

**North Yorkshire County Council**

**Business and Environmental Services**

**Planning and Regulatory Functions Committee**

**21 January 2020**

**PLANNING APPLICATION FOR THE PURPOSES OF THE CHANGE OF USE OF LAND TO A ROADSTONE RECYCLING PLANT, TO INCLUDE THE ERECTION OF A CONCRETE HOLDING BAY 2.4 METRES HIGH, ERECTION OF A GREEN PALISADE PERIMETER FENCE WITH A SLIDING ACCESS GATE 2.4 METRES HIGH, SITING OF A MOBILE CRUSHING PLANT, 14.79 SQ. METRE PORTABLE CABIN FOR OFFICE/WC//WELFARE FACILITIES & THE PROVISION OF 2 CAR PARKING SPACES, AND THE ERECTION OF AN ACOUSTIC WALL OF 5 METRES IN HEIGHT ON LAND TO THE REAR OF UNIT 1, SKIPTON OLD AIRFIELD, SANDHUTTON, THIRSK, NORTH YORKSHIRE, YO7 4EG  
ON BEHALF OF ROBINSON BOBCAT HIRE  
(HAMBLETON DISTRICT) (SOWERBY ELECTORAL DIVISION)**

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

**1.0 Purpose of the report**

- 1.1 To determine a planning application for the change of use of land to a roadstone recycling plant, to include the erection of a concrete holding bay 2.4 metres high, erection of a green palisade perimeter fence with a sliding access gate 2.4 metres high, siting of a mobile crushing plant, (14.79) sq. metre portable cabin for office/wc//welfare facilities & the provision of 2 car parking spaces, and the erection of an acoustic wall of 5 metres in height on land at Land to the rear of Unit 1, Skipton Old Airfield, Sandhutton, Thirsk, North Yorkshire, YO7 4EG on behalf of Robinson Bobcat Hire.
- 1.2 This application is subject to an objection having been raised by a local resident in respect of this proposal on the grounds of the adequacy of the Noise report and Transport Assessment and the resultant amenity impact and is, therefore, reported to this Committee for determination.

**2.0 Background**

Site Description

- 2.1 The application site is a field to the rear (north) of unit 1, located on the eastern side of Skipton Old Airfield site, Sandhutton. The wider Old Airfield site is a large site, and was previously a WWII bomber airfield. The wider site therefore has long access roads and concrete hardstanding, however much has returned to agriculture and the remaining infrastructure has been used as hardstanding for poultry sheds and the like. There are now numerous industrial units on the Old Airfield site, as well as agricultural units and fields, and the remnants of the airfield infrastructure.

- 2.2 The application site itself is currently unused and comprises an overgrown rectangular grass field 0.251 hectares in size. Its last use was for the storage of agricultural machinery. The area to the north and east of the site is open agricultural land. The site is more closely related to the industrial use to which it is adjacent than the agricultural land to the north. There are existing established trees along the eastern boundary. The nearest dwellings are situated at Nitrovit Row 150m to the south of the site boundary, with further dwellings on the A167 at Sandhutton village, 610m to the east of the site boundary.
- 2.3 The area to the west overlooks the shared access and parts of the old airfield infrastructure. There is a long private un-adopted shared access road to the site following the wide taxiways from the A167 road connected by a junction between Sandhutton village and the Busby Stoop roundabout on the A61, which is accessed by the site access to the west end of the site. The southern part of the road is shared with the 6 bungalows on Nitrovit Row and the other businesses on the Old Airfield site. To either side of the access to the site itself is a bund around 2.5 metres high. Across the shared access and field beyond to the west is a Construction Demolition and Excavation (CDE) waste recycling operation (Peacocks) which uses mobile crushing and screening equipment and incorporates onsite storage and stockpiling of inert materials. The planning history of the Peacocks site goes back to temporary permissions granted in 2000 but now has a permanent permission.
- 2.4 The application site is bounded to the south by the Harper Bagged Products site and its associated parking and storage areas. This is a bagged aggregate products site (granted change of use from agricultural in 2017 by Hambleton District Council). The Harper's site contains the closest building to the application site, a warehouse style industrial unit which is around 40m away to the south. There is currently no fence on this boundary, although there is a boundary line marked out in rope. This site contains stockpiles of aggregate which is bagged up to be sold on to both trade and public customers. The site appears to be very similar in nature to the current proposal, with concrete bays for the storage of aggregate and machines working to load the aggregate.
- 2.5 The site is generally flat, falling slightly to the drainage ditch at the site's eastern end. To the eastern boundary there is an open watercourse named Foss Sike Stell which is a tributary to the River Swale (approximately 1.3Km) to the North West. The site is well screened from the east, as existing trees will be retained and are established. Power lines run across the site in a south west to north east direction. The site is within Flood Zone 2 and adjacent to Flood Zone 3.
- 2.6 A plan showing the application site is attached to this report.

#### Planning History

- 2.7 There is no planning history relating to the planning application site relevant to the determination of this application. The site was last used for the storage of agricultural machinery and is currently vacant and overgrown.

Other relevant planning history relating to the wider Old Airfield site includes:

- The development of a Construction, Demolition and Excavation Waste (CDEW) recycling operation across the shared access road from the application site (Peacocks, granted permanent permission 7<sup>th</sup> December 2000, reference C2/99/126/0093).
- An aggregate facility – which bags aggregate for sale to the trade and general public – adjacent to the site (Harper Bagged Products, Unit 1, granted under Hambleton District Council permission 16/02335/FUL, 4th May 2017).

The wider Old Airfield site also includes other waste related uses including:

- Selective Skips waste transfer station (granted under permission C2/12/02311/CCC, 26 June 2013)
- F D Todd permission for the composting and shredding of imported green and wood waste (granted under reference C2/11/00639/CCC or NY/2011/0090/FUL, 14 December 2011).
- F D Todd permission for erection of a portal framed warehouse type building of 52m by 26m (max. ridge height of 9.1m) for the receipt and in-vessel composting of separated organic bio filter materials arising from the mechanical processing of municipal solid wastes and commercial and industrial wastes to produce soil for off-site land restoration (granted 4 November 2016 under reference C2/16/00454/CCC)
- A wood chipping operation which was granted retrospectively in August 2019 by Hambleton District Council at Busby Stoop Turkey Farm (reference 18/00825/FUL).

The Peacocks site is currently the subject of an enforcement complaint, concerning the stockpiling of materials to be recycled and also noise issues. There are a number of other industrial uses on the wider airfield site which is considered material to the determination of this application, including car audio and motorsports.

### **3.0 The proposal**

3.1 Planning permission is sought for the change of use of land to a roadstone recycling plant, on land to the rear of Unit 1, Skipton Old Airfield, Sandhutton, Thirsk, North Yorkshire, YO7 4EG on behalf of Robinson Bobcat Hire. The proposals would include the installation of:

- a 5-metre-high concrete acoustic wall along the southern boundary (85 metres in length) and eastern boundary (31.32 metres in length) of the site
- a portacabin of 14.79 square metres; of 6.06 metres (length) x 2.44 metres (width) x 2.65 metres (height) to include fitted portaloo WC and office/welfare facilities to include standard electrics and dual pitch roof
- 2 car parking spaces to the entrance of the site (in the west of the site)
- a mobile crushing plant powered by a 6 cylinder Cummings engine
- a green palisade fence 2.4 metres in height around the west and north boundary of the site.
- a sliding green palisade gate of 2.4 metres in height at the western end of the site, as a site entrance
- Further planting of hawthorn bushes is proposed at the eastern boundary, to increase the existing screening of the site and to help screen the concrete holding bays. These bushes would be kept at a minimum of 5 metres in height
- a mobile cold recycling mixing plant lorry (Wirtgen KMA 200)
- a mobile cement silo of 6.06 metres (length) x 2.48 metres (width) x 4.50 metres (total maximum height)
- a concrete holding bay 2.4 metres high

3.2 The proposals would involve the formation of hard standing on the site comprised of recycled roadstone aggregate. This will allow water to soak away from the site. A storage bay for roadstone aggregate is proposed to be installed in the east of the site, with concrete panels of 2.4 metres in height and concrete hardstanding laid to the storage bay only in order to facilitate loading by mechanical means. The rear wall of the storage bay forming the eastern boundary is now proposed to comprise a 5-metre-high concrete acoustic barrier, together with the same 5-metre-high concrete acoustic barrier sited along the full length of the southern boundary of the site. (Amended plans have been received showing the proposed acoustic barrier). Lighting would be portable if considered necessary in winter months for safety.

- 3.3 The site would process road planings brought to the site from different parts of the County and 'cold process' them on site with portable machinery. A maximum of 500 tonnes would be stored on the site at any one time. It is estimated that there would be a throughput of a maximum of 10,000 tonnes per annum.
- 3.4 The application states that *'the nature of Robinson Bobcat Hire & Road Planing Services is to remove and reinstate road surfaces...In the past road planings have had to go to landfill sites for disposal, but with the need to recycle products and reuse materials it makes sense to reuse redundant road stone aggregates. The road planings are brought to site and placed in holding bays until required, they are then crushed and graded, cement and water are added, and the new mix is taken to be used as a sub base for roads. The proposed site is central to the area serviced by Robinson Bobcat Hire, thereby reducing journey times, fuel use and needless landfilling, causing less environmental impact. All waste aggregates taken to site are recycled and reused leaving no waste'*.
- 3.5 A recycling machine (Wirtgen KMA 200), with mobile cement silo attachment would convert the raw materials including asphalt (used as ballast) into the end product. A Doosan DL 300 Loading Bucket would be used to load material into the recycling machine, together with a Doosan DX 225 Excavator to assist with loading the recycling machine. A Bobcat scrubber with brush attachment would be used to sweep the yard.

#### **4.0 Consultations**

The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 6 September 2019 and the subsequent re-consultation (on 11 December 2019) following the receipt of further/amended information relating to the 5 metre wall detailed in the Noise Assessment report.

- 4.1 **Environment Agency York** responded on 18 September 2019 to state that a condition should be imposed on any permission stating that the development shall be carried out in accordance with the submitted flood risk assessment (ref Flood Risk Assessment by Topping Engineers).
- 4.2 **The Lead Local Flood Authority (SuDS)** – responded on the 11 September 2019 to say that they have no comments to make on the application.
- 4.3 **Natural England** - responded on the 11 September 2019 to say that they have no comments to make on the application.
- 4.4 **National Grid (Plant Protection)** – replied 26 September to say no objection.
- 4.5 **Highway Authority** responded on 9 September 2019 to include conditions and state that the information provided suggests a small impact on the network.
- 4.6 **Ministry of Defence Safeguarding Organisation** – No reply to date
- 4.7 **Swale & Ure Drainage Board** – No reply to date.
- 4.8 **Sandhutton Parish Council** – No reply to date.
- 4.9 **Bagby Airfield** – No reply to date.
- 4.10 **Environmental Health Officer (Hambleton)** – responded on 4 October to say that they have discussed the different barrier heights in the application with the applicant and propose conditions to protect amenity. Responded again on 3<sup>rd</sup> January 2020 to say that they have no further comments in addition to the original response.

4.11 **Yorkshire Wildlife Trust – No reply to date.**

4.12 **Principal Landscape Architect** – responded on 17 October to say that ‘*the proposed processing / crushing plant (4mH) and proposed concrete panel wall (2.4 metres high and 5 metres high) are likely to be visible from parts of Sandhutton village and the A167 to the east side and Foss Syke Lane (PROW FP ref. 10.124/8/1) to the north side.*

*Further information is needed to demonstrate that the existing trees to the east side of the site can be protected and retained and that sufficient screen planting / bunding (or other mitigation) can be provided along the north and east boundaries, to screen the site up to 5m high. This might typically be mixed native tree and shrub species (5m wide is likely to be needed to ensure sufficient height and year-round screening).*

*The existing trees should be accurately shown on a plan and the layout adjusted to allow tree protection and additional screen planting. The existing trees should be located showing root protection areas and tree protection measures to BS5837.’*

4.13 In response to the further consultation in December 2019, the Principal Landscape Architect responded on 11<sup>th</sup> December to say that they are ‘*satisfied that the revised scheme is sufficient to screen the site subject to being able to secure a detailed landscaping scheme and five years maintenance aftercare by condition. Planting should be undertaken in the first available planting season.*

*The proposed screen planting to the north side is located outside the application red line boundary and arrangements would be needed to secure this by legal agreement.*

*The existing trees shown within the site red line boundary should be protected and retained.’*

They also questioned why the 5m wide planting strip is offset from the fence boundary since this is not necessary for site screening.

