



EAST RIDING

OF YORKSHIRE COUNCIL

County Hall Beverley East Riding of Yorkshire HU17 9BA Telephone (01482) 887700

www.eastriding.gov.uk

Malcolm Sims Director of Corporate Resources

Your Ref:

Our Ref: Agenda/JL

Enquiries to: Julie Lidster

E-Mail: julie.lidster@eastriding.gov.uk

Tel: Direct: (01482) 393211

Fax. Number: (01482) 393269

Date: 5 September 2012

Dear Councillor

I hereby give you notice that a meeting of the PLANNING COMMITTEE will be held at COUNTY HALL, CROSS STREET, BEVERLEY on THURSDAY, 13 SEPTEMBER 2012 at 2.00PM.

The business to be transacted is as set out below.

Yours sincerely

for Malcolm Sims
Director of Corporate Resources

Enc

A G E N D A

1. Declarations of Pecuniary and Non-Pecuniary Interests and Declarations under Section 4 of the Code of Practice for dealing with Planning Applications - Members to declare any interests in items on the agenda and the nature of such interest.
2. To approve as a correct record the minutes of the meeting of the Planning Committee held on 19 July 2012 (pages 1 - 8).
3. To receive the minutes of the under-mentioned Sub-Committees:-
 - (a) Eastern Area Planning of 23 July 2012 (pages 9 - 16), and
 - (b) Western Area Planning of 24 July 2012 (pages 17 - 22).



INVESTORS
IN PEOPLE



4. Land North East of Manor Farm, Main Street, Fraisthorpe (pages 23 - 101).
5. Twinacre Nurseries Ltd, Castle Road, Cottingham (pages 102 - 138).
6. Beckside Villas, Land to the West Beck Lane, Danthorpe (pages 139 - 164).
7. Referral from Eastern Area Planning Sub-Committee - South Wolds School, Chantry Lane, Etton (pages 165 - 204).
8. Land South of Prospect House, Howden Road, Holme Upon Spalding Moor (pages 205 - 228).
9. Land East of Bank House, Bridge Lane, Rawcliffe Bridge (pages 229 - 240).
10. North Cotes Road, Wold Newton (pages 241 - 251).
11. Land North West of Grange Farm, Wold Road, Nafferton (pages 252 - 274).
12. Land East of New House Farm, Main Street, Cottam (pages 275 - 295).
13. Land North East of Waste Water Treatment Works, Out Gates, Gembling (pages 296 - 307).
14. Land East of Furrows Farm, York Road, Cherry Burton (pages 308 - 328).
15. Land South West of Crawberry Hill, Walkington Heads, Walkington (pages 329 - 365).
16. Landfill Site, Catwick Grange, Hornsea (pages 366 - 393).
17. Spaldington Airfield, Wood Lane, Brind (pages 394 - 407).
18. Land South of England Hill Farm, Hull Road, Withernsea (pages 408 - 430).
19. Manor Farm, Skipsea Lane, Dunnington (pages 431 - 454).
20. Future Planning Applications (pages 455 - 457).
21. Any other items which the Chairman decides are urgent by reason of special circumstances which must be specified.

- Notes: (1) All reports are by the Director of Planning and Economic Regeneration unless otherwise stated.
- (2) Details of planning applications determined under officer delegation are enclosed for information (pages 458 - 461).

East Riding of Yorkshire Council will, on request, provide this document in Braille, audio or large print format.

If English is not your first language and you would like a translation of this document into any other language, please telephone (01482) 393939.

EAST RIDING OF YORKSHIRE COUNCIL

PLANNING COMMITTEE

19 JULY 2012

PRESENT: Councillors Pollard (Chairman), Bayram, Boatman, A Burton, C Chadwick, Davison, Galbraith, Pearson, Sharpe, West and Whittle.

Also in attendance: Press - 1
Public - 76

Councillors Aird, Charis, Harold and Turner also attended the meeting.

The Committee met at County Hall, Beverley.

6626 DECLARATIONS OF INTEREST AND DECLARATIONS UNDER THE CODE OF PRACTICE FOR DEALING WITH PLANNING APPLICATIONS - The following Members made declarations:-

Item	Member/Interest
(i) 12/01031/STPLF Development land north of Flemingate (Minute 6629 refers).	All members of the Committee made a declaration under Section 4 of the Planning Code of Practice in Minute 6629 as they had received correspondence in relation to the application.
(ii) 11/05782/STPLF Land south east of roundabout, Woodhall Way, Molescroft (Minute 6630 refers).	All members of the Committee made a declaration under Section 4 of the Planning Code of Practice in Minute 6630 as they had received correspondence in relation to the application.
(iii) 12/00815/PLF Beckside Villas, land to the west, Back Lane, Danthorpe, (Minute 6633 refers).	Councillor Boatman made a declaration under Section 4 of the Planning Code of Practice in Minute 6633 insofar as he had received correspondence in relation to the application.
(iv) 12/01537/STPLF Land north west of Spen Farm, Spen Lane, Holme upon Spalding Moor (Minute 6632 refers).	Councillor Bayram made a declaration under Section 4 of the Planning Code of Practice in Minute 6632 insofar as he had been contacted about the application but had not expressed his own view.
(v) 12/00710/STPLF Fair View Farm, Patrington Road, Hollym (Minute 6631 refers).	Councillor Bayram declared a non-pecuniary interest in Minute 6631 insofar as the agent speaking on the application had undertaken some work on his behalf.

6627 MINUTES - Resolved - That the Minutes of the meeting of the Committee held on 28 June 2012 be confirmed and signed as a correct record.

6628 **PLANNING SUB-COMMITTEES** - The Minutes of the undermentioned Sub-Committees were received:-

- (i) Eastern Area Planning of 2 July 2012
- (ii) Western Area Planning of 3 July 2012.

6629 **DEVELOPMENT LAND NORTH OF FLEMINGATE, BEVERLEY** - The Director of Planning and Economic Regeneration submitted a report on an application by Wykeland Group, CP Group and Quintain Est and Dev Plc for mixed use redevelopment including offices (Use Class B1), college (Use Class D1), retail (Use Class A1), hotel (Use Class C1), cinema (Use Class D2), food and drink (Use Class A3/A4/A5) and public hall (Use Class D1) with associated off site highway works, car parking (including multi-storey car park), pedestrian and vehicular access, servicing and landscaping at development land north of Flemingate, Beverley (Application 12/01031/STPLFE).

At the meeting the Director updated the Committee on the representations and consultation responses received on the application following publication of the report:-

- Trees and Landscape - No objections in principle, subject to conditions to secure new landscaping and future aftercare.
- Public Protection - No objections. Satisfied that the conditions relating to the protection of residential amenity and the effects of noise, vibration, dust and odours are adequate.
- Beverley Town Council - No objection.
- Two letters of objection - Whilst supporting redevelopment of the site, object to the increase in retail floor area that would lead to vacant shops in Beverley town centre thereby risking the viability of the town centre and in the long term would have a detrimental impact on shops, restaurants and cafes in the town that were doing well in the recession.
- Beverley Chamber of Trade - Supported the original scheme and maintain that support, although opposed to the scale of the retail element. The Committee should consider the size of the development and whether it was appropriate for Beverley. The Chamber was of the opinion that the development was comparable in size to Princes Quay in Hull. The catchment area of the shoppers included Brough, Elloughton, North Ferriby, Swanland, North Cave and South Cave as identified by England and Lyle and Indigo Planning this skewed the figures enormously and without their inclusion could not justify the development. The Committee's decision would have huge ramifications for Beverley with concern that the town centre could become deserted and therefore the developers should be requested to resubmit an application based on the original outline permission granted. Notwithstanding the objections raised by the Chamber it would like to be involved in the setting up of an organisation to market Beverley as a destination for shoppers with the remit of the group being focussed on driving visitor numbers up to secure long term prosperity for the whole of Beverley. Additionally the Chamber supported the proposal for a shuttle bus service to operate on Saturdays from Flemingate to the town centre and that this service should be provided at no cost for three years with various drop-off points around the town centre. This would greatly improve linked trips and encourage visitor spend.

- Passenger Service Manager - Objection to the provision of a Saturday shuttle bus would prefer to see the enhancement of the 523 bus service. There would be an increased need for a bus service to the site between Monday and Saturdays as a result of workers within the development who had a high public transport usage. The attractions were open seven days a week and therefore there would be a need for workers at the site. Currently there was no regular bus provision. The plans also included the relocation of East Riding College which would involve a large number of young people requiring access to the site. The issue of transport enhancement had been recognised and under the existing legal agreement provision had been made for the enhancement of a specific bus route (523).
- Planning Officer - The enhancement of the public transport provision was reasonable and complied with paragraph 204 of the National Planning Policy Framework in that it was necessary and directly related to the development and therefore was a fair and reasonable proposal in terms of scale. It was for members to determine which of the options were most appropriate.
- Planning Officer - The report made reference to the setting up of an organisation called "Destination Beverley" which had the support of the Beverley Chamber of Trade. Officers had considered this further and were of the opinion that such an organisation would help integrate the scheme with the town centre and assist in reducing its impact. This proposal was considered to be reasonable for inclusion within the legal agreement and would be consistent with the National Planning Policy Framework (NPPF) which sought to ensure the vitality of town centres and therefore such provision would be consistent with that legislation (Paragraph 204 of the NPPF) since it was seeking to ensure that planning obligations were necessary and directly related to the development and fairly reasonable in terms of scale.
- Applicants' Agent - The applicants had carried out significant consultation with the local community and planning officers prior to the submission of the application. This had generated a substantial level of support. Beverley Renaissance had not objected to the application although had raised concerns with aspects of it. The applicants felt that the revised public transport arrangements and the "Destination Beverley" initiative were compliant with regulation 122 of the Community Infrastructure Levy. In terms of the public art strategy the applicants had confirmed that the landscaping, which included information boards, constituted a public art strategy as set out within the landscaping condition. The agent had also raised concern in terms of the reference to an Environmental Impact Assessment contained within the application.
- Planning Officer - Officers had taken full account of the application including the submitted Environmental Impact Assessment. This contained sections relating to policy context, alternative site assessment, non-significant issues (including archaeology, flooding and sustainability) economic effects, built heritage impact, landscape impacts, transport and the impact of the development on key receptors. Full account had been taken of this document. When the application was advertised the Environmental Impact Assessment was published with the full application on the Public Access website. All consultations and comments received in relation to the application had been taken into account within the submitted report.
- Planning Officer - It was confirmed that a roundabout had been agreed under the extant outline consent. Paragraph 9.3.33 should include the word "not" adversely impact upon the character. There should also be the inclusion of an informative relating to the Network Rail construction requirements and a number of minor adjustments to the report in terms of the wording of conditions, correction of a number of grammatical errors and the inclusion of an amended plan condition to take into account the revised plans submitted.

- Planning Officer - Subject to the Committee being satisfied with the proposed revisions to the legal agreement it should consider a revised recommendation that the application be deferred for:-
 - (i) referral to the Secretary of State under the Town and Country Planning Act (Consultation) Directions 2009, and
 - (ii) the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the provision of off-site highway works, a contribution to the provision of a controlled parking zone, the establishment of the Destination Beverley initiative and a contribution to public transport enhancement.

On receipt of confirmation from the Secretary of State that the application was not to be called in and on the satisfactory completion of the legal agreement the Director of Planning and Economic Regeneration be authorised to approve this application subject to the conditions set out in Section 12, as amended by officers as necessary on the understanding that the overall requirement and the spirit of the conditions are maintained.

An objector and the applicants' agent spoke on the application in accordance with the agreed protocols.

Resolved - (a) That the application be deferred for:-

- (i) Referral to the Secretary of State under the Town and Country Planning (Consultation) Directions 2009, and
- (ii) The completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the provision of off-site highway works, a contribution to the provision of a controlled parking zone, the establishment of the Destination Beverley initiative and a contribution to public transport enhancement, and

(b) that on the receipt of confirmation from the Secretary of State that the application is not to be called in and the satisfactory completion of the legal agreement referred to at a(ii) above, the Director of Planning and Economic Regeneration be authorised to approve the application subject to the conditions set out in Section 12 of the report as amended by officers as necessary on the understanding that the overall requirement and the spirit of the conditions are maintained, an amended plan condition, a trees and landscape condition, the inclusion of an informative relating to Network Rail working conditions and the investigation of the wider parking concerns raised by residents.

(In accordance with Paragraph 9(iii) of The Constitution Councillor Pearson requested that it be recorded in the minutes that he voted against the proposal).

6630 LAND SOUTH EAST OF ROUNDABOUT, WOODHALL WAY, MOLESCROFT - The Director of Planning and Economic Regeneration submitted a report on an application by Linden Homes for the erection of 141 dwellings with associated access, parking, public open space and attenuation basin for drainage purposes (further amended scheme) at land south east of roundabout, Woodhall Way, Molescroft (Application 11/05782/STPLF).

At the meeting the Director advised the Committee that the following representations and consultation responses had been received on the application following publication of the report:-

- Molescroft Parish Council - Requested that it be party to the Section 106 agreement in relation to the proposed community benefit available from the development.
- Planning Officer - The parish council had been advised that this was not normal Council practice and would not be appropriate.
- 31 further letters of objection - These highlighted many points previously raised as well as identifying errors in terms of bus routes, shops, school names, location of shops and also concern about the timing of traffic counts in the summer when there was less traffic. Expressed concerns about the extent of the neighbourhood notification that properties 340 metres from the site had not been consulted although it was confirmed that this was in line with the Council's protocol. No proper public consultation, concerns about infrastructure, criticisms of the traffic assessment which, it was claimed, had not been undertaken in accordance with normal practice, the modelling had not considered the cumulative impact on junctions, nor taken observations. The model did not reflect the on-site situation and the potential use of St Leonards Road as a "rat run". The traffic investigation should have viewed all traffic options at the outset.
- Trees and Landscape - Confirmation of earlier response.
- Environment Agency - Confirmation of earlier response.
- Humber Archaeology Partnership - Confirmation of earlier response.
- Open Play Space Working Group - Confirmation of earlier response.
- Public Rights of Way - No objections.
- Planning Officer - There was likely to be a shortfall in the housing supply and therefore the application had been considered in the light of Government requirements. The reference in the report to the site being likely to be a preferred allocation could not be substantiated at this stage of the Local Development Framework process and was overstated. In terms of affordable housing the applicant had made 22.6% provision which had been ascertained by a viability assessment undertaken by the applicant, which the Council had reluctantly accepted. It was also noted that a number of references on pages 107 and 108 were to the wrong Local Plans.
- Highways - Access off Woodhall Way or Grange Way - Development would result in an increase in traffic but not to a degree that could warrant refusal. The traffic assessment did not meet fully the necessary requirements but the Council's own traffic count indicated that additional traffic could be accommodated.

An objector, the applicant's agent and Councillor Aird spoke on the application in accordance with the agreed protocols.

Resolved - That the application be refused because it is considered that the application is premature in terms of the Local Development Framework, the layout of the proposed development is poor and is considered to be out of character with the area by virtue of its density and lack of respect to the local character, concerns about highway access and subsequent safety and the lack of adequate affordable housing provision within and its distribution across the development.

6631 FAIR VIEW FARM, PATRINGTON ROAD, HOLLYM - The Director of Planning and Economic Regeneration submitted a report on an application by P J R Milehouse

for the change of use of land to use as a caravan site following demolition of existing buildings at Fair View Farm, Patrington Road, Hollym (Application 12/00710/STPLF).

