Queries regarding content of the operational plan were raised for clarification in connection with Section 11.0 – cooking, 11.1 and 11.2 against weekly cleaning, also the absence of reference to fire blanket and fire extinguishers. Confirmation was required for the kitchen fire safety requirements. It was recommended that general fire safety training should be included in the induction pack and renewed for all staff as well as the Fire Marshall training received by the security personnel. It was stated that everything had been covered but for organisers to ensure that their occupancy figures are suitable. The Club responded by clarifying that they don't have cooking facilities that are managed on site, however, Everyone Active have them in the bar that they manage and there is a "burger van" concession that have their own safety management as an outside vendor. As such, the comments about the fire blanket in 11.3 don't apply. This also means that extinguishers purchased for the stand would not include any for a kitchen. Requirements for Fire Marshall training were added to the Plan and general fire training in the induction pack.
- 4.5 **North Yorkshire County Council** requested that capacity figures be reconfirmed as it was understood that there may have been some minor amendments taking into account the amendments to the disabled persons viewing area. This has been completed.
- 4.6 **Scarborough Borough Council** commented that they wanted clarification at the beginning of the operational plan scope and objectives confirming the framework under which Scarborough Athletic Football Club operate on match days, in accordance with the legal agreement between Scarborough Borough Council, Everyone Active and Scarborough Borough Council.
- 4.7 In addition, it was recommended that responsibilities of the match day director and safety officer that liaison with the Operator (Everyone Active) should be included. This has now been added to the operational plan.
- 4.8 **Yorkshire Ambulance Service (YAS)** commented that under the Medical Plan (Page 54) in the Operational Plan that the Ground Assurance Review carried out in 2017 requires updating and a new assessment carried out as the medical room has been significantly improved. Other than that everything else seemed fine.

## 5.0 **Advertisement and representations**

- 5.1 There is no requirement to advertise the application for a safety certificate in advance of the determination, however, once a certificate is issued the fact of its issue and details of how it can be inspected must be published in a newspaper circulating in the area of the ground. It is planned that the notice in this case will be advertised in the Scarborough local press and also on the County Council website.

## 6.0 **Content of safety certificate for stands**

- 6.1 Section 27 of the Fire Safety and Safety of Places of Sport Act 1987 states that a safety certificate for a regulated stand may contain conditions which the local authority feel necessary or expedient to secure reasonable safety in the stand when it is in use for viewing the specified activities, which shall be football, within the ground. Safety Advisory Group members have been consulted in relation to this application and have not requested the addition of any conditions within the safety certificate.

- 6.2 The safety certificate shall contain different terms and conditions in relation to different activities taking place within the ground, thus permitting the football club to adapt to the different spectator numbers attracted to differing leagues of football played at the ground.

## **7.0 Recommendations**

- 7.1 It is recommended that a general safety certificate under section 26 of the Fire Safety and Safety of Places of Sport Act 1987 is issued to Scarborough Athletic Football Club in respect of the regulated East Stand, at Scarborough Athletic Football Club subject to the following conditions:
- Officers should review the terms of the general safety certificate at least annually and make any amendments to capacity as required under the Officers' Delegation Scheme. Any amendments to be reported to the Planning and Regulatory Functions Committee following the annual meeting of the multi-agency Safety Advisory Group.

DAVID BOWE  
Corporate Director, Business and Environmental Services

Author of report: Elizabeth Fitzgerald

Background Documents to this Report: None

## Application for a safety certificate for a regulated stand under part 3 of the Fire Safety and Safety of Places of Sport Act 1987

Please select whether you wish to apply for a 'general' (to cover activities held over an indefinite period) or 'special' (to cover one occasion or a series of occasions) safety certificate	General
I hereby apply for a safety certificate in respect to the following stand	East Stand
The stand is part of the following sports ground	Flamingo Land Stadium, Rotherham Sports Village
The safety certificate is to be issued to	Rotherham Athletic Football Club
Who are you making an application on behalf of?	A sports club
Please state your name	Mark Devison
Please state your position (ie. Chairman)	Director

### Your contact details

Address line 1	PO Box 507
Town or City	Rotherham
County	North Yorkshire
Postcode	YO11 6QB
Telephone number	01422 52417
Email address	mark.devison@flamingoland.com