4.14 **Hambleton District Council (Planning) & Conservation** – replied with no comment on the 24<sup>th</sup> October 2019.

**Notifications**  
**County Cllr. Robert Baker**

## **5.0 Advertisement and representations**

5.1 The proposal has been advertised by means of Site Notices posted on 9 September 2019 (responses to which expired on 30 Sep 2019). The Site Notices were posted in the following locations: Gate post at highway entrance to Old Airfield; on the tree at entrance to site itself; on the Parish notice board opposite Methodist chapel in Sandhutton village. A Press Notice appeared in the Darlington and Stockton Times on 13 September 2019 (responses to which expired on 27 Sep 2019).

5.2 Neighbour Notification letters were sent on 6 September 2019 and the period in which to make representations expired on 27<sup>th</sup> September 2019. The following properties received a neighbour notification letter:

- 1 Nitrovit Row, Sandhutton, Thirsk, YO7 4EJ
- Nitrovit Row, Sandhutton, Thirsk, YO7 4EJ

- Nitrovit Row, Sandhutton, Thirsk, YO7 4EJ
- The Paddock, Sandhutton, Thirsk, YO7 4RW
- The Occupier, Harper Bagged Products, Unit 1, Old Airfield, Sandhutton, Thirsk, YO7 4EG
- The Occupier, Airtech, Unit 1, Old Airfield, Sandhutton, Thirsk, YO7 4EG
- Richard Maxwell Mass, Busby Stoop Farm, Skipton Old Airfield Roads, Sandhutton, Thirsk, North Yorkshire
- Peacock Brothers, Skipton Old Airfield Roads, North Yorkshire
- RHAL, Skipton Old Airfield Roads, North Yorkshire
- White Horse Contractors, Skipton Old Airfield Roads, North Yorkshire
- The Snuggle Up, Sandhutton to Busby Stoop, Sandhutton, YO7 4RW
- Smith Car Audio, Building Adjacent to Unit X, Visar Garage, Skipton Old Airfield Roads, Sandhutton, Thirsk
- North Yorkshire Rally Sport, Unit X, Skipton Old Airfield Roads, Sandhutton, Thirsk
- Visar Garage, Skipton Old Airfield Roads, North Yorkshire, YO7 4EG

5.3 A total of one letter of representation has been received raising objections on the grounds of:-

5.4 The validity of the Noise Assessment submitted with the application, mitigation measures proposed and also vehicle movements to and from the site.

## 6.0 Planning policy and guidance

### The Development Plan

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In this instance, therefore, the *Development Plan* consists of policies contained within a number of planning documents. These documents include:

- any extant planning policies contained within Plan(s) adopted by the County and District (or Borough) Councils 'saved' under direction of the Secretary of State; and,
- any planning policies contained within *Development Plan* Documents adopted under the Local Development Framework regime.

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

- Draft policies contained within the emerging Minerals and Waste Joint Plan (MWJP);
- The extant 'saved' policies of the North Yorkshire Waste Local Plan (2006);
- The extant policies of the Hambleton District Council Core Strategy (2007);
- The extant policies of Hambleton District Council Development Policies (2008);
- Draft policies contained within the emerging Hambleton Local Plan Publication Draft July 2019

6.3 Emerging local policies may also be afforded weight in the determination process, depending on their progress through consultation and adoption. In this respect, it is worth noting that the following document contains emerging local policies that may be of relevance to this application:

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

6.4 The draft MWJP was published in November 2016 for representations, after which consultation commenced on an Addendum schedule of proposed changes for an 8-week period over summer 2017. The MWJP was submitted to the Secretary of State for Communities and Local Government on 28 November 2017 and the Examination in Public (EiP) began on 27 February 2018. At present the plan is still in the examination phase with the hearing having been concluded and with Main Modifications to be consulted upon. Therefore, policies can start to be given more weight in the determination of applications. There are no significant matters proposed in the Modifications in respect of the policies listed below which would affect the general policy position on those topics. Strategic Policies for Waste:

- W01 – Moving waste up the waste hierarchy;
- W05 – Meeting waste management capacity requirements - Construction, Demolition and Excavation waste (including hazardous CD&E waste);
- W10 – Overall locational principles for provision of waste capacity; and
- W11 – Waste site identification principles;

Development Management Policies:

- D01 Presumption in favour of sustainable minerals and waste development;
- D02 Local amenity and cumulative impacts;
- D03 Transport of minerals and waste and associated traffic impacts;
- D06 Landscape;
- D07 Biodiversity and Geodiversity;
- D09 Water Environment; and
- D11 Sustainable design, construction and operation of development.

6.5 Policy W01 of the emerging plan 'Moving waste up the waste hierarchy' is the most relevant as it states that '*1) Proposals will be permitted where they would contribute to moving waste up the waste hierarchy through: i) the minimisation of waste, or; ii) the increased re-use, recycling or composting of waste, or; iii) the provision of waste treatment capacity and small scale proposals for energy recovery (including advanced thermal treatment technologies), which would help to divert waste from landfill.*

6.6 W05 concerns 'Meeting waste management capacity requirements - Construction, Demolition and Excavation waste (including hazardous CD&E waste)'. It states that:

- 1) *Net self-sufficiency in capacity for management of CD&E waste will be supported through:*
  - i) *Permitting proposals which would deliver increased capacity for recycling CD&E waste where the development would be consistent with the site locational and identification principles in Policies W10 and W11*

W10 concerns overall locational principles for provision of waste capacity. It states that '*The allocation of sites and determination of planning applications should be consistent with the following principles:...* 1) *Providing new waste management capacity within those parts of the Plan area outside the North York Moors National Park and the Areas of Outstanding Natural Beauty, unless the facility to be provided is appropriately scaled to meet waste management needs arising in the designated*

area and can be provided without causing unacceptable harm to the designated area... 3) Supporting proposals for development of waste management capacity at new sites where the site is compatible with the requirements of Policy W11; and the site is located as close as practicable to the source/s of waste to be dealt with. This means:

- a) *For new facilities serving district scale markets for waste, particularly LACW, C&I and CD&E waste, or for facilities which are not intended to serve the specialised needs of particular industries or businesses, giving priority to locations which are within or near to main settlements in the area (identified on the key diagram) or, for facilities which are intended mainly to serve localised needs for waste management capacity in more rural parts of the Plan area, including agricultural waste, where they are well-located with regard to the geographical area the facility is expected to serve.'*

- 6.7 Policy W11 concerns Waste Site Identification Principles and states that: *'The allocation of sites and determination of planning applications for new waste management facilities should be consistent with the following principles:*
- 1) *Siting facilities for the preparation for re-use, recycling, transfer and treatment of waste (excluding energy recovery or open composting) on previously developed land, industrial and employment land, or at existing waste management sites, giving preference to sites where it can be demonstrated that co-locational benefits would arise taking into account existing or proposed uses and economic activities nearby. Where the site or facility is proposed to deal mainly with waste arising in rural areas then use of redundant agricultural buildings or their curtilages will also be acceptable in principle and, for agricultural waste, appropriate on-farm locations...4) Siting facilities to support the re-use and recycling of CD&E waste at the point of arising (for temporary facilities linked to the life of the associated construction project) and at active mineral workings where the main outputs of the process are to be sold alongside or blended with mineral produced at the site; as well as at the types of sites identified in 1) above, where these are well related to the sources of arisings and/or markets for the end product*

*In all cases sites will need to be suitable when considered in relation to physical, environmental, amenity and infrastructure constraints including existing and proposed neighbouring land uses, the capacity of transport infrastructure and any cumulative impact from previous waste disposal facilities, in line with national policy.'*

- 6.8 Policy M11: Supply of alternatives to land-won primary aggregates is also relevant to the proposal, stating that: *'Proposals which would facilitate the supply and use of secondary, recycled and marine aggregate as an alternative to primary land-won aggregate will be permitted including:*
- 1) *The development of appropriately scaled new ancillary infrastructure, including ancillary manufacturing facilities, using secondary aggregate as the primary raw material, at sites where secondary aggregates are produced, or marine aggregates imported;*
  - 2) *The supply of secondary aggregate from waste disposal sites provided it would not involve disturbance to restored ground or a landscaped feature which has become assimilated into, or is characteristic of, the local landscape, or is of archaeological value;*
  - 3) *The separation of materials with potential for re-use or recycling as aggregate during waste management activity and the maximum recovery of recycled aggregate during demolition activity;* 4) *The use of appropriately located aggregates mineral extraction sites, and sites for the transport of minerals, as locations for the ancillary reception, processing and onward sale of recycled aggregate during the associated period of minerals extraction at the site'*

- 6.9 Chapter 9 of the Joint Plan contains Development Management policies which are also relevant. Of particular relevance are policies D01 Presumption in favour of sustainable minerals and waste development; D02 Local amenity and cumulative impacts; D03 Transport of minerals and waste and associated traffic impacts; D06 Landscape; D07 Biodiversity and Geodiversity; D09 Water Environment; and D11 Sustainable design, construction and operation of development.
- 6.10 Policy D01 regarding Presumption in favour of sustainable minerals and waste development states *'When considering development proposals the Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The Authorities will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date then the Authority will grant permission unless:*
- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or*
  - *Specific policies in the NPPF indicate that development should be restricted such as policies relating to National Park and AONBs. Where proposals constitute major development in the National Park and AONBs they will be assessed against the requirements for major development in designated areas set out in Policy D04 of this Joint Plan.'*
- 6.11 D02 states *'1) Proposals for minerals and waste development, including ancillary development and minerals and waste transport infrastructure, will be permitted where it can be demonstrated that there will be no unacceptable impacts on local amenity, local businesses and users of the public rights of way network and public open space including as a result of:*
- *noise,*
  - *dust,*
  - *vibration,*
  - *odour,*
  - *emissions to air, land or water,*
  - *visual intrusion,*
  - *site lighting,*
  - *vermin, birds and litter,*
  - *subsidence and land instability,*
  - *public health and safety,*
  - *disruption to the public rights of way network,*
  - *the effect of the development on opportunities for enjoyment and understanding of the special qualities of the National Park,*
  - *cumulative effects arising from one or more of the above at a single site and/or as a result of a number of sites operating in the locality.*
- 6.12 *Proposals will be expected as a first priority to prevent adverse impacts through avoidance, with the use of robust mitigation measures where avoidance is not practicable.*
- 2) *Applicants are encouraged to conduct early and meaningful engagement with local communities in line with Statements of Community Involvement prior to submission of an application and to reflect the outcome of those discussions in the design of proposals as far as practicable.'*

- 6.13 Policy D03 Transport of minerals and waste and associated traffic impacts states:  
'1) *Where practicable minerals and waste movements should utilise alternatives to road transport including rail, water, pipeline or conveyor.*

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

- *There is capacity within the existing network for the level of traffic proposed and the nature, volume and routing of traffic generated by the development would not have an unacceptable impact on local communities, businesses or other users of the highways network, or any such impacts can be appropriately mitigated, for example by traffic controls, highway improvements and traffic routing arrangements; and*
- *Access arrangements are appropriate to the volume and nature of any road traffic generated and safe and suitable access can be achieved for all users of the site, including the needs of non-motorised users, where relevant; and*
- *There are suitable arrangements in place for on-site maneuvering, parking and loading/unloading.*

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

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

- 6.14. D06 states: *'All landscapes will be protected from the harmful effects of development. Proposals will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures.*