At the meeting the Director advised the Committee that the following representations and consultation responses had been received on the application following publication of the report:-

- Nature Conservation and Ecology Officer - An assessment had been undertaken in terms of protected species. This had been demonstrated that it had been undertaken satisfactorily. The findings supported those of the officer, that it was a low grade environmental site but that barn owl roosting boxes should be installed and an informative included on the Notice of Decision relating to nesting birds.
- Public Protection - No objection although from time to time the livestock usage could result in issues arising but this was likely to be resolvable.
- Planning Officer - The inclusion of a landscape maintenance condition.

Resolved - (a) That the application be deferred for further clarification from Public Protection on the issue of noise and odour nuisance, and

(b) that subject to a satisfactory response on (a) above the Director of Planning and Economic Regeneration be authorised to approve the application subject to the conditions contained in the report and a landscape maintenance condition, provision of barn owl roosting boxes and the inclusion of an informative relating to nesting birds.

6632 LAND NORTH WEST OF SPEN FARM, SPEN LANE, HOLME UPON SPALDING MOOR - The Director of Planning and Economic Regeneration submitted a report on an application by H L Middlewood and Son for the erection of one wind turbine (50 metres to hub and 78 metres to blade tip) and associated infrastructure at land north west of Spen Farm, Spen Lane, Holme upon Spalding Moor (Application 12/01537/STPLF).

At the meeting the Director advised the Committee that the following representations and consultation responses had been received on the application following the publication of the report:-

- Letter of Objection - A 78 metre wind turbine would dominate the heritage asset of Holme upon Spalding Moor church. There would also be a cumulative impact as further wind turbines were planned in the area. The area was popular because of its rural activities and to allow a wind turbine would be detrimental to tourism as well as having a noise and visual impact.
- Planning Officer - Amendment of Condition 2 to correctly identify the location of the turbine.

The applicant spoke on the application in accordance with the agreed protocols.

Moved by Councillor Galbraith and seconded by Councillor Boatman -

That the application be approved for the reasons set out in the Director's report.

Motion Lost.

Moved by Councillor Galbraith and seconded by Councillor Boatman -

(a) That the application be deferred in order to ascertain whether it will result in shadow flicker, given the conflicting dimensions identified in Paragraph 9.7.4 of the Director's report, and

(b) that subject to the satisfactory resolution of (a) above, the Director of Planning and Economic Regeneration be authorised to approve the application subject to the conditions set out in the report.

Motion carried.

Resolved - (a) That the application be deferred in order to ascertain whether it will result in shadow flicker, given the conflicting dimensions identified in Paragraph 9.7.4 of the Director's report, and

(b) that subject to the satisfactory resolution of (a) above, the Director of Planning and Economic Regeneration be authorised to approve the application subject to the conditions set out in the report.

REFERRAL FROM THE EASTERN AREA PLANNING SUB-COMMITTEE

6633 Beckside Villas, Land to the West, Back Lane, Danthorpe - The Director of Planning and Economic Regeneration submitted a report on the following application which had been referred to this Committee for determination by the Eastern Area Planning Sub-Committee with a recommendation to refuse the application but for reasons 2 and 3 only and not on the basis of reason 1 which related to policy on its location:-

Application No and Applicant

12/00815/PLF
Mr and Mrs S Swyer

Details

Erection of a detached dwelling following demolition of existing barn/store (resubmission of planning application 11/05500/PLF) at Beckside Villas, land to the west, Back Lane, Danthorpe.

At the meeting the Director advised the Committee that the following representations had been received on the application following publication of the report:-

- Applicant's Agent - The design had been the only reason given for refusal at the Eastern Area Planning Sub-Committee and the applicants would be happy to liaise with the officers about what was considered a suitable proposal and also to mitigate its impact on a near neighbour. The agent also had concerns about the indication given that the site was one that was at risk of flood, however, the proposed development was not contained in the flood area. The applicant would also be a benefit to the community in her role as a community nurse.

The applicant and Councillor Turner spoke on the application in accordance with the agreed protocols.

Moved by Councillor Bayram and seconded by Councillor Davison -

That the application be refused in line with the recommendation from the Eastern Area Planning Sub-Committee on 2 July 2012 for reasons 2 and 3 only and not reason 1 relating to the principle of development.

Moved by Councillor Pearson and seconded by Councillor West as an amendment -

That the application be refused for all the reasons contained in the Director's report.

Amendment carried.

Substantive motion carried.

Resolved - That the application be refused for all the reasons contained in the Director's Report.

6634 FUTURE APPLICATIONS - The Director of Planning and Economic Regeneration submitted a report giving advance notice of planning applications that were currently under consideration or were likely to be submitted to the next or subsequent meeting of the Committee.

Resolved - That a site visit be arranged to Thornholme Fields, Rudston Road, Burton Agnes.

EAST RIDING OF YORKSHIRE COUNCIL

PLANNING COMMITTEE

EASTERN AREA PLANNING SUB-COMMITTEE

23 JULY 2012

PRESENT: Councillors Pearson (Chairman), Allerston, Boatman (as substitute for Councillor Finlay), Bryan, C Chadwick, Chapman MBE, Hall, Peacock, Pollard, Skow, Suggit and Turner.

Also in attendance: Press - 0
Public - 43

Councillors Hough and Temple also attended the meeting.

The Sub-Committee met at County Hall, Beverley.

6635 DECLARATIONS OF INTEREST AND DECLARATIONS UNDER THE CODE OF PRACTICE FOR DEALING WITH PLANNING APPLICATIONS - The following Members made declarations:-

Item	Member/Interest
(i) General declaration (Minutes 6639, 6640, 6643, 6644, 6645, 6647, 6648, 6651 and 6654 refer)	Councillor Peacock declared a non pecuniary interest in Minutes 6639, 6640, 6643, 6644, 6645, 6647, 6648, 6651 and 6654 insofar as he was a member of the Humber Archaeology Partnership.
(ii) General declaration (Minutes 6642, 6644, 6645, 6646 and 6648 refer)	Councillors Bryan, Peacock and Suggit declared non pecuniary interest in Minutes 6642, 6644, 6645, 6646 and 6648 insofar as they were members of the Beverley and North Holderness Internal Drainage Board.
(iii) 11/05707/PLF Grange Farm, Buckton Gate, Buckton (Minute 6643 refers)	Councillor C Chadwick made a declaration under Section 4 of the Planning Code of Practice in Minute 6643 insofar as he had been contacted by an objector but had not expressed his own views on the application.
(iv) 12/02020/PLF Crane Wharf Beckside Beverley (Minute 6652 refers)	Councillors Peacock, Pearson and Suggit all declared non pecuniary interests in Minute 6652 insofar as they had all attended functions at the barge.

6636 MINUTES - Resolved - That the minutes of the meeting of the Sub-Committee held on 2 July 2012 be confirmed and signed as a correct record.

6637 WITHDRAWALS - The Director of Planning and Economic Regeneration advised the Sub-Committee that no applications had been withdrawn from the Schedule of Planning Applications.

6638 LAND SOUTH OF 10 HAVELOCK PLACE, BRIDLINGTON - The Director of Planning and Economic Regeneration submitted a report on an application by Hornsea Carpets Limited for the continued use as a carpet retail store at land south of 10 Havelock Place, Bridlington (Application 10/01546/PLF).

At the meeting the Director advised the Sub-Committee that no representations or consultation responses had been received on the application following publication of the report.

Resolved - That the application be approved for the reasons set out in the Director's report.

6639 LAND WEST OF CHURCH FARM, PUMP LANE, GARTON ON THE WOLDS - The Director of Planning and Economic Regeneration submitted a report on an application by Ms Alison Botten for the erection of a dwelling and integral garage (amended planning application 09/02760/PLF at land west of Church Farm, Pump Lane, Garton on the Wolds (Application 11/01909/PLF).

At the meeting the Director advised the Sub-Committee that no representations or consultation responses had been received on the application following publication of the report.

The applicant spoke on the application in accordance with the agreed protocols.

Resolved - That the application be approved for the reasons set out in the Director's report.

6640 VILLAGE HALL, 15 NORTH ROAD, LUND - The Director of Planning and Economic Regeneration submitted a report on an application by the Village Hall Committee for the change of use of land to the west of the existing village hall for recreational purposes with erection of a new village hall and construction of access drive and car park and erection of a detached dwelling and change of use of land to garden following demolition of existing village hall at Village Hall, 15 North Road, Lund (Application 11/03223/PLF).

At the meeting the Director advised the Sub-Committee that no representations or consultation responses had been received on the application following publication of the report.

The applicant spoke on the application in accordance with the agreed protocols.

Resolved - That the application be approved for the reasons set out in the Director's report.

6641 VILLAGE HALL, 15 NORTH ROAD, LUND - The Director of Planning and Economic Regeneration submitted a Conservation Area Consent application by the Village Hall Committee for the demolition of the existing village hall at Village Hall, 15 North Road, Lund (Application 11/03224/PCC).

At the meeting the Director advised the Sub-Committee that no representations or consultation responses had been received on the application following publication of the report.

The applicant spoke on the application in accordance with the agreed protocols.

Resolved - That the application be approved for the reasons set out in the Director's report.

6642 WORKSHOP, 2 BUTT LANE, TICKTON - The Director of Planning and Economic Regeneration submitted a report on an application by Dixon Brothers Limited for the renewal of planning application 07/07153/PLF for the erection of four dwellings at Workshop, 2 Butt Lane, Tickton (Application 11/03795/PLF).

At the meeting the Director advised the Sub-Committee that the following consultation responses had been received on the application following publication of the report:-

- Yorkshire Water - No objections subject to conditions.
- Internal Drainage Board - No objections subject to conditions.
- Planning Officer - With the receipt of the above responses and the expiration of the publicity period the planning officer's recommendation should be amended to approval.

The applicant's agent spoke on the application in accordance with the agreed protocols.

Resolved - That the application be approved for the reasons set out in the Director's report subject to additional/amended drainage conditions required by Yorkshire Water and the Internal Drainage Board.

6643 GRANGE FARM, BUCKTON GATE, BUCKTON - The Director of Planning and Economic Regeneration submitted a report on an application by Mr and Mrs T Houghton for the change of use and alterations to redundant agricultural buildings to form serviced tourism/business user accommodation (comprising seven holiday units (buildings 1 - 5 and 11) and a staff/management unit (building 9)) and an amenities building and equestrian facilities at Grange Farm, Buckton Gate, Buckton (Application 11/05707/PLF).

At the meeting the Director advised the Sub-Committee that the following representations and consultation responses had been received on the application following publication of the report:-

- Anonymous objection - Concerns about highway safety with horses being led down narrow country roads.
- Mucky Grange, Buckton - Object to the provision of the equestrian element but not the holiday accommodation. The roads had poor visibility and there was no adjacent grazing which meant children would be leading horses down poorly lit and narrow roads. If equestrian use was a necessity it should be limited to those utilising the holiday accommodation. The application appeared to have materialised into a livery unit and not holiday accommodation. The development of a management unit should be tied to the use of the seven holiday units.
- Buckton Gate Livestock - Letter of support advising that the proposed application was a better use of the facility, it was a quality scheme which would save neglected buildings. The impact of horse usage would not result in smell nuisance and there was no evidence provided by Highways to suggest that road safety was a concern. The application was a key to bringing tourism to the area and was supported by many locals as well as the parish council.

An objector and the applicant's agent spoke on the application in accordance with the agreed protocols.

Resolved - That the application be deferred for a site visit.

6644 LAND SOUTH OF THE GLEN, FIGHAM ROAD, BEVERLEY - The Director of Planning and Economic Regeneration submitted a report on an application by Mr Stuart Raines for the erection of six dwellings and garages with associated access, parking and culverting of Mill Dam Drain watercourse at land south of the Glen, Figham Road, Beverley (Application 12/00348/PLF).

At the meeting the Director advised the Sub-Committee that the following consultation response had been received on the application following publication of the report:-

- Planning Officer - Recommendation that there should be an additional/amended condition relating to details of the proposed culvert.

Resolved - That the application be approved for the reasons set out in the Director's report and the inclusion of an additional/amended condition relating to the proposed culvert.

(Councillor Chapman MBE chaired the meeting in the absence of Councillor Pearson).

6645 LARUM HOUSE, ROTSEA ROAD, HEMPOLME - The Director of Planning and Economic Regeneration submitted a report on an application by Mr Gareth Taylor for the erection of an agricultural building at Larum House, Rotsea Road, Hempholme (Application 12/00378/PLF).

At the meeting the Director advised the Sub-Committee that no representations or consultation responses had been received on the application following publication of the report.

Resolved - That the application be approved for the reasons set out in the Director's report.

(Councillor Chapman MBE chaired the meeting in the absence of Councillor Pearson).

6646 CONEYGARTH HILL, STARCARR LANE, BRANDESBURTON - The Director of Planning and Economic Regeneration submitted a report on an application by Coney Garth LLP for the siting of 92 static caravans and ancillary works (amendment to planning application 06/02478/STPLF) at Coneygarth Hill, Starcarr Lane, Brandesburton (Application 12/01054/STPLF).

At the meeting the Director advised the Sub-Committee that no representations or consultation responses had been received on the application following publication of the report.

An objector and the applicant's agent spoke on the application in accordance with agreed protocols.

Resolved - That the application be deferred for a site visit.

6647 MANOR FARM, MAIN STREET, GREAT KELK - The Director of Planning and Economic Regeneration submitted a report on an application by H Middlewood and Son for the erection of two wind turbines (24.6 metres to hub and 34.2 metres to tip) at Manor Farm, Main Street, Great Kelk (Application 12/01385/PLF).

At the meeting the Director advised the Sub-Committee that the following consultation response had been received on the application following publication of the report:-

- Planning Officer - The original report had recommended refusal on two grounds however the Nature and Ecology Conservation Officer had now withdrawn objections and therefore the reason for refusal relating to the impact on wildlife should be deleted.

The applicant's agent spoke on the application in accordance with the agreed protocols.

Resolved - That the application be refused for the reasons set out in the Director's report excluding those relating to the impact on wildlife.

6648 LAND SOUTH OF LONG LANE, DRIFFIELD - The Director of Planning and Economic Regeneration submitted a report on an application by Chevin Housing Association Limited for the erection of 20 dwellings and a building incorporating four flats with associated access and parking at land south of Long Lane, Driffield (Application 12/01561/STPLF).

At the meeting the Director advised the Sub-Committee that the following representations and consultation responses had been received on the application following publication of the report:-

- Applicant - The applicant confirmed that although it had been originally suggested that the facility would be managed from its Wakefield office, it had been indicated that it would be the Bridlington office.
- Fire and Rescue Services - In terms of the access, the layout was acceptable and adequate for its emergency vehicles, however there was a need for the provision of a water supply.
- Planning Officer - In light of the response from the Fire and Rescue Services the recommendation should be amended to defer and delegate approval subject to the applicant entering into a Section 106 Agreement relating to the provision of affordable housing.

An objector, the applicant's agent and Councillor Temple spoke on the item in accordance with the agreed protocols.

Resolved - That the application be refused as it is in an isolated location, there are other more suitable allocations of land within Driffield for such provision, it is believed that there is not the demand locally for this development, the application site is part of a larger site which is the subject of a Local Development Framework land bid and it would be premature to consider the land in isolation if the adjacent land is not developed as it will be intrusive into the surrounding countryside and would not provide a mix of housing tenure.

6649 9 BRIDLINGTON ROAD, BEEFORD - The Director of Planning and Economic Regeneration submitted a report on an application by Mr and Mrs M James for the erection of a detached garage at the rear of 9 Bridlington Road, Beeford (Application 12/01574/PLF).

At the meeting the Director advised the Sub-Committee that the following representations and consultation responses had been received on the application following publication of the report:-

- 11 Bridlington Road, Beeford - Letter of objection stating that the application was overdevelopment of the site. There was no justification for a garage since there were four vehicles on the site. The garage could at a future date be converted into further

living space. The development would lead to possible parking problems on the adjacent highway.

