

North Yorkshire County Council**Business and Environmental Services****Planning and Regulatory Functions Committee****17 NOVEMBER 2020****- PLANNING APPLICATION FOR THE PURPOSES OF THE VARIATION OF CONDITION NO. 1 OF PLANNING PERMISSION REF. C2/10/00926/CCC FOR THE PERMANENT USE OF THE LAND AND BUILDINGS AS A WASTE TRANSFER STATION ON LAND AT CARR LANE, SUTTON ON THE FOREST, YO61 1EB ON BEHALF OF MR T MOVERLEY (HAMBLETON DISTRICT) (STILLINGTON ELECTORAL DIVISION)****Report of the Corporate Director – Business and Environmental Services****1.0 Purpose of the report**

- 1.1 To determine a planning application for the Variation of condition No. 1 of Planning Permission Ref. C2/10/00926/CCC for the permanent use of the land and buildings as a waste transfer station on land at Carr Lane, Sutton On The Forest, YO61 1EB on behalf of Mr T Moverley.
- 1.2 This application is subject to an objection having been raised by one member of the public in respect of this proposal and is, therefore, reported to this Committee for determination. The grounds for the objection are detailed within paragraph 5.3 of this report.

2.0 BackgroundSite Description

- 2.1 The application site is located to the southeast of Sutton on the Forest village; a village within the district of Hambleton which is approximately 16 kilometres to the north of York and approximately 8 kilometres to the south-east of Easingwold. The village is a linear settlement which has developed along the public highway of the B1363 (Main Street). The village is of predominantly residential use and is surrounded by agricultural land. A large cluster of woodland sits to the immediate south of the B1363 and the village.
- 2.2 Located to the south-east of the village, the application site sits between Carr Lane, the public highway which adjoins the B1363 to the far east of Sutton on the Forest and runs in a southerly direction, and the disused airfield of East Moor. The application site comprises land which was formerly part of the East Moor Airfield. The airfield was closed in 1946 and since then a number of the buildings have been used as both storage facilities and workshops.
- 2.3 The site sits within the Carr Lane industrial park which accommodates over 11 separate business units. Access to the highway is off Carr Lane which leads to the B1363 to the north of the site. On the opposite side of Carr Lane is Cleveland Industrial site. The nearest residential properties include Eastmoor Lodge approximately 30 metres to the south and Eastmoor Farm within 38 metres of the southern boundary

- 2.4 The application site is located within the boundary of the Kyle and Upper Ouse Internal Drainage Board (IDB) but is over 1000 metres from a boundary of Flood Zone's 2 or 3. There are no other planning constraints relevant to the determination of this application. 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: -
- 2.6 On the 5th May 1982 planning permission ref. C2/144/95/PA was granted for the tipping of waste materials at East Moor Airfield, Sutton on the Forest. The permission was subject to 12 conditions. The permission was implemented with Condition 1 having relevance stating '*The permission hereby granted is valid only until 4 May 1985 and the operations now approved shall be discontinued and the land restored in accordance with conditions number 5 and 6 before that date.*'
- 2.7 On the 22nd June 1990 planning permission ref. C2/89/144/0095A was granted for the purpose of the use of land and buildings as a Waste Transfer Station and for the storage of reclaimed building materials at Carr Lane, Sutton-on-the-Forest. The original planning application was submitted to regularise the unauthorised activity of transferring and sorting materials from demolition waste and storing them on site prior to their reuse. The original grant of planning permission for the waste transfer station was subject to various conditions. The permission was implemented with Condition 1 having relevance stating '*The permission hereby granted is valid only until 21st June 2000. The development now approved shall be discontinued on or before that date and the land restored in accordance with a scheme to be approved by the County Planning Authority unless prior approval has been obtained to extend the period of the planning permission.*'
- 2.8 On the 8th September 2000 planning permission ref. C2.00.144.029 was granted for the purposed of use of land and building as a waste transfer station at Carr Lane, Sutton-on-the-Forest following approval from Planning Committee held on the 5th September 2000. The permission sought to continue the use of the site as a waste transfer station dealing mainly with building materials but also soils and rubble and was implemented with Condition 1 having relevance stating '*The permission hereby granted is valid only until 7th September 2010. The development now approved shall be discontinued on or before that date and the land restored in accordance with a scheme to be approved by the County Planning Authority.*'
- 2.9 The planning condition was attached to the planning permission so to reserve the rights of control of the County Planning Authority to ensure restoration of the land with the minimum of delay in the interests of amenity.
- 2.10 On the 28th June 2005 planning permission ref. C2/05/144/0249A was granted for the erection of a portal framed unit to house the waste transfer area at Carr Lane, Sutton-on-the-Forest.
- 2.11 On the 8th September 2010 planning ref. C2/10/00926/CCC was granted in respect of proposed development for the purposed of the variation of condition No.1 of planning permission No. C2/00/144/029 at Carr Lane, Sutton on the Forest.
- 2.12 The planning condition subject of this application is:
 1. *The permission hereby granted is valid only until 7 September 2020. The development now approved shall be discontinued on or before that date and the land restored in accordance with such details as specifically approved in writing by the County Planning Authority.*

3.0 The proposal

- 3.1 Planning permission is sought for the Variation of condition No. 1 of Planning Permission Ref. C2/10/00926/CCC for the permanent use of the land and buildings as a waste transfer station on land at Carr Lane, Sutton On The Forest, YO61 1EB on behalf of Mr T Moverley.
- 3.2 The site comprises of generally flat land that is bounded to the southern and western boundaries by a screen bund and mature planting. The site comprises a range of buildings and covered storage areas alongside areas of uncovered hardstanding and concrete roadways and processes a range of construction and demolition wastes. The north-west of the application site is used for general storage with the west of the site being separated into three sections: metal storage, soil storage and rubble storage. These areas are screened from Carr Lane by the bund, mature trees and hedgerow. The south of the site also screened by the bund a mature planting is identified as concrete hardstanding available to accommodate the aggregate production area and storage of reclaimed building materials. The north-east and east areas of the site accommodate the majority of covered storage areas and buildings and house the skip storage area along with architectural salvage storage and reclaimed material storage areas.
- 3.3 The operational use of the Waste Transfer Station is to mainly deal with building materials but also soils and rubble. Reclaimed materials including bricks, tiles, slates, stone paving, timber, door etc. are sorted for reuse. Other materials such as paper, plastic, cardboard – are sorted and taken for recycling. Inert soil and rubble are also able to be recycled via a mobile screen onsite. The site currently has conditions to include hours of operation, which are limited to 0700-1900 Monday to Friday and 0700 to 1600 on Saturdays and vehicle movements being restricted to 40 movements per day
- 3.4 This planning application submitted now seeks to allow for the permanent retention of the buildings and use of the site following use of the site as a Waste Transfer site for the past 30 years. No further changes to either the site operations or existing built development on site are proposed within this application.

4.0 Consultations

The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 27 August 2020.