- 2) *For proposals which may impact on nationally designated areas including the National Park, AONBs, and the adjacent Yorkshire Dales National Park, a very high level of protection to landscape will be required. Development which would have an unacceptable landscape impact on these areas will not be permitted.*
- 3) *Protection will also be afforded to the historic character and setting of York and to areas defined as Heritage Coast. Permission will only be granted where it would not lead to an unacceptable impact on the historic character or setting of York or on the undeveloped character of Heritage Coast, unless the need for, or benefits of, the development outweigh the harm caused.*
- 4) *Where proposals may have an adverse impact on landscape, tranquillity or dark night skies, schemes should provide for a high standard of design and mitigation, having regard to landscape character, the wider landscape context and setting of the site and any visual impact, as well as for the delivery of landscape enhancement where practicable.'*

- 6.15 Policy D07 in regards to Biodiversity and Geodiversity states:

- '1) *Proposals will be permitted where it can be demonstrated that there will be no unacceptable impacts on biodiversity or geodiversity, including on statutory and non-statutory designated or protected sites and features, Sites of Importance for Nature Conservation, Sites of Local Interest and Local Nature Reserves, local priority habitats, habitat networks and species, having taken into account any proposed mitigation measures.*

- 2) *A very high level of protection will be afforded to sites designated at an international level, including SPAs, SACs and RAMSAR sites. Development which would have an unacceptable impact on these sites will not be permitted.*
- 3) *Development which would have an unacceptable impact on the notified special interest features of a SSSI or a broader impact on the national network of SSSIs, or the loss or deterioration of ancient woodland or aged or veteran trees, will only be permitted where the benefits of the development would clearly outweigh the impact or loss.*
- 4) *Where development would be located within an Impact Risk Zone defined by Natural England for a SPA, SAC, RAMSAR site or SSSI, and the development is of a type identified by Natural England as one which could potentially have an adverse impact on the designated site, proposals should be accompanied by a detailed assessment of the potential impacts and include proposals for mitigation where relevant.*
- 5) *Through the design of schemes, including any proposed mitigation measures, proposals should seek to contribute positively towards the delivery of agreed biodiversity and/or geodiversity objectives, including those set out in agreed local Biodiversity or Geodiversity Action Plans, or in line with agreed priorities of any relevant Local Nature Partnership, with the aim of achieving net gains for biodiversity or geodiversity and supporting the development of resilient ecological networks.'*

6.16 D09 concerns Water Environment and states:

- '1) *Proposals for minerals and waste development will be permitted where it can be demonstrated that no unacceptable impacts will arise, taking into account any proposed mitigation, on surface or groundwater quality and/or surface or groundwater supplies and flows.*
- 2) *In relation to surface and groundwater quality and flows, a very high level of protection will be applied to principal aquifers and groundwater Source Protection Zones. Development which would lead to an unacceptable risk of pollution, or harmful disturbance to groundwater flow, will not be permitted.*
- 3) *Permission for minerals and waste development on sites not allocated in the Joint Plan will, where relevant, be determined in accordance with the Sequential Test and Exception Test for flood risk set out in national policy. Development which would lead to an unacceptable risk of, or be at an unacceptable risk from, all sources of flooding (i.e. surface and groundwater flooding and groundwater flooding from rivers and coastal waters) will not be permitted.*
- 4) *Proposals for minerals and waste development should, where necessary or practicable taking into account the scale, nature and location of the development proposed, include measures to contribute to flood alleviation and other climate change mitigation and adaptation measures including use of sustainable urban drainage systems.'*

6.17 The Hambleton Local Plan Publication Draft (July 2019) also contains policies relevant to the determination of this proposal. These include:

- S 1 Sustainable Development Principles;
- S 3 Spatial Distribution;
- S5 Development in the Countryside;
- E 1 Design;
- E 2 Amenity;
- E 3 The Natural Environment;
- E 7 Hambleton's Landscapes;
- CI 2 Transport and Accessibility;
- RM1 Water Quality and Supply;
- RM 2 Flood Risk;
- RM 3 Surface Water and Drainage Management; and

- RM 5 Ground Contamination and Groundwater Pollution

- 6.18 According to Paragraph 48 of the NPPF, Hambleton's emerging polices can be treated as an emerging plan and given due weight depending on accord or conflict with the Framework. As an emerging plan, prepared in line with the NPPF, they can currently be given limited weight, as there is not yet analysis of the representations available as consultation finished on 17 September 2019.
- 6.19 Policy S1 Sustainable Development Principles of the Hambleton Local Plan Publication Draft states that *'The Council will seek to ensure that development makes a positive contribution towards the sustainability of communities, enhances the environment and adapts to and mitigates the impact of climate change. This will be achieved by:*
- a. Meeting development needs through sustainable development that supports existing communities, making effective and efficient use of land, supporting social cohesion, minimising the need to travel and promoting sustainable modes of travel;*
  - b. Ensuring communities have a healthy, safe and attractive living and working environment with reasonable access for all to a good range of facilities and services;*
  - c. Securing the provision of suitable and affordable housing to meet the needs and aspirations of existing and future residents;*
  - d. Promoting Hambleton as a recognised location for business by providing a range of employment opportunities that meet local aspirations, including high quality jobs, meeting the needs of new and expanding businesses and recognising the contribution of the rural economy;*
  - e. Protecting and enhancing the high quality natural and historic environment whilst facilitating development in a way that respects and strengthens the distinctive character of the landscape and the form and setting of settlements;*
  - f. Ensuring that development takes available opportunities to improve local environmental conditions, such as air and water quality, seeks the reuse of suitable previously developed land and underused land and buildings; and*
  - g. Supporting development that takes available opportunities to mitigate and adapt to climate change, including minimising greenhouse gas emissions, and makes prudent and efficient use of natural resources.'*
- 6.20 Policy S3 Spatial Distribution of the Hambleton Local Plan Publication Draft sets out the development strategy for Hambleton District and includes the settlement hierarchy which states: *'Development will be supported in settlements in the settlement hierarchy that is proportionate to the size of the settlement size and its level in the hierarchy. Those hamlets and other groups of buildings that are not identified within the settlement hierarchy will be treated as part of the countryside.'* This identifies Sandhutton as a Secondary Village.
- 6.21 Policy S5 Development in the Countryside goes on to say that *'The countryside is defined as land outside the existing built form of a settlement identified in the settlement hierarchy in policy S3 'Spatial Distribution'. As stated other villages, hamlets or groups of buildings that are not specifically identified as in the settlement hierarchy will be considered to be part of the countryside.'* It is very clear about what constitutes the built form and therefore what is countryside and also about when development in the countryside would be acceptable. This is when it is *'supported by other policies of the development plan or national planning policy'* and where it *'would not harm the character, appearance and environmental qualities of the area in which it is located'* and protects best and most versatile agricultural land.

- 6.22 Policy E1 Design of the Hambleton Local Plan Publication Draft states that *'All development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place. All development should have regard to relevant national and local policies, advice or guidance that promotes high quality design, details the quality or character of the area or describes how the area should develop in the future, including, but not limited to, settlement character assessments, neighbourhood plan policies, conservation area appraisals and village design statements. A proposal will therefore be supported where it:*
- a. responds positively to its context and has drawn inspiration from the key characteristics of its surroundings, including natural, historic and built environment, to help create distinctive, high quality and well-designed places;*
  - b. respects and contributes positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual, appearance, visual relationships, views and vistas, the use of materials, native tree planting and landscaping;*
  - c. achieves a satisfactory relationship with adjacent development and does not have an unacceptable impact on the amenities or safety of future occupiers, for users and occupiers of neighbouring land and buildings or the wider area or creating other environmental or safety concerns;*
  - d. incorporates reasonable measures to promote a safe and secure environment by designing out antisocial behaviour and crime, and the fear of crime, through the creation of environments that benefit from natural surveillance, defensible spaces and other security measures, having regard to the principles of Secured by Design;*
  - e. promotes accessibility and permeability for all by creating safe and welcoming places that connect with each other and are easy to move through, putting people before traffic and integrating land uses and transport;*
  - f. is accessible for all users by maximising opportunities for pedestrian, wheelchair and cycle links within the site and with the surrounding area and local facilities, providing satisfactory means for vehicular access and incorporating adequate provision for parking, servicing and manoeuvring in accordance with applicable adopted standards;*
  - g. maximises health outcomes, including those that reduce health inequalities and mitigate climate change by improving active travel and walkability, and contributes to health and wellbeing by creating or improving existing open spaces that connect well with green infrastructure networks and incorporating nature conservation and biodiversity enhancements wherever possible;*
  - h. makes efficient use of the site consistent with achieving a high quality design particularly in relation to public realm, open space, green corridors and layout, and the protection of local character and amenity;*
  - i. promotes mixed and balanced communities, improving quality of life and facilitating social inclusion; and*
  - j. achieves an improvement to existing open spaces that connect well with green infrastructure networks and incorporate nature conservation and biodiversity enhancements where possible.*
- 6.23 Policy E2 Amenity of the Hambleton Local Plan Publication Draft states that *'All proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighboring land and buildings, in particular those in residential use. A proposal will therefore be required to ensure:*
- a. adequate availability of daylight and sunlight for the proposed use, and would therefore not result in significant effects of overshadowing and the need for artificial light;*

- b. *the physical relationships arising from the design and separation of buildings are not oppressive or overbearing, and in particular will not result in overlooking causing loss of privacy;*
- c. *there are no adverse impacts in terms of noise (particularly with regards to noise sensitive uses and noise designations), including internal and external levels, timing, duration and character;*
- d. *that adverse impacts from the following sources will be made acceptable:*
  - i. *air pollution;*
  - ii. *contamination;*
  - iii. *dust;*
  - iv. *obtrusive light;*
  - v. *odour*
  - vi. *overheating; and*
  - vii. *water pollution;*
- e. *adequate and convenient provision is made for the storage and collection of waste and recycling;*
- f. *that there would be no adverse effect on safety near a notifiable installation and no increase in the number of people that would be put at risk in the vicinity of a notifiable installation.*

*Where mitigation is necessary to ensure that the above requirements are met their compatibility with all other relevant policy requirements will be considered when determining the acceptability of the proposal.*

6.24 Policy E7 Hambleton's Landscapes of the Hambleton Local Plan Publication Draft states 'The Council will protect and enhance the distinctive landscapes of the district. A proposal will be supported where it:

- a. *takes into consideration the degree of openness and special characteristics of Hambleton's landscapes as identified in the summary tables of the Hambleton Landscape Character Assessment and Sensitivity Study or successor documents;*
- b. *conserves and, where possible, enhances any natural or historic landscape features that are identified as contributing to the character of the local area;*
- c. *conserves and, where possible, enhances rural areas which are notable for their remoteness, tranquillity or dark skies;*
- d. *takes account of areas that have been identified as being particularly sensitive to/ or suitable for certain forms of development;*
- e. *protects the landscape setting of individual settlements and helps to maintain their distinct character and separate identity by preventing coalescence with other settlements; and*
- f. *is supported by an independent landscape assessment where the proposal is likely to have a detrimental impact on the landscape.*

#### *Townscape*

*The Council will protect and enhance the distinctive character and townscapes of settlements in the district. This will be achieved by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area.*

*A proposal will be supported where it protects and, where possible, enhances green spaces within towns and villages that make an important contribution to settlement character and identity.*

*The whole or partial loss of an important open space identified on the Settlement Character.*

*Assessment Maps, or other spaces that contribute to the character or setting of that part of the settlement or are important to the historic form and layout of the settlement will only be supported where the proposal would lead to a clear and substantial enhancement of the immediate setting, character and townscape.*

*Trees, Hedgerows and Woodland*

*A proposal will be supported where they seek to conserve and enhance any existing tree, hedgerow or woodland of value that would be affected by the proposed development.*

*Should a development including infrastructure provision result in the loss threat or damage to any tree, woodland, hedge or hedgerow of visual, heritage or nature conservation value this would only be acceptable where:*