### Sports ground details

Name of sports ground	Flamingo Land Stadium
Address line 1	5 Ashburn Road
Town or City	Rotherham
County	North Yorkshire
Postcode	YO11 3JW
Name of the occupier	Everyone Active (Leisure Village Operator)

### Owner details

Name of the owner	Rotherham Borough Council
Address line 1	Town Hall, 80 Nicholas Street
Town or City	Rotherham
County	North Yorkshire
Postcode	YO11 3HG
Location and name (if any) of the stand for which application is being made	Not provided

### Other concerned parties

Are there any persons other than the proposed holder of the certificate who to his knowledge will or may be concerned in ensuring compliance with the terms and conditions of the safety certificate for which this application is being made?	Yes
First name	Richard
Surname	Barnes
Address line 1	Everyone Active, Rotherham Leisure Village, Ashburn Road
Town or City	Rotherham
County	North Yorkshire
Postcode	YO11 3HG

First name	Jo
Surname	Wend
Address line 1	Town Hall, 80 Nicholas Street
Town or City	Rotherham
County	North Yorkshire
Postcode	YO11 3HG

### General certificate details

List activities for which the stand provides viewing accommodation and which are to be covered by the general safety certificate	Football Matches
Give the approximate date of the construction of the stands for which application is made and details of any subsequent extension, major alteration or re-construction of it, together with relevant dates	Regis 29-6-2018. Completed 19-7-2018

Name of issuing fire authority	Not provided
Name of holder of fire certificate	Not provided
Date of issue of fire certificate	Not provided
Description of premises covered by the fire certificate	Not provided
Name of issuing licensing authority	Not provided
Name of licensee	Not provided
Type of licence (liquor, gaming etc.)	Not provided
Date of expiry	Not provided
Description of the part or parts of the sports ground covered by the licence	Not provided

State maximum capacity of the accommodation in the stand for spectators to view activities at the sports ground

Maximum no. of seated spectators	100
State any restrictions on this capacity	Not provided
Maximum no. of standing spectators	800
State any restrictions on this capacity	Not provided
Is the number of spectators admitted to the stand controlled on entry to that stand?	Yes