- 4.1 **Highway Authority** – confirmed that following the additional information submitted by the agent confirming *'That the existing access with the agreed trip rate of up to 40 HGVs per day from the previous application has operated without any recorded accidents at its junction with the highway. Visibility at the access has been established at 2.4m by 160m which is acceptable and has provide a practical environment for vehicles to operate. Therefore, the local highway authority has no objections to the proposed development.'*
- 4.2 **Hambleton District Council (Planning) & Conservation** - responded on the 15th September 2020 to state that *"From reviewing the application, the site has been operational as a Waste Transfer station since 1990 with various temporary permissions granted over the years. To make the site a permanent site to continue using the land and buildings for this purpose, the Council has no observations to make in regard to this application.*

- 4.3 **Environmental Health Officer (Hambleton)** – responded on the 21st September 2020 that the “*service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact. Therefore, the Environmental Health Service has no objections.*”
- 4.4 **Environment Agency York** - responded on the 4th September 2020 that “*Subject to the applicant continuing to comply with the relevant Environmental Permitting Regulations, the Agency has no objection or concern with the applicant’s proposal.*”
- 4.5 **Sutton on the Forest Parish Council** – responded on the 3rd September 2020 that “*The Parish Council is not aware of any problems arising from this operation over the last thirty years or so and therefore we do not object to the removal of the temporary use condition attached to the current permission.*”
- 4.6 **Kyle and Upper Ouse IDB** at the time of writing this report no response had been received in relation to the application.

Notifications

- 4.7 County Cllr. Caroline Patmore was notified of the application on the 27th August 2020.

5.0 Advertisement and representations

- 5.1 This application has been advertised by means of two Site Notices posted on 21st August 2020 (responses to which expired on 15th September 2020). The Site Notices were posted in the following locations: the first at the bus stop at Carr Lane opposite the workshops on Carr Lane next to Cleveland Industrial Estate which is positioned west of the application site and the second site notice was positioned at the bus stop on Carr Lane to the entrance of Sutton-on-the-Forest Village next to the entrance to The Gowans leading to Harland Close which is positioned north of the application site. A Press Notice appeared in The Press (York) on 1st September 2020 (responses to which expired on 15th September 2020).
- 5.2 Neighbour Notification letters were sent on 27 August 2020 and the period in which to make representations expired on 18 September 2020. The following properties received a neighbour notification letter:
- Naden Lodge, Goose Lane, Sutton On the Forest, North Yorkshire, YO61 1ET;
 - High Chaparral, Goose Lane, Sutton On the Forest, North Yorkshire, YO61 1ET;
 - Woodside Farm, Carr Lane, Sutton On the Forest, North Yorkshire, YO61 1EB;
 - Harpers Environmental Ltd, Carr Lane, Sutton On the Forest, North Yorkshire, YO61 1EY;
 - Glen Coaches, J Wreglesworth, Carr Lane, Sutton On the Forest, North Yorkshire YO61 1EY;
 - The Bungalow, Eastmoor Farm, Carr Lane, Sutton On the Forest, North Yorkshire, YO61 1EX;
 - Eastmoor Lodge, Carr Lane, Sutton On the Forest, North Yorkshire, YO61 1EX;
 - Malcolm Quill Ltd Unit G, Carr Lane, Sutton On The Forest, North Yorkshire, YO61 1EY;
 - Classic Gates Unit 11 C, Carr Lane, Sutton On the Forest, North Yorkshire, YO61 1EY;
 - Andrews Autobase Ltd Workshops, Carr Lane, Sutton On the Forest, North Yorkshire, YO61 1EY;
 - House of Elliott Unit 1 B, Carr Lane, Sutton On the Forest, North Yorkshire, YO61 1EY;
 - Carr Lane Motors Unit 11 A, Carr Lane, Sutton On the Forest, North Yorkshire, YO61 1EY;
 - Auto Cosmetics Unit 2, Carr Lane, Sutton On the Forest, North Yorkshire, YO61 1EY;
 - Eastmoor Farm, Carr Lane, North Yorkshire, YO61 1EX.

- 5.3 One letter of representation has been received raising objections on the grounds of:-
- Failure to comply with previous conditions imposed by planning permission C2/10/00926/CCC;
 - Missing Documents;
 - Stock Pile levels exceeding permitted heights,
 - Lack of screening affecting residential amenity.

6.0 Planning policy and guidance

- 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 Waste Local Plan (2006); and,
 - the emerging Minerals and Waste Joint Plan (in examination)
 - the extant policies of the Hambleton District Council Core Strategy (2007)
 - The emerging Hambleton Local Plan.

North Yorkshire Waste Local Plan (NYWLP)

- 6.3 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;
 - 5/3 – Recycling, sorting and transfer of industrial, commercial and household waste;
 - 5/7 – Facilities for the Recycling of Construction and Demolition Wastes;
- 6.4 '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'.*

- 6.5 Both the NPPF and the NPPW are silent on matters raised in criteria b) and i) of 'saved' Policy 4/1. With regard to criteria f), 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. However, 'Saved' Policy 4/1 in regards to Waste Management also states that proposals for waste management facilities will be permitted provided that the siting and scale of the development is appropriate to the location of the proposal and is well located to the waste source (criterion a and j); Therefore, only partial weight can be afforded only to criteria a) of this policy in the determination of this planning application.
- 6.6 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 NPPW notes that considerations should be given to the suitability 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.
- 6.7 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.
- 6.8 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.
- 6.9 'Saved' Policy 4/3, Landscape Protection, states proposals for waste management facilities would only be permitted if there would not be an unacceptable impact on the

character and uniqueness of the landscape and, wherever possible, proposals should result in an enhancement of the local landscape character. This specific 'saved' policy is considered to be relevant and weight can be given to 'saved' Policy 4/3 as the NPPF states clearly that the effects of development on the landscape, including any adverse landscape impacts, should be taken into account

- 6.10 'Saved' Policy 4/18, Traffic Impact states, waste management facilities would only be permitted where the level of vehicle movements likely to be generated can be satisfactorily accommodated by the local highway and would not have an unacceptable impact on local communities. This policy does not conflict with the aims and objectives of the NPPF, however, there are differences in that the NPPF states that improvements to the transport network should be considered, therefore, the NPPF guidance should be given more weight in this instance as the NPPF paragraphs 102-104, state that improvements to the transport network should be considered, and paragraph 109 states applications should only be refused on highways grounds if the highways impacts are severe.
- 6.11 '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 NPPF advises that applications 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.
- 6.12 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.
- 6.13 Policy 5/3 advises that proposals for facilities for recycling, sorting and transfer of industrial, commercial and household waste will be permitted provided that the proposed site is suitably located within an existing, former or proposed industrial area of a character appropriate to the development, the highway network and site access can satisfactorily accommodate the traffic generated and that the proposal will not have an unacceptable impact on local amenity or the environment. Appendix B of the NPPW notes that considerations should be given to assessing the suitability of a proposed waste determination of an application site. Therefore, this policy is considered to be largely consistent with the NPPW and as such substantial weight can be afforded to this element of the policy in the determination of this application.
- 6.14 'Saved Policy 5/7 in regards to Facilities for the Recycling of Construction and Demolition Wastes states that recycling facilities for construction and demolition wastes would be permitted provided it is suitably located with an existing industrial area of a character appropriate, within or adjacent to a landfill site, and that it does not prejudice the restoration and afteruse of the landfill site. The proposed site must also be able to satisfactorily accommodate the traffic required and would not have an unacceptable impact on the local environment or local amenity.