- g. A replanting scheme is agreed and this would include new large native trees to form part of landscaping and improve tree canopy, the form of which will be determined by negotiation;*
- h. For larger developments it would include a sustainable tree management programme in order to ensure any trees, hedgerows or woodland are established;*
- i. Any new species should provide local distinctiveness within the landscape, and support biodiversity; and*
- j. Any tree planting is the appropriate type of tree for the location, including distance to buildings considering root spread.*

*In all cases where trees, hedgerows or woodland are to be planted this must be carried out at an appropriate time of the year to enable their establishment with the minimum of aftercare.*

- 6.25 *CI 2 Transport and Accessibility states that The Council will work with other authorities and transport providers to secure a safe and efficient transport system that supports a sustainable pattern of development that is accessible to all. A proposal will be supported where it is demonstrated, through production of a travel plan and travel assessment or travel statement as necessary, that:*
- a. it is located where the highway network can satisfactorily accommodate, taking account of planned improvements, the traffic generated by the development and where the development can be well integrated with footpath and cycling networks and public transport;*
  - b. where transport improvements are necessary proportionate contributions are made commensurate with the impact from the proposed development;*
  - c. it seeks to minimise the need to travel and maximise walking, cycling, the use of public transport and other sustainable travel options, to include retention and enhancement of existing rights of way;*
  - d. the travel plan, where one is necessary, sets out measures to reduce the demand for travel by private car and encourages walking, cycling and other sustainable travel options;*
  - e. any potential impacts on the strategic road network have been addressed in line with Department for Transport Circular 02/2013, or successor documents/guidance, and advice from early engagement with Highways England;*
  - f. safe physical access can be provided to the proposed development from the footpath and highway networks;*
  - g. adequate provision for servicing and emergency access is incorporated; and*
  - h. adequate provision for parking is incorporated, taking account of:*
    - i. highway safety and access to, from and in the vicinity of the site;*
    - ii. the accessibility of the development to services and facilities by walking, cycling and public transport;*
    - iii. the needs of potential occupiers, users and visitors, now and in the future;*
    - iv. the amenity of existing and future occupiers and users of the development and nearby property; and*

v. *opportunities for shared provision, where locations and patterns of use allow. All routes within development will be provided to an adoptable standard and all pedestrian and cycle routes will be formalised as rights of way unless otherwise agreed with the Council and the Highways Authority.*

6.26 RM 1 Water Quality and Supply states

*'All development likely to have any implications for water quality should have regard to the actions and objectives of the relevant River Basin Management Plan in seeking to protect and improve the quality of waterbodies in and around the district including the rivers Swale, Ure, Ouse, Tees and Leven and their tributaries.*

*A proposal will only be supported where it can be demonstrated that:*

a. *here is or will be adequate water supply and treatment capacity in place to serve the development; and*

b. *there is no adverse impact on, or unacceptable risk to, the quantity or quality of water resources, both surface water or groundwater, or on meeting the objectives of the Water Framework Directive and the Habitats Directive, or the abstraction of water.*

*Early engagement with Yorkshire Water or Northumbrian Water is advised and will be required for all major scale development, defined in the 'Glossary'.*

*Water supply*

*A proposal will be supported where it can be demonstrated that it makes efficient use of water such that all new homes comply with the optional building regulation for water efficiency, as set out in Approved Document G and non-residential uses meet Building Research Establishment Environmental Assessment Method (BREEAM) standards (or successor or equivalent standards) 'Good', with regards to water efficiency, as a minimum.*

6.27 RM 2 Flood Risk states that *'The Council will manage and mitigate flood risk by:*

a. *Avoiding development in flood risk areas, where possible, by applying the sequential approach and where this is not possible by mitigating measures in line with national policy, both in the allocation of sites for development and in the determination of planning applications. Where necessary through the application of Exception Test.*

b. *Protecting areas of functional floodplain as shown on the Strategic Flood Risk Assessment, from development, except for water compatible uses and essential infrastructure.*

c. *Requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigated where appropriate.*

d. *Reducing the speed and volume of surface water run off as part of new build developments.*

e. *Making space for flood water in high risk areas.*

f. *Reducing the residual risks within areas of rapid inundation.*

g. *Encouraging the removal of existing culverting where practicable and appropriate.*

h. *Supporting development and management of flood alleviation schemes. This will be achieved by supporting a development proposal only where it is demonstrated that:*

i. *the sequential approach and the sequential test have been applied and passed;*

j. *if, following application of the sequential approach and sequential test, it is not possible, consistent with wider sustainability objectives and the vulnerability to flooding of the proposed use for development to be located in zones with a lower probability of flooding, taking account the impacts of climate change, the exception test has been applied and passed, such that;*

i. *the development will provide wider sustainability benefits to the community that outweigh flood risk, informed by the Hambleton Strategic Flood Risk Assessment (March 2017) or successor documents; and*

- ii. *the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce flood risk overall.*
- k. *development has been sequentially located within the site to avoid flood risk;*
- l. *all reasonable opportunities to reduce overall flood risk have been considered and where possible taken; and*
- m. *the integrity of existing flood defenses is not adversely affected and any necessary flood mitigation and compensation measures have been agreed with relevant bodies and the Council.*

**Site specific flood risk assessment**

*A site specific flood risk assessment will be required where development is proposed for a site that is at risk of flooding from any source, where the Environment Agency have identified critical drainage problems, the site is 1 hectare or more in size.*

*Where a site specific flood risk assessment is required the proposed development will only be supported where the assessment shows that the site will be protected adequately from flooding or the scheme will incorporate appropriate flood defenses or other flood risk management measures.*

*Any reliance on emergency services to make a proposal safe will not be acceptable. Safety risks will be determined with reference to the Defra guidance on flood risk safety FD2320 or successor guidance, on the basis that development should be 'safe for all' for a 1:100 annual probability flood event, for the lifetime of the development.*

*In all circumstances where development in flood zone 2 or more is considered acceptable a proposal will be required to ensure that safe access to and from Flood Zone 1 in times of flood is possible and is maintained.*

*Development must be appropriately flood resilient and resistant including safe access and escape routes where required, and that any residual risk can be safely managed.'*

- 6.28 RM 3 Surface Water and Drainage Management explains 'A proposal will be supported where surface water and drainage have been addressed such that:
- a. *surface water run-off will be limited to existing rates on greenfield sites, and on previously-developed land reduce existing run-off rates by a minimum of 50 percent or to the greenfield run-off rate where possible;*
  - b. *sustainable drainage systems (SuDS) will be incorporated in accordance with North Yorkshire County Council Sustainable Drainage Systems Design Guidance or successor documents, the council is satisfied that the proposed minimum standards of operation are appropriate and arrangements for management and maintenance for the lifetime of the development are put in place;*
  - c. *wherever possible, SuDS are integrated with the provision of green infrastructure on and around a development site to contribute to wider sustainability objectives;*
  - d. *if the drainage system would directly or indirectly involve discharge to a watercourse that the Environment Agency are responsible for or a system controlled by an internal drainage board the details of the discharge have taken account of relevant standing advice or guidance and have been informed by early engagement with the relevant body; and*
  - e. *if a road would be affected by the drainage system the details have been agreed with the relevant highway authority. Any watercourse on a development site must be retained and, where possible, restored and enhanced. The culverting of any watercourse will not be supported and development should, wherever possible, remove any existing culverts and increase on-site flood*

*storage. Development should be laid out to enable maintenance of the watercourse.*

*The Council will support flood risk management schemes that aim to slow the flow of water upstream and local flood protection schemes where they do not result in unacceptable harm to landscape character, have an adverse environmental, social or economic impact or increase flood risk in other locations.*

*SuDS for hard-standing areas for parking of 50 or more cars, or equivalent areas will be expected to include appropriate additional treatment stages/ interceptors to ensure that any pollution risks are suitably addressed.*

*In order to safeguard against the pollution of ground water the use of deep infiltration SuDS, such as deep borehole soakaways, will not be accepted in most circumstances. Exemptions will only be made if the proposal is for land uses that pose a very low pollution risk and are supported by an adequate risk assessment, conceptual site model and detailed design.'*

'Saved' policies of the North Yorkshire Waste Local Plan

- 6.29 As a waste development, this plan is particularly relevant to the development. Where Local Plans have not been updated to take into account the policies in the National Planning Policy Framework (NPPF), as is the case with the North Yorkshire Waste Local Plan 'saved' policies, due weight should be given to relevant policies in such plans according to their degree of consistency with the framework (that is to say, the closer the policies in the Local Plan to the policies in the Framework, the greater the weight that may be given).
- 6.30 Saved Policy 4/1 of the North Yorkshire Waste Local Plan is relevant to the proposal as it is a waste development. *'Proposals for waste management facilities will be permitted provided that:-*
- a) the siting and scale of the development is appropriate to the location of the proposal;*
  - b) the proposed method and scheme of working would minimise the impact of the proposal;*
  - c) there would not be an unacceptable environmental impact;*
  - d) there would not be an unacceptable cumulative impact on the local area;*
  - e) the landscaping and screening has been designed to effectively mitigate the impact of the proposal in a way that is sympathetic to local landscape character;*
  - f) where appropriate, adequate provision is made for the restoration, aftercare and management of the site to an agreed after use;*
  - g) the proposed transport links are adequate to serve the development; and*
  - h) other environmental and amenity safeguards would effectively mitigate the impact of the proposal:*
  - i) it can be demonstrated that the proposal represents the Best Practicable Environmental Option for dealing with the waste;*
  - j) the location is geographically well located to the source of the waste thereby according with the proximity principle'*
- 6.31 Saved Policy 4/1 is assessed as broadly consistent with NPPW and NPPF and with the waste section of PPG. The third bulletpoint of Paragraph 7 of NPPW concerns impact on amenity and the local environment. With regard to specific criteria, criterion a) of Policy 4/1 is in line with the locational criteria in NPPW Appendix B which include landscape and visual impacts. Criterion f) of Policy 4/1 is in line with the last bulletpoint of paragraph 7 of NPPW. Whilst the NPPF and NPPW are silent on the matters raised in criteria b (method and scheme of working to minimise impact), i (Best Practicable Environmental Option for dealing with the waste) and j (location

geographically well related to the source of the waste) of Policy 4/1, the PPG is clear that the proximity principle is an important aim in planning for waste developments.

- 6.32 Criterion e) of 'saved' Policy 4/1 requires that landscaping and screening should mitigate the impact of the development, being sympathetic to local landscape character. Therefore, it is considered that the Policy is consistent with the provisions of the NPPF, in particular paragraph 127 (criterion c) of the Framework, and Appendix B of the NPPW, both of which note the importance of developments responding to local character and landscapes. Therefore, this element of the policy should be afforded weight in relation to this planning application.
- 6.33 Criterion g) of 'Saved' Policy 4/1, is considered to be consistent with the provisions of the NPPF, NPPW and PPG. Paragraph 5 of NPPW at the third bulletpoint requires WPAs have regard to the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport. Therefore, this policy is considered to be largely compliant with the NPPW and as such substantial weight can be afforded to this element of the policy in the determination of this application.
- 6.34 Policy 4/3 concerns Landscape Protection and states that '*Proposals for waste management facilities will only be permitted where there would not be an unacceptable effect on the character and uniqueness of the landscape. Wherever possible, proposals should result in an enhancement of the local landscape character.*'
- 6.35 NPPF paragraph 127 states that planning decisions should ensure that developments '*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)*'. The policy is therefore considered consistent with NPPF.
- 6.36 Saved Policy 4/18 of the North Yorkshire Waste Local Plan is relevant to this proposal as it is considered that it could have impact for the local highway network. The policy states that '*Where rail, waterway or other environmentally preferable modes of transport are not feasible, waste management facilities will only be permitted where the level of vehicle movements likely to be generated can be satisfactorily accommodated by the local highway and trunk road network and would not have an unacceptable impact on local communities.*' It is considered that this is consistent with NPPF paragraph 109, which states that development '*should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*' It is also considered in line with the NPPW paragraph 7 and PPG, which consider amenity impacts.
- 6.37 Saved Policy 4/19 of the North Yorkshire Waste Local Plan is relevant to this proposal as it is considered that it could have implications for local amenity and the local environment. The policy advises that '*Proposals for waste management facilities will be permitted only where there would not be an unacceptable impact on the local environment and residential amenity*'. The NPPF provides guidance in relation to how planning decisions should aim to conserve and enhance the natural environment. Paragraph 170 of the Framework advises that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

