

MISSION STATEMENT

***To Improve the Quality of Life
For Those Who Live and Work in the District***

2 October 2006

Dear Councillor

You are hereby invited to a meeting of the **Planning Committee** to be held in **Committee Rooms 1 and 2**, Civic Centre, Portholme Road, Selby on **11 October 2006** commencing at **4.00pm**.

The agenda is set out below.

1. **Apologies for Absence and Notice of Substitution**

To receive apologies for absence and notification of substitution.

2. **Disclosure of Interest**

To receive any disclosures of interest in matters to be considered at the meeting in accordance with the provisions of Sections 94 and 117 of the Local Government Act 1972 or the National Code of Local Government Conduct.

3. **Minutes**

To confirm as a correct record the minutes of the proceedings of the meeting of the Planning Committee held on 13 September 2006 (pages 6 to 15 attached).

4. **Chair's Address to the Planning Committee**

5. **Site Visits**

- CO/2004/0780 - Land at Pease Farm & Rusholme Grange, Newland (pages 16 to 52 attached).

Councillors visited the following wind farms in connection with the above application.

- Deeping St Nicholas – Lincolnshire.
- Burton Wold – Northamptonshire.

6. **Planning Applications Received**

Report of the Head of Service - Planning and Economic Development (pages 53 to 76 attached).

7. **Urgent Appeals Decisions**

8. **Tree Preservation Orders – Confirmation (Unopposed)**

Report of the Head of Service – Legal and Democratic Services (pages 77 to 78 attached).

9. **Tree Preservation Orders – Confirmation (Opposed)**

Report of the Head of Service – Planning and Economic Development (pages 79 to 81 attached).

10. **Private Session**

It will be recommended that in accordance with Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, as there will be disclosure of exempt information as defined in paragraph 3 of Part 1 of Section 12(A) of the Act, as amended by the Local Government (Access to Information) (Variation) Order 2006.

11. **Enforcement Update**

Report of the Head of Service – Planning and Economic Development (pages 82 to 87 attached).

Reports for Information

1. **List of Planning Applications Determined Under Delegated Powers**

Applications, which have been determined by officers under the scheme of Delegation.

A copy of this report is available in the Members' Room



M Connor
Chief Executive
2 October 2006

Public Speaking

Please note the deadline for registering to speak at Committee is **3.00 PM Monday 9 October 2006**

Disclosure of Interest – Guidance Notes:

- (a) Councillors are reminded of the need to consider whether they have any personal or prejudicial interests to declare on any item on this agenda, and, if so, of the need to explain the reason(s) why they have any personal or prejudicial interests when making a declaration.
- (b) The Democratic Services Officer or relevant Committee Administrator will be pleased to advise you on interest issues. Ideally their views should be sought as soon as possible and preferably prior to the day of the meeting, so that time is available to explore adequately any issues that might arise.

Dates of Future Meetings of The Planning Committee

Date	Deadline
15 November 2006	31 October 2006
06 December 2006	21 November 2006
03 January 2007	14 December 2006

**Membership of the Planning Committee
17 Members**

Conservative

D Bain-Mackay
J Cattanach
I Chilvers
J Mackman (Vice Chair)
D McSherry
C Lunn
W Norton (Chair)
C Pearson
D Peart
F Ryan

Labour

G Croston
D Davies
B Marshall
W N Martin
S Shaw-Wright
R Wilson

Independent

R Sweeting

Enquiries relating to this agenda, please contact Linda Roper on:

Tel: 01757 292207

Fax: 01757 292020

Email: lroper@selby.gov.uk

**Items for Planning Committee
11th October 2006**

File Number:	Site Address:	Case Officer	Page
	<i>Applications received</i>		
CO/2004/0780	Land at Pease Farm & Rusholme Grange, Newland	LOCR	16
2006/0907/FUL	The Paddocks, York Road, North Duffield	STNA	53
2006/1006/FUL	Top End House, Hull Road, Cliffe	STCO	58
2006/0914/FUL	Wheatlands, New Gateforth Road, Gateforth	SUHA	72

Descriptions of Exempt Information

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Qualifications for Exempt Information:

Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under -

- (a) the Companies Act 1985;
 - (b) the Friendly Societies Act 1974;
 - (c) the Friendly Societies Act 1992;
 - (d) the Industrial and Provident Societies Acts 1965 to 1978;
 - (e) the Building Societies Act 1986; or
 - (f) the Charities Act 1993.
9. Information falling within any of the 7 categories listed above is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
 10. Information which;
 - (a) falls within any of paragraphs 1 to 7 above; and
 - (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Selby District Council

Minutes of the proceedings of a meeting of the Planning Committee held on 13 September 2006, in Committee Rooms 1 and 2, The Civic Centre, Portholme Road, Selby, commencing at 4.00pm.

1122	Minutes
1123	Chair's Address to the Planning Committee
1124	Site Visits
1125	Planning Applications Received
1126	Urgent Appeal Decisions
1127	Applications to be Determined by the County Council on which the Views of the District Council are Requested

Present: Councillor W Norton in the Chair.

Councillors: D Bain-Mackay, J Cattanach, I Chilvers, Mrs D Davies, Mrs S Duckett (for G Croston), J Mackman, B Marshall, N Martin, C Lunn, D McSherry, C Pearson, D Peart, Mrs F Ryan, R H Sweeting and R Wilson.

Officials: Head of Service for Legal and Democratic Services, Head of Service - Planning and Economic Development, Principal Planning Officer, Senior Planning Officers, Principal Environmental Health Officer, Senior Environmental Health Officer and Committee Administrators.

Public: 37

Press: 2

1120 **Apologies for Absence and Notice of Substitution**

Apologies were received from Councillors G Croston and S Shaw-Wright.

Substitute Councillor was Councillor Mrs S Duckett.

1121 **Disclosure of Interest**

The Head of Service – Legal and Democratic Services informed councillors that application no 2006/0963/ had been discussed at an earlier meeting of Council.

The meeting at Council had addressed the financial implications of the application, and not material planning issues. Therefore, this did not bar councillors from debating the application at this Planning Committee.

Councillors who felt that the outcome of the application had already been pre-determined at Council were advised to register their interest and take no part in the discussion.

Councillor R H Sweeting declared a personal interest in item no 2006/0956/FUL.

Councillor J Mackman declared a prejudicial interest in item no 2006/0963/COU by virtue of having already seen and heard this report at a previous meeting.

The Chair, W Norton, informed councillors that, although he did not have a personal interest in item no 4/2006 Tree Preservation Order, because misleading information had been given to the applicant by a third party, he would leave the chamber and the Vice-Chair, J Mackman, would take the chair for that item.

1122

Minutes

Resolved:

That the minutes of the proceedings of the meeting of the Planning Committee held on 16 August 2006 be confirmed as a correct record and be signed by the Chair.

1123

Chair's Address to the Planning Committee

The Chair informed councillors that the Senior Planning Officer Tim Poupard was to leave the authority at the end of the month. On behalf of councillors, he wished him well, and thanked him for his hard work.

The Chair informed councillors that following on from the last committee, the Article14 Direction that had been received pertaining to the hotel at Selby Business Park had now been withdrawn by the Highways Agency. Therefore, the application could now be determined, and for that reason he had given permission to consider the report today.

1124

Site Visits

Application: 4/2006 Tree Preservation Order
Location: 68 Green Lane, Selby

The Chair, having declared an interest in this item, left the chamber and took no part in the debate or the voting thereon.

The Vice Chair, Councillor J Mackman, took the chair for this item.

Councillors were asked to confirm the proposed Tree Preservation Order, following their recent site visit.

Public Speaker – Mrs Russell – Objector

Mrs Russell addressed the Committee and gave the following reasons for her objection:

- The tree was not rare and therefore did not warrant a Tree Preservation Order
- It did not form part of the boundary
- The tree did not add to the amenity of the surrounding area
- It was not at risk from being damaged

Mrs Russell thanked councillors for their time.

Public Speaker – Mr Neilson - Applicant

Mr Neilson asked councillors to consider the following points and confirm his request for the Tree Preservation Order:

- It gave privacy to his garden and property
- Following remedial work the tree was in good health and there was no risk to any of the surrounding properties
- The tree was fully matured and would not increase in height; it had been in his care for many years and he would like it to be protected.

Resolved:

That the Tree Preservation Order No 4/2006 be confirmed.

Application: 2006/0956/FUL

Location: 89 Stutton Road, Tadcaster

Having declared a personal interest in this item, Councillor R H Sweeting left the chamber and took no part in the debate or the voting thereon.

Proposed erection of a domestic outbuilding to provide additional accommodation.

The Principal Planning Officer informed councillors that an e-mail had been received from one of the neighbours who was objecting to the application. The e-mail informed officers that work had commenced on the erection of a building.

The Principal Planning Officer reminded councillors that although the application before them was for the erection of a domestic outbuilding to provide additional accommodation, if councillors were minded to refuse this application, the applicant would still have the right to erect a building of the same size under permitted development rights, providing it was for a use incidental to the enjoyment of the dwelling house.

Councillors raised serious concerns in relation to the positioning and use of the building, and agreed with the recommendation of refusal.

Resolved:

That the application be refused.

1125

Planning Applications Received

Consideration was given to the schedule of planning applications submitted by the Head of Service – Planning and Economic Development.

Resolved:

That the applications set out in the agenda be dealt with as follows:

- 1 Application: 2006/0732/COU**
Location: 19 Moor Lane, Sherburn in Elmet

Resubmission of previously withdrawn application 8/58/437B/PA for proposed change of use of part of ground floor from Class A1 Retail to Class A5 hot food takeaway.

Public Speaker – Mr Sinclair - Objector

Mr Sinclair informed councillors of the following objections from residents and also that a petition had been submitted to the Planning Officers:

- Lack of parking
- Increase in noise
- Litter
- Possible vermin

Public Speaker – Councillor R Packham – Local Member

Councillor Packham addressed the committee and reiterated the objections of the previous speaker. He added that it was a good local shop but would be an unsuitable location for a hot food takeaway.

Councillor Packham informed councillors and officers that there appeared to be a problem with the chiller units and requested an investigation by officers within Development Control.

Resolved:

That permission be refused.

- 2 **Application: 2006/0847/FUL**
Location: Land at 69 Brigg Lane, Camblesforth

Proposed erection of 1 No. Detached dwelling.

The Team Leader updated councillors regarding the application and confirmed the reduction in height of the proposed dormer from 8.1 metres to 6.2 metres.

The Team Leader also referred to previous applications and a previous appeal decision for similar development on the site

Resolved:

That permission be granted subject to the conditions set out in the report.

- 3 **Application: 2006/0919/FUL**
Location: Land at Holme Lane, Coupland Road, Selby

Section 73 application for variation of Condition 1 on previously approved outline application 8/19/1573/PA to extend the period within which application for approval of reserved matters could be made.

The Senior Planning Officer informed councillors that the length of the extension considered agreeable would be one year.

Resolved:

That permission be granted for the variation of Condition 1 to extended the period for an additional one year.

- 4 **Application: 2006/0952/FUL**
Location: Three Lakes Retail Park, Bawtry Road, Selby

Full planning application for a radio communications installation comprising a 45m lattice mass with antenna types for police, fire service, Hutchinson 3G, O2, Vodafone and MML broadband, radio cabinets, radio equipment building, security fence and ancillary development at

land south of Aldi supermarket.

The Senior Planning Officer updated councillors on the consultation responses; Highways and Environmental Health had raised no objections.

A number of letters had been received in support of the application including Selby Chamber of Trade.

A petition and a number of letters had been received in objection including Persimmon Homes (Staynor Hall).

Public Speaker – Mr Moon – Objector

Mr Moon raised the following objections to the application:

- Visual impact and intrusion of the mast
- Scale and massing
- Materials
- Siting
- Adverse effect on the character of the area
- Health effects

Public Speaker – Mr Dransfield – Agent

Mr Dransfield addressed the committee and explained that he was sympathetic to the objectors and was currently working with the authority to try to find an alternative site for the mast. He asked that the item be deferred pending investigation.

Councillors expressed concern with regard to the siting of the mast and moved a change to the recommendation of approval, to one of refusal. Councillors requested that the decision be taken by way of a recorded vote.

On being put to the vote the motion was carried.

NAME	FOR	AGAINST	ABSTAIN
D Bain-Mackay	✓		
J Cattanach	✓		
I Chilvers	✓		
D Davies	✓		
S Duckett (Sub for	✓		
C Lunn	✓		

C Lunn	✓		
J Mackman	✓		
B Marshall	✓		
N Martin	✓		
D McSherry	✓		
W Norton	✓		
C Pearson	✓		
D Peart	✓		
F Ryan	✓		
R H Sweeting	✓		
R Wilson	✓		
Total	16		

Resolved:

That permission be refused on the grounds of scale and massing and being inappropriate development for that site.

**5 Application: 2006/0963/COU
Location: 9 – 11 Market Cross, Selby**

Having declared an interest in this item Councillor Mackman left the chamber and took no part in the debate or the voting thereon.

Change of use from Class A1 (shops) use to Class A2 (Financial and Professional Services) use, at units 9 – 11 Market Cross, Selby.

Public Speaker – Mr Millar – Objector

Mr Millar outlined his main objections to councillors:

- Loss of the retail unit and potential harm to other business
- No adequate parking
- Unsuitable location for a One Stop Shop

Mr Millar thanked councillors for their time and asked them to support his request for refusal.

Public Speaker – Mr Dransfield – Agent

Mr Dransfield confirmed to councillors that improvements to the scheme had been made and this was a positive step for Selby Town Centre. If the application were not to be approved, it would not stop the re-

location of the existing client.

Mr Dransfield asked councillors to support the application.

Councillors debated the various issues raised on location and parking, and the loss of retail space, which would be against policy, and moved a change to the recommendation of approval, to one of refusal. And requested that the decision be taken by way of a recorded vote.

On being put to the vote the motion was carried.

NAME	FOR REFUSAL	AGAINST	ABSTAIN
D Bain-Mackay	✓		
J Cattach		✓	
I Chilvers		✓	
D Davies	✓		
S Duckett (Sub for Croston)	✓		
C Lunn		✓	
J Mackman			✓
B Marshall	✓		
N Martin	✓		
D McSherry		✓	
W Norton		✓	
C Pearson		✓	
D Peart		✓	
F Ryan	✓		
R H Sweeting	✓		
R Wilson	✓		
Total	8	7	1

Resolved:

That permission be refused on the grounds that the proposal, if approved, would result in the extension of a non-retail use, within the defined shopping and commercial centre of Selby, to the detriment of the Market Cross Shopping Centre's viability and vitality, by virtue of the loss of retail floorspace and frontage, contrary to Policy SEL/10 of the Adopted Selby District Local Plan.

6 Application: 2004/0780/CO
Location: Land at Pease Farm and Rusholme Grange, Newland

Proposed erection of twelve wind turbines with associated tracks, crane hardstandings, anemometer, underground cables and switchgear house and compound for the purpose of producing electricity.

Resolved:

That this item be deferred pending a site visit.

7 Application: 2006/0722/FUL
Location: Selby Business Park, Oakney Wood Road, Selby

Application for a 60 bed hotel, restaurant and conference facilities on land at Selby Business Park.

The Majors Team Leader reminded councillors that this application had been on the agenda previously, and at that time councillors had not been in a position to determine the application because of an Article 14 direction, imposed by the Highways Agency.

Following the withdrawal of that Article 14 Direction and the other objections from North Yorkshire County Council Highways, the application was again before councillors for determination.

The application had been advertised as a departure from the Selby District Local Plan, but if councillors were minded to approve, it would not have to be referred to Government Office.

Councillors queried the split on the development of the site as a whole and the surrounding landscaping.

The Senior Planning Officer advised councillors that the split would be with 70% being B1, B2 and B8, and if councillors were minded to approve, the landscaping could be done under delegated powers.

Councillors debated the application and felt that the hotel would be an asset to the District economically, and therefore moved a change to the recommendation of refusal to one of approval.

Resolved:

That permission be granted and that officers be given delegated authority to approve an appropriate landscape scheme.

1126

Urgent Appeals Decisions

None received.

1127

Applications to be Determined by the County Council on which the views of the District Council are Requested

Resolved:

That the report be noted.

The meeting closed at 5.55pm.