- 6.15 This policy is broadly consistent with national policy in the NPPF and NPPW in terms of new development on previously developed land, and can therefore be afforded full weight in the determination process. This policy also complies with the locational criteria set out in Appendix B of NPPW, which are to be used when determining proposals for waste facilities, including considerations relating to traffic and amenity, and can therefore be given full weight in the consideration of this application.

Hambleton District Council Core Strategy (adopted 2007)

- 6.16 Within the Hambleton District Council Local Development Framework, the Hambleton District Council Core Strategy (adopted 2007) has particular relevance in the determination of this application and the policies most relevant include:
- Policy CP1, Sustainable development;
- 6.17 Policy CP1 advises that proposals that significantly harm the natural or built environment, or that would generate an adverse traffic impact, will not be permitted. In addition to this the policy supports proposals that would protect the health and amenity of the population and the local landscape.
- 6.18 It is considered that due weight can be given to Policy CP1 as the NPPF makes clear that the effects of pollution on the natural environment and general amenity, or 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. It is important to note, however, that Policy CP1 does not solely relate to waste-related development proposals as Hambleton District Council are not the determining planning authority for such developments.
- 6.19 The Hambleton Local Development Framework (adopted April 2007) within it contains a Development Policies document (adopted February 2008) also has particular relevance in the determination of this application and the policies most relevant include:
- Policy DP1, Protecting Amenity;
 - Policy DP36, Waste.
- 6.20 Policy DP1 advises that “all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight”. This Policy is consistent with the NPPF’s objectives of a presumption in favour of sustainable development, as outlined paragraph 11 of the NPPF. Ensuring high quality design is also emphasised to ensure a good standard of amenity for all existing and future occupants. Therefore, considerable weight should be given to this Policy in the determination of this application.
- 6.21 Policy DP36 states that development and activities will be encouraged which support the minimisation of waste together with the efficient use of materials (and permission granted for related development, if also acceptable in terms of other LDF policies), and in particular assist in the delivery of the priorities of the waste hierarchy – which seeks first to promote the reduction of waste, followed by its re-use, then recycling and composting, followed by energy recovery, before finally accepting its disposal as a last resort. Support will be given (and permission granted for related development, if also acceptable in terms of other LDF policies) for the provision of well-designed recycling facilities and recycling collection points, in locations accessible to all members of the communities that are served. Where appropriate, development must make appropriate provision for recycling facilities and the collection of waste. Development should provide for on-site recycling, and seek to re-use building construction and demolition waste.

- 6.22 Although the NPPF does not contain specific waste policies, it is considered that full weight can be given to Policy DP36 as the NPPF states that sustainable development has an environmental role which includes minimising waste and pollution.
- 6.23 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:
- Hambleton Local Plan
 - Minerals and Waste Joint Plan (North Yorkshire County Planning Authority, the City of York Council and North York Moors National Park Authority).
- 6.24 Emerging Hambleton Local Plan
Emerging Hambleton Local Plan – Publication Draft – July 2019 was submitted for examination on 31 March 2020 but the date for the commencement of the Examination in Public has yet to be posted, however the following policies are relevant and therefore some weight can be given:
- Policy S1 – Sustainable Development Principles
 - Policy EG2 – Protection and Enhancement of Employment Land
 - Policy E1 – Design
 - Policy E2 – Amenity
 - Policy E7 – Hambleton’s Landscapes
 - Policy CI 2 – Transport and Accessibility
 - Policy RM - 2 Flood Risk
 - Policy RM 3 – Surface Water and Drainage Management
- 6.25 Policy S1 in regards to ‘Sustainable Development Principles’ states that its purpose is to ensure that development makes a positive contribution towards the sustainability of communities, enhances the environment and adapts to and mitigates the impact of climate change. Proposals are expected to make effective and efficient use of land, support existing communities, promote a range of business opportunities and ensure that development mitigates and adapts to improve local environments.
- 6.26 Policy EG2 ‘Protection and Enhancement of Employment Land’ aims to safeguard existing industrial areas and business parks for employment purposes. Carr Lane is listed within this policy as a General Employment Location.
- 6.27 Policy E1 in regards to ‘Design’ states that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function. Proposals will be supported through this policy where they respond positively to its surrounding to help create distinctive, high quality and well-designed places; where they do not have an unacceptable impact on the amenities of neighbouring land and buildings or the wider area.
- 6.28 Policy E2 in regards to ‘Amenity’ requires a proposal to ensure that significant effects of overshadowing are not developed, the design and separations of buildings are not oppressive or overbearing with no result of loss of privacy through overlooking and that adverse impacts can be made acceptable – including impacts devised through noise.

- 6.29 Policy E7 in regards to 'Hambleton's Landscapes' states that proposals that seek to conserve and enhance any existing tree, hedgerow or woodland of value will be supported. This policy also takes account of areas that have been identified as being particularly sensitive to/ or suitable for certain forms of development.
- 6.30 Policy CI 2 'Transport and Accessibility' states that proposals would be supported where they are located where the highway network can satisfactorily accommodate traffic generated by the development. The district council will also support transport improvements required to address the cumulative impact of development across the district and those identified in the North Yorkshire Local Transport Plan as the policy seeks to reduce the need to travel long distances by directing development to locations close to strategic transport networks.
- 6.31 Policy RM 2 'Flood Risk' states that the council will manage and mitigate flood risk by a) avoiding development in flood risk areas and c) requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigated where appropriate. This will be achieved by supporting a development proposal only where it is demonstrated that show that the development will provide wider sustainability benefits to the community that outweigh flood risk and k) development has been sequentially located within the site to avoid flood risk.
- 6.32 Policy RM 3 'Surface Water and Drainage Management' states that support will be given to schemes where they do not result in unacceptable harm to landscape character, have an adverse environmental, social or economic impact or increase flood risk in other areas. The district council encourages the inclusion of surface water and drainage design from the outset to ensure that these issues are addressed as part of a holistic approach to the design of development and reference to policy E 1 'Design' is recommended.