- 6.38 NPPW paragraph 7 confirms that the likely environmental and amenity impacts are to be considered against the criteria set out in Appendix B when determining waste planning applications, together with the locational implications of any advice on health from relevant health bodies. As Appendix B contains criteria on factors such as visual impacts, air emissions including dust, odours, noise, light and vibration, it is considered that 'saved' Policy 4/19 is consistent with the NPPF and NPPW. Therefore, this policy should be given considerable weight in the determination of this planning application.
- 6.39 Saved Policy 5/7 – Facilities for the Recycling of Construction and Demolition Wastes – is relevant to the application. This states that:  
*'Proposals for recycling facilities for construction and demolition wastes will be permitted provided that:-*
- a) the proposed site is suitably located within an existing, former or proposed industrial area of a character appropriate to the development; or*
  - b) the proposed site is suitably located within a redundant site or building; or*
  - c) the proposed site is appropriately located within, or adjacent to active or worked out quarries or landfill sites; and*
  - d) that where relevant it does not prejudice the restoration and afteruse of the quarry or landfill site; and*
  - e) the highway network and site access can satisfactorily accommodate the traffic generated; and*
  - f) the proposal will not have an unacceptable impact on local amenity or the environment*
- 6.40 NPPW paragraph 7 confirms that when determining waste planning applications, the likely environmental and amenity impacts are to be considered against the locational criteria set out in Appendix B, together with the locational implications of any advice on health from relevant health bodies. Appendix B contains criteria on factors such as visual impacts, air emissions including dust, odours, noise, light and vibration and makes mention of land use conflict. Whilst explicit mention is not made of industrial areas in the section of NPPW on 'determining planning applications', it is considered that land use conflict it is implied. It is also mentioned in section 4 'Identifying suitable sites and areas' that industrial sites should be considered when considering suitable locations for waste development. It also says that planning authorities should '*give priority to the re-use of previously-developed land, sites identified for employment uses, and redundant agricultural and forestry buildings and their curtilages.*' It is therefore considered that 'saved' Policy 5/7 is consistent with the principles of the NPPF and NPPW.

Hambleton Local Development Framework - Core Strategy (adopted 2007)

- 6.41 The Development Plan for the determination of this application also comprises the extant policies of the Hambleton District Council Core Strategy (2007). The policies most relevant include:
- Policy CP1 – Sustainable development;
  - Policy CP16 – Protecting and enhancing natural and man-made assets;
  - CP17 – Promoting high quality design;
  - Policy CP18 – Prudent use of natural resources;
  - Policy CP21 – A safe response to natural and other forces.
- 6.42 Hambleton District Council Core Strategy Policy CP1 – Sustainable development – promotes and enhances the efficient use of infrastructure, the quality of natural resources including water and high quality and adaptability of development and enhances the health and social well-being, amenity and safety of the population. Development that would significantly harm the natural or built environment, or that would generate an adverse traffic impact, will not be permitted.

- 6.43 It is considered that due weight can be given to Policy CP1 as NPPF paragraph 170 is clear that the effects of pollution on the natural environment and general amenity need to be taken into account. With regard to transport, however, the NPPF states that development should only be prevented where residual cumulative impacts are severe.
- 6.44 CP16 – Protecting and enhancing natural and man-made assets – is also appropriate to the proposals. *‘Development or other initiatives will be supported where they preserve and enhance the District’s natural and manmade assets and particular support will be given to initiatives to improve the natural environment’.*
- 6.45 It is considered that due weight can be given to Policy CP16 as NPPF and PPG are clear that development should protect and where possible enhance the local and natural environment. This is in line with the environmental objective of NPPF.
- 6.46 CP17 – Promoting high quality design – is also relevant. It aims at achieving a high quality design that is functional and optimises the potential of the site, uses sustainable construction principles and minimises the use of scarce resources. This is considered in line with NPPF and PPG principles in relation to design. Due weight can be given to the policy in the determination of the proposal.
- 6.47 Policy CP18 – Prudent use of natural resources – advises that proposals should maximise the recycling of waste materials and minimise the environmental consequences of waste production. The NPPF at Paragraphs 7-14 aims to ensure that development is carried out sustainably and emphasises that the planning system has an ‘environmental objective’ in ensuring natural resources are utilised prudently, minimising waste.
- 6.48 CP21 – Safe Response to Natural and Other Forces – seeks to ensure that communities and the environment are not adversely affected by the actions of natural or other forces. This includes protection from and not worsening flooding, and also mitigating development from the consequences of pollution, noise or hazardous activities. This is considered in line with NPPF and PPG principles in relation to climate change and pollution, especially at NPPF chapter 14 and Paragraph 180. Due weight can be given to the policy in the determination of the proposal.

Hambleton Development Policies Document (2008)

- 6.49 The Hambleton Local Development Framework (adopted April 2007) also contains a Development Policies Document (adopted February 2008) which also contains policies of particular relevance to the determination of this proposal. Policies most relevant include:
- Policy DP1, Protecting Amenity;
  - Policy DP6, Utilities and infrastructure;
  - Policy DP9, Development outside Development Limits;
  - Policy DP25, Rural employment;
  - Policy DP30, Protecting the character and appearance of the countryside;
  - Policy DP31, Protecting Natural Resources: Biodiversity/Nature Conservation
  - Policy DP32, General Design
  - Policy DP36, Waste
  - Policy DP43 Flooding and Floodplains
- 6.50 Policy DP1 advises that *‘all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution) odours and daylight’.* The policy is considered to be consistent with the NPPF and PPG in terms of a presumption in favour of sustainable development, as outlined in paragraph 11 of the Framework. The policy also emphasises the importance of achieving a high quality of design to ensure a good

standard of amenity for all existing and future occupants. This is in line with NPPF and PPG, and considerable weight should therefore be given to this policy in the determination of this planning application.

- 6.51 Policy DP6 – Utilities and infrastructure – states that development proposals must be capable of being accommodated by existing or planned services, and must not have a seriously harmful impact on existing systems, worsening the services enjoyed by the existing community. It is considered that the policy can be given limited weight. Whilst NPPF makes reference to transport infrastructure, there is no reference to the need for development to be accommodated by existing or planned utilities. The need for existing or planned utilities to serve a development is still a material planning consideration.
- 6.52 DP9 – Development outside Development Limits – only grants permission for development outside Development Limits *‘in exceptional circumstances having regard to the provisions of Core Policy CP4, or where it constitutes replacement of a building, where that replacement would achieve a more acceptable and sustainable development than would be achieved by conversion.*
- 6.53 *Within the area designated on the Proposals Map as the York Green Belt, only development acceptable within the terms of national policy will be permitted.’* It is considered that DP9 is partially consistent with NPPF and PPG. NPPF is more flexible in development outside settlements in paragraph 84.
- 6.54 Policy DP25 provides a context for considering development proposals outside the defined hierarchy of settlements. It states that *‘employment development in locations outside Development Limits will be supported (and permission granted for such development, if also acceptable in terms of other LDF policies), if all the following apply:*
- i. it is small in scale;*
  - ii. it comprises conversion and re-use or replacement of existing rural buildings of sound construction, or appropriate extensions of buildings or existing uses which are otherwise acceptable in terms of other LDF Policies;*
  - iii. the development is not capable of location within a settlement with Development Limits, by reason of the nature of the operation or the absence of suitable sites;*
  - iv. it is supported by an appropriate business case which demonstrates that support will be provided to the local economy, which in turn would help sustain rural communities;*
  - v. the development would not adversely impact on the economy of the Service Centres.*
- 6.55 *Where suitable developments can be identified, support may be given to the provision of workspace or incubator units (and permission granted for such development, if also acceptable in terms of other LDF policies).’* Again, it is considered that DP25 is partially consistent with NPPF and PPG. NPPF is more flexible in development outside settlements in paragraph 84.
- 6.56 Policy DP30 – Protecting the character and appearance of the countryside – states that the openness, intrinsic character and quality of the District’s landscape will be respected and where possible enhanced. Throughout the District, the design and location of new development should take account of the landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views. The design of buildings, and the acceptability of development, will need to take full account of the nature and distinctive qualities of the local landscape. The use of techniques such as landscape character analysis to establish the local importance, and the key features that should be protected and enhanced, will be supported. Where possible opportunities should be taken to add

appropriate character and distinctiveness through the contribution of new landscape features, particularly to landscapes which otherwise lack interest. It is considered that full weight can be given to the policy as it is consistent with the NPPF and PPG ideas of recognising the intrinsic character and beauty of the countryside (NPPF Paragraph 170).

- 6.57 Policy DP31 – Protecting Natural Resources: Biodiversity/Nature Conservation – goes on to state that development which would result in significant harm to sites and habitats of nature conservation, as well as species that are protected or under threat will not be granted permission. It supports proposals where they would not give rise to significant harm to such sites as well as lending support to the enhancement and increase in the number of sites and habitats of nature conservation value, and, in particular, those that meet Biodiversity Action Plan objectives. Due weight is attributable, as this particular policy is also aligned with the objectives as set down within Section 15 of the NPPF.
- 6.58 Policy DP32 – General Design – proposes that development should seek to achieve high standards, taking into account the local character. New development should be of appropriate scale, volume and massing and it should respect the existing structures. Paragraphs 124-127 of the NPPF state the importance of high quality buildings and places in the planning system, emphasising that decisions should ensure that developments function well and *'are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).'* It is therefore considered that policy DP32 conforms to the NPPF and considerable weight should be given to this policy in the determination of this planning application.
- 6.59 Policy DP36 – Waste – states that development and activities will be encouraged which support the minimisation of waste together with the efficient use of materials (and permission granted for related development, if also acceptable in terms of other LDF policies), and in particular assist in the delivery of the priorities of the waste hierarchy – which seeks first to promote the reduction of waste, followed by its re-use, then recycling and composting, followed by energy recovery, before finally accepting its disposal as a last resort. Support will be given (and permission granted for related development, if also acceptable in terms of other LDF policies) for the provision of well-designed recycling facilities and recycling collection points, in locations accessible to all members of the communities that are served. Where appropriate, development must make appropriate provision for recycling facilities and the collection of waste. Development should provide for on-site recycling, and seek to re-use building construction and demolition waste. Although NPPF does not cover waste, it is considered that full weight can be given to the policy as it is in line with NPPW principles, PPG on Waste and with sustainable development goals including minimising waste and pollution.
- 6.60 Policy DP43 – Flooding and Floodplains – advises that developments which are located in flood risk zones, or are likely to increase the risk of flooding elsewhere would not be supported, unless mitigation measures are adopted. The policy is considered to be consistent with NPPF and PPG as it mentions the sequential and exceptions tests and aims to prevent the risk of increasing flooding elsewhere. NPPF paragraph 158 explains that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Paragraph 159 goes on to explain that where this is not possible, the exception test may need to be applied and paragraph 160 explains what the test is.

- 6.61 Policy DP44 – Very Noisy Activities – states that development likely to generate harmful noise levels will be directed to appropriate locations away from known noise sensitive locations. The policy is considered to be broadly consistent with NPPF and PPG, as the NPPF aims to prevent pollution including noise pollution, both from sensitive new development being located near to noisy activities and noisy activities being located near to existing sensitive development.

Other policy considerations:

National Planning Policy

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

National Planning Policy Framework

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

- 6.64 The overriding theme of Government policy in the NPPF is to apply a presumption in favour of sustainable development. For decision-making this means approving development proposals that accord with the development plan without delay (if plans are up-to-date and consistent with the NPPF). The Government defines sustainable development as that which fulfils the following three roles:

- a) ***'an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;***
- b) ***a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and***
- c) ***an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'***

- 6.65 Within the NPPF, paragraph 11 of the Framework advises that when making decisions, development proposals that accord with the development plan should be approved without delay and when the development plan is absent, silent or relevant policies are out of date, permission should be granted unless:
- i.) *'the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - i.) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.*
- 6.66 This national policy seeks to ensure that there are positive improvements in people's quality of life including improving the conditions in which people live, work, travel and take leisure.
- 6.67 This national policy seeks to ensure that there are positive improvements in people's quality of life including improving the conditions in which people live, work, travel and take leisure.