APPLICATION SITE

Item No: CO/2004/0780

Address: Land at Pease Farm and Rusholme Grange, Newland

APPLICATION NUMBER:	8/26/62/PA CO/2004/0780	PARISH:	Newland Parish Council
APPLICANT:	Wind Prospect Developments	VALID DATE:	2 July 2004
PROPOSAL:	Proposed erection of twelve wind turbines with associated tracks, crane hardstandings, anaeometer, underground cables and switchgear house and compound for the purpose of producing electricity on		
LOCATION:	Land at Pease Farm & Rusholme Grange Newland Selby		

This application was deferred by councillors from Planning Committee on 13th September 2006, in order to allow councillors to visit a number of existing wind farms.

1.0 INTRODUCTION:

1.1 This application seeks planning permission to erect twelve wind turbines and ancillary structures on land at Rusholme Farm and Pease Farm, Little Airmyn, for the purpose of generating electricity from wind energy. The proposed wind farm, which is designed to be remotely monitored, would have an installed capacity of approximately 24MW, and would, on average, supply the domestic electricity requirements of 14,500 homes.

2.0 DESCRIPTIONS AND BACKGROUND:

2.1 The Government has set targets to generate 10% of UK electricity from renewable energy sources by 2010 followed by 15% by 2015 and 20% by 2020 as well as to cut carbon dioxide emissions by 60% by 2050. To achieve this, Planning Policy Statement (PPS 22 Renewable Energy) requires the planning system to actively promote renewable energy development. PPS22 also provides detailed guidance for the consideration of renewable energy planning applications. Since the publication of PPS 22, Regional Planning Guidance for Yorkshire and the Humber has set challenging new renewable energy targets for the Humber and other sub-regions. The 2010 target for the Humber has been set at 146 MW.

2.2 THE PROPOSED RUSHOLME WIND FARM:

2.3 A Planning Application accompanied by an Environmental Statement was submitted in June 2004 to erect a windfarm at Rusholme Grange, Newland, Selby.

2.4 The application is for the erection of 12 wind turbines, associated tracks, crane hard-standings, anaeometer, underground cables, switchgear house and compound. It is proposed that each turbine will have a maximum height to the top

of the blade of 100 metres (60m to hub height, with turbine blades up to 40m). The turbines are located in a general west to east orientation off a series of access tracks off a central access road beginning at Rusholme Grange Farm entrance, which is located just to the south of the River Ouse. The application site is within the horseshoe of land created by the River Ouse and River Aire, which form the boundary between East Riding and Selby District. The village of Drax and Drax Power Station lies to the west.

3.0 CONSULTATIONS:

3.1 PARISH COUNCILS:

3.2 SNAITH & COWICK TOWN COUNCIL:

This Council is opposed to the development of wind farms in the Vale of York and flat lands surrounding our region. They are concerned that the suitability of the landscape will lead to an ever-increasing proliferation of wind generators throughout the entire area. In view of the already well-established high capacity fossil fuel-fired power generators in and around our region, they wish to oppose any further encroachment on the landscape by renewable energy developers.

3.3 AIRMYN PARISH COUNCIL:

The parish council will be opposing the application on the following grounds; Visual impact, Noise levels, Effect on birds and animals, Vibration and Shadow flicker.

3.4 GOOLE TOWN COUNCIL:

No objections to the proposed development.

3.5 HOWDEN TOWN COUNCIL:

No objections to the proposed development.

3.6 RAWCLIFFE PARISH COUNCIL:

No comments they wish to make on this proposal.

3.7 WRESSLE PARISH COUNCIL:

The major objection of the parish council is that the area is already overloaded with structures which deface the landscape, such as power stations and pylons. The Parish Council feel that this should not be used as an excuse to erect the turbines, rather a reason not to; there has to be a limit to the number of 'key characteristics' which an area can absorb without it being turned into an industrial area.

3.8 NEWLAND PARISH COUNCIL:

It is quite clear from the contents of this critique that the proposed plans do not comply with either the Selby Local Plan Policy ENV1 & ENV6 and the North Yorkshire County Council Structure Plan Policy E7. The potential visual impact, the nuisance by virtue of noise, vehicle movements, of the proposed development is in conflict with both plans. The Parish Council would also request that the members of

the Planning Committee visit the site and that, and the Chair of Newland Parish Council show them round the village.

3.9 DRAX PARISH COUNCIL:

The members of Drax Parish Council unanimously oppose the proposed development and would seek the support of Selby District Council in this view. Their reasons for opposition (in no particular order of precedence) are summarised as follows:

- Our village canvas indicated that 80% of respondents opposed the proposal, 16% supported the proposal and 4% was ambivalent about it.
- We are not convinced that there will be no adverse health effect as a result of low frequency vibration; noise and shadow flicker resulting from operation of these machines.
- We are concerned that there will be significant detrimental visual impact upon our area.
- We believe that there will, inevitably, be a heavy build up of traffic during construction and the options of travelling through Drax village or opening up a side road to the Drax Airmyn Link Road (such side roads having been closed on safety grounds when the link road was built) are equally unacceptable on the grounds of public safety and potential damage to the environs.
- We contend that the construction of wind turbines is the "easy way" to meet government targets on the use of renewable energy without considering the long-term adverse impact of such short-term opportunism.
- We are not convinced that, on a life cycle analysis basis, there is environmental benefit in constructing a multitude of generators of relatively miniscule capacity, which would only be operating at maximum continuous rating for approximately 30% of the time.
- We hold that the land proposed for development is of Grade 1 agricultural land and as such should be protected from non-agricultural development. We would all be derelict in our duties if we were to allow industrial or residential encroachment onto this land. We feel that there are many un-quantified effects of such development viz; Impact on property values, Impact upon wildlife, particularly birds and bats Impact upon radio/television reception.
- We understand that because of the low operational availability of wind turbines, "conventional" generation must be secured, thereby thwarting the claim that these wind turbines replace such conventional power stations. Indeed,

operating conventional stations at less than maximum continuous rating inevitably reduces thermal efficiency, thereby increasing CO₂ per MW generated.

- We do not believe that the proposed development will bring any wide benefit to the surrounding communities. Clearly there are financial benefits to those involved in the development (and that's fine) and the main developer has hinted at a community trust fund to be set up based upon subsequent profits (and that, in itself, is fine in principle) but there is no long term sustainable gain in local area employment and thus benefit to local business.

4.0 STATUTORY CONSULTEES

4.1 GOVERNMENT OFFICE FOR YORKSHIRE AND THE HUMBER:

On the 17th May 2005, The Government Office for Yorkshire and The Humber (GOYH) confirmed that The Secretary of State exercised his powers under Article 14 of the Town and Country Planning (General Development Procedure) Order 1995 and directed the Council not to grant planning permission with special authorisation.

- 4.2 The GOYH concluded its responses on the 18th January 2006, stating that the Article 14 Direction was withdrawn. Having carefully considered the relevant planning issues raised by this proposal, together with all the representations received, the Secretary of State concluded that his intervention would not be justified. The application does not, in the Secretary of State's view, raise issues of more than local significance which would require a decision by him. The decision as to whether to grant planning permission will therefore remain with the Council.

4.3 SELBY AREA INTERNAL DRAINAGE BOARD:

The Drainage Board have no objection in principle, subject to conditions, as there are Drainage Board-maintained watercourses crossing and within the site boundary.

4.4 ENVIRONMENT AGENCY:

The Agency has no objection in principle to the development and the Flood Risk Assessment as submitted subject to conditions.

4.5 YORKSHIRE WATER:

Yorkshire Water originally responded on the 3rd August 2004, noting that groundwater protection did not appear to have been addressed in the environmental statement. YWS had concerns with regard to groundwater protection and potential pollution risks arising from the proposed activities for the following reasons:

- 4.6 The proposed site overlies the Sherwood Sandstone aquifer from which YWS abstract groundwater for public water supply. The site falls within groundwater

Source Protection Zone III (total catchment zone), i.e. the Selby Public Water Supply boreholes, as defined by the Environment Agency (EA).

- 4.7 This development poses a potential pollution risk to groundwater. The main period of risk is during the construction phase, when drilling and piling works will be undertaken as well as other forms of ground disturbance. There is also an increased risk of hydrocarbon pollution from plant vehicles on site. The applicant should consult the Environment Agency to ensure that pollution risk to the chalk aquifer is minimised. Given that the Environmental Statement provided does not consider the potential impact the development may have on groundwater, it is especially important that the Agency comments on risk assessment, mitigation measures etc.
- 4.8 NYCC HIGHWAYS:
North Yorkshire County Council in its capacity of Highway Authority has no concerns about the Wind Farm once it has been built. According to the submission, the periodic visits for inspection and maintenance will not give rise to large volumes of traffic on country lanes leading to the site.
- 4.9 Problems regarding the access for construction traffic are of concern. The applicants have held preliminary discussions with staff at North Yorkshire County Council, and a number of measures to mitigate adverse effects on the local road network have been identified, in particular, those given in the Environmental Statement.
- 4.10 The conclusion to Appendix 3 recommends that Route 1 is the preferred option for the delivery of long and heavy components. Route 1 is from Junction 36 on the M62, west along the A614 to the roundabout with the A645 then A645 Drax - Airmyn Link Road to New Lane, Brier Lane and Willow Row/Rusholme Lane. The A614 and the A645 up to the bridge over the River Aire are in East Yorkshire. New Lane is currently sealed off from the A645, so it will be necessary to promote a traffic order for the road to be reopened, then closed off at the end of the works. Heavy vehicles going to and from the site should only use New Lane.
- 4.11 There are three structures on the preferred Route 1, which appear on the County Bridge register. They are: Halfway House, Scurff Hall and Dickon Field. In addition to these structures there may be other small, unregistered culverts.
- 4.12 Certain works on or near the highway are needed to facilitate the turning manoeuvres of the long delivery vehicles. These include: -
- A lay-by/turning area on the A645 opposite New Lane
 - Removal and replacement of the bollards and gate at the A645 end of New Lane
 - Widening New Lane
 - Localised widening on the County Classified Road C337 Brier Lane and the County Unclassified Road SB826 Rusholme Lane

- Surveys and reports on the condition of the structures on the County Bridge Register and small culverts on the route
 - Extending existing structures and small culverts in order to accommodate the road widening
 - Signing directing construction traffic to the site from roads on the Primary Route Network
 - Advisory signs to keep heavy construction traffic away from Drax
 - Road condition surveys on the lanes from A645 to Rusholme Grange
- 4.13 It should be noted that not all the land needed to accommodate the turning movements of the long delivery vehicles is within the public highway. The applicants will have to obtain consent from the adjoining landowner. This would appear to be the case with the scenarios depicted in the Environmental Statement. If branches of the tree shown over-hang the highway, they could be trimmed back. The ditch carrying the stream referred to in the Environmental Statement is the responsibility of the local IDB.
- 4.14 North Yorkshire County Council would seek to have observers present at the test run proposed in the Environmental Statement.
- 4.15 Once the temporary opening of New Lane is effected, North Yorkshire County Council would require that all construction traffic in excess of 7.5 tonne GVW use the access. No HGVs associated with the development should go through Drax. An openable barrier shall be manned throughout the working day; the working day being defined as the hours when construction work takes place.
- 4.16 A three-way manually-operated system of traffic lights at the junction of New Lane and the A645 shall be installed and operated throughout the working day. A remote signal shall be installed at the New Lane/Brier Lane junction to prevent oncoming vehicles being on New Lane at the same time.
- 4.17 North Yorkshire County Council prefers that the works within the highway are made the subject of an agreement under Section 278 of the Highways Act, 1980. Promotion of the necessary traffic orders, the road condition survey and the culvert survey can be made the subjects of separate agreements. Bearing the above in mind there are no highway objections, subject to conditions.
- 4.18 NYCC ARCHAEOLOGY:
No objections subject to conditions.
- 4.19 ECOLOGY:
No objections subject to conditions.
- 4.20 LANDSCAPE:
No objections subject to conditions.
- 4.21 SDC ENVIRONMENTAL HEALTH:

No objections, subject to conditions.

4.22 SDC PLANNING POLICY

In strategic and local policy terms they support this proposal in principle. However consideration should be given to the detailed requirements of ENV6 (and ENV9) as well as general policies in terms of the impact on character and amenity of the area.

5.0 AVIATION CONSULTEES

5.1 CIVIL AVIATION AUTHORITY:

The Directorate of Airspace Policy stated that, as indicated within Chapter 12 of Volume 2 of Wind Prospect's Associated Environmental Statement (ES), the Civil Aviation Authority has been consulted on this proposed development. The Directorate responded to Wind Prospect, when it was indicated that we had no related observations.

5.2 Since that date, however, the development of Doncaster Sheffield Airport (the old RAF Finningley site) received the 'go-ahead' via a Public Inquiry. Had that have been the case when this Directorate was originally consulted (late 2002), we would have referred the developer to the Doncaster Sheffield Airport operators. However, I note from the ES that the Airport operators have been consulted. It is essential, from an aviation perspective, that the operators of Doncaster Sheffield Airport are given opportunity to comment upon this planning proposal.

5.3 NATIONAL AIR TRAFFIC SERVICES (NATS):

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, National Air Traffic Services NATS (En Route) Limited has no safeguarding objections to this proposal.

5.4 NOTTINGHAM EAST MIDLANDS AIRPORT:

The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. Accordingly, this department has no safeguarding objection to the proposal.

5.5 ROBIN HOOD AIRPORT - DONCASTER SHEFFIELD (RHADS):

As you are aware, our interest in this planning application stems from the fact that the proposed site lies within the 30km safeguarding circle scribed about the reference point for Robin Hood Airport - Doncaster Sheffield (RHADS) and, therefore, we need to assess any impact that the turbines may induce on our future air operation.

5.6 We have studied the plans submitted with the application and determined that this proposal in isolation will not have a detrimental effect on our ability to provide a safe and effective air traffic service to aircraft when flying along the notified departure and arrival routes from/to RHADS. However, we ask that you note our

concern about any future development that may be considered in areas adjacent to or in close proximity to the Rusholme site. We may not be able to adopt the same position regarding any additional wind turbines in the area because of the potential accumulative effect and the strong possibility that the airport surveillance radar would be affected adversely. You can anticipate that we would lodge an objection against such future development.

6.0 OTHER CONSULTEES

6.1 SHERBURN AERO CLUB LIMITED:

Sherburn Aero Club Limited has confirmed that they can find no conflict with their operations and therefore have no objection to the proposed development.

6.2 YORK AND SELBY GREEN PARTY:

York and Selby Green Party wish to express their support for this scheme. They believe that the contribution towards meeting our targets for sustainable energy and the safeguarding of future energy supplies without recourse to nuclear power far outweigh any local negative environmental impact.

6.3 GOOLE DEVELOPMENT TRUST:

Goole Development Trust would like to offer their support of Goole Development Trust for the £25,000 p.a. local environmental initiatives programme, which would be created if the application were approved. As a community-owned-and-controlled organisation with the remit of furthering the economic, social and environmental regeneration of Goole and its surrounding areas we would very much like to see such an environmental initiative.

6.4 MINISTRY OF DEFENCE:

Defence Estates have no objections to the proposed wind farms at Rusholme Grange. Further details of the scheme, if approved, will be promulgated to military aircrew who will endeavour to avoid direct over flight of the site. Construction workers, particularly those working at height, should be aware that essential military low flying training might be conducted in the vicinity.

7.0 OTHER LOCAL AUTHORITIES:

7.1 EAST RIDING OF YORKSHIRE COUNCIL:

The application was reported to their Council's Planning Committee on 14th October 2004 when the following was resolved:

7.2 "That this Council does not object to the application but recommends that Selby District Council negotiate with the applicant to reduce the height of turbines 10 and 12, (suggest 75 metres to the top of the blade) or, alternatively, that turbines 10 and 12 should be moved further to the west".

7.3 There is general concern that the wind farm has the potential to interfere with domestic television reception particularly in Airmyn. Appropriate remedial measures may need to be taken by the developer; a Section 106 Agreement can cover this.

7.4 NORTH EAST LINCOLNSHIRE COUNCIL:

Responded on 10th November 2004 and stated that as of that date, they had no current wind farm or wind turbine planning application that are in or undecided. There have also been no wind turbine application approvals that could still be implemented.

8.0 NEIGHBOURS:

8.1 The application has been duly advertised on site by the means of a site notices and neighbouring properties have been written to directly, notice was also published in the local press.