- Planning Officer - Confirmation had been received from the applicant that the annex was used for that purpose.

Resolved - That the application be approved for the reasons set out in the Director's report.

6650 DEVELOPMENT SITE, 66 QUEEN STREET, WITHERNSEA - The Director of Planning and Economic Regeneration submitted a report on an application by R M Dennis Limited for the erection of five dwellings at development site, 66 Queen Street, Withernsea (Application 12/01583/PLF).

At the meeting the Director advised the Sub-Committee that the following representations and consultation responses had been received on the application following publication of the report:-

- Applicant's agent - Confirmation in relation to the previous layout of the site and the size of buildings within its perimeter.
- Planning Officer - Correction on page 266, the tenth bullet point from the top should read "the houses will not suit everybody but it is personal choice if people want a small garden and house and are happy to live in the vicinity of a public house and this should not be a planning condition".

The applicant and Councillor Hough spoke on the application in accordance with the agreed protocols.

Resolved - That the application be refused for the reasons set out in the Director's report.

6651 SOUTH WOLDS SCHOOL, CHANTRY LANE, ETTON - The Director of Planning and Economic Regeneration submitted a report on an application by East Riding of Yorkshire Council for the erection of two dwellings, access roads and associated external amenity areas following demolition/removal of former school buildings and headmaster's house (resubmission of planning application 11/03326/PLF) at South Wolds School, Chantry Lane, Etton (Application 12/01747/PLF).

At the meeting the Director advised the Sub-Committee that the following consultation response had been received on the application following publication of the report:-

- Housing Strategy Team - That the development should be taken in the context of the density requirements for affordable housing and that a commuted sum should be acquired via a legal agreement.

Resolved - That the application be referred to the Planning Committee with a recommendation of approval subject to the completion of a legal agreement requiring a commuted sum.

(Councillor Chapman MBE chaired the meeting in the absence of Councillor Pearson).

6652 CRANE WHARF, BECKSIDE, BEVERLEY - The Director of Planning and Economic Regeneration submitted a report on an application by Mr Jonathan Mager for the

change of use to allow the permanent mooring of two additional vessels to be used for canal and river trips and the continued mooring of an existing barge for use as a museum and meeting room at Crane Wharf, Beckside, Beverley (Application 12/02020/PLF).

At the meeting the Director advised the Sub-Committee that the following consultation response had been received on the application following publication of the report:-

- Highways - Submission of an interim response raising some concerns about parking provision however the full response on this issue would be submitted in due course.

The applicant spoke on the application in accordance with the agreed protocols.

Resolved - (a) That the application be deferred for the receipt of comments from Highways Management, and

(b) that subject to a satisfactory response to (a) above the Director of Planning and Economic Regeneration be authorised to approve the application for the reasons set out in the Director's report subject to any conditions required by Highways.

6653 140 NEWBEGIN, HORNSEA - The Director of Planning and Economic Regeneration submitted a report on an application by Mr Prescott for the change of use from office unit to a self contained flat at 140 Newbegin, Hornsea (Application 12/02054/PLF).

At the meeting the Director advised the Sub-Committee that no representations or consultation responses had been received on the application following publication of the report.

The applicant's agent spoke on the application in accordance with the agreed protocols.

Resolved - That the application be approved for the reasons set out in the Director's report.

6654 SLEIGHTS FARM, LOWTHORPE LANE, NAFFERTON - The Director of Planning and Economic Regeneration submitted a report on an application by Sleights Farm for the erection of two wind turbines (18 metres to hub and 25 metres to tip) with associated infrastructure at Sleights Farm, Lowthorpe Lane, Nafferton (Application 12/02105/PLF).

At the meeting the Director advised the Sub-Committee that no representations or consultation responses had been received on the application following publication of the report.

The applicant's agent spoke on the application in accordance with the agreed protocols.

Resolved - That the application be approved for the reasons set out in the Director's report.

6655 SCHOOL LANE CAR PARK, SCHOOL LANE, BEVERLEY - The Director of Planning and Economic Regeneration submitted a report on an application by East Riding of Yorkshire Council for the change of use from part of medium stay car park to coach park at School Lane Car Park, School Lane, Beverley (Application 12/02366/PLF).

At the meeting the Director advised the Sub-Committee that no representations or consultation responses had been received on the application following publication of the report.

Resolved - (a) That the application be deferred for the expiry of further consultation carried out with adjacent occupiers of the flats on Wilbert Court, and

(b) that subject to a satisfactory response to (a) above raising no new or additional issues that have not already been addressed, the Director of Planning and Economic Regeneration be authorised to approve the application for the reasons set out in the Director's report.

(Councillor Chapman MBE chaired the meeting in the absence of Councillor Pearson).

6656 42 EAST END, WALKINGTON - The Director of Planning and Economic Regeneration submitted a report on an application by Mr and Mrs C Skelton for the erection of first floor extension and dormer window to front, single storey extension with dormer window and raised patio area to rear and pitched roof over existing dormer window to rear of 42 East End, Walkington (Application 12/02438/PLF).

At the meeting the Director advised the Sub-Committee that the following representations and consultation responses had been received on the application following publication of the report:-

- Parish Council - No observations.
- Lodge Cottage - No objection the amendments had addressed the issues of the previous objection.
- 40 East End, Walkington - Objection as the extension at the rear was still excessive and overbearing however the changes to the front of the building were now acceptable.
- Planning Officer - The consultation period had expired and therefore the recommendation should be amended to approval.

Resolved - That the application be approved for the reasons set out in the Director's report.

(Councillor Chapman MBE chaired the meeting in the absence of Councillor Pearson).

EAST RIDING OF YORKSHIRE COUNCIL

PLANNING COMMITTEE

WESTERN AREA PLANNING SUB-COMMITTEE

24 JULY 2012

PRESENT: Councillors Engall (in the Chair), Bayram, Boatman, Head, Ibson, Jefferies, Lane, Rudd, Slater and Whithead.

Also in attendance: Press - 0
Public - 25

The Committee met at County Hall, Beverley.

6657 DECLARATIONS OF INTEREST AND DECLARATIONS UNDER THE CODE OF PRACTICE FOR DEALING WITH PLANNING APPLICATIONS -

Item	Member/Interest
(i) 12/00497/PLF & 12/00498/PCC Land South of 7 Holme Road, Market Weighton (minutes 6660 & 6661 refer)	Councillor Rudd made a declaration under Section 4 of the Planning Code of Practice as he had received telephone calls from the developer and emails from the objector.
(ii) 12/00950/PLF & 12/00951/PCC 42 West End, South Cave (minutes 6662 & 6663 refer)	Councillor Whitehead declared a non-pecuniary interest as the applicants and their family were personal friends and withdrew from the room during the discussion and voting thereon.
(iii) 12/02643/PLF Land East of Appledene, 6 Nunburnholme Avenue, North Ferriby (minute 6675 refers)	Councillors Bayram, Engall, Ibson, Rudd and Whitehead each made a declaration under Section 4 of the Planning Code of Practice as they had received correspondence from the Ward Councillor in connection with this application.

6658 MINUTES - Resolved - That the minutes of the meeting of the Sub-Committee held on the 3 July 2012 be agreed and signed as a correct record.

6659 WITHDRAWALS - The following application was withdrawn and therefore not considered:-

Application No and Applicant	Details
12/02516/PLF H Scanlon & Son	Erection of an agricultural workers' dwelling at Everingham Farms, Carr Lane, Everingham

6660 LAND SOUTH OF 7 HOLME ROAD, MARKET WEIGHTON - The Director of Planning and Economic Regeneration submitted a report on an application by Mr C Ward for the erection of five two-storey terraced dwellings following demolition of outbuildings (Application 12/00497/PLF).

At the meeting the Director informed the Sub-Committee that the reference on page 8 to 77 Holme Road should read 77 Market Place.

Resolved - That the application be approved subject to the conditions as detailed in the Director's report.

6661 LAND SOUTH OF 7 HOLME ROAD, MARKET WEIGHTON - The Director of Planning and Economic Regeneration submitted a report on an application by Mr C Ward for Conservation Area Consent for the demolition of outbuildings (Application 12/00498/PCC).

Resolved - That the application be approved subject to the conditions as detailed in the Director's report.

6662 42 WEST END, SOUTH CAVE - The Director of Planning and Economic Regeneration submitted a report on an application by Mr and Mrs A Stow for the erection of two-storey extension to rear following demolition of outbuildings to rear and side, erection of two dwellings and widening of Beck Lane to create vehicular access (Application 12/00950/PLF).

At the meeting the Director informed the Sub-Committee that a response had been received from the Environment Agency who had no objections to the application but had suggested a condition regarding levels and drainage.

The applicant addressed the meeting in accordance with agreed protocols.

Resolved - That the application be approved subject to the conditions as detailed in the Director's report with the further condition suggested by the Environment Agency.

6663 42 WEST END, SOUTH CAVE - The Director of Planning and Economic Regeneration submitted a report on an application by Mr and Mrs A Stow for Conservation Area Consent for the demolition of outbuildings to side and rear (Application 12/00951/PCC).

Resolved - That the application be approved subject to the conditions as detailed in the Director's report.

6664 GODFREY ROBINSON HOME, 29 WOODGATES LANE, NORTH FERRIBY - The Director of Planning and Economic Regeneration submitted a report on an outline application for planning permission for residential development by Leonard Cheshire Disability for five dwellings (access to be considered at this stage) at Godfrey Robinson Home, 29 Woodgates Lane, North Ferriby (Application 12/01198/OUT).

An objector and the applicant's agent addressed the meeting in accordance with agreed protocols.

Resolved - That the application be approved subject to the conditions as detailed in the Director's report and a further condition requesting that rainwater harvesting be incorporated into the scheme.

6665 ST CATHERINE'S COTTAGE AND JESFIELD DEVELOPMENT, MAIN STREET, BARMBY MOOR - The Director of Planning and Economic Regeneration submitted a report on an application by Quicksilver Homes Limited for the erection of 10 dwellings (renewal of planning permission 05/02148/PLF as allowed by appeal APP/E2001/A/07/2034665) (Application 12/01316/PLF).

At the meeting the Director informed the Sub-Committee that a letter had been received from Blacksmith's Cottage which stated that St Catherine's Cottage had been sold and Jesfield was up for sale. It was also stated that the parish council had not granted easement over the village green. The applicants had suggested that the land to the rear could be developed in isolation if those two properties at the front were retained.

Resolved - That the application be approved subject to the conditions as detailed in the Director's report and with a further condition stating that no development take place until the two dwellings referred to are demolished.

6666 WILLERBY SQUARE ROUNDABOUT, WILLERBY - The Director of Planning and Economic Regeneration submitted a report on an application by East Riding of Yorkshire Council for the display of four non-illuminated free standing pole mounted signs (application 12/01623/POD).

Resolved - That the application be refused on the grounds that the clock on the Willerby Square roundabout was a special feature of Willerby Square and the proposed signs would harm the visual amenity of the area.

6667 HARKER CONSTRUCTION LIMITED, THE PADDOCK, 102 HIGH STREET, RAWCLIFFE - The Director of Planning and Economic Regeneration submitted a report on an application by Mr M Harker for the erection of one detached, two semi-detached and three terraced dwellings together with demolition of an existing barn and replacement with one detached dwelling (re-submission of 11/05842/PLF) (Application 12/01832/PLF).

At the meeting the Director informed the Sub-Committee that amended boundary treatment plans had been received.

Resolved - That the application be approved subject to the conditions as detailed in the Director's report.

6668 HARKER CONSTRUCTION LIMITED, THE PADDOCK, 102 HIGH STREET, RAWCLIFFE - The Director of Planning and Economic Regeneration submitted a report on an application by Mr M Harker for the demolition of existing barn (re-submission of 11/05843/PCC) (Application 12/01833/PCC).

Resolved - That the application be approved subject to the conditions as detailed in the Director's report.

6669 LAND NORTH OF MILTON HOUSE, 55 HIGH STREET, HOLME UPON SPALDING MOOR - The Director of Planning and Economic Regeneration submitted a report on an application by Mr J Brosenitz for the change of use of land from paddock to a caravan site with access through the Hare and Hounds car park and erection of a shower/WC block (re-submission of 11/05233/PLF) (Application 12/01845/PLF).

At the meeting the Director informed the Sub-Committee that two letters of support from 37 and 61 Selby Road had been received which stated -

- Would bring much needed trade to the retail side of the village
- Small businesses would benefit from the extra revenue
- Kingfisher public house already closed leaving an eyesore on the approach to the village
- Residents would appreciate a project to help prevent further decline
- Site ideal as easy walking distance to village centre and unobtrusive
- Access ideal as there was a 180° visibility

An objector and the applicant addressed the meeting in accordance with agreed protocols.

Councillors Evan and Robinson also addressed the meeting in accordance with agreed protocols.

Resolved - That the application be deferred to enable Members to visit the site.

6670 12 DENE ROAD, COTTINGHAM - The Director of Planning and Economic Regeneration submitted a report on an application by Mr P Gleeson for the erection of single and two storey extensions to rear, first floor extension at front, fence to side and boundary wall to front following demolition of existing sun-room and garage (amended description) (Application 12/01895/PLF).

The applicant addressed the meeting in accordance with agreed protocols.

Resolved - That the application be approved subject to the conditions as detailed in the Director's report.

6671 TRENWICK FARM, YORK ROAD, HAYTON - The Director of Planning and Economic Regeneration submitted a report on an application by Mr T Hardcastle for the erection of one wind turbine (36.4m to hub and 46m to blade tip) and associated infrastructure (Application 12/01947/PLF).

The applicant addressed the meeting in accordance with agreed protocols.

Resolved - That the application be approved subject to the conditions as detailed in the Director's report.

6672 MORRISONS, 48 SPRINGFIELD WAY, ANLABY - The Director of Planning and Economic Regeneration submitted a report on an application by Wm Morrison Supermarkets Plc for the retention of structure to be used as a garden centre (Application 12/02027/PLF).

Resolved - That the application be approved subject to the conditions as detailed in the Director's report.

6673 MORRISONS, 48 SPRINGFIELD WAY, ANLABY - The Director of Planning and Economic Regeneration submitted a report on an application by Wm Morrison Supermarkets Plc for the retention of three non-illuminated fascia signs and six non-illuminated hanging signs (application 12/02028/PAD).

Resolved - That the application be approved subject to the conditions as detailed in the Director's report.

6674 LAND ADJACENT TO THE ANCHORAGE, 24 WEST LEYS ROAD, SWANLAND - The Director of Planning and Economic Regeneration submitted a report on an application by Mr P Bramley for the erection of a dwelling (re-submission of 11/05378/PLF) (Application 12/02298/PLF).

At the meeting the Director informed the Sub-Committee that an amended plan had been submitted which addressed the comments from Highways. The Tree Officer had no objections subject to conditions to secure additional tree planting and to include additional landscaping to enhance the local character and minimise the impact of development on residential amenity. Three additional letters of support had also been received from 28 West Leys Road, Park Lodge and The Manor House.

The Director further informed the Sub-Committee that Condition 2 be amended to read -

"The dwelling shall not be occupied until a full size turning head has been provided at the end of the shared private drive to be available for the existing two dwellings and the proposed dwelling in accordance with drawing number 1297/1002B received 23.7.12 and this facility shall thereafter be retained."

Condition 8 be changed to refer to "1297/1002B site plan received 23/7/12" in place of "1297/1002 A site plan received 14.5.12."

The applicant's agent addressed the meeting in accordance with agreed protocols.

Resolved - That the application be approved subject to the conditions as detailed in the Director's report.