- 6.68 Paragraph 98 of NPPF states that planning decisions *'should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.'*
- 6.69 Paragraph 102 of NPPF states that *'Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:*
- a) *the potential impacts of development on transport networks can be addressed;*
  - b) *opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
  - c) *opportunities to promote walking, cycling and public transport use are identified and pursued;*
  - d) *the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
  - e) *patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.*
- 6.70 Paragraph 108 goes on to say that *'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*
- a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
  - b) *safe and suitable access to the site can be achieved for all users; and*
  - c) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree'.*
- 6.71 Paragraph 109 states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.*
- 6.72 Paragraph 111 states that *'All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.'*
- 6.73 Paragraph 118 states that *'Planning policies and decisions should: a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside; b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production; c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land; d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)<sup>45</sup>; and e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.'*

- 6.74 Paragraphs 124-27 within Chapter 12 (Achieving Well Designed Places) of the NPPF state that local and neighbourhood plans should develop robust and comprehensive policies that set out a clear design vision and expectations of development that will be expected for the area. Such policies should be based on stated objectives and designed with local communities, so they reflect their local aspirations, and are grounded in an understanding and evaluation of each areas defining characteristics. *'Planning policies and decisions should aim to ensure that developments:*
- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
  - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
  - c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
  - d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit*
  - e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
  - f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*
- 6.75 Paragraphs 155 to 165 (Planning and flood risk) set out that where development is necessary in areas of flood risk, the development should be made safe for its lifetime without increasing flood risk elsewhere. They set out the Sequential Test and Exception Test for development proposals and requirements for a strategic or site-specific flood risk assessment. Paragraph 165 is clear that *'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.'*
- 6.76 Paragraph 170 within Chapter 15 (Conserving and enhancing the natural environment) of the NPPF sets out a number of principles for determining planning applications in order to contribute to and enhance the natural and local environment. These include:
- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
  - b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
  - c) *maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
  - d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
  - e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
  - f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

- 6.77 Paragraph 175 is clear that ‘a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
  - c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>58</sup> and a suitable compensation strategy exists; and
  - d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.’
- 6.78 Within paragraph 180 of the Framework it is noted that planning policies and decisions ‘should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
  - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
  - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.’
- 6.79 Paragraph 183 of the Framework reminds us that: ‘The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.’
- 6.80 Paragraph 204 of NPPF concerns the use of alternatives to primary minerals and although referring to planning policy states that account should be taken of the contribution ‘that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously.’

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

- 6.81 National Planning Policy for Waste sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Waste Planning Authorities should only expect a demonstration of need where proposals are not consistent with an up to date Local Plan and should not consider matters that are within the control of pollution control authorities. Waste proposals should not undermine the objectives of the Local Plan and should be environmentally sensitive and well designed so they contribute positively to the character and quality of the area in which they are located. Of further relevance is

the Waste Management Plan for England, which also advocates the movement of waste up the waste hierarchy in line with the requirements of the European Waste Framework Directive (WFD). One such requirement is the 'proximity principle' (Article 16) which stipulates self-sufficiency; an 'integrated and adequate network of waste disposal installations' and that waste management should be at the nearest appropriate installations. The document sets out detailed waste planning policies. It should be read in conjunction with the National Planning Policy Framework, the Waste Management Plan for England, or any successor documents. All local planning authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management.

- 6.82 Paragraph 1 of National Planning Policy for Waste sets out how positive planning plays a key role in the delivery of the Government's sustainable resource use and management ambitions. A more sustainable and efficient approach is the aim, through:
- *delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy (see Appendix A);*
  - *ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;*
  - *providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle;*
  - *helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment*
- 6.83 NPPW paragraph 7 sets out what Local Planning Authorities should do when determining planning applications and confirms that the likely environmental and amenity impacts are to be considered against the criteria set out in Appendix B when determining waste planning applications, together with the locational implications of any advice on health from relevant health bodies. It also includes that they should '*ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located; and concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.*'
- 6.84 Appendix B of NPPW contains criteria in relation to the assessment of sites and areas for waste proposals, and notes that in addition to type and scale of facility the following should be considered:
- a) *protection of water quality and resources and flood risk management;*
  - b) *land instability;*
  - c) *landscape and visual impacts;*
  - d) *nature conservation;*
  - e) *conserving the historic environment;*
  - f) *traffic and access;*
  - g) *air emissions, including dust;*
  - h) *odours;*
  - i) *vermin and birds;*
  - j) *noise, light and vibration;*
  - k) *litter;*
  - l) *potential land use conflict'*

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

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

### Air Quality

- 6.86 This section provides advice on how planning can take account of the impact of development on air quality, the information available, and why it is important. Paragraph 008 (Reference ID: 32-008-20140306 Revision date: 06 03 2014) states *'Mitigation options where necessary will be locationally specific, will depend on the proposed development and should be proportionate to the likely impact. It is important therefore that local planning authorities work with applicants to consider appropriate mitigation so as to ensure the new development is appropriate for its location and unacceptable risks are prevented.'*

### Design

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

### Flood Risk and Coastal Change

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

### Healthy and Safe Communities

- 6.89 This section sets out that the design and use of the built and natural environments, including green infrastructure are major determinants of health and wellbeing. Planning has a role in creating environments which encourage healthy lifestyles.

### Natural Environment

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

### Noise

- 6.91 Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. When preparing local or neighbourhood plans, or taking decisions about new development, there may also be opportunities to consider improvements to the acoustic environment.
- 6.92 Planning authorities' decision taking should take account of the acoustic environment and in doing so consider:
- whether or not a significant adverse effect is occurring or likely to occur;
  - whether or not an adverse effect is occurring or likely to occur; and
  - whether or not a good standard of amenity can be achieved.
- 6.93 In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.
- 6.94 The PPG goes on to set out the observed effect levels as being:
- *'Significant observed effect level: this being the level of noise exposure above which significant adverse effects on health and quality of life occur';*
  - *'Lowest observed adverse effect level: this being the level of noise exposure above which adverse effects on health and quality of life can be detected'; and*
  - *'No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected'.* Further, it sets out whether noise is likely to be a concern.

6.95 Paragraph 010 (Reference ID: 30-010-20190722, Revision date: 22 07 2019) sets out how planning can address the adverse effects of noise sources, including where the 'agent of change' needs to put mitigation in place.

### Public rights of way

- 6.96 Paragraph 004 (Reference ID: 37-004-20140306, Revision date: 06 03 2014) makes clear that public rights of way *'form an important component of sustainable transport links and should be protected or enhanced.'* Local highway authorities hold information about the location of public rights of way in their areas. Natural England also has information about public rights of way and National Trails.

### Waste

- 6.97 Paragraph 002 (Reference ID: 28-002-20141016, Revision date: 16 10 2014) confirms that recycling facilities for construction, demolition and excavation waste constitute waste development.
- 6.98 Paragraph 004 (Reference ID: 28-004-20141016, Revision date: 16 10 2014) sets out the role of waste planning in meeting European obligations, including articles of the European Waste Framework Directive (2008/98/EC). Especially relevant are Article 4 on the Waste Hierarchy; Article 13 on Protection of human health and the environment and Article 16 on Principles of proximity and self-sufficiency.
- 6.99 In addition, all planning authorities have a role in implementing Articles 4 and 13. Articles 13, 16 and 34 are implemented in Part 6 of the Waste (England and Wales) Regulations 2011. Implementation of the remaining Articles relies on local planning authorities.

- 6.100 PPG goes on to explain that the Waste (England and Wales) Regulations 2011 transpose the Directive in England. It is clear that *'there is no expectation that each local planning authority should deal solely with its own waste to meet the requirements of the self-sufficiency and proximity principles. Nor does the proximity principle require using the absolute closest facility to the exclusion of all other considerations. There are clearly some wastes which are produced in small quantities for which it would be uneconomic to have a facility in each local authority. Furthermore, there could also be significant economies of scale for local authorities working together to assist with the development of a network of waste management facilities to enable waste to be handled effectively.'*
- 6.101 Paragraph: 009 (Reference ID: 28-009-20141016, Revision date: 16 10 2014) sets out how the waste hierarchy is delivered in planning decisions. *'Driving waste up the Waste Hierarchy is an integral part of the National waste Management plan for England and national planning policy for waste. All local planning authorities must have regard to the Plan and national policy in preparing their Local Plans. National waste planning policy is capable of being a material consideration in decisions on planning applications for waste management facilities'*.
- 6.102 Paragraph 037 (Reference ID 28-037-20141016 Revision date: 16 10 2014) outlines the factors which are likely to drive the siting of required waste management facilities. These include suitability of local transport infrastructure and availability of sustainable transport methods; the likely distribution of waste arisings; the likely catchment and necessary flows of waste for the type of facility being proposed; physical and environmental constraints limiting the likely opportunities for accommodating suitable waste management facilities. For instance, urban authorities may have limited opportunities to accommodate some types of waste management facility.
- 6.103 Paragraph 050 (Reference ID: 28-050-20141016 Revision date: 16 10 2014) sets out that other regulatory regimes cover a number of issues in relation to waste sites and it should be assumed that these regimes will function correctly. It is clear that the planning system should only concern itself with the use of land and whether the development is appropriate for the location. The planning system should not seek to duplicate these controls.

#### Water quality

- 6.104 This section sets out that planning needs to consider the effect on water including surface water, ground water and water supply. Paragraph 016 (Reference ID: 34-016-20140306, Revision date: 22 07 2019) concerns assessing impacts on water quality and sets out what a detailed assessment should include.

## **7.0 Planning considerations**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the *Development Plan* unless material considerations indicate otherwise. In light of the abovementioned policies the main considerations in this instance are the principle of the development; design; local amenity (noise, odour, vibration, dust); landscape and visual impact; flood risk and drainage; highways matters; and habitats, nature conservation and protected species.

### Principle of the proposed development

- 7.2 The Development comprises the change of use of land at the Old Airfield site to a roadstone recycling plant, to include the erection of a concrete holding bay 2.4 metres high, erection of a 5-metre-high concrete acoustic barrier to the southern and eastern boundaries, erection of a green palisade perimeter fence with a sliding access gate 2.4 metres high to the western and northern boundaries, siting of a mobile crushing plant, 14.79 square metre portable cabin for office/wc/welfare facilities and the provision of 2 car parking spaces.
- 7.3 As a recycling operation, it is considered that the proposed development would move waste up the Waste Hierarchy in line with Appendix A of National Planning Policy for Waste (NPPW). It is also in accordance with principles of the sustainable use of minerals and the circular economy, where waste is a resource to be used rather than something to be disposed of. It is therefore in line with NPPF and NPPW as well as the emerging Minerals and Waste Joint Plan policies W01; W05 and W10 and M11. It is also in line with DP36 of Hambleton Core Strategy.
- 7.4 The applicant states that the proposed recycling operation would be central to the area serviced by Robinson Bobcat Hire, thereby reducing journey times, fuel use and needless landfilling, causing less environmental impact. All waste aggregates taken to site would be recycled and reused leaving no waste. This accords with the proximity principle of NPPW and PPG and therefore Saved Policy 4/1 and Policy W10 of the emerging Minerals and Waste Joint Plan.
- 7.5 A key consideration in the evaluation of this planning application is the suitability of the location of the proposed development. It is considered that whilst the proposed location is not in line with Saved Policy 5/7 criteria (a), (b) and (c) due to its siting being outside of an existing, former or proposed industrial area or redundant site or building, nor within or adjacent to an active or worked out quarry or landfill site, the location is considered to be broadly acceptable as it is within the Old Airfield site; is situated away from Sandhutton village; and is adjacent – and more closely related to – existing industrial uses and similar uses and that subject to the appropriate conditioning of its design and landscaping, it is considered to be acceptable. It is in line with Hambleton policy CP1 as it complies with the principles of sustainable development by providing net environmental benefits, these being the wider benefits of the recycling of road planings and the reduction of waste to landfill. It is also in line with Hambleton policy DP25, as it is a use which would not be suitable in development limits. Whilst the site is not previously developed land or an industrial or employment site, as preferred in Policy W11 of the MWJP, it is considered to be well-located away from Sandhutton village and in relation to other sensitive uses which could be affected, and is located adjacent to similar uses. Policy W11 goes on to state that *'in all cases sites will need to be suitable when considered in relation to physical, environmental, amenity and infrastructure constraints including existing and proposed neighbouring land uses, the capacity of transport infrastructure and any cumulative impact from previous waste disposal facilities, in line with national policy.'* It is considered that whilst the application site is not on previously developed land, or at an existing waste management site, the adjacent similar uses which have been permitted over the years are a material consideration in relation to the scheme.
- 7.6 A representation in relation to the application objects on the grounds of the lack of realistic bunding to mitigate noise and high increases in traffic levels. It also states that no lighting scheme has been provided. It is considered that whilst these are valid concerns of the local community, the application is acceptable with appropriate conditions. The principle of the development has been established by the other similar uses in the immediate vicinity, as well as waste uses on the wider site, and the application has taken into account the effects of the development in combination with other developments in the surrounding area. The Sound Impact Assessment report has recommended a 5-metre-high barrier and this has therefore been incorporated

into the design of the scheme on officer recommendations. The impacts of the proposal on amenity and traffic levels and highways issues are considered later in this report.