8.2 SUPPORT

1,230 letters of support have been received from local residents and their supporting comments can be summarised as follows: -

- Concerns about the irreversible damage that climate change will wreak upon the environment and landscape unless stopped and the effect it will have on health and livelihood.
- New Scientist recently reported that 35,000 people died last year in Europe alone because of the extreme weather events that are associated with global warming. David King, the Government's Chief Scientist, has said that global warming is the greatest threat that we face - greater even than terrorism.
- To prevent the worst effects of global warming it is essential that we reduce our use of fossil fuels, which emit carbon dioxide, causing global warming. Every typical wind turbine installed in the UK produces enough clean, safe electricity every single year to stop over 2,200 tonnes of carbon dioxide being released and to power over 550 UK homes. Every wind farm built is an important step towards moving the UK into the clean energy future that we urgently need.
- The proposed wind farm's location, within sight of Drax, the UK's largest coal-fired power station, highlights the transition that we as a nation must make in order to bring about the clean energy revolution we need. Furthermore, the Government has said that if wind power is not seen to be successful in the next few years, then the prospect of another generation of nuclear power stations will become much more likely.
- The UK has the greatest wind and wave resource of anywhere in Europe. Wind power is one of a host of clean, safe renewable technologies that can provide the energy that we need without contributing to climate change and without the detrimental effects to both human health and our environment caused by

nuclear power - such as waste that will remain radioactive for hundreds of thousands of years. We must embrace wind power as the beginning of the renewable energy revolution in the UK.

- Rusholme Wind Farm is a vital part of achieving a clean energy future and preventing the catastrophic effects of climate change.

8.3 AGAINST

378 letters of objection have been received from local residents and their objections can be summarised as follows: -

- Due to the existing industrial infrastructure (Drax, the glassworks at Goole etc), the local area has a low capacity to accept changes to the skyline by way of tall man-made elements, and there would be a significant adverse effect on the landscape. The scale of the turbines and their horizontal spread would be such as to have a significant effect upon its character. In addition, the existing industrial structures act as vertical reference points to establish their size. At 100m to blade tip, the proposed wind turbines would be substantial structures and would be visible over a large area.
- The turbines would be prominent features for various 'receptors' and would have a significant visual impact. In particular, there would be direct views of them from various properties in Drax, Newland, Airmyn, Little Airmyn, Asselby, Knedlington and other surrounding villages. The development would affect characteristics of this area that are valued by many local people. Moreover, the turbines are very close, within 750m from the nearest dwellings - the most sensitive of the 'receptors'.
- In terms of mitigation, the development has not been designed and located as to limit its landscape and visual impact. The size of the development is far too large for the locality.
- Regarding 'moving receptors' there would be prominent views from the A645, M62 motorway and minor roads in the area. The impact on these will be significant and potentially very dangerous, especially from the M62 Ouse Bridge.
- Selby Local Plan Policy ENV 1 states that proposals for development will be permitted provided they comply with all relevant policies in the PLAN and a good quality of development would be achieved. In considering proposals the District Council will take account of:
 - The effect upon the character of the area or the amenity of adjoining occupiers
- Selby Local Plan Policy ENV 6 (Renewable Energy) states that proposals for the development of Renewable Energy Schemes will be permitted provided that:

- The scheme will not have an unacceptably adverse effect on the immediate and wider landscape and is accompanied by appropriate mitigation methods.
- The proposal would give rise to nuisance by virtue of noise, vehicle movements, emissions and electro magnetic interference
- North Yorkshire County Council Structure Plan Policy E7 states that development which would give rise to substantially increased levels of noise, water or air pollution or would be hazardous & significantly increase the risks to members of the public will normally not be permitted, but the expansion of existing industry or development essential to agriculture, mineral extraction & processing or other established industries in North Yorkshire may be allowed.
- Quite clearly, the potential visual impact of this development is in conflict with elements of both the Selby District Council Local Plan and the North Yorkshire County Council 'Structure Plan'. On account of this, the application must be refused.

9.0 COMMUNITIES AGAINST RUSHOLME TURBINES (C.A.R.T.)

C.A.R.T. has stated that the resounding outcome of their investigation is that this application should be unanimously rejected and the following is a concise summary of their views: -

9.1 This application does not conform to current planning policies:-

- North Yorkshire County Council Structure Plan Policy E2 and E7 - The development should not harm the character and appearance, general amenity or nature conservation interests of the surrounding area; our findings prove that this is not the case. Development, which would give rise to substantially increased levels of noise or would be hazardous and significantly increase the risks to members of the public, will normally not be permitted; this should certainly apply to this proposal.
- North Yorkshire County Council Structure Plan Policy AI - The development will involve the loss of grade 1 agricultural land for up to 25 years and even after this period there is no plan to remove the turbine bases from the ground; this will have a detrimental effect of the land.
- North Yorkshire County Council Structure Plan Policy A3 - All grade 1,2&3A agricultural land will be safeguarded as far as possible from non-agricultural development. This is certainly not the case.
- Local Plan Policy ENV1 This application does not comply with this policy on a number of counts, including; Unacceptable visual impact, unacceptable impact on the amenity of neighbours (via noise and recreational enjoyment), it could

interfere with hydrology and it will generate an unacceptable nuisance from noise.

- Local Plan Policy ENV6 Twelve 100m tall moving structures will undoubtedly have an unacceptable visual impact on the immediate and wider landscape and the application is not accompanied by appropriate mitigation methods. The proposal will undoubtedly give rise to nuisance by virtue of noise, vehicle movements, and electro magnetic interference.
- Local Plan Policy ENV9 and ENV10 the development boundary is only 1.5km from the Humber Estuary Site of Special Scientific Interest, which extends to Boothferry Bridge. In addition, the Lower Derwent Valley (SSSI) is only 3.1km from the site boundary and there are several Sites of Importance for Nature Conservation in the area surrounding the proposed site including SE62-14 Meadow south of Drax, SE6215 Disused railway embankment, SE62-16 Newland Ings, Newland and SE62-17 Brockholes.

9.2 This application has received an unprecedented number of objections:

- At the last count approximately 500 letters of objection have been lodged with Selby District Council. This is an unprecedented number of objections.
- Surveys carried out in the local villages surrounding the development have all overwhelmingly rejected the proposal.
- Parish Councils in Newland, Drax, Airmyn and Snaith all oppose this proposal.
- The Local MEP has vehemently opposed this proposal from the start.
- The RSPB have raised concerns and have objected pending the provision of further information and also provision of additional mitigation measures.
- English Nature has raised concerns and has objected subject to further clarification.
- David Bellamy has expressed his opposition to this scheme.
- Public opinion IS NOT in favour of wind farms in this case!

9.3 The Applicant has failed to address a number of critical issues

- The noise survey does not account for low frequency noise. There is also no consideration given as to effects of the wind speed at 60m height, the turbines can turn even when the 10m height wind velocity suggests that they cannot. This is precisely the period when the effects of noise are most pronounced. The background noise measurements that were taken were not at the most sensitive receptors, a requirement of the standard governing noise measurement. Because noise measurements were taken at the properties of those with a vested interest in the project, these could have been subject to manipulation.
- No remedy for shadow flicker suggested even though it is acknowledged that this is a wind turbine phenomenon.

- Wildlife consideration has been limited. Both the RSPB and English Nature have concerns with regard to the potential impact on birds, the ES is lacking and this is substantiated by the RSPB.
- Opening New Lane, for access to the site, will create a serious hazard for users of the A645. In addition, a full survey of the proposed route to the site is required in order to establish the suitability.
- Air safety is paramount, yet the applicant has stated that the National Air Traffic Service has not objected, they have!
- No attention is given to the protection of groundwater; there are concerns with regard to groundwater protection and potential pollution risks arising from the proposed activities. The proposed site overlies the Sherwood Sandstone aquifer from which Yorkshire Water abstract groundwater for public water supply.
- With regards to visual impact on this sensitive landscape, no mitigation measures or alternative sites have been proposed.
- The scale of the development is unacceptable for the locality. Other windfarm developments, in similar flat localities, consist of only 2 to 3 wind turbines.
- The colour of the windturbine structure has not been determined.
- No consideration is given to amount of electricity generation capability already in the locality or the current emphasis being placed on the use of renewable fuels at the local power stations.
- The cumulative impact of the many windfarm applications is given scant consideration.

9.4 A number of currently accepted standards are outdated

- BS4142 and ETSU-R-97 are the relevant standards. They relate to a time when wind turbine hubs were between 25-40m in height, not the 60m of modern day turbines. Wind speeds recorded at 10m DO NOT represent those at 60m where the hub of the turbine is. Current noise measurements IGNORE low frequency noise, topography and wind direction making results very inaccurate and the likelihood of complaints arising is seriously underestimated.
- Planning guidance refers to 'minimum separation distances' from residential dwelling to be 350-400m. This is also outdated and relates to noise emissions of much smaller turbines. This distance should be increased in line with the growth in height and noise emitted from wind turbines.

9.5 The wider considerations

- Denmark and Germany have important lesson to teach us regarding wind power. The overriding message is that wind farms are a hugely subsidised mistake. The enormous public cost of subsidies, technical transmission and

noise complaints make them one of the most expensive forms of electrical generation currently available.

- Much more can and should be done to promote energy conservation – managing demand and conserving energy rather than constantly trying to meet it.
- Farm diversification should be encouraged and those landowners have undertaken this with a vested interest in the project and no 'hardship' exists.
- Landscapes are non-renewable too and should not be sacrificed for short-term goals.
- There is a huge swing in favour of off shore wind farms and they seem hugely more reliable and efficient than on-shore.
- The applicant asserts a 'need' for this development and insists that despite proposals not according with planning policies or causing environmental harm, the overriding proven need should be grounds for approval. We reject this entirely for reasons that are set out in various parts of this submission. Even if a need could be shown for twelve turbines of the size and output proposed, it has not been demonstrated that any such need must be satisfied at this particular application site.

9.6 Local governments face very tough decisions over the next decade in attempting to ensure future electricity supplies along with limiting CO2 emissions. Wind power has such a minuscule part to play in future energy production that for the same huge investment much greater savings in carbon emissions could be achieved by rationalising and constraining energy consumption at home and assisting less developed countries to modernise their electrical systems with new technology.

9.7 We do not claim to be able to solve our energy problems, but would it not be a folly to sacrifice our precious landscapes for a new technology, which is still being disputed by scientists' world-wide?

10.0 POLICIES AND ISSUES:

10.1 The planning policy context under which proposals for the establishment of renewable sources are to be considered is set at National level (in England) by Planning Policy Statement 22 (August 2004). Regional Planning Guidance exists in the form of Regional Spatial Strategy for Yorkshire and the Humber published on 1 December 2004. At local level policy is set out by the North Yorkshire County Structure Plan (Alteration No.3) adopted in 1995 and Selby District Local Plan adopted on 8 February 2005.

10.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) places a duty on local planning authorities to make decisions in accord with

planning policies forming part of an approved development plan unless material considerations indicate otherwise. The weight to be ascribed to other planning policy guidance may vary according to the status of that advice.

- 10.3 In addition to the principal elements of planning policy other advice contained in Planning Policy Guidance Notes and replacement national Planning Policy Statements (PPS) may be of relevance to the submitted proposal. This includes:
- PPS1: Delivering Sustainable Development - January 2005
 - PPS7: Sustainable Development in Rural Areas - August 2004
 - PPG8 Telecommunications – August 2001
 - PPS9 - Biodiversity & Geological Conservation - August 2005
 - PPG15 Planning and the Historic Environment – September 1994
 - PPG16 Archaeology and Planning – November 1990
 - PPG21 Tourism – November 1992
 - PPG24 Planning and Noise – September 1994

11.0 NATIONAL PLANNING GUIDANCE

11.1 PLANNING POLICY STATEMENT 22 RENEWABLE ENERGY

11.2 This sets out the Government's national policies for renewable energy and replaces previous advice in Planning Policy Guidance Note 22 and its annexes, which was issued in 1993.

11.3 The Government's energy policy, including its policy on renewable energy, is set out in the Energy White Paper. This aims to put the UK on a path to cut its carbon dioxide emissions by some 60% by 2050, with real progress by 2020, and to maintain reliable and competitive energy supplies.

11.4 Increased development of renewable energy resources is vital to facilitating the delivery of the Government's commitments on both climate change and renewable energy. Positive planning which facilitates renewable energy developments can contribute to all four elements of the Government's sustainable development strategy:

- Social progress which recognises the needs of everyone - by contributing to the nation's energy needs, ensuring all homes are adequately and affordably heated; and providing new sources of energy in remote areas;
- Effective protection of the environment - by reductions in emissions of greenhouse gases and thereby reducing the potential for the environment to be affected by climate change;
- Prudent use of natural resources - by reducing the nation's reliance on ever-diminishing supplies of fossil fuels; and
- Maintenance of high and stable levels of economic growth and employment through the creation of jobs directly related to renewable energy developments,

but also in the development of new technologies. In rural areas, renewable energy projects have the potential to play an increasingly important role in the diversification of rural economies.

11.5 Regional planning bodies and local planning authorities should adhere to the following key principles in their approach to planning for renewable energy:

- Renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic, and social impacts can be addressed satisfactorily.
- Regional spatial strategies and local development documents should contain policies designed to promote and encourage, rather than restrict, the development of renewable energy resources. Regional planning bodies and local planning authorities should recognise the full range of renewable energy sources, their differing characteristics, locational requirements and the potential for exploiting them subject to appropriate environmental safeguards.
- At the local level, planning authorities should set out the criteria that will be applied in assessing applications for planning permission for renewable energy projects. Planning policies that rule out or place constraints on the development of all, or specific types of, renewable energy technologies should not be included in regional spatial strategies or local development documents without sufficient reasoned justification. The Government may intervene in the plan making process where it considers that the constraints being proposed by local authorities are too great or have been poorly justified.
- The wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.
- Regional planning bodies and local planning authorities should not make assumptions about the technical and commercial feasibility of renewable energy projects (eg identifying generalised locations for development based on mean wind speeds). Technological change can mean that sites currently excluded as locations for particular types of renewable energy development may in future be suitable.
- Small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally. Planning authorities should not therefore reject planning applications simply because the level of output is small.
- Local planning authorities, regional stakeholders and Local Strategic Partnerships should foster community involvement in renewable energy projects and seek to promote knowledge of and greater acceptance by the public of prospective renewable energy developments that are appropriately

located. Developers of renewable energy projects should engage in active consultation and discussion with local communities at an early stage in the planning process, and before any planning application is formally submitted.

- Development proposals should demonstrate any environmental, economic and social benefits as well as how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures.

11.6 Continuing, PPS 22 sets out the principles for regional targets, policies in Regional Spatial Strategies (RSS) and local development documents, locational considerations and a range of other considerations relating to scale, landscape and visual effects, noise, odour, and types of renewable energy, eg biomass and energy crops and wind turbines.

12.0 REGIONAL SPATIAL STRATEGY FOR YORKSHIRE AND THE HUMBER

12.1 Existing RSS (based on the selective review of RPG12) includes Policy R12 which states that Development Plans should a) include measures which help to secure a target of 674 MW of installed renewable energy generation capacity by 2010 for Yorkshire and the Humber; and b) maximise the use of renewable energy resources and technologies such as on-shore wind power; and c) include locational and environmental criteria that will be applied in securing the sub-regional targets.

12.2 Emerging RSS published in December 2005 (for consultation until April 2006) contains Policy ENV5 that includes, amongst other detailed requirements, that the Region will A) improve energy efficiency and maximise the efficient use of power sources; and B) maximise renewable energy capacity by delivering at least the sub-regional targets for installed renewable energy capacity of 209 MW for North Yorkshire by 2010.

12.3 The draft RSS also sets out at table 15.12 the indicative renewable energy potential within Local Authority areas to 2010. The figure for Selby is 14.4 MW. This figure is taken from the Yorkshire and Humber Sub-Regional Assessment and Targets Study (SREATS) prepared by consultants and part-funded by the District Council (with other North Yorkshire LPAs, GOYH and Regional Assembly). Officers have supported the work, although it is yet to be presented to Committee and therefore not yet endorsed by Members.

12.4 The Study also produced a report "Delivering Sustainable Energy in North Yorkshire, Recommended Planning Guidance" (October 2005). The Steering Group of officers is currently considering the next steps in bringing this within the statutory development plan process.

13.0 SELBY DISTRICT LOCAL PLAN

Since the application was submitted the Selby District Local Plan has been adopted (February 2005). The proposal should be considered in the light of Policy ENV6 of

the adopted SDLP, and other detailed development control policies within the adopted Selby District Local Plan.