Spectator numbers Year 1

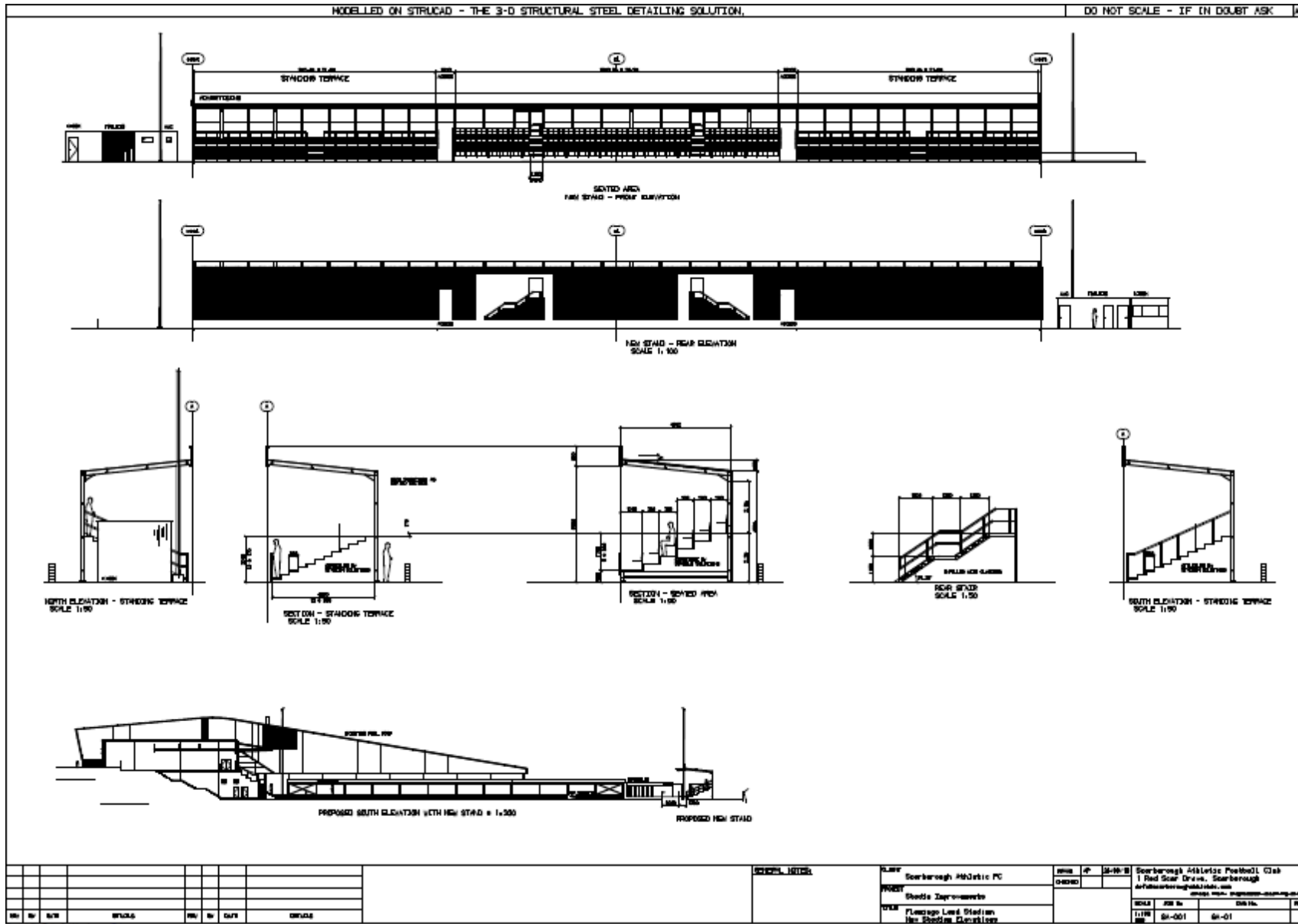
Name of activity	Not provided
Number of occasions over the year	Not provided
Total number of seated spectators (for the year)	Not provided
Total number of standing spectators (for the year)	Not provided
Date of stated activity which attracted the highest seating attendance	Not provided
Attendance (seated) during above date	Not provided
Date of stated activity which attracted the highest standing attendance	Not provided
Attendance (standing) during above date	Not provided

Year 2

Name of activity	Not provided
Number of occasions over the year	Not provided
Total number of seated spectators (for the year)	Not provided
Total number of standing spectators (for the year)	Not provided
Date of stated activity which attracted the highest seating attendance	Not provided
Attendance (seated) during above date	Not provided
Date of stated activity which attracted the highest standing attendance	Not provided
Attendance (standing) during above date	Not provided

Year 3

Name of activity	Not provided
Number of occasions over the year	Not provided
Total number of seated spectators (for the year)	Not provided
Total number of standing spectators (for the year)	Not provided
Date of stated activity which attracted the highest seating attendance	Not provided
Attendance (seated) during above date	Not provided
Date of stated activity which attracted the highest standing attendance	Not provided
Attendance (standing) during above date	Not provided



**Minutes**

Minutes of Scarborough Athletic Football Ground Safety Advisory Group Meeting  
5<sup>th</sup> June 2019 10.30am at Scarborough Sports Village.

**Present:**

Elizabeth Fitzgerald (EF) North Yorkshire CC Trading Standards  
 Steven Taylor (ST) North Yorkshire CC Trading Standards  
 Mick Davison (MD) Scarborough Athletic FC  
 Simon Nichol (SN) NYPCP  
 Kyle Davies (KD) NYBCP  
 Rachel Barnes (RB) Everyone Active  
 Jo Ireland (JI) Scarborough BC  
 Andy Standing (AS) NY Police  
 Graeme Casper (GC) NY Fire and Rescue  
 Mick Lindley (ML) Yorkshire ambulance Service  
 (Late arrival) Chris Bourne (CB) SBC