### Design

- 7.7 The proposed development and nature of the process is such that many of the elements are mobile units. The process is carried out by a mobile machine, a lorry essentially, and the silo on site will provide cement to mix with the road chippings brought to site. Built development on site consists of the silo and the office/welfare cabin, together with the storage bays. Whilst functional, these are considered to be of suitable design and scale. The Development has been designed in terms of scale and density in order to accommodate all the facilities required. After discussions with the applicant, it has been agreed that a 5-metre-high acoustic barrier wall will be installed along the southern and eastern boundaries of the site. The Sound Impact Assessment report submitted with the planning application made a recommendation that a 5-metre-high acoustic barrier should be installed along the southern and eastern boundaries of the site, and this was also the recommendation of the Environmental Health Officer.
- 7.8 There are other industrial uses in the vicinity on the Old Airfield site. It is considered that the proposal would be consistent with and well related to the established development already in place on the adjoining unit (Harper Bagged Products, Unit 1, granted under permission 16/02335/FUL, 4<sup>th</sup> May 2017) and no objections or comments have been received from other occupiers of the Airfield. It is considered that the cumulative effect of the development would be negligible, with the suitable mitigation measures proposed in relation to noise and amenity and the planting to the north in order to protect openness and amenity. It is considered that the development is in line with NPPF and with PPG guidance in relation to design. This is also in compliance with saved policy 4/1 of the North Yorkshire Waste Local Plan as the proposal will be appropriately sited and scaled with screening to avoid impact; the highway network and site access can satisfactorily accommodate the traffic generated; and the proposal will not have an unacceptable adverse impact on local amenity or the environment. It is considered that this is in compliance with saved policies 4/1, CP17 and DP32 in relation to design, as the siting and scale of the development is appropriate to the scale of the surroundings and it has been designed in order to minimise impact. This is also in line with D11 and W11 of MWJP and NPPW.
- Local amenity (noise, odour, vibration, dust)
- 7.9 Hambleton District Council's Environmental Health Officer (EHO) has commented on the proposals that they have discussed appropriate controls with the applicant. They have suggested appropriate conditions including the erection of a 5-metre-high concrete barrier along the southern and eastern boundaries of the site and the conditioning of the hours of use to protect amenity. They have no further comments on the further plans submitted in relation to the 5 metre acoustic wall and the mitigation planting to be secured by legal agreement.
- 7.10 A Noise Assessment has been submitted with the application which shows that *'predicted sound from the proposed operation should cause "low impact" at all dwellings at all times. The worst case is on a Saturday, where the Rating Level is predicted at 3 dB above the background at Nitrovit Row and is unlikely to have adverse impact given the context of the site, some existing industrial / agricultural uses and the relatively low predicted sound levels.'*

- 7.11 The 'Sound Impact Assessment' report recommends that a 5-metre barrier be installed on the southern boundary. It is considered that the proposed 5-metre concrete wall will provide a sound barrier and would also form a dust suppression barrier and will therefore protect local amenity. It is noted however that the submission states that as a 'cold process' there would not be any dust emissions. It is also noted that Hambleton District Council's Environmental Health Officer has not raised any objections to the scheme and considers the proposal acceptable with the addition of a suitable 5-metre-high boundary and condition on hours of operation as described. They have no further comments to add following the submission of the further plans showing the acoustic wall and the proposed area of screening along the northern boundary outside the red line boundary.
- 7.12 It is acknowledged that concern has been expressed by a local resident in relation to potential noise that would be emitted from the proposed use, however taking into account the recommendations of both the applicant's noise consultant and the EHO which require a 5-metre-high acoustic barrier to the south and east boundaries, it is considered that the amended application incorporating this feature will result in a scheme which will not result in adverse impact on residential amenity, including visual amenity as a result of the acoustic barrier wall and including the cumulative effect with the other uses in the vicinity. This is considered in the landscape section in relation to landscape and visual impact.
- 7.13 It is therefore considered that the conditioning of the hours of working and the noise attenuation on the vehicles, together with use of non-audible or low tone reversing alarms on site is appropriate, together with the acoustic wall and the conditioning of the location of the mobile crushing plant and provision of any lighting, in order to protect amenity. This is consistent with NPPF paragraphs 170 and 180 and Planning Practice Guidance for Noise as a good standard of amenity can be achieved given the separation distances and the acoustic barrier. It is considered that the development would not give rise to unacceptable levels of disturbance to the occupiers of the closest properties. It is therefore considered that the development would comply with 'saved' policy 4/1 of the North Yorkshire Waste Local Plan (adopted 2006) as the impacts would be minimal and would not have an unacceptable impact on local amenity or the local environment with the effects being mitigated against. This is therefore also in line with DP1 and DP44 of Hambleton Local Plan and with the NPPF and paragraph 7 and Appendix B of NPPW, together with Saved policy 4/19 of WLP. It is also in line with Policy D02 of the MWJP (Local amenity and cumulative impacts) which states that waste development will be permitted where it can be demonstrated that there will be no unacceptable impacts on local amenity, local businesses and users of the public rights of way network in relation to a number of issues that may arise.

#### Landscape and visual impact

- 7.14 Landscape and visual impact of the proposed development is also an important consideration in the determination of the proposal. The site is on the Old Airfield site, which is rural in character and there are long range views across the countryside from the A167, which is a consideration. Whilst the majority of the machinery and infrastructure on site is mobile, the built development includes the all-in-one welfare cabin and office. The site will be screened to the south by the intervening (Harper Bagged Products) building from the bungalows on Nitrovit Row. From the east, the site boundary is screened by the existing mature trees and in addition the distance to Sandhutton village mitigates any effect.
- 7.15 It is noted that existing mature trees screen the site from the east and that lines of sight have now been plotted to show the visibility of the site and the proposed infrastructure. The 5-metre-high wall proposed in order to offer noise screening as part of the application will present a further requirement for screening, however extra hawthorn bushes to be trimmed and maintained at a minimum 5m in height are

proposed and will be secured by condition in order to help screen the concrete holding bays and the acoustic wall and to therefore preserve the visual amenity. A legal agreement will be entered into in order to secure tree screening along the northern boundary as the screening will be outside the red line boundary of the application. The Principal Landscape Architect is satisfied with the screening proposed and the imposition of conditions relating to the existing trees and the new hawthorn planting together with a detailed landscaping scheme and five years' maintenance and aftercare.

- 7.16 It is considered that this is in line with saved policy 4/3 of the Waste Local Plan, together with CP1 and DP1 of Hambleton Local Plan and CP16 and DP30 in terms of landscape impact. This is also considered in line with D06 of the emerging MWJP and criterion e) of saved policy 4/1.

#### Flood risk and drainage

- 7.17 A Flood Risk Assessment (FRA) was submitted with the application. This states that Table 2 of the planning practice guidelines classifies the proposed site usage as less vulnerable and therefore appropriate for the site. The applicant argues that there are to be no permanent buildings constructed on the site and the levels to the porous yard area will be profiled to match the existing levels. *'There will be no piped discharge from the site and the proposals will not impact on the wider catchment.'* Whilst the assertion that there are to be no permanent buildings is not considered accurate as the cabin will be permanent development even though it can be removed, it is the case that waste treatment development (except landfill and hazardous waste facilities) is classified as less vulnerable development in Table 2 of the national Planning Practice Guidance.

- 7.18 The Environment Agency have stated that a condition should be imposed to ensure that works are in accordance with the submitted FRA. This is considered to be in compliance with saved policy 4/1 of the North Yorkshire Waste Local Plan and with the NPPF, NPPW (especially Appendix B) and PPG on flooding. It is also therefore in line with Policy DP1, CP21 and DP43 of Hambleton Local Plan. It is considered that with the imposition of conditions on the development being in accordance with the submitted Flood Risk Assessment and on the use of interceptors, the proposal would be in line with emerging policy D09 of the MWJP.

#### Highways matters

- 7.19 The submission documents contained a Transport Assessment which has been scrutinised by the County Highways Authority's experts. The Highways Authority has commented on the proposals and offered no objection. In reaching this conclusion, accident records have been taken into account and it is considered that the 15 HGVs two way per week proposed would constitute a relatively low level of increase in traffic in the area and the proposal is therefore in accordance with policy. It is proposed that conditions can be imposed on the use of the existing access and the use of a construction management plan. It has also been agreed that the HGV movements shall be limited to a maximum of 15 in and 15 out, i.e. 30 per day in the interests of amenity.
- 7.20 This is considered to be satisfactory in relation to 'saved' policies 4/1 (g), 4/18 and 4/19 of the Waste Local Plan in relation to unacceptable adverse amenity impact, traffic impact or impact upon the local environment. This is also in line with NPPF paragraph 108 (b) and (c) and paragraph 109 and with paragraph 7 and appendix B (f) on traffic and access of NPPW. This is also in line with policy D03 of MWJP.

### Habitats, nature conservation and protected species

- 7.21 The Environment Agency and Natural England have been consulted and offered no objections to the scheme. The Yorkshire Wildlife Trust were also consulted but have offered no comment to date. The application site is not within or close to any designations for nature conservation.

## **8.0 Conclusion**

- 8.1 The proposed development site is a currently unused overgrown piece of ground last used for storage of agricultural equipment, occupying a position in a flat landscape in the open countryside. It is considered that the proposed location is not consistent with paragraph 118 of the NPPF which encourages the development of previously developed (brownfield) land. It is acknowledged that 'saved' policy 5/7 of the Waste Local Plan (2006) also states that the siting of the development is considered to be not appropriate to the open countryside location contrary to 'saved' Policy 4/1(a) of the NYWLP (2006). However, the development is not of a scale or nature which is out of keeping with surrounding uses, and indeed it is considered that many of the surrounding uses are of a similar nature, including the use of the adjacent site (Unit 1, Harper Bagged Products). This is a material consideration in the determination of this case. The site is considered to be more closely related to the uses adjacent than to the arable agricultural land to the north. Whilst the 5 metre acoustic wall is large, it is considered that the screening proposed is acceptable and that subject to the legal agreement upon the screening outside the application boundary to the north, the development is acceptable and does not negatively affect the openness of the site. It is therefore considered that the proposal is in line with NPPW and NPPF as well as landscape policy within the WLP and MWJP.
- 8.2 The proposal will move waste up the waste hierarchy in line with NPPF; NPPW, PPG and Waste Local Plan policy, as well as protection of natural assets and prudent use of resources in policies CP16 and CP18, and its design is not out of scale with its surroundings in line with amenity and design policy in both the Hambleton Local Development Framework and North Yorkshire Waste Local Plan. It is considered that with the mitigation proposed that the effects of the development, including cumulative effects with the existing waste uses in proximity to the site, are considered not to be unacceptable and are therefore in line with policy 4/1 of WLP; D02; D03 of MWJP; and also 4/18 and 4/19 of WLP and CP21 and DP1 of Hambleton Core Strategy.
- 8.3 In considering the proposed development, due regard has been given to all material considerations in weighing the 'planning balance' above, and the proposed development is considered compliant with the following policies which comprise the Development Plan currently in force in the area the Hambleton District Council Core Strategy (2007); Hambleton District Council Development Policies (2008) North Yorkshire Waste Local Plan (2006) and all other relevant material considerations. Consequently, there are no material planning considerations to warrant the refusal of this application for the change of use of land to a roadstone recycling plant, to include the erection of a concrete holding bay 2.4 metres high, erection of a 5-metre-high acoustic barrier, erection of a green palisade perimeter fence with a sliding access gate 2.4 metres high, siting of a mobile crushing plant, (14.79) sq. metre portable cabin for office/wc/welfare facilities & the provision of 2 car parking spaces.