13.1 POLICY ENV6

This policy relates to proposals for the development of renewable energy and states that they will be permitted provided that:

- The scheme will not have a significant adverse effect on the immediate and wider landscape;
- The scheme is located in close proximity to the electric grid or user buildings in order to keep new power lines to a minimum;
- The proposal would not give rise to nuisance by virtue of noise, vehicular movements, emissions and electro-magnetic interference;
- The proposal would achieve a high standard of design, materials and landscaping; and
- Adequate measures are incorporated to safeguard local amenity and highway safety during construction.
- Where appropriate, planning conditions will be used to secure the restoration of the site in the event of subsequent decommissioning.

13.2 POLICY DL1

This policy relates to Development in the countryside and it states that outside the Green Belt and development limits, development will only be permitted where the proposal complies with all other relevant policies and the proposal:

- Would be appropriate in a rural area; or
- Involves the re-use, adaptation or extension of an existing building; or
- Is required to meet the identified social or economic needs of a rural community; or
- Would be of direct benefit to the rural economy including additional small-scale employment development and the expansion of existing firms.
- Where development is considered appropriate, it must be located and designed so as not to have a significant adverse effect on residential amenity or the character and appearance of an area and must not harm acknowledged nature conservation interests.

13.3 POLICY ENV1

General environmental considerations are covered under Policy ENV1 and this states that; proposals for development will be permitted provided a good quality of development would be achieved. In considering proposals the District Council will take account of:

- The effect upon the character of the area or the amenity of adjoining occupiers;
- The relationship of the proposal to the highway network, the proposed means of access, the need for road/junction improvements in the vicinity of the site, and the arrangements to be made for car parking;
- The capacity of local services and infrastructure to serve the proposal, or the arrangements to be made for upgrading, or providing services and infrastructure;

- The standard of layout, design and materials in relation to the site and its surroundings and associated landscaping;
- The potential loss, or adverse effect upon, significant buildings, related spaces, trees, wildlife habitats, archaeological or other features important to the character of the area;
- The extent to which the needs of disabled and other inconvenienced persons have been taken into account;
- The need to maximise opportunities for energy conservation through design, orientation and construction; and
- Any other material considerations

13.4 POLICY ENV2A

This policy deals with noise nuisance and states that; proposals for development which would give rise to, or would be affected by, unacceptable levels of noise, nuisance, contamination or other environmental pollution including groundwater pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme. Such measures should be carried out before the use of the site commences.

13.5 POLICY ENV5

ENV5 states that; in areas with a high risk of flooding, proposals for new development will only be permitted where:

- Exceptionally, within functional flood plain areas, it relates to essential transport or utilities infrastructure which cannot be located in a lower risk area, and which is designed to remain operational even in times of flood.
- Within or adjacent to existing settlements, an appropriate standard of flood defence can be maintained or provided for the lifetime of the development, and proposals incorporate appropriate flood management and mitigation measures, including flood-resistant construction, the provision of flood warning and evacuation procedures, laying out the development to ensure that non-critical area flood first, and the incorporation of sustainable urban drainage systems.
- Elsewhere within undeveloped flood plains, proposals relate to agriculture, essential transport and utilities infrastructure, job-related residential accommodation, or exceptionally, non-residential development with particular locational requirements for which an alternative lower-risk location is not available, and for which associated compensatory flood storage measures are provided.

13.6 Development proposals, which impede the functional flood plain and flood flows, adversely affect the stability and continuity of or access to flood defences, or which materially increase the risk of flooding elsewhere will not be permitted.

13.7 All proposals in areas subject to a risk of flooding must be accompanied by a flood risk assessment appropriate to the scale and nature of the development, prepared in consultation with the Environment Agency.

13.8 POLICY ENV9

This policy deals with locally important nature conservation sites and it states that; Proposals for development which would harm a local nature reserve, a site of local importance for nature conservation or a regionally important geological/geomorphological site, will not be permitted unless there are no reasonable alternative means of meeting the development needs and it can be demonstrated that there are reasons for the proposal which outweigh the need to safeguard the intrinsic local nature conservation value of the site or feature.

13.9 POLICY ENV10

Policy ENV10 relates to general conservation consideration and states that; where development proposals, which affect a site of nature conservation interest, are acceptable in principle, any harm to the nature conservation interest should be kept to a minimum. Where appropriate the developer will be expected to incorporate compensatory measures including the implementation of schemes for habitat creation and/or enhancement within the site or locality, and proposals to ensure future management.

13.10 POLICY ENV14

This policy states that Development and other land use changes which may harm badgers and other species protected by Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981, as amended, or the EC Habitats and Species Directive will not be permitted. To avoid harm to the species the local planning authority may consider the use of conditions and planning obligations which seek to:

- Facilitate the survival of individual members of the species;
- Reduce disturbance to a minimum; and
- Provide adequate alternative habitats to sustain at least the current levels of population.

13.11 POLICY ENV20

This policy relates to Strategic Landscaping and seeks to ensure that there is adequate landscaping related to large-scale development or development at the edge of settlements and such proposals will be required to incorporate a substantial element of strategic landscaping (which may be off-site) as an integral part of the scheme.

13.12 POLICY ENV21

In terms of landscaping, this policy states that: -

- Where appropriate, proposals for development should incorporate landscaping as an integral element in the layout and design, including the retention of existing trees and hedgerows, and planting of native, locally occurring species.
- The District Council may make tree preservation orders, impose planting conditions, or seek an agreement under Section 106 of the Town and Country

Planning Act 1990 to ensure the protection and future maintenance and/or replacement of existing trees, hedgerows and proposed new planting.

13.13 POLICY ENV22

This policy is in with regard to the protection of listed buildings and it states that; Development will not be permitted where it would have a detrimental effect on the character, fabric or setting of a listed building.

13.14 POLICY ENV25

In relation to development affecting conservation areas, policy ENV25 states that; Development within or affecting a conservation area will be permitted provided the proposal would preserve or enhance the character or appearance of the conservation area, and in particular:

- The scale, form, position, design and materials of new buildings are appropriate to the historic context;
- Features of townscape importance including open spaces, trees, verges, hedging and paving are retained;
- The proposal would not adversely affect the setting of the area or significant views into or out of the area, and
- The proposed use, external site works and boundary treatment are compatible with the character and appearance of the area.
- Where necessary in order to be able to fully assess proposals, the council will require applications to be accompanied by detailed plans and elevations showing the proposed development in its setting.

13.15 POLICY ENV28 A

This policy deals with archaeology and states that: -

- Where development proposals affect sites of known or possible archaeological interest, the District Council will require an archaeological assessment/evaluation to be submitted as part of the planning application.
- Where development affecting archaeological remains is acceptable in principle, the Council will require that archaeological remains are preserved in situ through careful design and layout of new development.
- Where preservation in situ is not justified, the Council will require that arrangements are made by the developer to ensure that adequate time and resources are available to allow archaeological investigation and recording by a competent archaeological organisation prior to or during development.

13.16 POLICY EMP5

Proposals for the creation or expansion of non-conforming industrial/business uses which are likely to create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity will not be permitted. In cases where existing operations cause significant environmental, amenity or highway problems, the district council will encourage firms to overcome such problems or to relocate to a more suitable site or premises. Employment Development Within Development Limits and Established Employment Areas

13.17 Policy EMP11 relates to exceptional major industrial business uses and states that; in exceptional circumstances, large-scale business or industrial development for occupation by a single large operator and any related development directly linked to its operation may be permitted provided:

- The development would result in substantial employment or other economic benefits;
- There are clear and substantive reasons why the proposed development cannot be implemented on land allocated for business or industrial development in accordance with Policy EMP2;
- The site is not situated within green belt, a locally important landscape area, an historic park and garden or an area of archaeological importance, and the proposal would not harm acknowledged nature conservation interests;
- The proposal would seek to minimise the loss of the best and most versatile agricultural land and no suitable alternative site is available;
- The proposal would be well related to the strategic highway network, and would not create conditions prejudicial to highway safety;
- The proposal would be well related to the existing public transport network or would incorporate measures to ensure the employment opportunities are accessible to the potential workforce by a variety of transport means;
- The proposal would achieve a high standard of design, materials and landscaping appropriate to the locality; and
- The proposal would not have a significant adverse effect on residential amenity in nearby settlements.

13.18 POLICY EMP12

In relation to agriculture and related development, this policy states that; Development proposals which would lead to the irreversible loss of the best and most versatile agricultural land (Grades 1, 2 and 3a) will not be permitted unless there is an exceptional overriding need and there is no suitable alternative site available.

13.19 POLICY T1

This policy aims to ensure that traffic generated by development proposals does not prejudice the maintenance of an efficient and safe road network. It states that Development proposals should be well related to the existing highways network and will only be permitted where existing roads have adequate capacity and can safely serve the development, unless the developer undertakes appropriate off-site highway improvements.

13.20 ENERGY REVIEW REPORT 2006

In November 2005 the Prime Minister announced a major review of the country's progress on achieving the goals of the 2003 Energy White Paper:

13.21 The review has now concluded and the results published on 11th July 2006 in the report, 'The Energy Challenge – Energy Review Report 2006'.

13.22 In the report it is restated that “Renewable energy is an integral part of the Government’s long-term aim of reducing CO2 emissions by 60% by 2050” (chapter 5, clause 5.17). In addition it states that, “if we can increase the amount of energy we get from the renewable sources around us, we can reduce our dependence on imported fossil fuels. In this way, the extra diversity that renewables bring to the UK’s energy infrastructure can make a significant contribution to the Government’s goal of ensuring secure and reliable energy supplies” (chapter 5, clause 5.18).

14.0 OFFICER APPRAISAL:

14.1 Having considered this application and representation, it is the Council's view that the main issues in this case are:

- Noise impact
- Nature conservation
- Cultural heritage
- De-commissioning
- Construction issues
- Landscape and visual amenity
- Electro-magnetic signals

14.2 NOISE:

The applicants have stated that the wind-speed-dependent noise levels predicted at the properties nearest the proposed wind farm site are comparable with the existing background levels at the same wind speed. Noise from the turbines at the houses will remain within the ‘flat’ limit of 35dB, or 5dB above the background levels, whichever is the greater.

14.3 The applicants have also stated that the machines currently proposed are the latest generation of wind turbines from a well-established company. They are electrically and aerodynamically very efficient, and are constructed with noise emissions in mind. The improvements introduced over the years have led to a highly developed design with minimum acoustic impact. The ETSU recommendation for limiting noise from wind farms, which would restrict the noise emissions in terms of LA90, 10min values to no more than 5dB above the quiet daytime background, could be met by the proposed site design.

14.4 Residents of the area have criticised the monitoring undertaken by ACIA in relation to the noise assessment. In the study, three monitoring locations were chosen and the results from one were discounted as a nearby generator had influenced them. The results for one of the other two locations was substituted for this site and in my opinion this was not unreasonable as your officers would expect that the substituted readings would be equivalent to or lower than the affected site.

14.5 Selby District Council carried out a PPG24 assessment of noise at a residential property in the area. It was found that the night time level was as considered as the background level in the noise assessment. In relation to the daytime noise levels the Selby District Council results were lower by up to 9 dBA. Although the

consultant has considered a higher background daytime level this will only be relevant where the expected turbine noise exceeds the background by a large enough margin to cause disturbance. BS4142 suggests that where the margin is over 5 dBA complaints may occur and if over 10 dBA they would be expected. In most cases the projected levels are up to 5 dBA above background levels except at Rusholme Grange and Rusholme Hall, where the increase is up to 8 dBA. The British Standard also suggested that where the noise source has a tonal element a correction factor of 5 dBA should be added to the projected noise level.

14.6 As there appears to be a number of factors in the noise issue, which cannot, due to present technological knowledge, be determined beyond doubt, your officers would recommend that the development be conditioned in a stringent manner to the extent that should noise problems arise, the operation should cease.

14.7 NATURE CONSERVATION:

An ecological and ornithological assessment was submitted with the application to provide information on the ecological and ornithological interest of the proposed wind farm site at Rusholme and how this may be affected by the proposed development.

14.8 The specific objectives were to:

- Undertake breeding bird surveys of the Rusholme proposed wind farm site, to determine the numbers of birds present, and approximate breeding locations.
- Undertake wintering bird studies to determine the birds that may be affected by the proposed development at that time of year.
- Undertake a Phase 1 vegetation survey and identify the National Vegetation Classification communities present.
- Collate appropriate additional information on the site's bird populations through consultations and a review of the literature.
- Evaluate the conservation importance of the site, assess the potential effects of the development on the site's ecology and recommend mitigation measures if necessary.

14.9 The ecological and ornithological assessment has been assessed by English Nature, RSPB and North Yorkshire County Ecologists and following amendments relating to protected species and bird monitoring, no objections were raised to the application, subject to conditions, requiring breeding bird and protected species surveys.

14.10 CULTURAL HERITAGE

In relation to cultural heritage it is considered that there would be no impacts on the character or appearance of Rawcliffe Conservation Area nor to the Howden Conservation Area. In addition, there are no Listed Buildings located within the wind farm site. There will therefore be no direct impacts on Listed Buildings.

14.11 The nearest Listed Buildings are located at Airmyn (800m). Their setting is provided by the village itself in its location on the banks of the River Aire. Although the wind

turbines may be visible in some views from Listed Buildings, it is considered that their physical separation from the wind farm, and the intervening presence of the river Aire and its flood embankments and of farm buildings at Little Airmyn means that no impacts on the historic settings of individual Listed Buildings would occur.

14.12 In relation to Scheduled Monuments, the nearest to the proposed wind farm are the medieval moated sites at Scurff Hall and Castle Hill, at a distance of 1km and 2km to the west of the wind farm respectively. Given the existing nature of these monuments and their immediate landscape settings it is considered that the impact of the wind farm upon their settings would be negligible.

14.13 The applicant has stated that there are no recorded archaeological sites of finds of prehistoric, Romano-British, medieval or post-medieval date will be affected by the construction of the proposed wind farm.

14.14 A staged programme of mitigation is proposed which will allow further evaluation of selected turbine locations by means of archaeological trial trenching. The results of the evaluation will allow a more detailed mitigation strategy to be formulated in conjunction with the your officers and the County Archaeological Section which relates both to any identified impacts and the preferred construction methodology. This has been secured through condition and NYCC Archaeological Section has raised no objections.

14.15 DE-COMMISSIONING

The applicants have stated that the Rusholme Wind Farm is likely to have an operational life of approximately 25 years. After this time, the development would be decommissioned in order to return the site to its former use as arable land. This has been secured through condition and therefore there would be no residual environmental effects arising from the decommissioning of the wind farm.

14.16 CONSTRUCTION

The applicants have stated that the construction of the wind farm would be completed within a period of approximately 43 weeks. Prior to construction, a number of works would be undertaken, including excavation of trial pits for geotechnical investigations, construction of site access signs, and the careful stripping and storage of soils for re-use.

14.17 Conditions have been suggested to mitigate the impacts of construction traffic through the adoption of specific routing and control measures and to mitigate noise during construction.

14.18 LANDSCAPE AND VISUAL AMENITY

The wind farm site lies on the Wharfe – Ouse River floodplain within the Humberhead Levels regional character area. It is not located within a landscape designated at national, regional or local level.

- 14.19 The application has been amended to omit two of the wind turbines originally proposed, in order to mitigate the predicted effects of the wind farm in views from Airmyn. The construction of 12 wind turbines in Newland parish would create a group of tall vertical structures within the open countryside of the Humberhead Levels. The wind farm would be seen in the context of, but not appear to be at odds with power stations, 400kV overhead lines, motorways and associated structures, and industrial development at Goole, all of which are widely visible and located in the vicinity of the site. These features make the local area rather less sensitive to a wind turbine development of this type than some other parts of the Humberhead Levels landscape.
- 14.20 There would be effects on landscape character, however it is considered that the Rusholme wind farm would not have a 'significant impact' on the overall character of the Selby district /Humberhead Levels landscape. Conditions have been suggested to cover the colour details of the turbines and landscape scheme mitigation.
- 14.21 **ELECTRO-MAGNETIC SIGNALS**
The developer has stated that there is no impact on microwave signals would occur. However there is a possibility of degradation of TV signals in the immediate vicinity of the site. In view of this potential risk, the developer is prepared to resolve any such problems should they arise as a result of construction of the wind farm and this has been secured through condition.
- 14.22 **POLICY APPRAISAL**
National and strategic planning policy guidance encourages the generation of electricity from renewable sources where they have a prospect of being economically attractive and environmentally acceptable. Wind energy is such a technology and it follows that it is Government policy to stimulate wind energy development.
- 14.23 It must be acknowledged that such overall support does not give a blanket approval to all such schemes in so far as the planning system is concerned. Indeed, both local and national policies highlight those matters which must be carefully considered before energy related schemes are granted planning permission, and which are addressed in this report.
- 14.24 Clearly, given the relatively low level of energy generation from renewable resources at the present time, there is a long way to go to meet the targets. There is therefore a considerable onus on LPA's to have regard to the national and regional need to develop sources of renewable energy production.
- 14.25 The policies contained in the North Yorkshire County Structure Plan are of some age but still form part of the adopted developed plan. They do not however, take into account any of the up to date national planning advice as contained in PPS22 or other government documents on renewable energy development.