		<b>Action</b>
1.	<p><b>Apologies:</b> Chris Featherstone YAS but ML attended in his place.</p>	
2.	<p><b>Minutes of last meeting:</b> No previous meeting has been held, this is the first meeting.</p>	
3.	<p><b>Welcome</b> Round table introductions and roles. EF explained the difference between the safety of sportsgrounds safety advisory group and the events and licensing safety advisory groups. On occasion these groups do meet as one, dictated by the nature and location of the event.</p> <p>EF explained that a preliminary meeting had been held already following an enquiry from MW where MD, RB and EF had discussed the basic outline of requirements for a new stand and MD had as a result of this made a formal application to NYCC for a safety certificate for that proposed stand.</p> <p>EF explained the current position of NYCC having received the formal application for a safety certificate and that the requirements of section 28 (10) of the Fire Safety and Safety of Places of Sport Act 1987 have been executed in that the Chief Police officer , Chief Fire Officer and Chief Building Control officer of the County has been sent a copy of the application for a safety certificate for the regulated stand at Scarborough Athletic Football Club, Scarborough. Copies have been sent to the officers who are members of the safety advisory Group for their information.</p> <p>MD gave the group a detailed overview of the proposals for the ground development.</p>	

MD has distributed by e mail plans and operational documentation along with capacity calculations to all.

MD explained that the new stand which will hold in excess of 500 persons, both seated and standing, would have a roof. It will rear- load from a step accessed area, it will have a void at the front of the stand which will be managed and hatched in which there will be a no standing area. To each side of the stand there will be a standing area.

This development is the first part of a two phase development. The building work for the first phase has commenced and concrete base and path has been created, it has been extended into the gravel road behind the stadium. Stadium Solutions will commence the structural build commencing next week and it is anticipated that it will take two weeks to complete. The stairways will not be installed until week three.

Phase two has not yet been commissioned.

There is a need for a new stand as increasing attendance means that there is insufficient accommodation for spectators, particularly seated accommodation.

MD explained that for the future if the club are promoted then a capacity of 3000 persons will be required.

The aim for the capacity with the new phase one stand is 2800 persons. MD explained that the mid- stand seating area has been raised by 50cm to accommodate sight lines, this is an unusual feature but has been agreed by Football Foundation and FSIF,

All walkways are 1.8m wide.

GC stated that he has visited the site already for a review of fire safety emergency egress.

Egress is calculated on the rear walkway stairs being used.

The Green Guide was used in the planning of this site and there have been a number of meetings with JI, RB. Segregation has been considered and built into the planning.

The club board have been identified in the operational plan along with their responsibilities.

Issue of safety certificate- discussion of who the safety certificate should be issued to. JI pointed out that there had been discussion of this matter, the site is a SBC owned site which is managed by Everyone Active and it was recognised that there was a three way responsibility for management. The initial thought was that Everyone Active might be the suitable person to hold the safety certificate but has now been recognised that Scarborough Athletic hold the responsibility for match day compliance and health and safety and it is only on the match days when the stand shall be used. It was therefore considered that the most appropriate choice would be for Scarborough Athletic FC to be the holder of the certificate.

EF handed out SGSA guidance document point 3.5 which gives advice regarding who a suitably qualified person may be to be the holder of the safety certificate. MD is the person who has the greater level of knowledge of the operational matters is the most familiar person with the site and put himself forward at the person to be the holder of the safety certificate. EF

asked if further consideration of this was required by the club and board but MD was satisfied that he was the most suitable person.

Date of first use of the stadium- fixture list will be determined early July 2019. The club shall distribute this as soon as it is available. Potentially a home game on 17 and 20 August may be the first use of the stand.

EF raised the point that part of the process for the granting of the safety certificate will involve the matter of the application for the safety certificate being brought before the Planning and regulatory Functions committee of NYCC. The next sitting of this committee is on 10<sup>th</sup> September 2019. This is after the first date of proposed use of the ground. EF explained that this is not a problem as subject to satisfactory operational plans and all safety arrangements being in place the stand may be permitted for use on a written risk assessed basis. As there has been an application for the safety certificate it would therefore not be a criminal offence to make use of the stand without a safety certificate in place. EF to liaise with MD regarding progressing this. All SAG partners will be kept apprised of this.

**Ground capacity**

Discussion of the ground capacity, currently 2070

New stand capacity 1138 plus 122 flat standing to sides of stand

Revised full site capacity including new phase one stand to be 2831 plus 12 wheelchair spaces.