Emerging Minerals and Waste Joint Plan (in examination)

- 6.33 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).
- The draft MWJP was published in November 2016 to receive representations and submitted to the Secretary of State for Communities and Local Government on 28 November 2017. While the Hearings have taken place, the Plan continues to remain under 'examination'. Upon receipt of the appointed Inspector's report, it is anticipated the Plan could be adopted at some point during 2020/21. There are no significant matters proposed in the Main Modifications in respect of the policies listed below which would affect the general policy position on those topics. Therefore, some weight can be given to the MWJP Policies. The most relevant policies in regards to the determination of this application are:

Draft Strategic Policies for Waste:

- W01 Moving waste up the waste hierarchy
- W05 Meeting waste management capacity requirements- Construction, Demolition and Excavation waste (including hazardous CD&E waste)
- W10 Overall locational principles for provision of waste capacity;

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

- D07 – Biodiversity and geodiversity
 - D10 – Reclamation and after use
 - D11 - Sustainable design, construction and operation of development
- 6.34 Draft Policy W01 (Moving waste up the waste hierarchy) states that landfill of inert waste will be permitted where it would facilitate a high standard of quarry reclamation in accordance with agreed reclamation objectives.
- 6.35 Draft Policy W05 of the Publication Draft Joint Plan deals with 'Construction, Demolition and Excavation waste' and states net self-sufficiency in capacity for management of Construction and demolition waste would be supported through permitting proposals which would increase capacity where it is in compliance with W10 and W11, where the overall impacts from road transport would also be consistent with these policies.
- 6.36 Draft Policy W10 in regards to the 'overall locational principles for provision of waste capacity' includes within Part 2 of the policy that the potential of existing facility network should be maximised by supporting the continuation of activity in time limited sites.
- 6.37 Draft Policy D01 in regards to the 'presumption in favour of sustainable development' includes that when considering development proposals the Authorities) will work proactively with applicants and find solutions so a proposal can be approved and that will secure improvements to the locality's social, economic and environmental conditions. It states that planning applications that accord with the policies in the draft Plan will be approved without delay, unless material considerations indicate otherwise.
- 6.38 Draft Policy D02 in regards to 'Local Amenity and Cumulative Impacts' states minerals and waste development would be permitted if it can be demonstrated there will be no unacceptable impacts on local amenity including with respect to noise, dust, vibration, lighting and emissions to air, land and water. Any proposals are expected to prevent adverse impacts where possible and use robust mitigation if these impacts cannot be mitigated fully. The policy also encourages meaningful engagement with the local community is undertaken before the application is submitted.
- 6.39 Draft Policy D03 in regards to 'Transport of minerals and waste and associated traffic impacts' states where road transport is necessary proposals will be permitted where there is capacity within the local road network and the proposed nature and volume which not have an unacceptable impact on the area or can be appropriately mitigated. The policy also states that the access to the site is appropriate to the location with traffic controls and routing arrangements agreeable and that there is enough space on site for manoeuvring, parking and loading and that proposals should where needed include improvements when the above is not complied with. Part 2 of the policy states proposals generating significant levels of road traffic would require a transport assessment and green travel plan to demonstrate opportunities for sustainable transport and travel have be implemented where practicable.
- 6.40 Draft Policy D06 in regards to 'Landscape' has relevant points in regards landscape being protected from harmful development with proposals being able to be permitted where it can be demonstrated there would be no unacceptable impact on the quality or character of the landscape, including if there are any mitigation measures proposed. The policy further states schemes should be designed to have a high quality standard to mitigate any adverse impacts on landscape or tranquillity, especially in regards to the wider landscape context and any visual impact.
- 6.41 Draft Policy D07 in regards to Biodiversity and geodiversity states proposals will be permitted where it can be demonstrated that there will be no unacceptable impacts on biodiversity or geodiversity. It encourages through design that schemes should seek to

contribute positively towards the delivery of agreed biodiversity and/ or geodiversity objectives.

- 6.42 Draft Policy D10 in regards to Reclamation and Aftercare states restoration and aftercare elements are required to be carried out to a high standard and have taken into account the scale, location and context of the site. The restoration of the site must give rise to positive impacts and consider cumulative impacts and the potential impact of climate change. The restoration of the site must also where appropriate be progressive and phased so it is complete at the earliest opportunity and include the minimum of a 5-year period of aftercare. The above is stated as part one of the policy, in addition to this part two gives further specifics stating targets and objectives for developments within certain landscapes. In this instance the relevant category is within Part 2 viii of the policy being the delivery of significant net gains for biodiversity and seeking to deliver benefits at a landscape scale.
- 6.43 Draft Policy D11 'Sustainable design, construction and operation of development' requires proposals minimise greenhouse gas (GHG) emissions, waste, generation, water consumption and flood risk, maximize biodiversity and landscape opportunities and look to generate and utilise renewable or low carbon energy as well as having regards to climate change.

Other policy considerations:

National Planning Policy

- 6.44 The policy relevant to the determination of this particular planning application provided at the national level is contained within the National Planning Policy Framework.

National Planning Policy Framework

- 6.45 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The Framework should be read in conjunction with the National Planning Policy for Waste.
- 6.46 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.'
- 6.47 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.*
- 6.48 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.
- 6.49 Paragraph 102-104 within Chapter 9 (Promoting sustainable transport) of the NPPF states that plans and decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.50 Paragraph 109 within Chapter 9 (Promoting sustainable transport) of the NPPF states 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.
- 6.51 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 visits*
 - e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience*
- 6.52 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.'
- 6.53 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.’*

- 6.54 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.
- 6.55 Paragraph 170 within Chapter 15 (Conserving and enhancing the natural environment) of the NPPF sets out a number of principles for determining planning applications which aims to conserve and enhance biodiversity. These include:
- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
 - b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
 - c) *maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
 - d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
 - e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
 - f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*
- 6.56 Within paragraph 180 of the Framework it is noted that decisions should ensure developments are appropriate for their locations taking into account impacts of pollution on health and the natural environment, as well as the sensitivity of the wider site and cumulative impacts. Therefore, the NPPF states developments should mitigate and reduce potential adverse impacts resulting from noise and avoid noise being a significant adverse impact on the health and quality of life in the area, furthermore the paragraph also states the impact of light pollution on local amenity should also be limited and mitigated where necessary.
- 6.57 Paragraph 183 within Chapter 15 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’.*

National Planning Policy for Waste

- 6.58 Within the National Planning Policy for Waste, Chapter 1 of the document notes that the planning system plays a key role in delivering the country’s waste ambitions through *‘recognising the positive contribution that waste management can make to the development of sustainable communities’*. Furthermore, it is noted that it is important that ambitions are also achieved by *‘helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment’*. Furthermore, it is advised that *this document provides a framework to enable waste to be disposed of or recovered ‘in line with the proximity principle’*.

6.59 Paragraph 7 of the National Planning Policy for Waste, provides guidance to Local Planning Authorities in the determination of waste planning applications, advising that they 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.'*

6.60 Within Appendix B of the National Planning Policy for Waste, it is noted that in addition to the type and scale of any proposed facility, Local Planning Authorities should consider the following factors in assessing the suitability of a proposed waste site:

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

National Planning Practice Guidance (PPG) (2014)

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

- Design
- Noise
- Waste
- Air Quality
- Health and Wellbeing

Design

6.62 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 maintain a distinctive character. It though must also '*reflect an area's 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 form and function; efficiency and effectiveness and their impact on wellbeing
- Address the need for different uses sympathetically.