- 14.26 Policy A1 of the SP advocates the development of non-agricultural land or land of lower quality. The erection of a wind farm is, however, a development with unique characteristics. It has to be located where the wind resource is available. In this case the application site has been identified as being a commercially viable wind resource.
- 14.27 The development will also satisfy Policy A2 of the SP. It will take up the minimum amount of land necessary to facilitate the development and only for the lifetime of the proposed scheme
- 14.28 The loss of the agricultural land on which the turbines will stand will be reversible. It will be safeguarded as far as possible and so will not be contrary to Policy A3 of the SP.
- 14.29 Policy ENV6 is permissive of renewable energy development subject to five criteria. Of these the likely impact on the landscape is of particular concern.
- 14.30 In terms of size, the Rusholme proposal can be described as comprising a "medium" size wind farm (10 -- 15 machines) referred to in PPS22. Due to the essentially flat nature of the countryside the site is likely to be visible over long distances and aspects such as siting, layout, design, and appearance are acknowledged as being particularly important.
- 14.31 The overall conclusion is that the wind farm would be located within a landscape that is of relatively low sensitivity to the proposal and has a relatively high capacity to accommodate it. The turbines would generally be consistent with other large-scale infrastructure features (e.g. Drax power station). No national or locally designated landscapes would be affected.

15.0 CONCLUSION:

- 15.1 The government is committed to encouraging the development of wind power and other renewable energy sources.
- 15.2 In this particular case, the main issue to be considered is the benefit to be gained from exploiting a clean sustainable energy resource weighed against any perceived impact on changes to views, landscape character, ecology or residential amenity.
- 15.3 It is clear from the individual assessments set out within the Environmental Statement and summarised within this report that there will be no long-term significant effects from the development in relation to ecology, cultural heritage, health & safety, hydrology, noise, ornithology and soils.
- 15.4 The construction and operation of this wind farm would have some local environmental effects which have been identified and examined, with a view to their avoidance or mitigation. In terms of potential visual impacts, the overall conclusion is that there will be some localised impacts due to changes in views, with

consequent impacts upon the character of the landscape. Such impacts are an inevitable and unavoidable consequence of any commercial scale wind farm development, which occurs in rural areas.

15.5 Personal attitudes to such changes depend upon each individual's attitude to the principle and presence of wind generation and as such has resulted in a high volume and diverse range of consultation responses.

15.6 Following a lengthy process of project design, environmental assessment and consultation, it is concluded that this wind farm can be supported and at the end of its life the wind farm can easily be dismantled, leaving little trace of its previous existence and no legacy of pollution for future generations.

16.0 RECOMMENDATION:

16.1 This application is recommended to be granted subject to the following conditions:

- 1 The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compensation Act 2004.

- 2 The Planning permission is for a period not exceeding 25 years from the date that electricity from the development is first connected with the electricity grid. The Local Planning Authority shall be advised in writing within one month of the date connection is made.

Reason:

To ensure that the turbines are removed from the site at the end of their operational life, and to protect the character of the countryside and visual amenity of the area and to accord with the objectives of Local Plan Policies ENV6, ENV9 and ENV10.

- 3 If any wind turbine hereby permitted fails to produce electricity for supply to the grid for a continuous period of 12 months the wind turbine and ancillary equipment shall be removed from the site within a period of 9 months from the end of the 12 month period.

Reason:

To ensure that the turbines are removed from the site should they become obsolete, to protect the character of the countryside and visual amenity of the area to accord with the objectives of Local Plan Policies ENV6, ENV9 and ENV10.

- 4 In the event of either of the circumstances referred to in conditions 02 and 03 above arising the site shall be restored in accordance with the

decommissioning section of the Environmental Statement submitted with the planning application.

Reason:

To ensure the land is suitably reinstated to its former agricultural use, to protect the character of the countryside and visual amenity of the area and to accord with the objectives of Local Plan Policies ENV6, ENV9 and ENV10.

- 5 The Blades of all wind turbines shall rotate in the same direction.

Reason:

In the interests of visual amenity and to accord with the objectives of Local Plan Policies ENV1 and ENV6.

- 6 No development shall take place until details of the design and external appearance (Including colour finishes) of all turbines and all other buildings and structures have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the colour finishes of the wind turbines shall not be changes without the consent in writing of the Local Planning Authority.

Reason:

In the interests of visual amenity and to accord with the objectives of Local Plan Policies ENV1 and ENV6.

- 7 The wind turbines shall not be illuminated unless the Local Planning Authority gives specific written consent. Details shall be submitted for approval before such works are undertaken.

Reason:

the interests of visual amenity and to accord with the objectives of Local Plan Policies ENV1 and ENV6.

- 8 No development shall take place until a scheme of investigation and alleviation of any electromagnetic interference for TV and radio reception which may be caused by the operation of the turbines hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The procedure in the approved scheme shall be followed at all times.

Reason:

To protect the amenities of the adjacent residents and to accord with the objectives of Local Plan Policy ENV1.

- 9 There shall be no means of vehicular access for vehicles in excess of 7.5 tonne GVW to or from the application site other than from A645 Drax - Airmyn Link Road, New Lane, Brier Lane, Willow Row and Rusholme Lane, unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interest of Highway Safety, in order to accord with Policy ENV1 of the Selby District Local Plan.

- 10 Prior to the commencement of the development, the developer shall arrange for the promotion of the traffic orders needed for the temporary reopening of New Lane, Drax and for its subsequent closure with the Local Highway Authority. The developer shall meet all reasonable charges and fees.

Reason:

So that the temporary access can be opened to vehicular traffic, in order to accord with Policy ENV1 of the Selby District Local Plan.

- 11 The developer shall enter into an agreement with the Local Highway Authority for a condition survey to be undertaken on the county roads, prior to commencement of work and after completion. The roads are:
County Unclassified Road SB486 New Lane (Full length)
County Classified Road C337 Brier Lane (Between junction with SB486 New Lane and SB286 Willow Road)
County Unclassified Road SB286 Willow Row / Rusholme Lane (Full length)

An assessment shall be made of any exceptional damage caused and the Local Highway Authority duly compensated to permit repairs to be made.

Reason

The roads are county lanes of uncertain or unknown construction, and are not considered capable of withstanding heavy loading imposed by vehicles transporting construction plant, machinery and materials to and from the site, in order to accord with Policy ENV1 of the Selby District Local Plan.

- 12 The developer shall enter into an agreement with the Local Highway Authority for condition surveys to be undertaken on the County Bridge Register Structures 1760, 1797 and 1798 and any, small culverts on the route from A645 Drax - Airmyn Link Road to the site entrance at Rusholme Garth. The surveys shall be carried out prior to commencement of work on the development and after completion. The initial survey shall be used to determine the extent, if any, of any work needed to bring the culverts up to a state whereby they can withstand the additional loading imposed by vehicles bringing construction plant, machinery and materials to the site. The post-constriction survey shall be used to determine the extent of any exceptional damage caused by the traffic, and for the Local Highway Authority to be compensated for the cost of any repairs needed.

Reason:

To ensure that the structures and culverts are capable of withstanding any exceptional loading placed on them by construction traffic, in order to accord with Policy ENV1 of the Selby District Local Plan.

- 13 Prior to the commencement of the development, the developer in consultation with the Local Highway Authority, shall provide a system of advisory signs from the primary route network to the site entrance directing drivers of HGV's to the site. The signs shall be maintained in a good condition for the duration of the construction and then removed.

Reason

To prevent drivers using roads through Drax, which otherwise would be to the detriment of safety and amenity for residents, in order to accord with Policy ENV1 of the Selby District Local Plan.

- 14 Prior to the commencement of the development details of a lay-by / turning area on the A645 Drax - Airmyn Link Road, carriageway widening on New Lane and on junctions of New Lane with Brier Lane, Brier Lane with Willow Row / Rusholme Lane and on the bends and corners of Rusholme Lane, removal and re-erection of bollards and the gate at the southern end of New Lane shall be submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority.

Reason:

To ensure that such details are satisfactory in the interests of the safety and convenience of highway users, in order to accord with Policy ENV1 of the Selby District Local Plan.

- 15 Prior to the commencement of the development a lay-by / turning area on the A645 Drax - Airmyn Link Road, carriageway widening on New Lane and on junctions of New Lane with Brier Lane, Brier Lane with Willow Row / Rusholme Lane and on the bends and corners of Rusholme Lane, removal and re-erection of bollards and the gate at the southern end of New Lane shall be constructed in accordance with the details approved by the Local Planning Authority.

Reason:

In order to accord with Policy ENV1 of the Selby District Local Plan.

- 16 Immediately following the removal of the bollards and the gate at the southern end of New Lane, a hinged or otherwise openable barrier shall be erected and maintained for the duration of the construction work in their place. The barrier shall be fully manned throughout the working day. The barrier shall be removed from the site upon completion of the construction works. At the same time, a manually operated temporary system of traffic lights shall be installed at the New Lane junction with A645, with a remote signal at the junction of New Lane with Brier Lane.

Reason

To prevent New Lane being used by unauthorised vehicles and to avoid oncoming traffic on New Lane, in order to accord with Policy ENV1 of the Selby District Local Plan.

- 17 Prior to the commencement of work on the development hereby permitted, a trial run of the long delivery vehicle used to transport component parts shall take place in the presence of representatives of the Police and the Local Highway Authority.

Reason:

In order to identify and resolve any problems that may arise on the selected route, in order to accord with Policy ENV1 of the Selby District Local Plan.

- 18 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 7.0 metres of the bank top of the watercourse, which runs along the eastern boundary of the site.

Reason:

In order to allow sufficient access for maintenance and repair work at all times.

- 18 No development shall take place until details of the proposed siting of any temporary construction compound for the storage of materials, plant equipment and site cabins, and its removal at the end of the construction period, have been submitted to and approved by the Local Planning Authority. The compound shall be removed from the site within 3 months of the commissioning of the final turbine.

Reason:

In the interests of highways safety and visual amenity and to accord with the objectives of Local Plan Policy ENV1.

- 19 There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason:

To prevent pollution of the water environment.

- 20 At the reasonable request of, or following a complaint to Selby District Council, the operator of the development shall measure and assess at its expense, the level of noise emissions from the wind turbine generators following the procedures described in "The Assessment and Rating of Noise from Wind Farms, ETSU-R-97" published by ETSU for the Department of Trade and Industry. An independent consultant agreed in writing by Selby District Council prior to any work being undertaken shall carry out assessment of the emissions from the wind turbine generators.

Reason:

To protect the amenity of residents and employees of the adjoining properties and to accord with Policy ENV2A of the Selby District Local Plan 2005.

- 21 Selby District Council may at any point prior to any noise assessment being undertaken require alteration to the assessment method. The alternative assessment shall be agreed in writing between Selby District Council and the operator.

Reason:

To protect the amenity of residents and employees of the adjoining properties and to accord with Policy ENV2A of the Selby District Local Plan 2005.

- 22 The level of noise emissions from the combined effects of the wind turbine generators when measured at residential properties and in accordance with "The Assessment and Rating of Noise from Wind Farms, ETSU-R-97" shall not exceed:
- (a) during the night-time 5 dB above the night-time LA90 10 min background noise level at wind speeds not exceeding 12 meters per second;
 - (b) during the day-time 5dB above the day-time LA90 10 min background noise level not exceeding 12 metres per second.

Background noise levels shall be determined at residential properties, when the turbines are not operating, during the assessment carried out under the previous conditions.

Reason:

To protect the amenity of residents and employees of the adjoining properties and to accord with Policy ENV2A of the Selby District Local Plan 2005.

- 23 The noise emissions from the combined effect of the wind turbine generator shall not have a tonal component as perceived by the appropriate officer of Selby District Council and when assessed under the above condition, at residential properties.

Reason:

To protect the amenity of residents and employees of the adjoining properties and to accord with Policy ENV2A of the Selby District Local Plan 2005.

- 24 The operation of the wind turbines shall be controlled by noise reduction management system. The system shall monitor wind speed and direction and be designed to prevent the operation of the wind turbines during conditions when the noise emissions limits in the condition above would be exceeded. The system shall be in operation throughout the use of the wind turbines.

Reason:

To protect the amenity of residents and employees of the adjoining properties and to accord with Policy ENV2A of the Selby District Local Plan 2005.

- 25 No development shall take place until the applicant, their agent, or their successor in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been submitted by the

applicant and approved in writing by the Local Planning Authority. The development will thereafter proceed in accordance with the guidelines contained in the evaluation and to an agreed timescale.

Reason:

To ensure that any archaeological remains present are preserved, either by being left in situ or recorded before they are damaged or destroyed and to accord with the objectives of Local Plan Policy ENV27.

- 26 Any vegetation clearance, including felling or cutting back of trees/shrubs/hedgerows, on the development site must be done outside the bird breeding season, which runs approximately from 1st March to 31st August, except times as may be approved by the County Ecologist and Local Planning Authority.

Reason:

The areas of vegetation on the site may have the potential to support breeding birds. All breeding birds, their eggs, nests and young are protected from disturbance under the Wildlife and Countryside Act 1981 (as amended).

- 27 Before the development hereby approved first commences, a bird monitoring programme and scheme of mitigation shall be submitted to and approved in writing by the Local Planning Authority. The details shall include pre and post Construction surveys, the period and times of which the surveys (annually for five years) will be carried out, habitat creation and enhancement and management and shall pay particular regard to the heronry on Assenby Island and Barn Owls. The results of the surveys shall be submitted at times to be approved by the Local Planning Authority and mitigation measures identified shall be carried out in accordance with the agreed programme.

Reason:

In the interest of protecting the birds from harm as a result of the development and to accord with the objectives of Local Plan Policy ENV14.

- 28 Before the development hereby approved is first commenced, a detailed survey shall be undertaken to ensure that protected species, in particular badgers and bats, are fully protected from this development and the results of this survey submitted to the Local Planning Authority for approval. The survey shall include all areas that will be affected by this proposal, including the whole working site areas and shall identify as necessary mitigation and compensatory proposals including habitat enhancement, creation or relocation and management plans. The development shall thereafter be implemented in accordance with these approved details.

Reason:

In the interest of protecting protected species from this development and to accord with the objectives of Local Plan Policy ENV14.

- 29 Notwithstanding the terms of the application, and unless otherwise agreed in writing by the Local Planning Authority, the wind turbines generators shall have a height to the hub not exceeding 60.0 metres and a height to the blade tip not exceeding 100.0 metres.

Reason:

In order to define the permission and to accord with the objectives of Local Plan Policy ENV1.

- 30 Prior to the installation of the foundations for the wind turbines the proposed locations shall be inspected and agreed in writing by the Local Planning Authority with reference to the application.

Reason:

In order to secure the proper implementation of the development and in the interests of the amenity of the area and to accord with the objectives of Local Plan Policy ENV1.

- 31 No development shall take place until a scheme and timetable for the routing of the underground cables has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason:

In order to secure the proper implementation of the development and in the interests of the amenity of the area and to accord with the objectives of Local Plan Policy ENV1.

- 32 In this condition, 'retained tree' means an existing tree, which is to be retained in accordance with the approved plans and particulars. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written authority of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with BS 3998 Tree Work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No fires shall be lit within 10m of the outside spread of the canopy of the trees to be retained.

Reason:

The existing trees represent an important amenity, which the Local Planning Authority considers should be substantially maintained and to and to accord with the objectives of Local Plan Policy ENV1.

- 33 All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on or immediately adjoining the site shall be protected from damage for the duration of the works in accordance with BS 5837: Any parts of hedges or hedgerows removed or reduced in height below or above ground level without the Local Planning Authority's consent or which die or become seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced in the first planting season, with plants of such size and species in such positions as may be agreed with the Local Planning Authority.