6675 LAND EAST OF APPLIEDENE, 6 NUNBURNHOLME AVENUE, NORTH FERRIBY - The Director of Planning and Economic Regeneration submitted a report on an application by Mr N Usher for the erection of three dwellings following part demolition of an existing outbuilding (application 12/02643/PLF).

At the meeting the Director informed the Sub-Committee that the following responses had been received -

Tree Officer - no objections in principle, subject to conditions being imposed to secure the protection and retention of existing trees on or adjacent to the site and landscaping to enhance the new development.

Conservation Officer - proposed site lies within the North Ferriby Parkfield Conservation Area which was characterised by early 20th century architecture, with large plots set in reasonable amounts of amenity space, backland development had been taking place for many years with various private roads and cul-de-sacs leading to large plots. The design and spatial elements would preserve the character of North Ferriby Parkfield Area, the plots had been designed in a pseudo-tudor style, prevalent on Nunburnholme Avenue with light coloured render and timber boarding stained black. The three plots are well separated within the site with a substantial amount of amenity space. Fenestration to the windows are good, with leaded sections. The three plots would make a positive contribution in line with paragraph 131 of the National Planning Policy Framework with the right choice of materials.

North Ferriby Parish Council - recommend approval subject to the following conditions-

- Access not to be used for development of other land
- Revised scheme of fencing and associated landscaping to be agreed with adjacent property owners
- Scheme of drainage to reduce likelihood of surface water flooding
- Conditions to control the hours of construction and working methods

Ferriby Conservation Society - in general design and planting acceptable but piecemeal infilling of large gardens was not acceptable, no obvious need for large houses, three storey development obtrusive and overlooking, should avoid multiple entries onto Nunburnholme Road and construction traffic should not be parked on Nunburnholme road, wheel wash to be used and access road to be built before construction starts.

Six further letters of objection from neighbouring properties had been received which raised -

- Does not fit into Conservation Area and a loss of historic character in the area
- Applicant has already removed hedges and bushes
- Overload drainage in the area, concerns over where surface water would go, levels should be set so no rain water drainage goes into neighbouring gardens, existing drains from soakaways go onto site
- Large houses too big for plot and overlook neighbours,, elderly and starter homes needed
- Does not fit in with housing needs identified in Parish Plan
- Village not 'town scene'; 91% of residents against infill in village plan
- Wooden fences not on boundary of site, placed inside former hedges (in two locations)
- Houses need to be similar design to Collier Close; needs to be considered along with development of No 4 Nunburnholme Road; position regarding this development unclear
- Primary School stretched to limit
- Trees overhanging site are protected, 3ft fence to rear of Collier Close houses not adequate
- Not previously garden but paddock and stables
- Loss of green space in the village

An objector and the applicant's agent addressed the meeting in accordance with agreed protocols.

Resolved - That the application be approved subject to the conditions as detailed in the Director's report and with four further conditions relating to materials, trees, drainage and boundary treatment to be submitted.

6676 LAND SOUTH OF 46 SHERBUTTGATE DRIVE, POCKLINGTON - The Director of Planning and Economic Regeneration submitted a report on an application by Alexander Place Consortium for the outline erection of three detached dwellings and access road all matters reserved (re-submission of 11/04556/OUT) (Application 12/02719/OUT).

Resolved - (a) That the application be deferred pending the receipt of comments from the consultees; and

(b) that subject to satisfactory responses being received the Director of Planning and Economic Regeneration be authorised to approve the application subject to the conditions as detailed in his report.

Agenda Item No.

EAST RIDING OF YORKSHIRE COUNCIL

Report to: Planning Committee
13 September 2012

WARDS: East Wolds And Coastal

Application for Erection of 9 no. wind turbines (80m to hub and 130m to tip), 1 no. meteorological mast, control building and ancillary development including access tracks and hardstandings
At Land North East Of Manor Farm Main Street Fraisthorpe East Riding Of Yorkshire YO15 3QP by Fraisthorpe Wind Farm Limited
Application Number: 12/00640/STPLFE

Report of the Director of Planning and Economic Regeneration

A. Executive Summary

An appeal against the non-determination of application reference 12/00640/STPLFE has been made by the applicants. In such cases, the determination of the application is no longer within the jurisdiction of the Local Planning Authority and determination is made by the Secretary of State.

The application is referred to Committee for the confirmation of the deemed reasons for refusal of the application, which will form the basis of the Council's case on the appeal.

B. Corporate Priorities

Valuing our environment
Retaining the East Riding character

C. Application Type

Strategic - Full Planning with EIA

D. Parish

Barmston And Fraisthorpe Parish Council

E. Applicant

Fraisthorpe Wind Farm Limited

F. Target Date

1 June 2012

G. Environmental Impact Assessment

Taking into account the requirements of the Regulations and the guidance contained in Circular 02/99 an Environmental Impact Assessment is required for this proposal and an acceptable Environmental Statement has been submitted with the application.

H. Recommendation

That the Committee endorse the view that the application would have been **REFUSED** for the reasons set out in section 12 of this report.

1. INTRODUCTION

- 1.1 This planning application is for full planning permission for the erection of nine three bladed wind turbines (130 metres to tip) and associated infrastructure on a 184 hectare site which lies to the east of the A165 coast road to Bridlington. A minor unclassified road traverses through the southern end of the site linking the village of Fraisthorpe to the beach car park and Auburn Farm. The nearest turbines would lie approximately 600m to the north and east of the village of Fraisthorpe and 950m to the south of Wilsthorpe. The site is around 1.8km to the south of the park and ride terminal at Hilderthorpe, 3.2km from Bridlington Spa and 4km from Bridlington town centre. The eastern most turbine (T1) lies around 500m from the cliff at Fraisthorpe Beach. The complex of Grade 1 Listed buildings at Burton Agnes Hall lies approximately 5.2km to the north-west of the site. The nearest Listed building is Manor Farmhouse (Grade II) in Fraisthorpe to the immediate south-west of the site, some 593m from the nearest turbines (T2 and T4). St Edmunds Chapel is further to the south some 610m away from T2. The nearest Conservation Area is Bridlington Hilderthorpe approximately 2.2km to the north.
- 1.2 The site is currently in use as arable agricultural fields and is generally level with an average level of around 10 metres AOD. Within the site there are some field hedges, copses of trees, drainage ditches and farm tracks. The site is also crossed by two low voltage power lines.
- 1.3 The site currently contains a temporary 70m high anemometry mast that was approved in May 2011 for a three year period (planning consent 11/01511/STPLF). The site lies within the Coastal Zone as defined by Policy CZ8 of the East Yorkshire Borough Wide Local Plan. It is in Landscape Character Type 20C (Bridlington to Hornsea Coast) of the 2005 East Riding of Yorkshire Landscape Character Assessment. It is approximately 2km metres to the east of the Wolds Area of Landscape Protection as defined in Local Plan policy EN3.
- 1.4 The operational Lissett wind farm consisting of 12 turbines to a tip height of 125m lies

approximately 4.5km south-west of the site. The site of the Carnaby wind farm (approved but not yet implemented) consisting of two turbines to a tip height of 125m lies approximately 1.5km to the north of the site. The Thornholme Fields wind farm proposal is still under consideration. This proposal comprises 9 turbines at a maximum of 110m to tip and lies some 4.3km to the west of the site.

- 1.5. The nine proposed turbines would all be the same design and height. They would be a maximum height of 130m to blade tip, hub height of 80m and rotor diameter of 100m. Permission is sought for 'micrositing' of the turbines – for a distance of up to 30 metres of the co-ordinates provided in the application. The estimated installed generating capacity would be between 2 and 3 megawatts per turbine (up to 27Mw in total).
- 1.6. The turbine foundations would measure 16m x 16m. Permanent crane hardstandings measuring around 40m wide would be sited adjacent to each turbine, which are required for the safe operation of cranes during the lifting of wind turbine components.
- 1.7. A control building monitoring equipment and electrical switchgear is proposed to the north-western end of the site. It would have a gross floor area of 171 square metres. Each turbine would have its own electrical transformer, which would either be housed internally within the turbine tower or externally adjacent to the base of each turbine.
- 1.8. A permanent 80m high meteorological mast is proposed on the site to monitor the wind speed and direction for the life of the development. This would be on the site of the existing mast which has temporary consent for 3 years.
- 1.9. A temporary construction compound measuring 60m x 25m would be located adjacent the main proposed access track into the site. This would be used for temporary storage of materials, plant and equipment, and welfare and office facilities for staff engaged in the construction phase. Construction is envisaged to take 8 months. The compound would be reinstated back to its agricultural use when the construction period is finished.
- 1.10. Access to the site is proposed from an existing layby on the A165 to the north-west corner of the site. Around 4 kilometres of access track at 5m wide is proposed to facilitate the construction and maintenance of all the turbines. They would also be used for farming activities and the eventual decommissioning of the development at the end of its operational life (25 years).
- 1.11. Underground cables would run from the small transformers either within or adjacent to each turbine to the control building. The electrical export cable from the building would then feed into the distribution network. This is subject to agreement and consenting procedure with the relevant electricity distribution network operator, if planning consent is granted.

2. PLANS AND ILLUSTRATIONS

- | | |
|------------|---------------------|
| Appendix 1 | Site Location Plans |
| Appendix 2 | Site Layout Plan |

Appendix 3	Turbine Elevations
Appendix 4	Turbine Foundation
Appendix 5	Control Building Plan and Elevations
Appendix 6	Anemometer Mast
Appendix 7	Typical Transformer
Appendix 8	Site Entrance Details
Appendix 9	Selected Visualisations
Appendix 10	Map of Wind Farm Proposals in the East Riding

3. KEY PLANNING POLICIES

The Development Plan for the area comprises the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 (2008), saved policies of the Joint Structure Plan for Kingston Upon Hull and the East Riding of Yorkshire (2005), and the saved policies of the East Yorkshire Borough Wide Local Plan (1997).

Regional Spatial Strategy (Yorkshire and Humber Plan) (2008)

YH1	Overall Approach and Key Spatial Priorities
YH2	Climate Change and Resource Use
YH6	Local Service Centres and Rural and Coastal Areas
YH7	Location of development
C1	Coast sub area policy
ENV1	Development and Flood Risk
ENV5	Energy
ENV8	Biodiversity
ENV9	Historic Landscape
ENV10	Landscape
E1	Creating a Successful and competitive regional economy

The Secretary of State considers that the revocation of Regional Strategies has come a step closer following the enactment of the Localism Act on 15 November 2011. However, until such time as the RSS is formally revoked by Order, limited weight has been attributed to the proposed revocation in considering this application.

Joint Structure Plan for Hull and the East Riding of Yorkshire (2005)

DS4	Development in the countryside
DS7	Development Infrastructure
SP1	Settlement Character

SP4 Landscape Character
SP5 Design of New Development
ENV3 Species Protection
ENV6 Built and Historic Assets
ENV7 Archaeological Remains
NAT6 Coastal Management

East Yorkshire Borough Wide Local Plan (1997)

EN2 Development in Open Countryside
EN3 Wolds Area of Landscape Protection
EN9 National Nature Conservation Sites
EN10 Local nature conservation sites
EN11 Species Protection
EN14 Safeguarding of landscape features
EN16 Foul and Surface Water Disposal
EN17 Flood Risk
EN18 Ground Water Protection
EN 19 Conservation Areas
EN20 Listed Buildings
EN25 Renewable Energy
TM4 Development and the Transport System
TM5 Highway Construction and Improvement
TM8 Protection of public rights of way
CZ1 Flamborough Headland Heritage Coast
CZ8 Wind Turbine Development in the Coastal Zone

National Planning Policy

National Planning Policy Framework (2012)
Planning for Renewable Energy: A companion guide to PPS22 (2004)
Overarching National Policy Statement for Energy (EN-1) (2011)
National Policy Statement for Renewable Energy Infrastructure (EN-3) (2011)

Emerging East Riding of Yorkshire Local Plan

Core Strategy Development Plan Document – Further Consultation (October 2011)

Preferred Approach Core Strategy (May 2010)

SS1 Promoting sustainable patterns of development and addressing climate change

SS3 Development in the Countryside

HQE2 Promoting a high quality landscape

HQE3 Valuing our heritage

HQE4 Enhancing biodiversity and geodiversity

HQE7 Developing renewable energy

Evidence Base Documents:

East Riding Landscape Character Assessment – 2005

Interim Planning Document:

East Riding of Yorkshire Interim Planning Document on Renewable Energy – 2009

Other:

Flamborough Head to Gibraltar Point Shoreline Management Plan (Humber Estuary Coastal Authorities Group 2010)

Renewable Energy Legislation and Guidance

Meeting the Energy Challenge: A White Paper on Energy (May 2007)

The Energy Act (2008)

The Climate Change Act (2008)

Adapting to Climate Change in England: A Framework for Action (2008)

Building a low-carbon economy - the UK's contribution to tackling climate change (Committee on Climate Change 2008)

Renewable Energy Directive 2009/28/EC (2009)

The UK Renewable Energy Strategy (HM Government, July 2009)

The UK Low Carbon Transition Plan – National Strategy for Climate Change and Energy (HM Government, July 2009)

Renewable Energy Capacity in Regional Spatial Strategies – Final Report (2009)

Climate Change Plan for Yorkshire and Humber (2009 – 2014)

The UK National Renewable Energy Action Plan (July 2010)

Statutory Instrument (2011 No. 243) – The Promotion of the Use of Energy from Renewable Sources Regulations 2011 (February 2011)

The Renewable Energy Review (Committee on Climate Change May 2011)

National Policy Statement EN-1 – Overarching National Policy Statement for Energy (July 2011)

National Policy Statement EN-3 - Renewable Energy Infrastructure (July 2011)

Renewable Energy Road Map (July, 2011)

Planning Our Electric Future: A White Paper for Securing Affordable and Low Carbon Electricity (July 2011)

Annual Energy Statement (November 2011)

How Local Authorities Can Reduce Emissions and Manage Climate Risk (Committee on Climate Change May 2012)

Meeting Carbon Budgets – 2012 Progress Report to Parliament (Committee on Climate Change June 2012)

4. RELEVANT PLANNING HISTORY

11/01511/STPLF Erection of a 70m High Meteorological Wind Monitoring Mast for a Temporary Period of 3 years - Approved 31st May 2011

5. CONSULTATION REPLIES

Barmston and Fraithorpe Parish Council Recommend Refusal:

- Visual impact on the landscape.
- Already have a large industrial complex at Carnaby, a wind farm at Lissett, proposed CO2 gas pipeline and offshore wind farm cables.
- Adverse effect on tourism and resulting loss of employment.
- View from Park Resorts at Barmston.
- No trees or hedges to hide them from the cliff walk.

Carnaby Parish Council Recommend Refusal:

- Turbines will be too near the coast where erosion is a problem.
- All roads into Bridlington will have turbines- alien industrial features out of scale and not in keeping with a holiday resort.
- Shadow flicker across a main road is not acceptable.
- Turbines are too near to peoples homes which will drop in price.
- Noise and flicker will lower peoples quality of life.
- Amount of paperwork attached to the plans is overwhelming.
- Seriously detrimental to the environment.
- Wind farms are not proven to be cost effective, and they have health implications.

Bridlington Town Council Strongly recommended for refusal on the grounds that it will be seriously detrimental to the environment, wind farms are not proven to be cost effective, they have potential health implications to the residents and is totally unacceptable in this area.

Highway
Control

The Council fully support the noted objections of the local Parish Councils.

No objection.

The proposed development should not generate an unacceptable increase in the level of vehicle turning movements and on-street parking on the adjacent public highway network.