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

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

Noise

6.64 This states how noise needs to be considered when new developments would be sensitive to the prevailing acoustic environment. The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation. Local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider:

- *whether or not a significant adverse effect is occurring or likely to occur;*
- *whether or not an adverse effect is occurring or likely to occur; and*
- *whether or not a good standard of amenity can be achieved.*

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

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

Waste

6.67 With regard to the Waste Hierarchy the guidance states all planning authorities should look to drive waste management up the waste hierarchy to an extent appropriate to their responsibility. In regards to unallocated site for waste management applicants should be able to demonstrate that the facility would not undermine the waste planning strategy for the area and move waste up the hierarchy. Further stating if the proposal is consistent with the up to date local plan, the applicant would not have to demonstrate need.

6.68 The guidance includes advice on the relationship between planning and other regulatory regimes. On this matter it stating planning should focus on the impact on the local environment and amenity taking into consideration *Appendix B to National Planning Policy for Waste*. *Other issues are controlled by other regimes which it should be assumed operate effectively. The planning focus should be on land use, rather than*

any control of processes, health and safety or the emissions themselves, which are subject to approval through the other regimes.

- 6.69 The guidance states the Environment Agency will regulate through the environmental permit to provide an adequate level of protection and limit the release of substances into the environment, ensuring also that the air and water quality meet the required standard to guard against environmental and human health impacts.

Air Quality

- 6.71 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.

Health and Wellbeing

- 6.72 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”.

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, highway matters, local residential amenity, visual amenity and landscape and design.
- 7.2 Section 73 of the Town and Country Planning Act 1990 provides for applications 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.
- 7.3 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 should be left 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 to refuse the application, for example, where there has been a change in policy.
- 7.4 Any new permission sits alongside the original permission which remains intact and unamended.

Principle of the proposed development

- 7.5 At the time of the grant of planning permission C2/10/00926/CCC in 2010, it was noted that the principle of importing waste to the site had previously been established through the grant of previous planning permissions at the site, being namely planning

permissions C2/89/144/0095A in 1990 then amended by planning permission C2.00.144.029 in 2000. This is still considered to be the case for the current planning application.

- 7.6 Furthermore, it was noted that in terms of waste management facilities 'saved' Policy 5/3 of the North Yorkshire Waste Local Plan permits the such facilities for the recycling of materials relating to construction and demolition waste. Materials such as bricks and soils as proposed to be dealt with for this site if permission is granted provided the site is suitably located within an existing, former or proposed industrial area of a character appropriate to the development. It is noted that such acceptability is given only on the basis that a proposed development would not result in adverse impacts upon the local highway network, local amenity, the environment and that restoration and aftercare is not prejudiced by the proposed development. It has been concluded since the original permission of in 1990 that the proposed development has met and the continued to meet the criteria of 'saved' Policy 5/3 and the emerging Hambleton Local Plan through policies EG2 and E7 through acknowledging that the area has been noted for industrial use making the principle of the development at Carr Lane, Sutton on the Forest acceptable in this location.
- 7.7 'Saved' policy 5/7 of the NYWLP (2006) is relevant to the determination of this planning application. This states that proposals for recycling facilities for construction and demolition wastes will be permitted provided that the proposed site is suitably located. In this instance, although the site is bounded by a residential property to the south the site is situated within the Carr Lane Industrial park where access to the site is gained. It is therefore considered that the proposal is not in conflict with the Policy 5/7 as it is appropriately located. Although not yet adopted, the emerging Hambleton Local Plan also has relevance as Carr Lane Industrial Park in which the development is situated is listed as a general site within policy EG2 and emerging MWJP policies W05 and W10 are relevant in regards to the waste hierarchy and meeting waste management capacity requirements for construction and demolition waste. It is considered the application would broadly accord with these draft policies as this proposal would contribute to the minimising of waste, while moving waste up the hierarchy through recycling at an existing site.
- 7.8 It is noted that the site has continued to operate in compliance with extant planning permissions. The County Planning Authority is not aware that any subsequent operation of the inert materials that has resulted in any adverse impacts in respect of the criteria set out in 'saved' Policy 5/3 of the North Yorkshire Waste Local Plan. Although the objection to the planning application has raised concerns in relation to compliance with previous conditions including stock pile heights exceeding 5 metres, this was investigated by the County Council's Monitoring and Compliance Officer following receipt of a complaint on the 20th May 2019 who found no evidence to support any alleged breach of planning control at the site. Failure to comply with condition 20 of planning Permission C2/10/00926/CCC (requiring an annual meeting to be held between the operator and the County Planning Authority to review schemes of working and landscaping) was also not deemed to be in breach of planning conditions in place and an annual review of the site has been performed within the last 12 months. Furthermore, it is noted that no objections to the proposed extension of time have been received from any consultee including the Environment Agency. As such, it is considered that the principle of the proposed development at Carr Lane remains acceptable.
- 7.9 For the reasons detailed above, it is considered that the proposed development continues to be in-compliance with 'saved' Policy 5/3 of the North Yorkshire Waste Local Plan and therefore, acceptable in principle, subject to the further consideration of the location and appropriateness of the proposed development in relation to its impact upon residential amenity, visual amenity, the local highway network and the

environment. Notwithstanding other planning considerations, the principle of the development is in line with the requirements of national guidance contained within the NPPF Paragraph 11, the NPPW and PPG guidance for waste. The principle is also considered acceptable in terms of local policy in regards to the NYWLP saved Policies 4/1 and 5/7 as the proposal is in an appropriate location for the works with infrastructure already in place and would not have an unacceptable effect on the environment or the local area. As such, it is considered that the principle of the proposed development at Carr Lane remains acceptable. This is also consistent with the NPPW and the NPPF in particular paragraph 170 in regards of the use of land which is referenced in elements a) and b) and e) although it is acknowledged that the application does not meet all of element e) in relation to help to improving local environmental conditions. Although not yet adopted, emerging MWJP Policy D01 is relevant in regards to the presumption in favour of sustainable development, and, this proposal is broadly in accordance with the draft policy.

- 7.10 Although it is noted, that whilst there have been no material changes to the site on the ground, since the grant of planning permission C2/10/00926/CCC in 2010, there has been a change in both National and Local Planning Policy including the adoption of the NPPW, the revision of the NPPF; the PPG and the Emerging Minerals and Waste Joint Plan (in examination).