Reason:

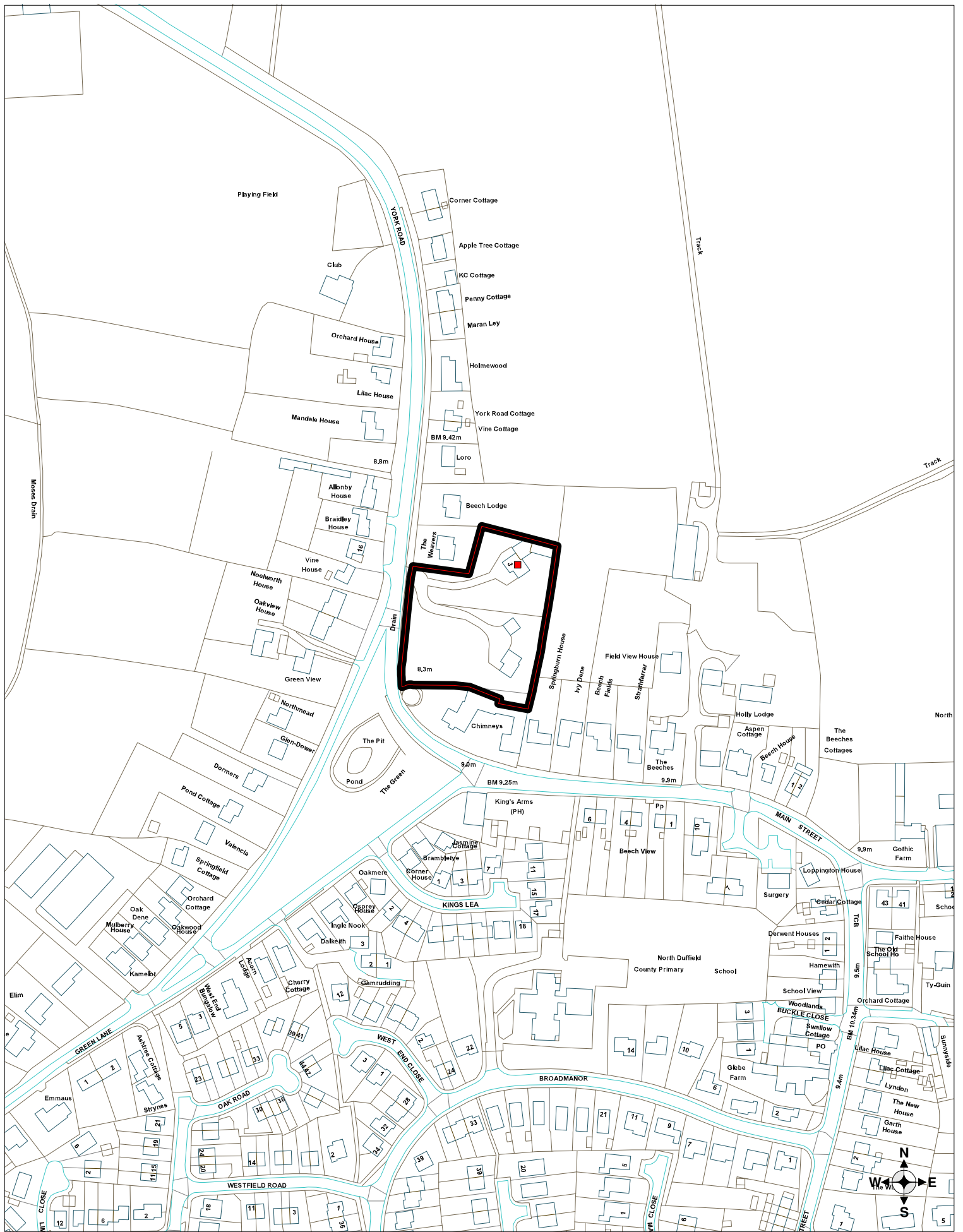
To ensure the continuity of the amenity afforded by existing hedges or hedgerows and to accord with the objectives of Local Plan Policy ENV1.

- 34 No development shall be commenced until there has been submitted and approved in writing by the Local Planning Authority full details of soft landscape proposals. These details shall include, as appropriate:

Proposed planting with details on location, species, size of plant, numbers, density, support and protection, ground preparation, planting method, mulch and aftercare.

Reason:

To ensure an appropriate standard of visual amenity in the local area and to accord with the objectives of Local Plan Policy ENV1.



APPLICATION SITE

Item No: 2006/0907/FUL

Address: The Paddocks, York Road, North Duffield

APPLICATION NUMBER:	8/13/27U/PA 2006/0907/FUL	PARISH:	North Duffield Parish Council
APPLICANT:	Mr & Mrs Stafford	VALID DATE:	6 July 2006
PROPOSAL:	Section 73 application to carry out development approved under 8/13/27T/PA for the erection of 8 No. dwelling houses following demolition of existing dwelling without complying with condition No. 16, and variation to conditions 9 and 18		
LOCATION:	3 The Paddocks York Road North Duffield Selby North Yorkshire YO8 7RU		

DESCRIPTION AND BACKGROUND:

The application site is located on York Road in a predominantly residential area of North Duffield. The application site is a piece of land, measuring 0.42 hectares in size with substantial gardens. The site also comprises a large drainage pond, which takes surface water run-off from the two dwellings on site and others in the vicinity. The properties are accessed via a private drive to the north of the site directly onto York Road.

Planning permission was granted in 2006 for eight dwellings, garages, associated parking and access arrangements following the demolition of one of the houses on site. The approval was subject to a number of conditions precedents, i.e. they needed to be complied with prior to development commencing and throughout the development.

This application is made under section 73 of the Town and Country Planning Act 1990 to enable development to continue without complying with condition 16 of the approved development. The applicant seeks consent to not comply with condition 16. In summary, this would enable development to take place without culverting a ditch for drainage purposes on the opposite side of the road.

CONSULTATIONS:

PARISH: Object to the proposals based on the increased run-off and future issues of drainage in the area.

NORTH YORKSHIRE COUNTY COUNCIL: No objections subject to conditions.

YORKSHIRE WATER: No objections.

THE OUSE AND DERWENT INTERNAL DRAINAGE BOARD: No objections.

COUNTY PLANNING OFFICER: No comments received.

ARCHAEOLOGY ASSISTANT: No objections.

COUNTY ECOLOGIST: No comments received.

PLANNING POLICY: No comments received.

COMMUNITY SAFETY OFFICER: No comments received.

NEIGHBOURS: Seven letters of objection were received raising concerns over the drainage issues on site and the applicants proposals to amend the conditions imposed by Planning Committee.

POLICIES AND ISSUES:

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has been determined with regard to the Development Plan which consists of the Regional Spatial Strategy for Yorkshire and the Humber published on 1 December 2004, the North Yorkshire Structure Plan (Alteration No.3) adopted in 1995 and the Selby District Local Plan adopted on 8 February 2005.

Condition 16 states:

No development shall take place until the length of open drain located adjacent to the boundary of land belonging to Pond Cottage and Garth View, The Green, North Duffield has been culverted.

Reason: To ensure that the development hereby approved does not have any adverse impact on the existing means of surface water disposal.

The condition was placed on the previous approval on the recommendation of Councillors at Planning Committee due to representations made by local residents and local councillors. On the previous application, no objections were raised by Yorkshire Water or the drainage board, a position maintained on this application.

In imposing conditions regard must be had to Circular 11/95, Section 14 which states that the following six tests should be addressed.

i. The condition is necessary

In considering whether a particular condition is necessary, the question must be asked whether planning permission would be refused if the condition not imposed. Similarly, for an application under section 73 a condition 'should not be retained unless there are sound and clear-cut reasons for doing so.' Consultation with both Yorkshire Water and the drainage board have raised no requirement of need for the condition to be imposed,

similarly drainage reports enclosed with the application have led to no requirement for this culverting to take place.

ii. The condition is relevant to planning

The condition was intended to ensure no flooding occurred as a result of the development, the condition is therefore considered relevant to planning.

iii. The condition is relevant to the development to be permitted

Councillors considered the development of the site would create surface water run-off. The condition was intended to reduce this and was therefore considered relevant to the development.

iv. The condition is enforceable

Paragraph 27 refers to the practicality of enforcing the condition, in this case it is considered possible and therefore acceptable.

Paragraph 28 states,

‘A condition may raise doubt about whether the person carrying out the development to which it relates can reasonably be expected to comply with it. If not enforcement is likely to fail on the ground that what is required cannot reasonably be enforced’. The example given in the circular refers to conditions imposed requiring work to be carried out on land not owned by the applicant.

This condition requires work to be carried out on land on the opposite side of the road outside the ownership of the applicant. Evidence has been submitted to prove that it is not possible to comply with the condition, due to issues over ownership of the ditch. Due to this, it may not be considered that the condition is enforceable. However, the evidence submitted provides no clear definition of this and further information may be required.

v. The condition is precise

The wording of the application is considered to be precise and as such raises no concerns.

vi. The condition is reasonable in all other respects

The condition requires work to be done on land outside of their control. Should this land not be available for access, the condition may be considered unreasonable. At the time of the original application it was considered that the land would be made available and the condition therefore reasonable to include. As there are now issues regarding the accessibility of that land, it is not considered reasonable to restrict development with off site works which are incapable of compliance.

Overall, due to the comments received from consultations it is not considered that the condition is necessary. Due to issues over access to the land it is not considered to be enforceable or reasonable. Furthermore, no technical evidence has been advanced by any statutory undertaker, that there is a necessity for such a condition.

CONCLUSION:

Approve planning permission subject to conditions for the reasons stated in the above report.

RECOMMENDATION:

This application is recommended to be Granted subject to the following conditions:

- 1 The permission hereby granted shall only be implemented in conjunction and in compliance with planning permission reference 8/13/27T/PA, except for Condition 16 which is hereby removed.

REASON

This permission is granted under the provisions of Section 73 of the Town and Country Planning Act 1990.



APPLICATION SITE

Item No: 2006/1006/FUL

Address: Top End House, Hull Road, Cliffe

APPLICATION NUMBER:	8/17/32K/PA 2006/1006/FUL	PARISH:	Cliffe Parish Council
APPLICANT:	Hearing Dogs For Deaf People	VALID DATE:	2 August 2006
PROPOSAL:	Application to convert Hearing Dogs for Deaf People Centre to seven dwellings and associated works		
LOCATION:	Top End House Hull Road Cliffe Selby North Yorkshire YO8 6NH		

DESCRIPTION AND BACKGROUND:

This application involves the conversion of the existing buildings into seven residential units. Top End House would be maintained as a single dwelling, whilst the adjacent office building would be converted into four dwellings. The existing kennel block would be converted into two dwellings.

Top End House is a Grade II Listed Building (Listing number 10/14). The property dates from the late 18th Century, and was originally a Coaching Inn. At some point in its history it was converted into a residential dwelling. There have been a number of additions and alterations carried out throughout its history, including a substantial extension to the rear. The original building is constructed from pinkish brown brick with ashlar dressings and a pan tile roof.

The kennel block was granted planning permission in 1993 (8/17/32C/PA). The kennel block is a substantial single storey brick building, which comprises of twenty dog compartments, kitchen, store and vets room. Whilst the building is not of any architectural merit, the kennel block is structurally sound and clearly is capable of being converted easily into residential dwellings.

The area of the site is 0.384 ha, which means that the development would have a density of 18 dwellings per hectare. As the proposal involves the utilisation of existing buildings, and more importantly a listed building, it is considered to be an acceptable density. Any further development of the site would clearly be detrimental to the character of the listed building, and any further subdivision could significantly erode the fabric and character of the building.

The Hearing Dogs for Deaf People Charity has used the premises since 1992. The agent states in his supporting statement that the contemporary requirements for a northern centre are vastly greater than they originally anticipated. As Top End House and its grounds cannot accommodate any significant growth, the charity has to relocate to a new location. Therefore this site has become surplus to their requirements.

PLANNING HISTORY

An application for the conversion of the Top End House and the kennel blocks into seven residential units was submitted in September 2005. The applicant appealed against non-determination. However, prior to the Inspector making a decision, the application was taken to Planning Committee, so that Councillors could make an 'in principle' decision on the scheme. The resolution was that the application should be refused for the following reasons: -

'The proposed conversion of the kennel block into residential dwellings is inappropriate development in the open countryside outside the development limits as defined in the adopted Selby District Local Plan (2005) as neither the applicant nor the agent have demonstrated that the building is unsuited to business use, and that there is no demand for the building for those purposes in the immediate locality. Therefore the proposal is considered contrary to policies ENV1, H9 and H12 of the adopted Selby District Local Plan (2005).'

The Planning Inspectorate dismissed the appeal in July 2006 (appeal decision no: - APP/N2789/A/06/2007307). The Planning Inspector stated that: -

'The proposal would incorporate, small, well-screened rear gardens and would not involve extending this unassuming building. The proposed development would therefore be sufficiently unobtrusive to avoid harming the rural character of the area to the south of the village. Furthermore, I note that the Applicants have submitted evidence to demonstrate that no demand exists for further business premises in the locality, and since it would be undesirable for commercial traffic to pass through the residential courtyard of Top End House, I am satisfied that re-using the Kennels for business purposes would be inappropriate... These considerations lead me to conclude that the principle of converting the kennels would accord with the relevant provisions of the Local Plan, although the Kennel's altered north elevation would have an unprepossessing row of garage doors facing the listed building (Para 5).'

He went on to conclude that: -

'The present proposals, on the other hand, would significantly increase the amount of modern development to the south of Top End House, since there would be rows of garages on the west side and to the south of the courtyard. I have concluded that this aggregation of modern buildings would serve to destroy rather than to preserve the open setting of the south side of the listed building. In this respect, therefore, the proposals are contrary to the provisions of the legislation... as well as to the provisions of the local plan policy ENV 24 (Para 7).'

A further application was submitted in March 2006 for the conversion of the Hearing Dogs for Deaf People centre to five No. dwellings at Top End House. The application was withdrawn following the Inspector's decision.

THE CURRENT APPLICATION

The revised scheme submitted with this application differs from the previous application to the extent that the row of garages has been removed, and substitutes them for open parking bays. The current application's parking arrangements are very similar to the existing situation within the present business.

CONSULTATIONS:

PARISH COUNCIL:

No comments received, however the PC made the following comments on the previous application: -

- 1 They object to the kennel block being converted into dwellings. The land in question is low lying, and although the Flood Risk Assessment states that the area was not flooded during the 2000 floods, members of the Parish Council and residents of the village feel that this site could be susceptible to flooding in the future.
- 2 The original planning permission for the development of the site was given conditionally on the fact that there would only be kennels on the site at that point, and not dwellings.
- 3 Concerns have been expressed about the level of cars on the site increasing, and, by not developing the kennels, additional parking could be installed on the site, which would be beneficial to both the new occupiers and existing residents.
- 4 Previous applications for erection of dwellings on this boundary line have been turned down, because of being located within the floodplain.

It should be noted that the Parish Council does not have any objections to the conversion of Top End House and the offices into dwellings.

NYCC HIGHWAYS AUTHORITY:

The Inspector was of the opinion that the proposed development of 7 dwellings would result in an overall reduction in vehicle trips to / from the substandard access arrangements. It would, therefore, be difficult to substantiate highway reasons for refusal at this late stage.

Notwithstanding the above, concerns are expressed in relation to the internal layout of the scheme: -

- 1) The alignment of the drive once past the initial parking bays is very poorly designed and should have a more flowing alignment;
- 2) The parking spaces should ideally be a minimum of 3m wide x 5m in length;
- 3) Disabled spaces should be sited as close to the dwellings as possible;

4) Due to the width and drive alignment it will difficult to manoeuvre from the most southern visitor parking bay;

5) Where are the bin storage points;

6) Is adequate emergency access available to units 6 & 7?

YORKSHIRE WATER:

No objections subject to conditions in relation to means of disposal of foul and surface water drainage.

OUSE & DERWENT DRAINAGE BOARD:

They suggest that a number of drainage issues be clarified. They recommend that a condition in relation to drainage works and restricted rates of discharge are attached to any permission granted.

CONSERVATION OFFICER:

No comments.

ENVIRONMENTAL HEALTH:

No objections, subject to conditions in relation to burning of waste, control of dust, and control of noise and vibration.