## 9.0 Recommendation

- 9.1 The proposal accords with the ‘saved’ policies 4/1; 4/3; 4/18; and 4/19 of the North Yorkshire Waste Local Plan (adopted 2006) and policies CP16; CP17; CP18; CP21 of the Hambleton District Council Core Strategy (2007) and policies DP1; DP32; DP36; DP43; DP44 of Hambleton District Council Development Policies (2008). It also accords with Emerging policies W01; W05 and W10 and M11 and D01; D02; D03 of MWJP.
- 9.2 That, subject to prior completion of a Legal Agreement for the provision of mitigation planting on the northern side of the site outside the red line boundary of the site, as shown on plan Drg No. 2018/2 Rev A dated 8/1/2020.

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

### Conditions:

- The development to which this permission relates must be implemented no later than the expiration of three years from the date of this Decision Notice.  
  
*Reason: To comply with Section 91 of Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*
- The development hereby permitted shall be carried out in accordance with the application details dated 7<sup>th</sup> June 2019 and the following approved documents and drawings:

| <u>Ref.</u>                                   | <u>Date</u>    | <u>Title</u>  |
|---|----------------|---|
| 02018/1 Rev B                                 | 10/10/2019     | Plans Sections Elevations   |
| Block Plan 003                                | 16/10/2019     | Proposed Block Plan   |
| Sound Impact Assessment (S. & D. Garritt Ltd) | 11th July 2018 | Sound Impact Assessment of Asphalt Recycling Facility at Proposed Robinsons Road Planing Site, Nitrovit Row, Sandhutton, Thirsk |
| Revised Design Statement                      | 14/10/2019     | Revised Design Statement  |
| Revised Planning Statement                    | 14/10/2019     | Revised Planning Statement  |
| Wirtgen Technical Specification               |                | Technical Specification Mobile cold recycling mixing plant KMA200   |
| Flood Risk Assessment                         | June 2019      | Flood Risk Assessment   |
| 10722/BL/001/02 (Sanderson Associates)        | October 2018   | Transport Statement   |
| Poggi Manufacturer Details – Silo             |                | Poggi Manufacturer Details – Silo   |
| Britcab Guardian Units                        |                | Britcab Guardian Units  |
| Office Welfare Cabin Elevations 002           | 31/07/2019     | Office Welfare Cabin Elevations   |
| Equipment Height                              | 16/10/2019     | Equipment Height  |
| Line of Sight Map                             | 16/10/2019     | Line of Sight Map   |
| Drg No. 2018/2 Rev A                          | 8/01/2020      | Site Plan Showing Areas to be Conditioned   |

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

3. No development must take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:
  - a. the parking of vehicles of site operatives and visitors
  - b. loading and unloading of plant and materials
  - c. storage of plant and materials used in constructing the development
  - d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
  - e. wheel washing facilities
  - f. measures to control the emission of dust and dirt during construction
  - g. a scheme for recycling/disposing of waste resulting from demolition and construction work.

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

4. Details of any lighting proposed in connection with the use must be submitted to and approved by the County Planning Authority in writing prior to the commencement of the development.

Reason: In the interests of amenity.

5. Prior to the commencement of development, a programme and details for the landscape works shall be submitted to and approved in writing by the County Planning Authority. The details shall include
  - a) the detailed species mix and distribution of the proposed tree planting within the field the subject of the legal agreement
  - b) the details of seeding and shrub planting proposals
  - c) establishment and aftercare proposals.

The landscape scheme must be developed and maintained in accordance with the approved programme.

Reason: To ensure maintenance of a healthy landscaping scheme.

6. The use shall not take place outside the hours of 8am and 6pm Monday to Friday, 8am and 1pm Saturday and at no time on Sundays and Bank Holidays.

Reason: In the interest of neighbour amenity.

7. All plant, machinery and vehicles used on any part of the site must be fitted with effective noise attenuating equipment which must be regularly maintained. Where mobile plant is operating in proximity to residential properties, non-audible, ambient-related or low-tone reverse warning alarm systems must be deployed.

Reason: In the interests of amenity.

8. There must be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at A167. The access must be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.

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

9. HGV movements along the shared access road to the A167 must not exceed 30 per day, 15 in and 15 out on any working day.

*Reason:* To protect amenity and in the interests of highway safety.

10. The proposed boundary fence must be painted Holly Bush Green within 3 months of the date of the planning permission and the fence must continue to be maintained in a good state of repair for the duration of the planning permission.

*Reason:* To enhance the visual appearance of the fence so to safeguard the character of the site in the interests of visual amenity.

11. No stockpiling of material must be higher than 4.5 metres in height.

*Reason:* To protect amenity.

12. No trees shall be removed on the eastern boundary of the site. If existing mature trees on the eastern boundary of the site die or become, in the opinion of the County Planning Authority, seriously damaged or defective, these must be replaced as soon as is reasonably practicable with others of species, size and number as originally approved.

*Reason:* To protect the amenity of the area and to ensure the provision and establishment of acceptable landscaping.

13. The planting scheme submitted as part of the landscaping works shall be implemented in the first available planting period. Trees/hedges and shrubs planted in accordance with this scheme shall be protected for a period of 5 years against damage or failures and any such occurrences shall be replaced with trees or bushes of such size and species as may be specified by the County Planning Authority, in the planting season immediately following any such occurrences for a period of 5 years to ensure their establishment. Planted areas shall be managed in accordance with good forestry practice for a period of 5 years from the date of decision.

*Reason:* To ensure appropriate screening of the development in the interests of amenity and visual impact and to protect the ecological and wildlife interests of the area.

14. The mobile crushing plant must be located within the 5 metre buffer from the concrete acoustic wall, as shown on plan Drg No. 2018/2 Rev A dated 8/01/2020. The acoustic wall must be maintained in good condition with no gaps between panels and no changes must be made to the design of the acoustic wall without the prior written approval of the County Planning Authority.

*Reason:* To protect the amenity of the area

## Informatives

1. This development will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency, unless a waste exemption applies. The applicant is advised to contact the Environment Agency directly.
2. Developer to contact National Grid to discuss crossing agreement being reached. Further mitigation may be required.
3. The Environment Agency strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

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

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

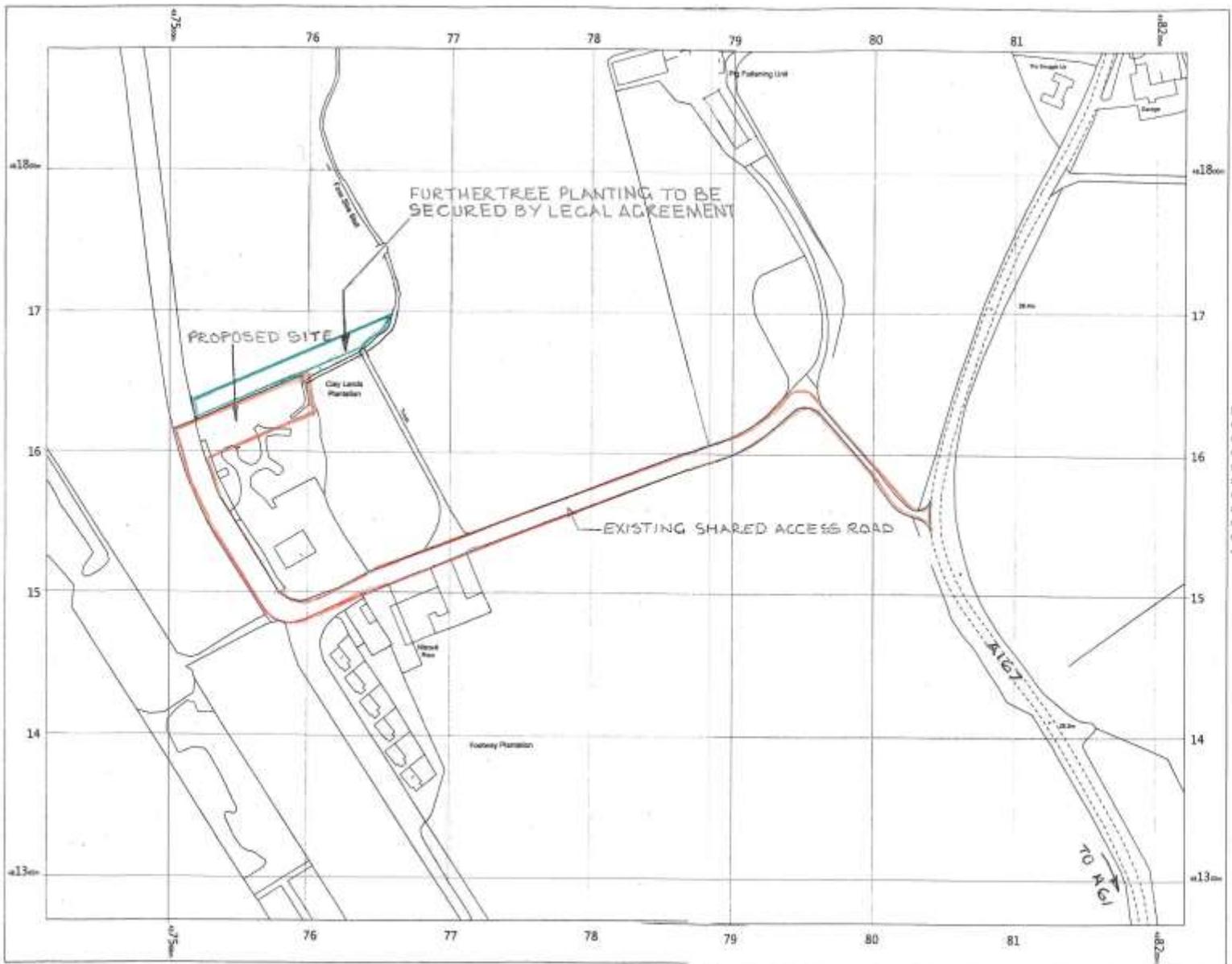
DAVID BOWE

Corporate Director, Business and Environmental Services

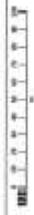
Background Documents to this Report:

1. Planning Application Ref Number: C2/19/02210/CCC (NY/2019/0026/FUL) registered as valid on 21<sup>st</sup> August 2019. Application documents can be found on the County Council's Online Planning Register by using the following web link:  
<https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation responses received.
3. Representations received.

Author of report: Leo Oliver



Land to rear of Unit 1  
 Skipton Old Airfield  
 YO7 4EG  
**LOCATION PLAN**  
 REV. C  
 DATE 8/1/2020



OS MasterMap 2500/2500/10000  
 scale  
 Tuesday, May 28, 2019, 10:  
 CM-03802783  
 www.centremapslive.co.uk

1:2500 scale print at A3, Centre:  
 437817 E, 483577 N

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