The proposed means of vehicular access serving this development should be at least 7.3m wide and provided with a 15m turning radius on the northern (traffic approach) side and a 30m turning radius on the southern (traffic departure) side of the junction with the A165, Kingsgate (as shown on the attached layout drawing no. DC/12/ 00640A/STPLFE/STRAT). This will provide a purpose-built means of vehicular access similar to that serving the Lissett Airfield site and will accommodate two-way traffic movements and the turning manoeuvres of the abnormal load vehicles delivering the wind turbine components without closing the adjacent lay-by.

A site inspection undertaken on 22nd February 2012 has revealed that visibility for the drivers of emerging vehicles is restricted to 2.4 x 175m on the southern (traffic departure) side of the existing lay-by exit. However, this will comply with the minimum 2.4 x 120m requirements of the Highways Agency's 'Design Manual for Roads and Bridges' (1992) for the temporary 40 m.p.h. speed limit that is proposed during the construction phase.

No development shall take place until a Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Traffic Management Plan shall include details of construction vehicle routing, management of junctions to and crossings of the public highway, lay-bys and other rights of way, schedule of timing of movements, details of escorts for abnormal loads, temporary warning signing, and banksman/escort details. The development shall not be brought into use until it has been carried out in accordance with the approved Traffic Management Plan.

Development shall not begin until details of any temporary or permanent improvements to the existing site access and the adjacent public highway network have been submitted to and approved in writing by the Local Planning Authority. No development shall take place within the site curtilage until the highway improvement works have been carried out in accordance with the approved details.

The existing public highway between Fraisthorpe village and Auburn Farm is extremely narrow and cannot accommodate two-way vehicle movements. It will not be able to accommodate the manoeuvring requirements of the delivery vehicles that will require access to the site during the construction phase and it will not be possible to provide a direct means of vehicular access from the A165 to serve the area of the site where turbine number 1 is located. This will have to be linked to the service road providing access to turbine numbers 2-9 across the adjacent public highway leading to Auburn

Farm. Details of this vehicular crossing arrangement will need to be submitted to and approved in writing by the Local Planning Authority before work commences on site.

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method Statement shall address the siting and details of the areas on site designated for the storage of heavy duty plant and equipment, including vehicles and car parking facilities for construction site operatives and visitors. The development shall not be brought into use until it has been carried out in accordance with the approved Construction Method Statement.

There has been one recorded injury accident on the adjacent section of the A165 within the period 2007 - 2011.

Conservation
Officer

The applicant underestimates the scheme's impact on the setting of several heritage assets. I therefore disagree with the Environmental Statement (ES, volume 1, 7.8.9, p. 230) that no mitigation is necessary or even desirable.

Mitigation is needed to reduce the scheme's impact in order for me to be able to support the application.

St Edmund's Chapel (Grade II listed)

I cannot follow the applicant's assessment of St Edmund's Chapel. According to his own Assessment Methodology (ES, volume 1, table 7.4, p. 221) a setting's contribution to the understanding and appreciation of a heritage asset is classified as high, if e.g. the asset is in a prominent location and in surroundings that are believed to have changed little from those when the asset was created. This clearly applies to this chapel. It stands prominently on a mound and the setting has few modern intrusions. The picture is quite similar to that of 1892 to 1893 when the church was rebuilt.

The chapel also includes fabric from the 13th century and looking at the earthworks to the south of it, it becomes obvious that this chapel has a close relationship to the history of the village that goes further back than the late 19th century. I therefore come to the conclusion that the setting makes a high contribution to the grade II listed asset. Following the applicant's Methodology Assessment (ES, volume 1, table 7.5, p. 221) this would mean that the sensitivity of setting of a receptor would be classified as high.

The ES also states that views of the chapel from the road and from the village will be unaffected (ES, volume 1, 7.7.6, page 228). Looking at the applicant's photo-montage ID 43 (ES, volume 2 of 3, part 3 of 3) it becomes obvious that this is not the case. Turbine 1 will be clearly visible and during those months of the year when the trees shown in this photo are not in leaf, turbines 2 and 3 will be very prominent, especially as turbine 2 would only

be ca. 700 metres away.

Unfortunately, there is no photo-montage showing the turbines when seen from within the church-yard, however, the applicant states that the proposed turbines would be visible within the view to the north-east of the chapel. Due to the proximity (distance to the closest turbine ca. 600 metres) and the open countryside, the whole scheme is likely to be visible. Instead of a flat agricultural landscape with hardly any modern intrusion, the visitor would see tall vertical structures with moving rotors. The scheme's magnitude will change the surroundings to such a degree that the baseline setting would be substantially altered, not moderately as suggested.

Taking into account the medium value/sensitivity of the chapel, the high contribution of the setting and the magnitude of the impact, I come to the conclusion that the scheme would have a major impact on the setting of the chapel.

Manor Farm (Grade II listed)

The scheme's impact magnitude on Manor Farm is described as medium in the NTS and appendix 7.2 (ES, volume 2 of 3, part 1 of 3). There is no explanation of how the applicant has reached this conclusion. As stated before the farm is not mentioned at all in the heritage section of the ES.

The visualisation for viewpoint 12 (ES, volume 3 of 3, part 2 of 2) shows part of turbines 2, 4, 5 and 6 when looking at the vehicular access to the Manor Farm site, but there is no montage or wire-frame showing the turbines in context with the main building. This is surprising as this is, along with St Edmund's Chapel, the Listed Building that is closest to the proposed scheme. It is also interesting, that the distance between the building and the nearest turbine is ca. 600 metres and not 0.8 km as stated by the applicant (ES, volume 2 of 3, part 1 of 3, page A 197). It might be that the applicant measured the distance between the unlisted Manor House Farm and the turbines which is indeed about 800 metres.

Manor Farm is described by Pevsner as a most interesting late 17th century house which retains some Artisan Mannerist details. I agree with applicant's assessment that the setting contributes moderately to the understanding and appreciation of the Listed Building. The rural setting gives Manor Farm a historic context and it complements its appearance. Although the setting has not changed significantly within the last century, it will differ from the late 17th century setting and is not in a prominent topographic location.

There is one photo-montage from the entrance to Manor Farm, which demonstrates that parts of several turbines would be visible when driving onto the farm but none showing the turbines behind the two storey building. The Listed Building in its entirety can be best seen from some distance, e.g.

the A 165, and I am sure that parts of the turbines and their rotor blades could be seen above the building's roof line. Seeing a multitude of rotor blades appearing and disappearing above a large farmhouse with subservient outbuildings will have an impact that can not be described as moderate. I assess the scheme's potential magnitude of impact as being high.

This would result in a major negative effect on the setting of Manor Farm.

I also feel that the applicant underestimates the scheme's impact on other heritage assets including Conservation Areas.

Hilderthorpe Conservation Area

In appendix 7.2 (ES, volume 2 of 3, part 1 of 3, page A 197) the applicant has come to the conclusion that the magnitude of impact on the Conservation Area would be imperceptible. I assume that therefore the ES does not explicitly refer to this Conservation Area.

Interestingly, three of the five Bridlington Conservation Areas (Hilderthorpe, Quay and Old Town) seem to have been assessed together as they are all shown to be 4.8 km away from the nearest turbine. The other two Conservation Areas in Bridlington (Bessingby and Sewerby) have been looked at individually.

The Hilderthorpe Conservation Area is actually only about 2.4 km away from the nearest turbine. I can therefore not understand how the applicant can describe the turbines as being imperceptible. The photo-montage from viewpoint 9 (ES, volume 3 of 3, part 2 of 2) shows that turbines 1,3,2,6,8 and 5 will be clearly visible when looking at the Conservation Area from South Marina Drive. It might be the case that most of the turbines would potentially not be visible from within the area itself, however the Area is of course experienced in a wider context. Whilst South Marina Drive and the beach are not within the Conservation Area boundaries, it is obvious that these houses were built here to be seen from these locations and to allow views over the sea and the largely horizontal landscape.

From the beach and South Marina Drive, the Lisset turbines are visible on most days, but they appear as small features on the horizon. The proposed Fraisthorpe turbines which are far closer would challenge this perception, as their rotor blades would appear above the roof-scape and harm the ability to appreciate and experience the Conservation Area. Looking at the height of the turbines and how their blade tips appear above the roof line I fear that they would be visible from the Bowling Green to the south of Trafalgar Crescent which lies within the Conservation Area. The turbines would definitively be visible from within the Conservation Area at Belvedere Parade.

The scheme would certainly have at least a moderate impact, and assessing the significance of the impact as negligible is clearly an understatement.

Bridlington Quay Conservation Area and harbour piers (north and south, both grade II listed)

The Quay area is functionally and historically tightly connected to the harbour piers. They are Bridlington's interface where the mainland meets the open sea. The busy harbour and densely built up townscape are in stark contrast to the wide horizons of the open sea. Looking at table 7.4 of the Methodology Assessment (ES, volume 1, page 221) I come to the conclusion that the setting makes a high contribution to these assets and not just a moderate one as described in the ES (ES, volume 2 of 3, part 1 of 3, page A 199). This location makes a strong positive contribution to understanding the siting and its historic and architectural context and occupies a prominent position, between the sea and town, between the flat coast to the south and the steep coast to the north.

I also have difficulties understanding how the applicant can describe the impact magnitude as low. The photo-montage for viewpoint 04 (ES, volume 3 of 3, part 2 of 2) shows that all nine turbines can be seen when looking south past the Hilderthorpe Conservation Area and the low lying landscape.

I therefore feel that the applicant's estimated significance of the predicted effect will be much higher than minor. It will be at least moderate, if not major.

Burton Agnes Hall (a cluster of several Grade I and Grade II listed assets within the Conservation Area)

Burton Agnes is a very complex site of outstanding architectural and historic interest. The Hall itself is Grade I listed, as is the Gatehouse, the Manor House and other assets. There is a multitude of Grade II listed structures within the site. The Hall's setting can not be restricted to the extent of the Burton Agnes Conservation Area, as indicated in the ES (ES, volume 2 of 3, part 1 of 3, page A 191). The Hall is located on the slope of the Wolds and its orientation and fenestration clearly enables views far beyond the boundaries of the Conservation Area.

From the long gallery on the second floor level, the existing Lissett turbines can be seen. They appear quite prominently beyond and above the Gatehouse which in itself is a grade I listed structure. The ES (ES, volume 2 of 3, part 1 of 3, page A 191) states that the impact magnitude of the Fraisthorpe turbines would be imperceptible. The additional photo-montages we received in May 2012 (APM, figure 5.44) show turbines that would appear slightly taller than the Lissett ones. Although the Fraisthorpe

turbines will not be seen in direct context with the Gatehouse, at least eight of the nine turbines will be visible on the horizon.

Whilst the applicant (Response to Stakeholders, LVIA and Heritage, 2.3.1, page 11) says that the turbines would be visible, the applicant still maintains that the effect on the setting would be negligible. The methodology assessment (ES, volume 1, table 7.7, page 222) states that on an asset with high sensitivity of setting the magnitude of impact has to be imperceptible to result in a negligible effect.

As the turbines are clearly visible and more than barely distinguishable, their level of magnitude of impact must be higher than stated by the applicant (Response to Stakeholders, LVIA and Heritage, 2.4.1, page 12).

I feel that this is again an under assessment of impact. The view from the second floor gallery over the formal garden, the gatehouse and the low lying landscape behind would be changed by the visibility of at least eight turbines on the horizon. I therefore feel that the level of magnitude is at least low to medium.

The situation in regards to the Manor House is similar. Although the turbines would be visible from its first floor level framed by the Hall and the Gatehouse (both grade I listed as well), the applicant states that the impact would be of negligible significance. This is a view which has so far not been altered by existing or proposed wind turbines. Therefore the scheme would certainly have more than a imperceptible impact. It should be classified as at least as low if not as moderate.

Public
Protection

The guidance the applicant has used for assessing wind farm noise is 'The Assessment and Rating of Noise from Wind Farms' ETSU-R-97 ('ETSU'). ETSU recommends controlling wind turbine noise by the application of noise limits at the nearest noise-sensitive properties.

ETSU states that: "Noise from the wind farm should be limited to 5 dB(A) above background for both day- and night-time, remembering that the background level of each period may be different.

The LA90, 10min descriptor should be used for both the background noise and the wind farm noise, and when setting limits it should be borne in mind that the LA90, 10min of the wind farm is likely to be about 1.5-2.5 dB(A) less than the LAeq measured over the same period. The use of the LA90, 10min descriptor for wind farm noise allows reliable measurements to be made without corruption from relatively loud, transitory noise events from other sources.

A fixed limit of 43 dB(A) is recommended for night-time. This is based on a sleep disturbance criteria of 35 dB(A) with an allowance of 10 dB(A) for

attenuation through an open window (free field to internal) and 2 dB(A) subtracted to account for the use of LA90,10min rather than LAeq,10min. Both day- and night-time lower fixed limits can be increased to 45 dB(A) to increase the permissible margin above background where the occupier of the property has some financial interest in the wind farm.

In low noise environments the day-time level of the LA90, 10min of the wind farm noise should be limited to an absolute level within the range of 35-40 dB(A). The actual value chosen within this range should depend upon: the number of dwellings in the neighbourhood of the wind farm, the effect of noise limits on the number of kWh generated, and the duration of the level of exposure."

ETSU recommends that noise from the wind farm should be limited to 5 dB (A) above background for both the day and night-time noise.

As mentioned above, ETSU also recommends that in low noise environments, which this proposed development would fall into, the day time level of LA90, 10min of the wind farm noise should be limited to an absolute level between 35-40 dB(A).

We appreciate that we are unable to object to this application on the grounds of noise so long as the noise levels are within the ETSU guidelines and, therefore, we are only able to express our concerns that there may be a loss of amenity and/or possible nuisance.

With this in mind, we would therefore wish to impose conditions, which include those dealing with operational noise recommended by the applicants' agents, in line with the recent Spaldington Airfield Planning Inquiry, should permission be granted.

Trees and Landscape Section	No objections subject to conditions requiring retention of existing trees and hedges and their protection during development. Existing hedge on west boundary of site entrance should be reinforced following completion of the development.
Yorkshire Water	No comments.
Environment Agency	No objection subject to condition regarding surface water discharge scheme.
English Heritage	The development would, in our view, have a more significant impact than is presented by the ES and its associated information. The ES assessment is that the magnitude of impact of the Fraisthorpe development on Burton Agnes Hall, Gatehouse and Manor House would be 'low' or 'imperceptible', and the degree of the predicted effect on them would be of 'negligible

significance’.

However, the application, due to its limited interpretation of the significance of the settings of the Burton Agnes Hall heritage assets, significantly underestimates the visual impact and the potential significance of the effects of the proposed windfarm on the setting and heritage significance of the Burton Agnes Hall complex. In our view, the magnitude of impact would materially alter the baseline setting, and would be greater than the application states, and the significance of the predicted effect of the Fraisthorpe development would be correspondingly more significant.

In our view the application underestimates the impact and consequent level of harm of the development on the setting and significance of the Burton Agnes Hall complex of heritage assets (the Hall, Gate House, Manor House, gardens and park, Conservation Area). We consider that the windfarm would have a harmful impact on the setting and heritage significance of these designated heritage assets. We consider that the degree of harm, in NPPF terminology, would be ‘less than substantial’ but it would nevertheless be significant, and according to national policy the application requires clear justification in the public interest, and the harm should be weighed against the wider benefits of the application (NPPF para 134).

It is possible that the impact on setting might be reduced if the Fraisthorpe turbines were to be more closely clustered as seen in views from the Burton Agnes Hall complex, either by resiting or by omitting those turbines that appear to be more dispersed.