MD queried whether wheelchair spectators were to be included in the capacity figure as they are not a fixed seat as such within the ground. EF confirmed that yes; the capacity figure for the ground includes all persons. Particularly following the broadening of the meaning of persons within the ground capacity figures.

MD explained regarding wheelchair users and their companions that the new stand did not accommodate disabled viewing well due to limited space; however there has been a new arrangement for disabled access viewing on the hospitality entrance area which does offer access to all facilities and does provide for a premium viewing area. Level Playing Field and Football Foundation are happy with this arrangement.

Ef commented on P and S factors and that from the information given to the safety advisory group there appear to be no indicators that there would be any reduction of the P and S factors below score of 1. The ground site is a brand new build. EF did explain to the group that there was the facility to be able to reduce the capacity of any regulated ground should there be failings in either physical aspects of the ground or confidence in ground management.

**Round table comment;**

**Ground management-** no further comments, invited questions from the group which may arise from the ground walk-about familiarisation.



<p><b>ML -YAS</b> Request to view the current medical room facility on walk-about. MD explained that currently the club are looking for a club doctor for events which attract over 2000 persons. Brief discussion of current medical provision. ML asked that the major incident and evacuation plan be shared. ML will share some information with MD.</p> <p><b>Building Control-</b> no comments.</p> <p><b>Safety Officer-</b> not present. MD said that James Chaplin will be the appointed safety officer and Alan Purshouse the deputy safety officer. EF commented that the new green Guide does make reference specifically now to the need for a deputy safety officer. (outlined at para 3.9 of the Green Guide)</p> <p><b>NY Fire and Rescue-</b> GC clarified with RB the understanding of procedures for fire service response in the event of an alarm which may be a false alarm.</p> <p><b>NY Police-</b> A meeting has been scheduled on 30 July 2019 to review the fixtures schedule and address the match grading. Brief discussion of public order management and that NYP are available for advice to the club. MD advised that Active Security Solutions are the stewarding and safety management team who will be working on match days.</p> <p><b>Trading Standards-</b> EF Explanation of further process in issuing the safety certificate; the matter to be brought to the Planning and Regulatory Functions Committee in September 2019 which will be the next sitting of this Committee and that risk assessments to be provided for use of the new stand until such a time that the safety certificate is issued. The purpose of today's meeting was also to hear and consider the proposals formally as a Safety advisory Group and the make a preliminary determination of whether the proposed stand was likely to be a regulated stand. In the Chair's opinion and that of the Safety advisory Group, from the information provided by Scarborough Athletic FC this proposed new stand structure would be a regulated stand as it holds in excess of 500 persons and is a structure with a roof. EF explained that the requirement of the legislation that a letter will be sent to the club confirming this determination and is a requirement of the legislation and that this determination should become final in two months. EF explained about the right to charge for the issue of the safety certificate which is outlined in regulation 6 of the Safety of Places of Sports Regulations 1988.</p> <p>EF drew attention to any deviation from the guidance of the Green Guide has a strong recommendation from the SAG to be recorded in writing by way of risk assessment. This is outlined in the Green Guide at chapter 1.8. this is guidance, however it is part of the club's due diligence and any deviation from the guidance should be considered to be necessary and reasonable.</p>	<p>ML major incident plan to be shared</p> <p>EF letter of determination.</p>
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**Appendix C**

	<p><b>Reportable incidents or injuries under RIDDOR</b>  MD confirmed that with the exception of small first aid treatments and some falls down stairs (which has been addressed with the building in of handrails) that no reportable injuries have occurred and that no hospitalised persons have been reported.  MD confirmed that reports are maintained of first aid requirements.  Ground walk about familiarisation- the members went to the site within the ground where the new stand it to be sited. Walk about by SAG members of the ground and facilities.  The walk about did not instigate any further questions.</p> <p>EF requested that MD provide to the group an updated version of the Operational Plan with the amended capacity figures as discussed.</p>	<p>MW updated Operational plan with any capacity amendment ( disabled seating as discussed)</p>
4.	<p><b>Any other business:</b>  CB brought a matter to the attention of the group which involved a matter of rights of way to the rear donkey field which had been raised with NYCC.</p>	
5.	<p><b>Date and time of next meetings:</b>  To be arranged.</p>	