NEIGHBOURS:

The immediate residents were consulted by letter and a site notice was erected. Seven letters of objection were received. They made the following comments: -

1 The access to the proposed development is very dangerous. The junction of Turnham Lane, and Hull Road is on a corner and is extremely close to Cliff V.C Primary School. The development would seriously compromise the safety of the pupils. The bus stop is also directly in front of the proposed development. Therefore the development would increase the risk of an accident exponentially;

2 Due to the height and width of the only entrance, fire engines and other emergency vehicles would not have any means of access;

3 The existing problem with parking in the locality will only be made significantly worse by the proposal. The area is already very congested with parked cars for the school, post office and butchers shop;

4 The kennel block is erected outside of the development limits. Presently there has been no planning permissions granted for development on these backland plots. This development could set a precedent, which would leave the way open for any of the adjoining neighbours to develop their land;

5 Seven properties would mean fourteen wheelie bins (household and also the garden waste bin) and an additional fourteen recycling bins. They state that they would not like themselves or their children or others to have to stand with or negotiate such a number of waste bins whilst waiting for a bus, or when simply passing by; and

6 The area of the land is subject to flooding as the old course of the River Ouse filled and flooded in 2000, spreading out on land behind the existing kennels, Hull Road and Turnham Farm.

POLICIES AND ISSUES:

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application must be considered with regard to the Development Plan which consists of the Regional Spatial Strategy for Yorkshire and the Humber published on 1 December 2004, the North Yorkshire Structure Plan (Alteration No.3) adopted in 1995 and the Selby District Local Plan adopted on 8 February 2005.

The proposal involves the conversion of the existing buildings and the construction of ancillary parking bays. Top End House is located within the development limits, however the kennel block lies within the open countryside. The site lies within the heart of Cliffe, and has an access onto Hull Road, which is the main artery through the village.

In principle the proposal could be acceptable. Top End Farm has the potential to be converted without eroding the appearance, character and fabric of the building. Whilst the Kennels are outside the development limits, the conversion of rural buildings into residential units is seen as an appropriate form of development for the open countryside, subject to certain criteria. The relevant general policies in the adopted Local Plan (2005) are ENV1, ENV22, ENV24, H6, H9 and H12.

Policy ENV1 seeks to ensure that the any proposal complies with all the relevant planning policies in the plan and "a good quality of design is achieved." It also seeks to ensure that all the possible effects of the development are given due consideration and weight.

Policy ENV22 seeks to protect the character, fabric or setting of a listed building.

Policy ENV24 seeks to ensure that any development in relation to a listed building is sympathetically designed and does not have an adverse effect on the architectural and historical fabric and character of the building.

Policy H6 sets out the criteria on which to assess the 'appropriateness' and 'acceptability' of residential development within market towns and certain villages.

Policy H9 sets out the form of residential development that is acceptable outside of the defined development limits.

Policy H12 seeks to ensure that careful control is exercised over the conversion of rural buildings to residential use. The policy sets out criteria on which to evaluate the

appropriateness of residential conversions. One criteria is that buildings should have some architectural or historic merit to warrant conversion. Another is that the building is not suitable for commercial re-use.

The relevant national government guidance is contained within Planning Policy Guidance Note 1 General Policy and Principles (1997), Planning Policy Guidance Note 3 Housing (2000), Planning Policy Statement 7; Sustainable Development in Rural Areas (2004); Planning Policy Guidance Note 15 Planning and the Historical Environment (1994): and, Planning Policy Statement 7 Sustainable Development in Rural Areas (2004).

In consideration of both local and national policy, the main points for consideration have been identified as the following:

- 1) The impact that the proposal would have on the character, fabric and setting of the listed building,
- 2) Whether the proposal is of a scale and character appropriate to Cliffe,
- 3) Whether the conversion of the kennel block into residential use is appropriate, in principle given its location beyond development limits within the open countryside,
- 4) The impact that the scheme will have on the amenity of the adjoining occupiers,
- 5) The relationship of the proposal to the highway network, and whether the proposed access will prejudice highway safety,
- 6) Any other material considerations.

1) THE IMPACT THAT THE PROPOSAL WOULD HAVE ON THE CHARACTER, FABRIC AND SETTING OF THE LISTED BUILDING

Top End Farm has had a number of alterations throughout its lifetime; however overall the building retains much of its original appearance and character.

The proposal involves some changes to the exterior of Top End House; however these alterations are minor in nature, and would not have an adverse effect on the historical and architectural character of the building. The alterations involve the creation of some new windows and a doorway, and the removal of some details associated with the building being used as an office and kennels. The scale and design of these alterations are considered to be in keeping with the architectural character of the building.

Whilst the conversion of the kennel block involves a number of alterations to the exterior of the building; it is felt that these alterations would not increase the cumulative impact the building has on the setting of Top End House or in the wider locality.

The proposed parking bays would not have a significantly greater impact on the setting of the listed building, than the current parking arrangements. Therefore the proposal would preserve the setting of the listed building.

It should be noted that listed building consent is required for the works proposed. The impact that the proposal would have on the internal fabric of the building would be looked at in more depth when considering the Listed Building Consent application. An application for listed building consent has not yet been submitted but the Conservation Officer has raised no objection to the principle of the alterations proposed.

2) WHETHER THE PROPOSAL IS OF A SCALE AND CHARACTER APPROPRIATE TO CLIFFE

The conversion of Top End House and the adjacent building does not involve any significant changes to the physical exterior of the building. Therefore the conversion of these buildings is considered to be in keeping with the character and form of Cliffe. The new covered car parking bays harmonise visually with the existing buildings, and are of a scale appropriate to their location.

The existing pattern of development along Hull Road is defined by linear development fronting directly onto the street. Whilst the conversion of the kennel block into two residential properties would largely be an anomaly to the existing grain of development, the fact that the proposal is utilising an existing structure and would be screened from views from the street, means the visual impact of the conversion on the form and character of Cliffe would be minimal.

The nature of the kennel block constrains the type of layout and design that can be achieved for the proposed dwellings. The design of the two residential units, whilst acceptable in general design terms, is largely out of character with the nature of the surrounding properties, however it is considered acceptable due to the site being well screened by mature vegetation. Therefore the visual impact of the dwellings on the character and appearance of Cliffe would be limited.

3) WHETHER THE CONVERSION OF THE KENNEL BLOCK INTO RESIDENTIAL USE IS APPROPRIATE

PPS7 emphasises that the conversion of rural buildings to commercial, industrial or recreational uses is preferable to the conversion to residential uses, in order to help the diversification of the rural economy, and provide a variety of local employment uses. Policy H12 in the adopted Local Plan (2006) sets out criterion on which to evaluate the appropriateness and suitability of any proposal for the conversion of a building within the countryside into residential use.

Criteria 1: Requires the applicant to demonstrate that the building, or its location, is unsuited to business use or that there is no demand for buildings for the purposes in the immediate locality

The agent in his supporting statement states that whilst the buildings are possibly suited to being re-used as a commercial kennel, they are demonstrably unsuitable for commercial, industrial, or other uses. The agent states that he consulted the following specialists: -

Specialist Acoustical Investigation & Research Organisation (AIRO), whom stated that the re-use of the kennel block as commercial kennels could potentially cause conflict with surrounding residents;

Commercial Property Agents - were not 'optimistic' about the possibility of finding a single occupier for the unit, and ruled out the following uses: -

1. B1 (Business Uses) - In the case of an office use, they felt it was inappropriate, as it would not be possible to accommodate the amount of car parking required, and there is very poor commercial access. They felt that these highway issues could not be resolved. They also believed that the mixture of uses would be a problem, in terms of conflicts associated with noise and disturbance. They dismissed the idea of the craft workshop on similar grounds.
2. B2 (General Industrial) uses were ruled out on 'common sense' grounds.
3. B8 (Use for storage or distribution) uses were dismissed by the agent on the grounds that they lack of acceptable access, both onto the site and to the building itself (with the fact that the building is set down within the site). They also cited noise and disturbance to neighbours, and the general incongruity of such a use, in a residential context.

The Charity's Architect, a Conservation Specialist, took the view that any commercial use would prejudice the setting of the listed building;

The Inspector accepted that the Applicants had submitted evidence to demonstrate that no demand existed for further business premises in the locality, since it would be undesirable for commercial traffic to pass through the residential courtyard of Top End House. Therefore the Inspector was satisfied that re-using the kennels for business purposes would be inappropriate

Criteria 2: The proposal would provide the best reasonable means of conserving a building of architectural or historical interest and would not damage the fabric or character of the building.

Whilst the kennels by themselves are of little architectural or historical merit as required by Policy H12, their position relative to the listed building means that they are important in terms of their effect upon the setting of that building. It is considered that the conversion of the block into residential units would provide the best reasonable means of prolonging the useful life of the building, which otherwise is likely to fall into a state of disrepair. Conversion of the kennels to residential use offers the best alternative for compatibility with the listed building both functionally and architecturally.

The demolition of the kennel block would have no detrimental impact upon the character or appearance of the area; however the re-use of the building is considered preferable as it presents the optimum environmentally sustainable solution.

Criteria 3: The building is structurally sound and capable of re-use without substantial rebuilding.

Criteria 4: The proposed re-use or adaptation will generally take place within the fabric of the building and not require extensive alterations, rebuilding, and/or extension.

Criteria 5: The conversion of the building and ancillary works, such as the creation of residential curtilage and the provision of satisfactory access and parking arrangements, would not have a significant adverse effect on the character or appearance of the area or the surrounding countryside.

The kennel block is a substantial brick structure capable of conversion without extensive alterations or extensions. The ancillary works needed for the potential residential units are nominal; therefore these works would not have a significantly greater adverse effect on the character or appearance of the area or the surrounding countryside, than the existing development.

Criteria 7: The proposal would not create conditions prejudicial to highway safety or would have a significant adverse effect on local amenity.

Whilst a number of objections from residents were on highway grounds North Yorkshire Highways Authority as the statutory consultee, have raised no objections to this part of the scheme.

Criteria 6 & 8 are not relevant to this application.

The Inspector concluded that the proposal would comply with Policy H7 of the adopted Local Plan (2005).

4) THE IMPACT THAT THE SCHEME WILL HAVE ON THE AMENITY OF THE ADJOINING OCCUPIERS

The proposed development respects the privacy of the occupiers of the White House. No new windows are being proposed in the western elevation of Top End House, therefore the privacy of occupiers of the property are maintained. A separation distance of 26 metres is also maintained between the properties.

The proposal would not cause any significant loss of amenity to the occupiers of Top End Cottage. The additional first floor window in the western elevation would be conditioned to be obscure glazed, therefore would not cause any issues of overlooking, and loss of privacy to arise. A separation distance of approximately 8 metres is maintained between the properties.

The proposed conversion of the kennel block would have minimal impact on amenity of surrounding residents. The site boundaries are extensively planted and provide adequate screening to maintain their privacy.

It is considered that this proposal would not create a significant increase in noise or general disturbance to the surrounding residents.

5) THE RELATIONSHIP OF THE PROPOSAL TO THE HIGHWAY NETWORK, AND WHETHER THE PROPOSED ACCESS WILL PREJUDICE HIGHWAY SAFETY.

The Planning Authorities are still awaiting final comments from North Yorkshire County Councils Highway Authority on the amended parking scheme. Any planning conditions they recommend will be attached to the planning consent.

6) ANY OTHER MATERIAL CONSIDERATIONS.

The Planning Authority is currently in negotiation with the applicant in regards to the Recreational Open Space (ROS) contribution. Once the sum has been finalised, an appropriate condition will be attached to the consent requiring a Section 106 Agreement to be drawn up in relation to a financial payment towards off-site ROS. The condition will also cover the provision of recycling facilities.

CONCLUSION:

The Planning Inspectors comments on the appeal are a significant material consideration as a substantial part of the previous recommended reason for refusal was not upheld by him. The Inspectors main reason for dismissing the appeal was the impact of the garages on the setting of the listed building. It is considered that the removal of the row of garages, and their replacement with parking bays would resolve this matter. The proposal is therefore considered to be acceptable and in accordance with policies ENV1, ENV1, ENV22, ENV24, H6, H9 and H12.

RECOMMENDATION:

This application is recommended to be Granted subject to the following conditions:

- 1 The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compensation Act 2004.

- 2 No open burning of waste material shall take place on the site during the conversion phase of development. Any fire shall be treated as inadvertent and extinguished immediately.

Reason:

To safeguard the amenity of the surrounding residents.

- 3 Prior to the development commencing a scheme to control dust from the conversion phase of the development shall be submitted in writing to and approved by the Local Planning Authority. The agreed scheme shall be employed throughout the conversion phase.

Reason:

To safeguard the amenity of the surrounding residents.

- 4 Prior to the development commencing a scheme to control noise and vibration from the conversion phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be employed throughout the conversion phase.

Reason:

To safeguard the amenity of the surrounding residents.

- 5 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved by the Local Planning Authority in consultation with the Internal Drainage Board. Any such scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

Reason:-

To prevent the increased risk of flooding.

- 6 No development approved by this permission shall be commenced until a scheme for the provision, implementation and maintenance of a surface water regulation system has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority in consultation with the Internal Drainage Board. The rate of discharge would not be expected to exceed that of a 'greenfield site'.

Reason:

To prevent the increased risk of flooding.

- 7 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason:

In the interests of satisfactory and sustainable drainage.

- 8 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in

accordance with details to be submitted to and approved by the Local Planning Authority before development commences.

Reason:

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

- 9 Prior to the commencement of development, details of the materials, treatment and/or colour of the window and door frames shall be submitted to and approved in writing by the Local Planning Authority. The window and door frames shall then be installed in accordance with the approved details and so retained.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with policy ENV1 of the SDLP (2005).

- 10 Notwithstanding the provisions of Class A and Class E to Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) no extensions, garages, outbuildings or other structures shall be erected, nor new windows, doors or other openings shall be inserted, without the prior written consent of the Local Planning Authority.

Reason:

In order to retain the character of the site in the interest of visual amenity, having had regard to Policy ENV1.

- 11 Those parts of the site to be hard surfaced or used by vehicles shall be properly laid out, drained and surfaced in accordance with details to be previously submitted to and approved in writing by the Local Planning Authority and such areas shall not thereafter be used for any other purpose.

Reason:

To minimise danger, obstruction and inconvenience to users of the site in accordance with policy ENV1 of the SDLP (2005).

- 12 The new casement window in the west elevation of the Top End House hereby permitted shall be glazed in obscure glass prior to the first occupation of the building/extension and thereafter retained in perpetuity.

Reason:

To preserve the amenity of nearby residential properties in accordance with policy ENV1 of the adopted SDLP (2005).

- 13 No development shall take place until samples of the material to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

In the interests of the visual amenities of the area.

- 14 Before any development is commenced the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site, indicating inter alia the number, species, heights on planting and positions of all trees, shrubs and bushes. Such scheme as approved in writing by the Local Planning Authority shall be carried out in its entirety within the period of twelve months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

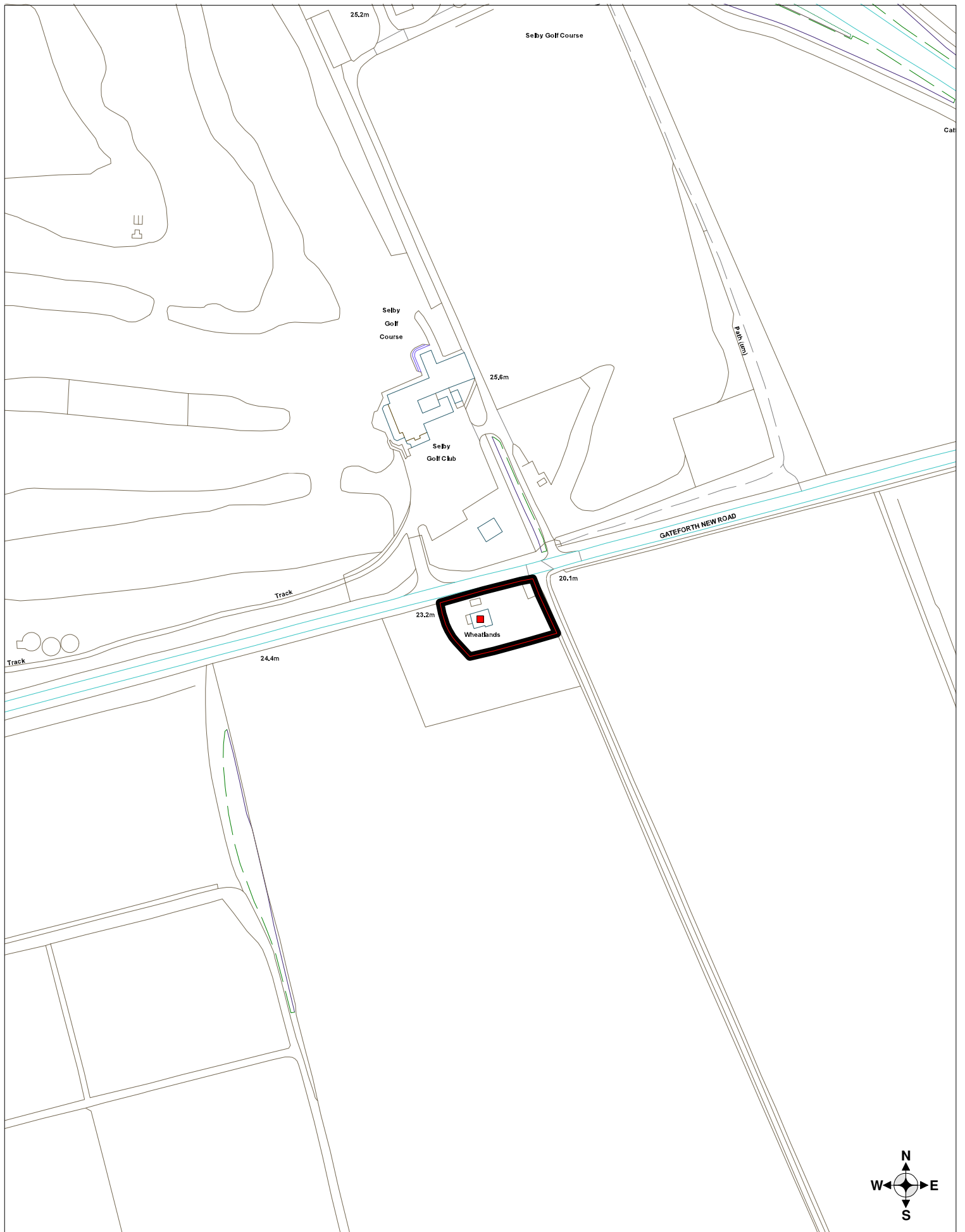
Reason:

To safeguard the rights of control by the Local Planning Authority in the interests of amenity having had regard to Policy ENV1 of the Selby District Local Plan.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modifications), no fences, gates, walls, hedges or other means of enclosure whatsoever shall be erected or planted without the prior consent of the Local Planning Authority.