In English Heritage’s view the development would have a harmful impact on the settings and on the significance of several designated heritage assets, including Burton Agnes Hall, Burton Agnes Manor House, and Burton Agnes Conservation Area. The impact of the proposed development on the significance of these assets would be (in NPPF terminology) less than substantial but would nevertheless be significant, and raises serious concerns, and we recommend that this harm needs to be carefully weighed by the local authority against the public benefits of the proposal.

Landscape and
Visual Impact
Team

Object.

The proposal will affect landscape character along the coastal strip and have an adverse effect on the visual resource of the area, when experienced from key short and medium range perspectives. Key affected views include those from Bridlington looking south and those from the Flamborough Headland Heritage Coast when experiencing the outstanding views across Bridlington Bay. The National Policy Statement for Renewable Energy Infrastructure (EN-3) outlines how the potential harm of renewable energy development should be minimised through careful design, taking account of environmental effects on the landscape and siting, operational and other

relevant constraints, to minimise harm to the landscape, including by reasonable mitigation. The location of this proposal close to the coastal edge will result in a direct, negative physical effect on landscape character and the visual resource of the area here, when experienced by high and medium sensitivity receptors. Also, given the outstanding views across Bridlington Bay that are offered from within the Heritage Coast, the proposed development will have an indirect negative effect, as perceived from outside of the immediately affected Landscape Character Area. Accordingly, it is regarded that the proposal, as submitted, does not achieve the necessary balance required to be sought between maximising energy capture and achieving an acceptable design in terms of landscape and visual effects. It is therefore not possible to support this proposal.

Natural
England

Internationally and Nationally designated sites:

Flamborough Head and Bempton Cliffs Special Protection Area (SPA)
Hornsea Mere SPA
Flamborough Head Special Area of Conservation (SAC)
Flamborough Head Site of Special Scientific Interest (SSSI)
Hornsea Mere SSSI

It is the view of Natural England that this proposal will not be likely to have a significant effect upon these SPA/SAC/SSSIs, as, although The Flamborough Head and Bempton Cliffs SPA supports 2.6% of the breeding population of kittiwake, the proposed development site offers no suitable breeding habitat for this species and no evidence of its presence was found during surveys.

The Flamborough Headland Heritage Coast lies around 5.8km distant from the nearest turbine location within the proposed development site. Heritage Coasts are nationally defined protected landscapes, the special purposes of which include the conservation, protection and enhancement of the natural beauty of the Heritage Coast area. It is Natural England's opinion that, based upon the information provided, the proposal will not have a detrimental impact upon the special purposes of the Flamborough Headland Heritage Coast. It is for the Local Authority to decide, in conjunction with others who have an interest and views on the quality of the landscape in the area, whether the magnitude of change is acceptable within the local landscape character area, 20C Bridlington to Hornsea Coastal farmland.

A survey for European Protected Species has been undertaken in support of this proposal. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect a European Protected Species and we do not object to the proposal on this basis.

Natural England guidance note TIN051 recommends a buffer of 50m from turbine blade tip to any habitat feature which may be used by bats as a

foraging or commuting route. Section 8.2.8 of the ES (Ecology chapter) notes that two of the turbines are positioned such that they are within the buffer envelope. However, as the adjacent hedgerows exhibited little and no bat activity during surveys, the turbine positions are acceptable in this instance.

We have not assessed the survey for badgers, barn owls and breeding birds¹, or white-clawed crayfish. These are all species protected by domestic legislation and you should use our standing advice to assess the impact on these species.

Previous ornithological surveys did not fully conform to Natural England's guidance on birds and windfarms- Assessing the effects of onshore wind farms on birds (TIN069) and we previously noted that we would expect to see surveys which conform to guidance, or a clear explanation and agreement for any changes to be covered within the Environmental Statement.

We have now reviewed the further information submitted on 15 May 2012. The letter provided a more detailed explanation for the deviation from accepted survey methodologies and addressed the points raised in our response.

Natural England is satisfied, as stated in our previous response, that this proposal will not be likely to have a significant effect upon the Flamborough Head and Bempton Cliffs Special Protection Area (SPA) and Hornsea Mere SPA.

We suggest that the local planning authority seek the advice of its in house ecology team with regard to potential impacts upon any local or national Biodiversity Action Plan bird species, in accordance with its biodiversity duty under section 40(1) of the Natural Environment & Rural Communities Act 2006.

Nature
Conservation
Officer
(Biodiversity)

I note that the Natural England (NE) consultation response dated 05 July 2012 shows that NE are satisfied that sufficient ornithological information has been submitted to satisfy the requirements of TIN 069 (Assessing the effects of onshore windfarms on birds).

It is also noted that the earlier NE response dated 03 April 2012 shows that NE have considered the application against the guidance provided in TIN051 (Bats and onshore wind turbines) and are satisfied that the siting of the turbines is 'acceptable in this instance'. Moreover, NE acknowledge that 'a survey for European Protected Species has been undertaken in support of the proposal' and are satisfied that 'the proposed development is unlikely to affect a European Protected Species'.

The application is supported by the findings of a comprehensive series of ecological surveys that have been undertaken to inform this planning application. These have followed appropriate guidance and current best practice. An appraisal of the subsequent ES determines that it contains enough detail to demonstrate that the surveys have been carried out satisfactorily and provide an appropriate level of information about the environmental characteristics of the site.

On the basis of the information provided within the report, it can be determined that the immediate area of the development is of limited intrinsic ecological value with few habitats or species of note and it is unlikely that the proposed development will cause significant harm to any local or national Biodiversity Action Plan bird species. The findings of the surveys support the conclusions that the ecologists have drawn.

Nevertheless the prevention of damaging impacts to the nature conservation interests of the site and the prevention of deliberate harm to the protected species are significant material considerations in determining this planning application. Therefore I would recommend that the mitigation measures outlined in Section 8.8 and the Compensation and Enhancement proposals set out in Section 8.9 of the ES (Ecology Chapter) should be imposed as planning conditions on any planning approval that may be granted.

Civil Aviation
Authority

Has no responsibility for safeguarding sites other than its own.

The plans should conform to existing legislation, specifically structures 300 feet or over need to be charted on aeronautical charts and structures of 150 metres or more need to be lit in accordance with the Air Navigation Order. Certain turbine developments may result in unacceptable impacts in certain areas.

Further comments received following notification of the appeal:

The NERL and the MOD, as with all aerodromes and technical sites, are responsible for the safeguarding of their own operations and remain responsible for providing expert testimony as to any impact on those operations. It is for the wind turbine developer to propose and agree mitigation solutions with the affected operators, if options for mitigation exist. The lack of a statement of objection or support from the CAA should not be taken to mean that there are no aviation issues, or that a comment from an operator lacks weight.

Bridlington
and District
Civic Society

Object.

Doubt over the efficiency of turbines.

Turbines will have a negative impact on local tourism.

Negative impact on the area as a whole in particular promotion of views associated with David Hockney's Bigger Picture, and the development of the Way of the Roses coast to coast cycle route which is built around the premise of attractive scenery.

Accumulation of existing and proposed turbine developments will result in a complete change in the rural nature of the East Riding and will result in the area having a more industrial outlook.

Humber
Archaeology
Partnership

The site lies in an area of archaeological importance.

If the decision cannot be deferred until more information is known about the extent of archaeological deposits a condition should be imposed requiring the implementation of a programme of archaeological work in accordance with an approved written scheme of investigation.

Royal Society
For The
Protection Of
Birds

No comments submitted.

Council For
The Protection
Of Rural
England

No comments submitted.

Ministry of
Defence

Objects.

The turbines will be 21.2 km from, will be detectable by, and will cause unacceptable interference to the AD radar system at Staxton Wold.

Wind turbines can have detrimental effects on the operation of radar which include the desensitisation of radar in the vicinity of turbines, and the creation of 'false' aircraft returns.

The probability of the radar detecting aircraft flying over or in the vicinity of the turbines would be reduced, and the RAF would be unable to provide full air surveillance in the area of the proposed development.

If the developer is able to overcome the stated issues then all turbines need to be fitted with appropriate red or infra-red lighting.

BBC

No homes or transmitters would be affected by the turbine development.

Cable And
Wireless
Worldwide

No objection.

IUS Connections	No comments submitted.	
Racal Vodaphone	No comments submitted.	
British Telecom	No comments submitted.	
National Telecommunic ations Limited	No comments submitted.	
Home Office	No comments submitted.	
YEDL	No comments submitted.	
T-Mobile	No comments submitted.	
Telefonica (formerly O2)	No comments submitted.	
Radio Communicatio ns Agency	No comments submitted.	
Orange Personal Communicatio ns Services	No objections, mobile phone communications will not be affected by the turbines.	
Virgin Mobile	No comments submitted.	
Humberside Police - Operations	No comments submitted.	
KCom	No objections.	
SPECTRUM (Ofcom)	No comments submitted.	
Joint Radio Company	Does not foresee any radio interference as a result of the development.	
BAE Systems	No comments submitted.	

NERL Safeguarding	Object. Turbines will generate false primary plots. Due to the distance from the radar, it is predicted that the reflected power will be of adequate value to be detected by the radar and as a result false plots will be generated. A reduction in the radar's detection of real targets is also expected.
Countryside Access Officer	No objections.
The Ramblers	Object. The turbines will have an adverse effect on the beauty of the countryside around Fraisthorpe.
East Yorkshire Barn Owl Survey And Conservation Group	No comments submitted.
Humberside Fire Brigade	No comments submitted.
Department of Trade and Industry	No comments submitted.
National Grid Plant Protection	No comments submitted.
British Horse Society	No comments submitted.
Northern Power Grid	Land is affected by a Wayleave Agreement.

6. PUBLICITY

The application has been advertised by press notice, site notices and direct notification to neighbours.

365 letters have been received are against the proposals which raise the following issues:

- The proposed development is close to the existing wind farm at Lissett, and many residents feel that they will become surrounded by turbines.
- Will destroy the most beautiful bay in Yorkshire.
- The turbines will ruin the landscape and spoil the view from Bridlington.
- The view from Bridlington would become mechanical and industrial rather than natural.
- The levels of noise caused by the turbines will affect houses that are close by.
- Nearby houses will also be affected by flicker.
- Landowners and companies are proposing the development just to make a profit from it.
- The effect on the already unstable coastline during the construction of the wind farm.
- Wind turbines are not efficient and would be better placed in an offshore wind farm.
- Wind turbines are a hazard to local residents and their properties. There have been instances where turbines have caught fire, come down in violent storms and blades also falling off. Many are concerned about who would be held accountable if this happened to the proposed turbines.
- Desecration of the beauty and tranquillity of the area.
- The value of local property will be diminished.
- The infill and concrete used in the construction would displace ground water.
- The turbines are too high.
- Tourism would suffer due to the turbines being visible from major tourist destinations such as Bridlington.
- Views from hotels in Bridlington will be ruined and this will cost tourism business.
- Surrounding towns will get a reputation as a wind farm town.
- The turbines may remain in situ after they have reached the end of their lives thus becoming a turbine graveyard.
- There are too many in the area already and Lissett is an eyesore.
- The MoD radar system could be affected by the turbines.
- Potential hazard to rescue helicopters.
- The amount of current and proposed amount of turbines would clutter the East Yorkshire landscape.
- TV, radio and mobile phone reception could be affected.
- Local artists such as David Hockney, who take inspiration from the unspoilt East Yorkshire landscape, will go elsewhere if the turbines are constructed.
- Adverse effect on the setting of Burton Agnes Hall.
- Bridlington's best asset, its beach, would be blighted by the turbines.
- Bridlington would lose its seaside charm and become industrial.
- Bridlington could be a jewel with the addition of a marina but the town will be blighted by the turbines.
- Can already see Lissett turbines from Sewerby, and these will be much more prominent.
- The view from Flamborough Head Heritage Coast would become industrialised.
- The proposed turbine locations are too close to the surrounding houses.
- Inhabitants of Fraisthorpe will be subject to constant noise and danger to life should the turbines malfunction.
- ETSU-R-97 regulations are dated and inadequate, and the fact that a wind farm

appears to comply with it in an EIA is no guarantee that there will be no noise problems for people living in the area.

- Potential effects from shadow flicker.
- The public consultation by TCI Renewables was not adequate, nor was the noise assessment which was not in accordance with ETSU-R-97 as it was done in a residents back garden which is not an open field assessment.
- The impact that the turbines will have on nature conservation.
- Application is in breach of Local Plan policy CZ8 as would visually dominate the landscape.
- The site is close to the major resort of Bridlington which makes it have 'high sensitivity' as set out in the East Riding of Yorkshire Landscape Character Assessment.
- The turbines will cause a rise in energy costs.
- The roads leading up to the proposed site are narrow or non-existent. This would cause traffic disruption during the construction of the turbines.
- If the application is approved, more proposals for wind farms will follow.
- The wind farm would damage the economy of Bridlington.
- Future investors would be put off Bridlington.
- The coastal erosion will increase due the ground disturbance the construction of the turbines will cause.
- The turbines are costly to build and maintain.
- All turbines should be out at sea now, there is no need for them on land.
- The turbines are a threat to birds and other wildlife.
- The reduction in CO₂ emissions that the turbines generate is outweighed by the emissions generated through the production, construction and maintenance of the turbines.
- The ERYC's targets for renewable energy have been exceeded by wind farm proposals for 2010-2021.
- The red light on the turbines would be flashing constantly.
- Turbines would be a distraction to drivers particularly those travelling from the south on the A165 and already passing Lissett.
- The turbines are out of character with the surrounding environment and landscape.
- The turbines could be a hazard to the emergency air ambulance.
- The wind turbines would be detrimental to any future tourism plans such as the Hockney Trail.
- Regular tourists have written to say they will not continue to come to Bridlington if the turbines are constructed.
- High profile Visit England advert (featuring Harry Potter actor Rupert Grint) shows Fraisthorpe beach as an unspoilt location.
- Danger to horseriders.
- If permission is granted for a large windfarm then the Council should grant permission for lifting of agricultural restrictions on local properties as the land classification would no longer be rural.
- Offer by TCI Renewables to pay a subsidy for electricity to local residents within 1km of the windfarm could be bribery. It has been upsetting and confusing to elderly residents.
- There are inconsistencies within the Environmental Statement.

- The photomontages are inaccurate and unrepresentative.
- Inadequate pre-application consultation by the developer which did not involve the town of Bridlington.
- Cumulative impact of with Dogger Bank cables and Carbon Capture Project pipeline which will connect nearby.
- Government debate is ongoing regarding windfarms and decisions should be delayed until a clear Government stance is established.
- The Coalition Government want local communities to have a much greater say in whether there should be wind farms in there area or not.

Letter from Rt Hon Greg Knight MP, objecting on grounds of

As we have reached our 2020 target for onshore wind, I would contend that any application should not be judged purely on planning grounds, we will comfortably hit our national target without having to site wind farms in inappropriate places.

Two letters have been received which support the proposals for the following reasons:

- The turbines, contrary to popular belief, will not actually interfere with TV, radio and mobile phone signals.
- The turbines blend in well with the surrounding landscape.
- The UK needs to use more renewable energy sources and should take advantage of the large quantity of wind in the British Isles.
- The turbines would be good for the local and national economies as the energy produced by the turbines could be exported to Europe.

7. CASE ON BEHALF OF THE APPLICANT

7.1. The applicant has submitted the following documents in support of their proposal:

- Environmental Statement - including Chapters on Landscape and Visual Impact, Residential Visual Amenity, Heritage, Ecology, Ornithology, Traffic and Access, Noise and Aviation. Includes photomontages and wireframes.
- ES Non-Technical Summary
- Planning Statement
- Design and Access Statement

7.2. Additional information submitted since the application has been under consideration includes an NPPF update to the Planning Statement received on 30th May 2012, and Responses to Stakeholders LVIA and Heritage (includes further photomontages and wireframes) received on 14th May 2012. Further information has also been submitted as a result of issues raised by Natural England; this was received on 18th May 2012.