Design, landscape and visual impact

- 7.11 While this application proposes a permanent permission, it does not change the physical impact of the site, it is well screened by an existing wide earth bund exceeding 2 metres in height and is 180 metres in length along the western boundary and over 120 metres in length to the southern boundary that has been grassed over and then planted on which has developed a number of mature hedges and trees over the years. The site is also screened by a number of deciduous trees around the site. This ensures that only very occasional partial views of the development can be achieved from the public highway of Carr Lane from the south west.
- 7.12 The site layout including stockpiles, site bunds and screening has been raised in the representation of objection from the member of public in relation to this application. However, the development is deemed not to conflict visually with the local landscape in terms of scale, height and massing due to the screening around the site and the location of the site being within an industrial setting. Therefore, it would not result in any unacceptable adverse visual impact or detrimental effect on the character and uniqueness of the landscape. To limit the effects on amenity, it is proposed continuity of a condition (as that of condition no. 5 of planning permission C2/10/00926/CCC) to prohibit stockpiles being above the level of the bunds is appropriate should permission be granted. If this condition is breached, enforcement action could be taken. The Environmental Health Officer in their consultation response stated that the service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact.
- 7.13 It is noted that Paragraph 7 of the NPPW confirms that in the determination of waste management planning applications, local planning authorities must 'consider the likely impact upon the local environment and on amenity against the criteria set out in Appendix B'. In this instance the land surrounding the application site is predominantly low lying and flat with intensive arable farming and industry. The orientation, scale and external appearance of the site are considered acceptable and it is unlikely that the continued use of the site would appear incongruous in the landscape. Furthermore, the existing screening from trees and bunds would be retained. The development does not propose to intensify the scale of buildings on the site and no new buildings are proposed. The objector raised an issue relating to concerns that the amount of waste stored on site exceeding that of the amount allowed through the Environment Agency

permit held by the owner and stock piles exceeding the height allowed. However, following consultation with the Environmental Agency no concerns were raised and 'subject to the applicant continuing to comply with the relevant Environmental Permitting Regulations, the Agency has no objection or concern with the applicant's proposal'. NPPW Paragraph 7 and NPPF paragraph 183 states that the focus planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes which is subject to a separate environmental permitting regime.

- 7.14 For the reasons detailed above, it is considered that the proposed development would not have an adverse impact upon the character of the area in which it is located, further supporting the appropriateness of the location and design of the development. Subject to the recommended conditions 1, 3, 5 and 17 the proposed development would not conflict with the national policy contained within the NPPF in regards to paragraphs 124, 127 and 170, NPPW and with PPG guidance for design. The proposal is also in compliance with local policy including 'saved' Policy 4/1 and Policy 4/3 of the North Yorkshire Waste Local Plan and Policy 5/7, Policy DP36 of the Hambleton Local Development Framework. Although not yet adopted, emerging MWJP policy D06 is relevant in regards to landscape and the application is broadly considered to be in compliance with these policies as well as policies S1, E1, E2 and E7 of the Emerging Hambleton Local Plan through landscape, screening and amenity management within the proposal.

Local Residential amenity

- 7.15 At the time of the grant of planning permission C2/10/00926/CCC (dated 8 September 2010), a main consideration was the impact of the proposed development upon local amenity. It was noted that it was important to consider the cumulative effects of both the use of the waste transfer station and recycling facility upon local amenity. Such matters require further consideration in the determination of this application.

i. Odours

- 7.16 Due to the material recycled being inert, the development should not give rise to additional odours caused by the importation. It is noted that the current proposal does not seek to alter the type of material to be imported to the site, which remains construction and demolition wastes including brick, stone, timber and a variety of other materials, but to enable the importation and operation on site to take place on a permanent basis. There are no other proposed changes to the previously permitted development. On this basis, it is considered that the current development is still considered unlikely to result in odours which would adversely impact upon local amenity. Both the Environmental Agency and Hambleton Environmental Health have also not raised any concerns in relation to odour management at the site.

ii. Noise

- 7.17 In relation to noise, it was previously noted that the site was restricted in terms of hours of use (0700 to 1900 Monday to Friday and 0700 to 1600 on Saturdays) and maximum noise levels conditioned (should not exceed: $LA_{eq,1h} = LA_{90} + 10dB$ or $LA_{eq,1h} = 45dB$) under the terms of conditions 6 and 11 of planning permission C2/10/00926/CCC. As such, the previous grant of planning permission concluded that the impacts of noise would be unlikely to have a detrimental impact upon local amenity. It is noted that since the previous grant of planning permission, there have been no known developments within the local area that would contribute to the cumulative impacts of noise generated from the site upon local amenity, nor any residential development introducing any additional receptors in close proximity to the site. Historically there has been one complaint from a local resident (received 20th May 2019) in relation to plant machinery generating unacceptable noise levels which should

be mitigated against through conditions 10, 11 and 12 of planning permission C2/10/00926/CCC. After Officer investigation it was confirmed by the operator that there had been an issue with one of the vehicles whereby a break down caused unnecessary noise, this was resolved and no further issues with noise have been reported. The complainant was asked to contact the County Council if any further noise issues arose from the site, but no further correspondence has been received.

- 7.18 Furthermore, as the proposed development does not seek to alter any aspect? of the previously approved development beyond the permitted length of time, it is considered that there would continue to be no adverse impacts of noise. To this effect no objections have been raised to the development from Hambleton District Council's Environmental Health Officer.
- 7.19 It is noted that the noise mitigation measures detailed and implemented following previous grants of planning, including restrictions on the hours of operation (0700 to 1900 Monday to Friday and 0700 to 1600 on Saturdays) and the setting of a maximum noise level for the site (exceed: $LA_{eq,1h} = LA_{90} + 10dB$ or $LA_{eq,1h} = 45dB$ whichever is the higher.) and noise monitoring (where if noise levels are exceeded operations causing the excessive noise shall cease immediately) are proposed to be continued by the applicant. The restrictions to the hours of operation prohibit operations at the site during sensitive times on mornings and evenings during the week, and at all times on weekends of Bank Holidays. It is considered appropriate that the conditions 9, 10 and 11 listed below and previously imposed to secure such mitigation are brought forward into any new consent that may be issued, to ensure that the impact of noise will continue to have no adverse impacts upon local amenity. This is considered to be in accord with the principles of the NPPF in relation to noise impacts as outlined in paragraph 180 of the Framework, the NPPW in relation to protecting local amenity as outlined within paragraph 7 of the document, with the further guidance offered in the PPG in relation to noise mitigation and with the amenity protection elements of 'saved' Policies 4/1, 4/19 & 5/3 of the North Yorkshire Waste Local Plan and CP1 of the Hambleton District Council Core Strategy (adopted 2007) and DP1 of the Hambleton Local Development Framework (adopted April 2007). Further support is also seen through the emerging Minerals and Waste Joint Plan which states in Policy D02 that *'waste development would be permitted if it can be demonstrated there will be no unacceptable impacts on local amenity including with respect to noise, dust, vibration, lighting and emissions to air, land and water.'* All policy guidance seeks to ensure that developments do not generate unacceptable levels of noise which would adversely impact upon local amenity, adding further weight in support of this application.
- 7.20 For the reasons detailed above, it is considered that the proposed development, for the permanent use of the land and buildings as a waste transfer station would not result in an adverse impact upon local amenity through the generation of noise or dust emissions. Therefore, the proposed development is considered to accord with the principles of the NPPF, NPPW, and the amenity protection elements of 'saved' Policies 4/1, 4/19 & 5/3 of the North Yorkshire Waste Local Plan and Policies CP1 of the Hambleton Core Strategy and DP1 of the Hambleton Local Development Framework. Furthermore policy E2 of the emerging Hambleton Local Plan adds further support as the development is positioned away from sensitive development and does not adversely affect amenity.