Reason:

To retain the open character of the development in the interests of visual amenity.



APPLICATION SITE

Item No: 2006/0914/FUL

Address: Wheatlands, Gateforth New Road, Gateforth, Selby

APPLICATION NUMBER:	8/32/13D/PA 2006/0914/FUL	PARISH:	Gateforth Parish Council
APPLICANT:	M Roebuck	VALID DATE:	25 August 2006
PROPOSAL:	Proposed 2nd floor extension and conversion of roof space to create additional bedrooms		
LOCATION:	Wheatlands Gateforth New Road Gateforth Selby North Yorkshire YO8 9LB		

DESCRIPTION AND BACKGROUND:

A request has been received from a Ward Councillor for the application to be determined by the Planning Committee on the grounds that the proposal would be unacceptable and over development in the open countryside, by virtue of its shape and form.

The application is for the erection of a first floor extension and conversion of the roof space of the existing dwelling to form additional living accommodation at Wheatlands, Gateforth. The site lies beyond the defined development limits for Gateforth, to the northeast of the settlement. The site lies adjacent to the highway in close proximity to the Selby Bypass in a relatively isolated position, lying approximately 90m south of the Selby Golf Club.

The proposed extension would measure 3.5m in width x 8m in depth x 8.2m to the highest point and would have a pitched roof, with a gable extension on the eastern elevation. In addition, the proposal would increase the roof height of the dwelling to 8.7m and would incorporate additional windows to the north, east and south elevations, including a dormer window to the southern elevation.

The building work has already commenced on site and is near completion. The agent has been informed that permission has not yet been issued, and advised to stop work until the application has been determined.

History

There has been a previous approval for the erection of a 2 storey front extension following the demolition of the existing garage. The extension measured 3m in width x 7.6m in depth x 7.5m to the highest point, and intended to be pitched roof with a gable end to the south.

There is an current application for retrospective consent for a stable block to the west of the existing dwelling. This application has resulted from an Enforcement complaint.

CONSULTATIONS:

Parish - No comments received within the allotted time

Neighbours - Immediate neighbours were consulted by letter and a site notice was posted nearby. No letters of objection were received.

POLICIES AND ISSUES:

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application should be determined having had regard to the Development Plan which consists of the Regional Spatial Strategy for Yorkshire and the Humber published on 1 December 2004 the North Yorkshire Structure Plan (Alteration No.3) adopted in 1995 and the Selby District Local Plan adopted on 8 February 2005.

Relevant policies include:

DL1, which aims to control development in the countryside, where development is appropriate to the rural area.

ENV 1, which seeks to ensure that any proposal complies with all relevant planning policies in the plan and "a good quality of design is achieved". It also seeks to ensure that all possible effects of the development are given due consideration and weight.

H14, which aims to strictly control development within the countryside, and places emphasises upon good design and materials of the Selby District Local Plan.

The proposal lies beyond the defined development limits for Gateforth. Therefore the proposal must comply with policy H14 of the SDLP.

OFFICER APPRASIAL

The relevant issues to be taken into account are as follows:-

- i) Character and form
- ii) Impact upon residential amenity

i) Character and form

The site lies within the open countryside to the northeast of Gateforth. The protection of the countryside is an important aim within the Local Plan with strict controls in place, which help conserve the character and openness of the countryside. The Local Plan places emphasis on good design and materials and the need to safeguard the countryside against visually dominant development. Limited extensions to existing dwellings are generally considered to be acceptable within the countryside, subject to the criteria within policies ENV 1, DL 1 and H14 of the SDLP.

There has been a previously approved application on the site for a two storey extension. The application involved the demolition of the existing garage and the construction of a

two storey extension to the eastern elevation, including a study, kitchen extension and bedroom with ensuite.

The proposed extension intends to replace the previous approval (8/32/13C/PA) and increase the roof height by approximately 0.7m to allow for a roof space conversion. The proposal also intends to increase the roof height of the existing dwelling by 0.7m. It is considered that the proposal would be appropriate to the setting and would not be significantly detrimental to the visual appearance of the landscape. There is adequate boundary treatment along the street scene, incorporating various types and heights of vegetation, with low level vegetation to the remaining boundaries. It is considered that the existing boundary treatment would act as an effective screen to reduce the impact upon the open countryside. There is an extant permission for the two storey extension to the front elevation; it is considered that this proposal would incorporate the previous approval and would involve an increase in roof height and conversion of the roof space, which would not be considered a disproportionate addition to the existing dwelling. It is therefore considered that the proposal would not be significantly detrimental to the character and appearance of the surrounding area. Therefore, the proposal would comply with policies ENV 1, DL1 and H14 of the SDLP.

ii) Impact upon residential amenity

The site is an isolated residential dwelling with the closest building being the Selby Golf Club, approximately 90m to the north. It is therefore considered that the proposal would not harm the amenity levels of any other residents in the area. In addition, it is considered that an adequate level of amenity area would remain upon the site, should the application be recommended for approval. Therefore, the proposal is considered to be acceptable and to comply with policies ENV 1 and H14 of the SDLP.

CONCLUSION:

It is considered that the proposal would be appropriate in terms of scale, design and orientation, and would not be detrimental to the character and openness of the surrounding area or the countryside. In addition, as the existing dwelling is relatively isolated, it is considered that there would be no detrimental effect upon the residential amenity. The proposal is therefore considered to be acceptable and to comply with policies ENV 1, DL1 and H14 of the Selby District Local Plan.

RECOMMENDATION:

This application is recommended to be

- 1 The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compensation Act 2004.

- 2 Prior to the commencement of development details of the materials to be used in the construction of the exterior walls and roof(s) of the extension shall be submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

- 3 The development hereby permitted shall not be carried out otherwise in complete accordance with the approved plans and specifications.

Reason:

To ensure that no departure is made from the details approved and that the whole of the development is carried out, in order to ensure the development accords with Policy ENV1.

AGENDA ITEM NUMBER

PUBLIC SESSION

TITLE: TREE PRESERVATION ORDERS - CONFIRMATION

TO: PLANNING COMMITTEE

DATE: 11TH OCTOBER, 2006

BY: HEAD OF LEGAL AND DEMOCRATIC SERVICES

AUTHOR: JENNY BARKER, LEGAL TYPIST

1. LINK TO CORPORATE POLICY

To indicate if within policy or not, with reference to the relevant policy in the Corporate Policy Document.

2. PURPOSE OF THE REPORT

To inform the Committee of Tree Preservation Orders already served and ready for confirmation.

3. LINK TO CORPORATE AIMS AND PRIORITIES

Corporate Objective Number 4 – to protect environmental quality and safety by promoting green issues.

RECOMMENDATION

THAT THE UNDER-MENTIONED TREE PRESERVATION ORDERS BE CONFIRMED AS UNOPPOSED ORDERS:-

**TREE PRESERVATION ORDER NO. 8/2006
TREE PRESERVATION ORDER NO. 9/2006
TREE PRESERVATION ORDER NO. 10/2006**

**B.O.C.M. BARLBY
GIBSON CLOSE, HAMBLETON
10 BRIGG LANE,
CAMBLESFORTH**

4. IMPACT ON CORPORATE POLICIES

4.1 Best Value

Not applicable.

4.2 Equalities

Not applicable.

4.3 Community Safety and Crime Reduction

Not applicable.

4.4 Procurement

Not applicable.

4.5 Risk Management and Risk Register

Not applicable.

4.6 Sustainability

Not applicable.

4.7 Gershon Efficiency Savings

Not applicable.

5. EXECUTIVE SUMMARY

This is contained in the supporting information.

6. SUPPORTING INFORMATION

In accordance with the provisions of the Town and Country Planning Act, 1990 the afore-mentioned Tree Preservation Orders have been served. The period for objection/representation has expired and none have been received in respect of the Orders.

7. FINANCIAL IMPLICATIONS

There are no financial implications.

8. BACKGROUND DOCUMENTS

Correspondence can be found on files 6319, 6320 and 6364 in the Legal Services Section.

AGENDA ITEM NUMBER:

PUBLIC SESSION

**TITLE : TREE PRESERVATION ORDER No 6/2006 - MANOR FARM,
CHAPEL STREET, HAMBLETON**

TO : PLANNING COMMITTEE

DATE : 11 OCTOBER 2006

**BY : HEAD OF SERVICE - PLANNING AND ECONOMIC
DEVELOPMENT**

AUTHOR : MIKE HARRISON, TREE & LANDSCAPE OFFICER

1. LINK TO COUNCIL POLICY

1.1 Part VIII of the Town and Country Planning Act 1990

2. PURPOSE OF REPORT

2.1 To inform Members of Tree Preservation Order No 6/2006 served on 5 June 2006 and seek their confirmation of the Order.

3. LINK TO CORPORATE THEMES AND PRIORITIES

3.1 ***Corporate Theme - Protecting the environment.***

RECOMMENDATION

That Councillors confirm Tree Preservation Order No 6/2006.

4. IMPACT ON CORPORATE POLICIES

No impact.

4.1 • Best Value

No impact.

4.2 • Equalities

No impact.

4.3 • Community Safety and Crime Reduction

No impact.

- 4.4 • Procurement

No impact.

- 4.5 • Risk Management and Risk Register

No impact.

- 4.6 • Sustainability

No impact.

- 4.7 • Gershon Efficiency Savings

No impact.

5. EXECUTIVE SUMMARY

5.1 Manor Farm was the subject of a pre-application inquiry. On looking at the site, it was apparent that it contained a number of trees which clearly form a very visible feature to Chapel Street and almost completely screen the existing buildings from public view.

5.2 Objections to the Order were made by Ward Associates, Planning Consultants acting for the owners of the property, with regard to the potential residential development of the site.

5.3 The objections raised relate to the way the Order came about, which they consider to be clandestine. The objectors acknowledge the value of the Beech tree that is the subject of the TPO, although they believe there has been little effective management to the tree in the past.

5.4 The Authority have been reasonable and fair in selecting only one tree on the site for the Order, effectively allowing a developer to remove others. The tree is in a condition that meets the criteria for making a TPO and the system allows for any issues relating to improving the tree's health and/or form to be dealt with through the application process and indeed does not prohibit development of the site. I therefore recommend Members confirm the Tree Preservation Order.

6. SUPPORTING INFORMATION

6.1 Site Plan.

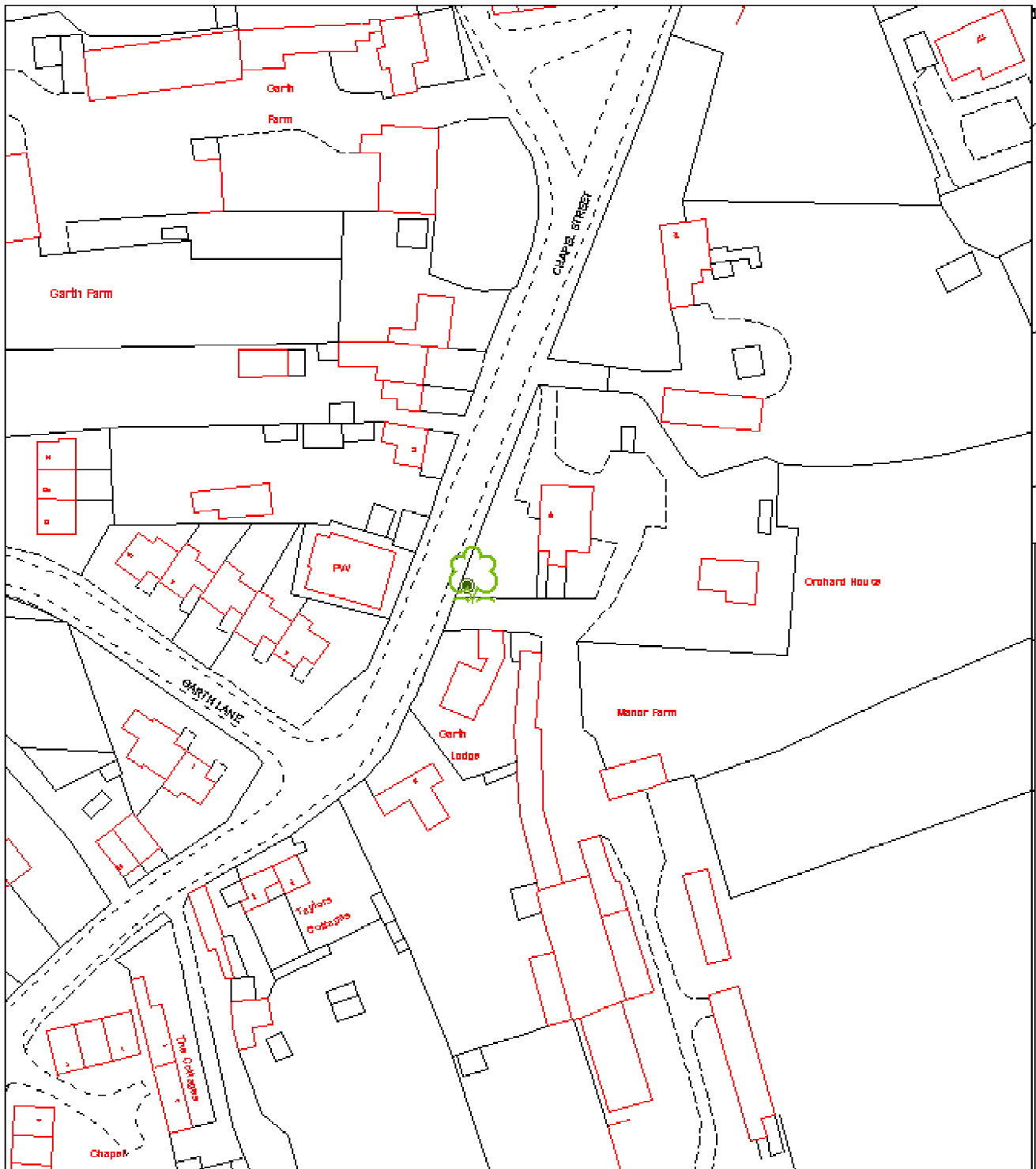
7. FINANCIAL IMPLICATIONS

7.1 There are no financial implications.

8. BACKGROUND DOCUMENTS

8.1 Background documents are held by the Tree and Landscape Officer in the Planning Department.

APPLICATION SITE



Item No. : T.P.O NO 6/2006

Address : Manor Farm, Chapel Street, Hemingbrough

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