7.3. The conclusion of the Planning Statement is summarised as follows:

National planning policy is wholly supportive of renewable energy development, recognising its contribution towards sustainable development and tackling climate change. In strong terms, policy requires local authorities to be positive in their approach towards renewable energy generation development proposals.

The proposals would bring about substantial benefits in accordance with overarching policy objectives for addressing climate change by adding to renewable energy generation capacity and safeguarding the reliability and security of the UK's energy supplies.

The environmental, economic and social impacts resulting from the proposals have been assessed, and have been balanced against the significant weight to be attached to meeting and exceeding targets for renewable energy generation, and the mitigation available by imposing planning conditions.

The range and assessment of environmental effects of the proposed development are set out within the ES. Whilst it may be the case that a particular proposal for renewable energy would give rise to environmental impacts, some of which may be harmful, it is not the indication of national policy that proposals are therefore unacceptable.

Whilst there may be elements of harm applicable to this proposal, they are not so significant to represent a reason for refusal when placed in the planning balance.

The proposals accord with the objectives of national planning and energy policy, and the statutory development plan.

8. KEY ISSUES

- Policy Context
- Landscape and Visual Impact
- Residential Amenity and Living Conditions - Noise
- Residential Amenity and Living Conditions - Shadow Flicker
- Residential Amenity and Living Conditions - Visual Amenity
- Radar and Communications
- Heritage and Archaeology
- Ecology and Ornithology
- Highway Issues
- Public Rights of Way
- Loss of Agricultural Land
- Flood Risk, Drainage and Geology
- Connection to the National Grid
- Socio-Economic Issues

9. OFFICER COMMENTS

- 9.1 Applications are to be determined in accordance with the Development Plan unless there are material considerations which indicate otherwise. The National Planning Policy

Framework (NPPF) is also a material consideration which must be taken into account in planning decisions. If the NPPF contains policy guidance that is relevant to this application the report below will explain this, and consider the extent to which development plan policy is consistent with the NPPF and the weight to be given to that policy. For 12 months (from March 2012) full weight may still be given to relevant development plan policies adopted since 2004. In other cases due weight should be given to relevant policies according to their degree of consistency with the NPPF.

9.2 Policy Context

National Policy and Guidance

- 9.2.1. The national commitment towards increasing renewable energy production is well documented in a number of policy documents which are listed in Section 3.6 of this report. The Government has made clear its commitments in order to make the country more energy secure, helping to protect consumers from fossil fuel price fluctuations, and driving investment in new jobs in the renewable energy sector. The current goal is for 15% of the UK's energy demand to be met from renewable sources by 2020, in the most cost effective way. This target was set by the Renewable Energy Directive (2009).
- 9.2.2. The ambition extends beyond 2020 - advice from the Committee on Climate Change (CCC) has made clear the long term role for renewable energy. The CCC concluded that there is scope for the penetration of renewable energy to reach 30 - 45% of all energy consumed in the UK by 2030.
- 9.2.3. Renewable energy accounted for 54 TWh (3.3%) of the UK's total energy consumption in 2010, having increased steadily since 2005. There will need to be more than a four-fold increase in the renewable energy consumption by 2020 if 15% of the UK's energy needs are to be met from renewable sources. Consumption of renewable energy will need to rise by 17% per annum to meet that goal.
- 9.2.4. The proportion of the electricity supply that will need to come from renewable energy sources in order to meet this target is projected in the renewable energy strategy to be 30% or more by 2020, and the indicative target is for onshore wind to provide just under a third of this target.
- 9.2.5. The UK Renewable Energy Roadmap (July 2011) identifies 8 technologies that have either the greatest potential to help the UK meet the 2020 target in a cost effective and sustainable way, or offer great potential for the decades which follow. Onshore wind is the first of these technologies. The Roadmap sets out aspirations for the onshore wind contribution to the targets, and mentions the common barriers which include delays in the planning system and interference with aviation radar as well as improving onshore transmission capacity. The CCC stress that onshore and offshore wind together can deliver 30% of the UK's electricity supply by 2020 and be part of a radical decarbonisation of the economy by 2030.
- 9.2.6. The latest CCC report to the Government 'Meeting Carbon Budgets' (June 2012) noted that investment in onshore wind increased slightly (to 0.6 GW) but fell short of their

indicator trajectory for a second year in a row, and well below the levels required by 2020 (1.5 GW). There is already sufficient capacity in the project pipeline to meet the CCC 2020 indicator onshore, however planning approval rates for onshore capacity have fallen to around 50%, and determination periods remain long. There is also evidence that onshore projects with approval are moving slowly through to construction. This is likely to reflect current uncertainties over support mechanisms and difficulties with radar interference and grid connection. The CCC report advises the Government to ensure that the planning process appropriately accounts for the benefits of onshore wind, in order to avoid higher levels of investment in more expensive technologies that would have adverse affordability impacts. It also urges continuing work with industry, the Ministry of Defence and others to address radar interference strategically and collaboratively. The CCC concludes that given appropriate actions, it is realistic that ambitious renewable energy targets for 2020 can be achieved, and that wind generation can make a valuable contribution to power sector decarbonisation required to meet carbon budgets.

- 9.2.7. The UK is required by EU Directive to submit details of its target performance in order to meet the 2020 figure. The UK is already behind the 2010 target of just 10% of electricity from renewable sources. In these circumstances and having regard to a potential increase in the headline target from 20% to 30% by 2020, it is considered significant weight must be placed on the need for the provision of new sources of renewable energy of which onshore wind is an important element. The proposed development would contribute to international and national objectives of promoting renewable energy technologies.
- 9.2.8. The high priority placed by Government on the achievement of sustainable sources of energy supply through the planning system is reflected in the National Planning Policy Framework (NPPF), which during the course of this planning application has replaced the planning policy guidance notes and statements which previously set out central Government planning policy. This includes the deletion of PPS22 Renewable Energy and PPS1 Delivering Sustainable Development and its supplement 'Planning and Climate Change'. The Companion Guide to PPS22 'Planning for Renewable Energy' has not been replaced and remains a material consideration.
- 9.2.9. The NPPF aims to contribute to the achievement of sustainable development, which has three dimensions: Economic, Social and Environmental. The Environmental role is specified in paragraph 7 as 'contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy'. The economic role refers to contribution to a strong, responsive and competitive economy, identifying and coordinating development requirements, including the provision of infrastructure. The social role refers to supporting strong, vibrant and healthy communities, by creating a high quality built environment. Paragraph 8 states that these three roles should not be taken in isolation, because they are mutually dependent.
- 9.2.10. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 14 states that this means approving development proposals that accord with

the development plan without delay, and where the development plan policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

- 9.2.11. Twelve core planning principles are set out in paragraph 17 which should underpin both plan making and decision taking. One of these principles is to “support the transmission to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)”.
- 9.2.12. Section 10 of the NPPF deals with ‘Meeting the challenge of climate change, flooding and coastal change’. At paragraph 93 it states that planning plays a key role in securing radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy and associated infrastructure. Paragraph 97 specifies that to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable sources. At paragraph 98 it states that when determining planning applications, Local Planning Authorities should not require applicants for energy developments to demonstrate the overall need for renewable energy (this is a change from the guidance set out in the former PPS22). It goes on to say that the application should be approved if its impacts are (or can be made) acceptable.
- 9.2.13. A footnote to paragraph 97 notes that in assessing the likely impact of potential wind energy development when identifying suitable areas, and in determining planning applications for such development, planning authorities should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure (EN-3). National Policy Statements were approved by Parliament in July 2011 and were already a material consideration, even for projects that were not nationally significant infrastructure. The NPPF effectively incorporates the relevant National Policy Statements for the purposes of determining wind energy applications and requires determinations by local planning authorities to be in accordance with the approach set out therein.
- 9.2.14. The Overarching National Policy Statement (NPS) for Energy EN-1 highlights that to meet emissions targets, the consumption of electricity will need to be almost exclusively from low carbon sources. Thus, in the short term, much of the new capacity would need to come from on and off-shore wind generated electricity. To meet the 2020 target for energy from renewable sources, EN-1 identifies that there is an urgent need to bring forward new renewable electricity generating projects as soon as possible. Onshore wind is highlighted as the most well established and currently the most economically viable source of renewable energy available for future large-scale deployment. EN -1 also highlights the wishes of the UK to ensure security of supply by maximising domestic supply, to avoid the UK becoming more susceptible to fluctuations in price and volatilities with demand. EN-3 reiterates the important role of on-shore wind and deals with issues including landscape and visual impact, noise, biodiversity, the historic environment recognising that there will always be significant landscape and visual

impacts. The weight given to EN-3 has been increased by its inclusion within the National Planning Policy Framework.

- 9.2.15. This national planning policy context establishes the priority given to be given to the promotion of renewable energy development, taking into account the wider benefits in environmental and economic terms, but makes it clear that in the decision making process these matters are to be weighed in the balance with any adverse effects in relation to matters such as landscape, visual impacts, residential amenity, radar, communications and aviation safety. National planning guidance is also clear that the need and viability of renewable energy proposals should not be questioned, and that a sequential approach should not be used in determining such planning applications in a particular location.
- 9.2.16. In summary, thus it is clear that there is strong support in principle for renewable energy, and continues to be so from Central Government. It is clear that it is not the role of the planning system to query either the need or viability of renewable energy projects, including onshore wind. Wider environmental and economic benefits of a project are material considerations to be given significant weight, although there is still a need to have regard to adverse effects including any mitigation which might adequately address such effects.

Development Plan Policies and Local Guidance

- 9.2.17. The Development Plan in respect of this site comprises the Regional Spatial Strategy for Yorkshire and the Humber (2008) (RSS) , the Joint Structure for Kingston Upon Hull and the East Riding of Yorkshire (2005) (JSP) and the East Yorkshire Borough Wide Local Plan (1997) (Local Plan). There is little of direct relevance in the 'saved' policies of the JSP in respect of the principle of renewable energy development.
- 9.2.18. RSS Policy ENV5 sets local targets for contributing to renewable energy capacity. It is the case that the regional East Riding target of 148MW by 2021 will be met or exceeded by projects with planning permission and Members will be aware that the legislative requirements are now in place to enable the current Government to revoke the RSS, which the Government has stated it intends to do. However, the binding European and UK targets remain in place and must be met. It is also clear from the numerous wind farm planning appeal decisions within the East Riding that the targets set through policy ENV5 are indicative only and should be considered as a floor rather than a ceiling, and that the requirement to meet the binding national targets is a material consideration in the decision making process.
- 9.2.19. Also prepared at the regional level, the AECOM Low Carbon and Renewable Energy Capacity in Yorkshire and Humber Final Report (March 2011) assesses the resource for low carbon and renewable energy capacity across the region, and provides an evidence base for Local Planning Authorities to prepare their own policies, strategies and targets for renewable energy development at the sub regional and local level. The thrust of the document is similarly supportive in principle of renewable energy development. The report is not a policy document rather one that may be used to underpin policy formation e.g. for the Local Development Framework. The evidence collated in the

report does however point to that there is a substantial gap between the current installed capacity and the regional target.

- 9.2.20. Whilst dated compared to the more recent guidance on renewable energy development, the East Yorkshire Borough Wide Local Plan contains an overarching 'saved policy' referring to renewable energy proposals, policy EN25. This states that renewable energy proposals will be permitted providing that they will not unduly harm the appearance of the landscape, nature conservation interests, residential amenity or sites of archaeological interest. It accepts in its supporting text that wind energy installations are most likely to require prominent locations where they will benefit from high wind speeds. The policy states that regard will be had to the size and scale of the development and ancillary infrastructure, proximity to existing development, visual and physical impact on the environment, the effect on nature conservation interests, and site restoration. The capacity of the highway network for the transportation of the turbine components should also be assessed.
- 9.2.21. At an even more local level, saved Local Plan policy CZ8 specifically relates to wind farm development in the Coastal Zone. The proposals map shows that the site is wholly within the Coastal Zone (which in this area is to the east of the A165). It states that proposals for commercial wind energy projects will only be permitted within the Holderness Plain Coastal Zone where there are supported by information sought under policy EN25 and are sited so as not to: 1) visually dominate the landscape; or 2) lead to an increase in visitor pressure likely to dominate existing communities; or 3) harm areas of nature conservation importance; or 4) be detrimental to highway safety; or 5) restrict public access to the cliff top and beaches; or 6) be within 400 metres of the cliff top. The policy only permits turbines intended to solely serve an individual farm holding or small group of buildings within the Flamborough Headland Coastal Zone – this area is further to the north of Bridlington so this part of the policy does not apply to this development.
- 9.2.22. The Local Plan was adopted in 1997 so therefore is outside of the period set out in the NPPF which states that full weight may still be given to relevant development plan policies adopted since 2004 (The Joint Structure Plan and Regional Spatial Strategy were adopted in 2005 and 2008 respectively). However the NPPF does mention that in other cases due weight should be given to relevant policies according to their degree of consistency with the NPPF. The aims of policies EN25 and CZ8 which specifically related to wind turbine development are broadly in compliance with the policies set out in the NPPF and the advice in EN-3; they do however go into more detail particularly in relation to the Coastal Zone (CZ8) which is specific to the local level therefore is not detailed within the national policy. EN-3 does however refer to the need for wind turbines to minimise effects on landscape and visual amenity (paragraph 2.7.49). Generic landscape and visual effects set out in Section 5.9 of EN-1 and other impact assessment principles set out in paragraphs 2.7.29 to 2.7.83 of EN-3 are considered to be reflected in the relevant Development Plan policies and therefore they should be given appropriate weight.
- 9.2.23. There are relevant policies within the Preferred Approach Core Strategy of the emerging Local Development Framework, now called the East Riding Local Plan as set out in

Section 3.5 above. The NPPF Annex 1 gives weight to relevant policies in emerging plans according to the stage of preparation and the degree of consistency with the policies in the NPPF. At present the Publication Core Strategy is due to be reported to Cabinet and then Full Council at the end of this summer/autumn. It will then be published for consultation prior to submission to the Secretary to State. The weight given to it is limited at this stage of its preparation.

- 9.2.24. In particular proposed policy HQE7 sets out the Council's approach to developing renewable energy. It states that grid connected renewable energy targets in the RSS will be exceeded by a variety of renewable energy types; that proposals for renewable energy development will be supported where possible, weighing the wider environmental and economic benefits against any harmful effects; and that where a risk is foreseen a precautionary approach should be taken, the developer will provide evidence to show that any significant adverse effect will not occur or can be mitigated. It specifies that developments should consider the capacity for landscapes to accept renewable energy development avoiding areas of high landscape value where possible; should take into account cumulative impacts and effects on a number of criteria including biodiversity built heritage and radar; ensure the impact on the local community is fully considered; and to ensure that adverse effects are mitigated against as far as possible.
- 9.2.25. The Council also has specific guidance relating to renewable energy developments. 'Planning for Renewable Energy Developments - Interim Planning Document 2009' (IPD) seeks to promote the development of renewable energy in those areas identified as having capacity to accommodate it. The IPD document however should not be viewed as means of directing wind turbine development to (and away from) certain landscape character types because this would amount to sequential approach to siting turbines, which would be contrary to national planning guidance in the NPPF. The IPD has not being through a formal consultation process, so weight cannot be attached to it as a policy document. The inspector for the appeal decisions into the Spaldington Airfield (and Ivy House Farm) inquiry (May 2011 – ref. 09/04550/STPLFE) attached limited weight to the IPD. He referred to the IPD's assessment of the sensitivity of landscape character types in the East Riding to accommodate wind energy developments. He stated that Local Planning Authorities should not create buffer zones and apply policies that prevent the development of renewable energy projects, and given the absence of an adopted Development Plan Document and apparent conflict with national guidance.
- 9.2.26. The thrust of local and regional planning policies is thus also in principle generally supportive of renewable energy development, whilst also needing to consider relevant detailed considerations, which are discussed in the sections below.