Visual Amenity

- 7.21 It was noted that the time of the grant of planning permission C2/10/00926/CC (dated 10 September 2010), that the development continued to be sited within the existing void space within the previous airfield which would be at a lower level than the surrounding land. The objection raised by the member of the public claims that the screen bund to the southern boundary does not have extensive mature planting. However, inspection, revealed the site to be bounded on the southern and western

boundaries by a screen bund and extensive mature planting. Part of the eastern boundary also benefits from extensive mature planting. As such, the views from Carr Lane and the surrounding residential properties would be largely obscured, with stockpiles not permitted to exceed a maximum height of 5 metres. It was concluded that the proposed development would not have any detrimental impact upon the visual amenity of any residential properties.

- 7.22 It is noted that the proposed development would continue to be located within the same area of the site that has remained in operation over the last 30 years therefore not introducing a change in the character of the landscape and complying with 'Saved' Policy 4/3 of the North Yorkshire Waste Local Plan Policy and D06 of the emerging MWJP Draft Development Management Policy.
- 7.23 It is further considered appropriate to bring forward condition no. 5 from planning permission C2/10/00926/CCC (proposed as condition number 3 within Section 9.0 below), requiring all stockpiles to be no higher than 5 metres in height. In addition, it is noted that extensive screen planting exists around the boundary of the site, including mature trees and hedges, which further help to screen the site; none of which would be affected by the proposed extension of time. As such, it is considered that the proposed development would continue to safeguard against any detrimental impact upon local visual amenity. However, a new condition should be proposed to replace condition 19 of permission C2/10/00926/CCC for a new planting maintenance programme to be submitted to ensure that the existing screening on site is maintained and monitored to ensure that continued visual screening is achieved at the site and this is proposed as condition number 4 within Section 9.0). This is considered to be consistent with the principles of the NPPF, NPPW, PPG and the amenity protection elements of 'saved' Policies 4/1, 4/3 4/19 & 5/3 of the North Yorkshire Waste Local Plan and Policies CP1 of the Hambleton Core Strategy, the emerging Hambleton Local Plan through policies E2 and E7 and DP1 of the Hambleton Local Development Framework, which seek to ensure that there are no significant effects upon amenity arising from developments, adding further weight in support of this application.
- 7.24 For the reasons detailed above, it is considered that the proposed development will not have an adverse impact upon local amenity, visual or otherwise. Therefore, the proposed development is considered to be consistent with principles of the NPPF and NPPW on amenity, and the amenity protection elements of 'saved' Policies 4/1, 4/3 4/19 & 5/3 of the North Yorkshire Waste Local Plan, Policies S1, E1 and E2 of the emerging Hambleton Local Plan and Policies CP1 of the Hambleton Core Strategy and DP1 of the Hambleton Local Development Framework, which seek to ensure that there are no significant effects upon amenity arising from developments, adding further weight in support of this application.

Highways matters

- 7.25 As noted previously, there are no proposals to vary any element of the existing development or working processes beyond the proposed extension of time. As such, all provision for access to the site, internal turning and parking will remain the same. Furthermore, since the grant of planning permission C2/10/00926/CCC, no complaints have been received from any member of the public, or from the Highway Authority in relation to associated vehicle movements to or from the site.
- 7.26 It is considered appropriate that the conditions attached to planning permission C2/10/00926/CCC relating to additional highway controls, are brought forward into any new decision notice as may be granted including condition numbers 13, 14, 15 and 16 within Section 9.0 below. This will ensure that the proposed development does not give rise to result in any adverse impacts upon the local highway network, in line with the principles of the NPPF in relation to sustainable highway networks as referenced in

paragraphs 102-104 and 109, the NPPW in relation to traffic and access impacts of waste facilities as outlined within Appendix B of the document, and the highway protection elements of Policies 4/1, 4/18 & 5/3 of the North Yorkshire Waste Local Plan, and CP1 of the Hambleton District Council Core Strategy and policy CI 2 of the emerging Hambleton Local Plan, all of which seek to ensure that vehicle movements generated by developments are both capable of being accommodated by, and would not have an adverse impact upon the local highway network, adding further weight in support of this application. It is further noted that again no objections to the proposed development have been raised by the Highway Authority.

- 7.27 For the reasons detailed above, it is considered that the proposed development would not have an adverse impact upon the local highway network, which remains capable of continuing to accommodate the proposed vehicle movements. Therefore, the proposed development is considered to be in-compliance with the NPPF, NPPW and the highway protection elements of 'saved' Policies 4/1, 4/18 and 5/3 of the North Yorkshire Waste Local Plan, and policy DP1 of the Hambleton local Development Framework and CP1 of the Hambleton District Council Core Strategy.

8.0 Conclusion

- 8.1 Notwithstanding the concerns expressed by the objector to the application which have been addressed above, it is considered that the proposed development remains in compliance with the provisions of the North Yorkshire Waste Local Plan and does not conflict with the policies 4/1, 4/3, 4/18, 4/19, 5/3 and 5/7 of the NYWLP. There are no significant impacts anticipated in respect of ecology, residential amenity, upon the character of the area or upon the local highway network and therefore the proposed development would be consistent with paragraphs 109, 170 and 183 of the NPPF and the relevant locational criteria set out in Appendix B of the NPPW and policies DP1 and DP36 of the Hambleton Local Development Framework (2007). The proposal involves the receipt and sorting of waste materials and there would be no treatment or disposal would take place at the site and as a result no significant impacts relating to noise or odour are anticipated which is in accordance with the locational criteria (h, i, j & k) set out in Appendix B of the NPPW. There would be controls on hours of operation and HGV movements, dust, lighting and noise and the associated vehicle movements would be satisfactorily accommodated by the local highway. It is therefore considered that the development would not result in unacceptable impacts upon the environment, highway or amenity in respect of these matters and there is also no conflict with 'saved' policies 4/1, 4/18, 4/19 and 5/3 of the NYWLP (2006).
- 8.2 As such, there are no material considerations to warrant the refusal of this application for the variation of Condition No.1 of Planning Permission Ref. C2/10/00926/CCC for the permanent use of the land and buildings as a waste transfer station on land at Carr Lane, Sutton on the Forrest. Therefore, for the reasons detailed above, it is considered that the proposed development is compliant with the policies which comprise the Development Plan currently in force for the area and all other material considerations.

Obligations under the Equality Act 2010

- 8.3 The County Planning Authority in carrying out its duties must have regard to the obligations placed upon it under the Equality Act and due regard has, therefore, been had to the requirements of Section 149 (Public Sector Equality Duty) to safeguard against unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act. It also requires public bodies to advance equality of opportunity

between people who share a protected characteristic and people who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it. It is considered that the proposed development would not give rise to significant adverse effects upon the communities in the area or socio-economic factors, particularly those with 'protected characteristics' by virtue that the impacts of the proposal can be mitigated so that

9.0 Recommendation

9.1 For the following reason(s):

- i. the principle of the proposed development has already been established through the previous grant of planning permissions;
- ii. the proposed development would not result in an adverse impact upon local amenity, visual or otherwise;
- iii. the proposed development does not give rise to conflict with relevant 'development plan' policies i.e. 'saved' NYWLP policies 4/1, 4/3, 4/18, 4/19, 5/3 & 5/7, Hambleton Core policy CP1 and Hambleton Local Development Framework policies DP1 and DP36 and are consistent with the principles of the NPPF and NPPW.

it is recommended that **PLANNING PERMISSION BE GRANTED** for the purposes of the variation of condition no's 1 of Planning Permission Ref. C2/10/00926/CCC for the permanent use of the land and buildings as a waste transfer station on land at Carr Lane, Sutton On The Forest, YO61 1EB, subject to the conditions below:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the application details dated 5 August 2020 the following conditions, which at all times shall take precedence, or in accordance with such other details as may be subsequently approved in writing by the County Planning Authority.

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

2. No materials shall be burned on the site.

Reason: To reserve the rights of control of the Country Planning Authority in the interests of amenity and prevent pollution

3. Except with the prior written approval of the County Planning Authority materials shall be stored on site in accordance with details shown on drawing 2019.33.62/3 dated 03/08/2020 and stockpiles shall not exceed 5 metres in height.

Reason: To reserve the rights of control of the Country Planning Authority in the interests of amenity and prevent pollution in compliance with Development Policy of the Hambleton Local development Framework Development Policies Document

4. Within 12 months of the grant of this permission a new planting maintenance programme is to be submitted to the County Planning Authority to ensure that the

existing screening on site is maintained and monitored throughout the duration of the development.

Reason: *In the interests of amenity*

5. No materials shall be sorted on site or transported to or from site except between the following times:

Monday to Friday 0700 to 1900,
Saturday 0700 to 1600.

No operations shall take place on Sundays or Bank or Public Holidays

Reason: *To reserve the rights of control by the County Planning Authority in the interests of amenity in compliance with Development Policy 1 of the Hambleton Local Development Framework Development Policies Document.*

6. Steps shall be taken to prevent the pollution of any adjoining land by the over spilling or blowing of loose materials or by the entry of leachate, polluted water or any other pollutant.

Reason: *To reserve the rights of control of the Country Planning Authority to prevent pollution*

7. Any above ground oil or liquid chemical storage tanks shall be located within a bund having a capacity of not less than a 110% of the largest tank, or if tanks are connected by pipework to allow equalisation of the level of the contents, then the bund capacity shall be 110% of the largest combined volumes. The floor and walls of the bund shall be impervious to oil or water and resistant to any stored chemicals. Inlet/outlet/vent pipes and gauges shall be within the bund area and satisfactory arrangements shall be agreed for the proper disposal of contaminated surface water from within the bund. There shall be no uncontrolled discharge from the bund area.

Reason: *To reserve the rights of control of the Country Planning Authority to prevent pollution*

8. All reloading of waste materials shall take place on an impervious base with adequate settlement facilities provided to remove suspended solids from any surface water drainage prior to discharge of surface water to underground strata.

Reason: *To reserve the rights of control of the Country Planning Authority to prevent pollution*

9. All plant, machinery and vehicles used on any part of the site shall be fitted with effective noise attenuating equipment which shall be regularly maintained.

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

10. At no residential property shall the noise levels resulting from the site operations, during the working hours specified in Condition Number 5 exceed: $LA_{eq,1h} = LA_{90} + 10dB$ or $LA_{eq,1h} = 45dB$ whichever is the higher.

Reason: *In the interests of amenity*

11. In the event that the noise level specified in Condition Number 10 is exceeded, those operations at the site causing the excessive noise shall cease immediately and steps be taken to attenuate the noise level to be in compliance with the requirements of Condition Number 10.

Reason: To reserve the rights of control of the Country Planning Authority to ensure compliance with policy

12. Steps shall be taken to ensure that the site is operated at all times and in particular during periods of high winds, to minimise dust emissions.

Reason: To reserve the rights of control of the Country Planning Authority in the interests of amenity in compliance with Development Policy 1 of the Hambleton Local Development Framework Development Policies Document (adopted 2008).

13. There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at Carr Lane. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway caused by operations relating to the proposed development.

Reason: In the interests of both vehicle and pedestrian safety and the visual amenity of the area.

14. There shall be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 160 metres measured along both channel lines of the major road Carr Lane from a point measured 2.4 metres down the centre line of the access road. 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.

15. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the County Planning Authority in consultation with the Highway Authority within 3 months of the date of this permission. These facilities shall include the provision of wheel washing facilities where considered necessary by the County Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the County Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason: To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

16. Loaded HGV movements to the site shall not exceed 40 per day. Records of the number of HGV movements per day shall be maintained and made available to the County Planning Authority on request.

Reason: *In the interests of road safety.*

17. All screening bunds shall be maintained for the duration of the development.

Reason: *To reserve the rights of control of the County Planning Authority in the interests of amenity in compliance with Development Policy 1 of the Hambleton Local Development Framework Development Policies Document (adopted 2008).*

18. An annual meeting shall be held between the operator and the County Planning Authority to review schemes of working and landscaping including the maintenance programme. This meeting shall include all interested parties and technical advisers as required.

Reason: *To secure an orderly and progressive pattern of working, restoration and after use of the site.*

19. If the use hereby authorised ceases for a period of 6 months, the site shall be restored in accordance with a scheme to be submitted to and approved in writing by the County Planning Authority within 6 months of the termination of the 6-month period above mentioned. All restoration work shall then be completed to the satisfaction of the County Planning Authority within 6 months of the date of approval of the restoration scheme.

Reason: *To ensure restoration of the land with the minimum of delay in the interests of amenity.*

20. No new or additional fixed lighting shall be installed without first having obtained the written approval of the County Planning Authority.

Reason: *In the interests of 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.

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

Background Documents to this Report:

1. Planning Application Ref Number: C2/20/01932/CCC (NY/2020/0122/73) registered as valid on 19/08/2020. 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



Notes

 - Planning Permission Boundary

Drawn by: CJ	Client: Moverley Skips
Date: 3rd August 2020	Project: Sutton on the Forest
Scale@A3: 1:1000	Drawing Ref: 2019.33.62/2
	Title: Red Line Plan

me
wp

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Planning and Development Consultant

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