9.3. Landscape and Visual Impact

Impact on Landscape Character

- 9.3.1 Whilst the thrust of Central Government planning guidance contained in the NPPF and National Policy Statements is positive towards wind farm development, it also recognises that wind turbines are likely to have visual and landscape effects. Section 11 of the NPPF

requires the planning system to contribute to and enhance the local environment by protecting and enhancing valued landscapes (paragraph 109). National Policy Statements 1 and 3 (Section 5.9. of EN-1 and 2.7. of EN-3) also provide guidance on landscape impacts of renewable energy proposals. The principle of protecting the character of the countryside and valued landscapes is reflected in the policies of the development plan.

- 9.3.2 The companion guide 'Planning for Renewable Energy' sets out a number of key issues including issues of landscape and visual impact that should be addressed at the scheme-specific level. It requires Local Planning Authorities to recognise that the landscape and visual effects will only be one consideration that must be considered alongside the wider environmental, economic and social benefits that arise from renewable energy projects. Factors to consider in analysing the landscape and visual effect of individual applications include landscape character areas, landscape sensitivity, and cumulative effects.
- 9.3.3 Development Plan policies relevant to landscape include those specific to wind farm development – Local Plan policies EN25 and CZ8. Others relate more generally to the protection of the character of the countryside, including Local Plan policy EN2 which states that proposals should not harm the character of the surrounding area; should safeguard sites and features considered important for their landscape, amenity or historical value; and should not harm the landscape setting of settlements. Joint Structure Plan policy SP4 is also relevant and states that (a) the distinctive character of the... Holderness Regional Landscape Character Area should be protected, and that development should protect and where necessary enhance or restore distinctive landscape character. It also advises that attention should be given to the unique local landscapes of (iv) Flamborough Head. Regional Spatial Strategy policy ENV10 states that the Region will safeguard and enhance landscapes that contribute to the distinctive character of Yorkshire and the Humber, which includes (B) The coastal landscapes of the East Coast.
- 9.3.4 Emerging East Riding Local Plan (Preferred Approach Core Strategy 2010) proposed policy HQE2 requires development to demonstrate an understanding of the intrinsic qualities of the landscape setting. It specifically refers to the East Riding Landscape Character Assessment and the need to respect and enhance landscape character. Policy HQE7 requires renewable energy developments to consider the capacity for landscapes to accept renewable energy development. These emerging policies are consistent with the NPPF therefore have some limited weight.
- 9.3.5 The East Riding of Yorkshire Landscape Character Assessment (2005) (LCA) identifies and describes the characteristics and features of the East Riding landscape, dividing the County into Landscape Character Types and Areas. The study is intended to help inform decision making at the landscape type level. It provides a starting point for identifying key characteristics in an area and the potential effect on character. It does not negate the need for detailed considerations of landscape and visual impact on a case by case basis.
- 9.3.6 The site lies within Landscape Character Type 20: Holderness Coastal Farmland, and specifically within Landscape Character Area 20C 'Bridlington to Hornsea Coast'. This landscape character type is a narrow strip of coastal farmland with the following key

characteristics:

- Flat to gently undulating topography sloping gently eastwards.
- Boulder clay cliffs eroding into the sea.
- Seaside resorts of Bridlington, Hornsea and Withernsea.
- Coastal static caravan parks are prominent.
- Limited tree cover due to exposed windswept coastal landscape.
- Smaller villages and farmsteads and minor roads threatened by erosion.
- Fragments of historic field pattern around villages and hamlets.
- Tourism development along the coast.

- 9.3.5. More specifically Area 20C is summarised as a mix of recreation and tourism facilities amongst large scale arable farmland punctuated with occasional small scale villages of historic interest. The quality of the landscape is assessed to be 'ordinary' overall but the LCA recognises the high value of this coastal landscape to the tourist industry and states that this should be recognised when considering landscape quality and development proposals.
- 9.3.6. The LCA acknowledges that wind farm development close to the coast would be highly visible and impact on the character of the coastline, and states that this ordinary quality landscape does have the capacity to accept some change as a result of wind farm development that is set back from the coast and located to respect settlement and landscape pattern. It assesses landscape sensitivity to this type of development as 'medium' overall. However, it also recognises there are areas where this would change to 'high' sensitivity, for example close to major resorts. Such a major resort would be Bridlington. It recommends that location and design of wind farm development should consider landscape pattern and visual amenity of residents and tourists. Views of the North Sea on the approach roads to major resorts should also be considered. The height of turbines will be a key factor in determining the magnitude of potential impact.
- 9.3.7. The Council's Interim Planning Document on Renewable Energy Developments published in 2009 sets out Zones of Natural Heritage Sensitivity to clarify the sensitivity of the range of landscape character areas in the East Riding. The application site is identified within Zone 3 'Medium Sensitivity', in common with most of Holderness.
- 9.3.8. Adjoining important landscapes should be considered in the determination of this application given the height of the turbines and the long distance views of them. The Wolds Area of Landscape Protection lies some 2 km to the west of the site. The landscape itself is not considered to be affected by the development however the presence of sloping hills in this direction mean that there are clear views of the coast and the Fraisthorpe area from these hills. Burton Agnes Hall and associated buildings, which are an important group of Grade I Listed Buildings, are set on a plateau which has clear long distance views over the application site area. The impact on the setting of these buildings are discussed in detail in Section 9.8. It should be noted that the Wolds is a local, not national, landscape designation.

- 9.3.9. The Heritage Coast at Flamborough is some 6.5 km away from the site to the north of Bridlington. Heritage Coasts are defined by Natural England and represent stretches of our most beautiful, undeveloped coastline, which are managed to conserve their natural beauty and, where appropriate, to improve accessibility for visitors. This is a national definition and the purpose includes to conserve, protect and enhance the natural beauty of the coasts, their marine flora and fauna, and their heritage features; and to facilitate and enhance their enjoyment, understanding and appreciation by the public. Flamborough Head is the most northerly outcrop of chalk in Europe, famous for its sheer cliffs, beautiful views and scenic village, while in summer the nearby Bempton Cliffs are home to over 200,000 sea birds. Flamborough has been internationally recognised as a Special Area of Conservation (SAC). The scenic views make it a popular destination for both tourists and locals. Significantly, paragraph 114 of the NPPF states that Local Planning Authorities should maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to and enjoyment of the coast.
- 9.3.10. The applicant has provided a significant amount of material by way of photomontages and wireframes, to evidence the potential impact on landscape character, and associated significance. The LVIA chapter of the Environmental Statement has been completed in accordance with the approach outlined in the Landscape Institute/IEMA 'Guidelines for Landscape and Visual Impact Assessment (GLVIA)' (2002) and therefore seeks to evaluate the effects of the development on the landscape and visual resource. The viewpoints presented offer a satisfactory assessment of key and representative views of the development at its most visible, as experienced by a range of receptor groups, from a spread of different directions and over varying distances: it therefore provides a suitable basis for determining the significance of the effects. The associated photomontages and wireframes provide an appropriate basis upon which to undertake an evaluation regarding such effects. Further information was provided during the course of the consideration of the application to provide additional viewpoints and assessment of views from the Heritage Coast (and from Burton Agnes as requested by English Heritage).
- 9.3.11. Impact on landscape is considered to be a key area of contention with this proposal. The proposal will inevitably affect landscape character along the coastal strip and have an adverse effect on the visual resource of the area when experienced from key short and medium range perspectives. Key affected views include those from Bridlington and its beaches looking south and those from the Flamborough Heritage Coast when experiencing views across Bridlington Bay. The location of this proposal close to the coastal edge will result in a direct, negative physical effect on landscape character and the visual resource of the area, as experienced by high sensitivity receptors who enjoy the expansive coastal views in this area. Also, given the outstanding views across Bridlington Bay that are offered from within the Heritage Coast, the proposed development will have an indirect negative effect, as perceived from outside of the immediately affected Landscape Character Area. Accordingly, it is regarded that the proposal, as submitted, is unable to achieve the necessary balance sought between maximising energy capture and achieving an acceptable design in terms of landscape and visual effects. The proposal is not supported by Officers in this respect.

- 9.3.12. Accordingly, the proposal does not appear to accord with guidance offered in National Policy Statement for Renewable Energy Infrastructure (EN-3) regarding the way the potential harm of renewable energy development should be minimised through careful design, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by reasonable mitigation. The temporary nature of the development does not offset significant concerns about the impact on the character of the landscape.

Visual Impacts

- 9.3.13. As discussed above, this landscape is undoubtedly sensitive to visual change, especially that which results from the introduction of new built features that are uncharacteristic to the area. The LCA identifies how, although this Landscape Character Area's sensitivity to wind farm development is generally medium, in areas closer to the major resorts in this landscape, this changes to a high level of sensitivity. Therefore, given its close proximity to the principal resort of Bridlington, the sensitivity of this landscape to this form of development is high.
- 9.3.14. The characteristics of this Landscape Character Area combine to offer some outstanding long-distance views along the coastal strip. The landscape here is also important in terms of providing views into it, most notably those that can be enjoyed from the Heritage Coast looking across the sweeping expanse of Bridlington Bay which are generally devoid of tall structures. This contributes to the relatively unspoilt views that can be enjoyed from within this character area and into it when experienced across the Bay from the Heritage Coast.
- 9.3.15. All other wind farms whether operational (at Lissett) or approved (nearby at Carnaby and further south at areas around Roos and Withernwick) differ from this proposal as they are/would be set well back from the coast and do not or would not dominate views from the Heritage Coast. In accepting this, consideration of this proposal must be undertaken in the context of whether it is to any extent able to respect the inherent characteristics of the area and, as a result, limit the effects on the visual resource offered by the landscape and views from Bridlington in particular.
- 9.3.16. The visual effects of this proposal will be of greatest significance when experienced both from within close proximity of the site and from wider views experienced from along the coastal strip. Key visual receptors here will be residents and settlements, tourists and recreational users and users of the public right of way and transport networks. These receptors are likely to experience such effects on the visual resource of the area when experienced from Fraisthorpe, Ulrome and Barmston from the south and Bridlington and Sewerby to the north. The development's close proximity to the edge of the coastal strip ensures that the visual effects of this proposal are maximised in the context of this Landscape Character Area, as experienced by the high sensitivity receptors identified. It is also clear that local residents, in substantial numbers, attach significant weight to the relatively unspoilt nature of this landscape. The receptors that are most sensitive to the effects of this type of development when experienced from within Landscape Character

Area 20C will include recreational users of the beach and coastal footpaths, for example Bridlington beach and the promenade, Fraisthorpe beach and the public right of way network in the area (most notably those around Wilsthorpe and routes between Barmston and Fraisthorpe).

- 9.3.17. The effects will also be experienced by users of the public highways in the area, for example the A165 and other minor lanes that run close to the site. Receptors on such roads will be of medium-high sensitivity to this type of development yet the views experienced when travelling along such routes will only be intermittent and the most significant of these will be those experienced when in close proximity to the development. Such receptors will generally not, when travelling on these routes, experience the adverse effects this development will have specifically on the coastal strip and those views of the development that are experienced will only be temporary as the receptor travels along the highway. Such effects will then reduce as the distance between development and receptor point increases. There would be significant impacts for traffic travelling at lower speeds (and more so for walkers and cyclists) using the unclassified road between the village of Fraisthorpe and the beach which has a well used car park. This road meanders through the development itself and users of this road may well feel 'hemmed in' by the dominant tall structures.
- 9.3.18. Regarding views into the Landscape Character Area across Bridlington Bay from the Heritage Coast, of key importance is this area's role as an enduringly popular destination for tourists and those seeking active and passive recreation, notably local users, holidaymakers, walkers, ornithologists etc, who all access the area to enjoy the special, unique and distinctive environments this Heritage Coast area provides. As such, these receptor groups are recognised as being of high sensitivity to changes to the visual resource, both within the Heritage Coast area itself, and the indirect effects that are perceived when experiencing views or other Landscape Character Areas. The visual effects of the proposal on key receptor points along the well-used public right of way network here, notably the routes between South Landing, Danes Dyke and Sewerby, mean the development will have a significant negative effect on the visual resource the Heritage Coast offers, and a dominant feature of those outstanding views across the Bridlington Bay that help to make it distinctive, as experienced by these high sensitivity receptors. Also important is the way that the footpath here falls and rises into the ravines at locations such as South Landing and Danes Dyke: in such locations, views across the bay are restricted temporarily and then upon re-emerging, offer a new, refreshed panoramic perspective. The effect of this development on these ever-evolving views experienced along the Heritage Coast footpaths will damage the special visual amenity experience this area it offers users.

Cumulative Impacts

- 9.3.19. This area is potentially sensitive to the effects of an accumulation of wind farm development and there is therefore the potential for a cumulative impact on the landscape. It is therefore important to reflect upon the likely cumulative impacts of this proposal in the context of other operational or consented windfarms. This issue has been raised by many of the objectors to the proposal. It is unquestionable that this proposal

will introduce further vertical intervention into the landscape. However at its current scale, distribution and magnitude, such development is not considered to, as yet, have an overriding negative cumulative effect. It will be important to help guard against the potential proliferation of wind farm developments across the landscape that would lead to a profound re-characterisation of the area and create entirely unacceptable, wider-ranging visual impacts beyond the specific effects of this development when considered in isolation.

- 9.3.20. Objectors have raised the issue of a 'wind farm landscape' when travelling by car in this area however due to the separation distances between the nearest sites (Lissett and Carnaby at 4.5km and 1.5km away), the views when travelling along the A165 are not considered to be a significant concern and traffic will be passing at speed.
- 9.3.21. The most significant potential cumulative impacts of the development when, experienced from both Landscape Character Area 20C and from the Heritage Coast, will be those related to the nearby operational wind farm at Lissett Airfield. Although this is a development that has affected both landscape character and the visual resource of the area, this development is located inland, away from the immediate coastal strip. Although there will be a cumulative effect from specific perspective experienced in this area, the degree of separation between the developments means that there will be only limited visual tension between the wind farms and that this area will not cross the frontier between its current state of a 'landscape with wind farms' to that of a 'wind farm landscape'.
- 9.3.22. Similarly, whilst other operational and consented windfarms in the Plain of Holderness may be perceptible from both Landscape Character Area 20C and the Heritage Coast, these are at such distances that there will be no overriding cumulative impacts when experienced across the wider coastal strip. There will be undoubtedly be a 'sequential' cumulative impact of this form of development where a number of windfarms come into view in a sequence of visual 'envelopes' as the receptor 'travels' across the Holderness landscape, rather than being visible as a collective in the same view. Whilst there is an impact from such 'sequential visibility', the effect of this at present is not regarded to be unacceptable in the wider context of landscape character and the visual resource it offers.
- 9.3.23. Overall whilst the cumulative impact is not considered to be significant the impact of the development on the landscape and visual amenity is considered to be substantial and Officers would have recommended refusal in this respect.

9.4. Residential Amenity and Living Conditions - Noise

- 9.4.1. NPPF paragraph 123 states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, and should mitigate other adverse impacts through the use of conditions. It highlights that areas of tranquillity should be identified and protected. Local Plan policy EN25 relating to renewable energy specifically requires anticipated noise profile to be assessed.

- 9.4.2. Noise is an important consideration when assessing the potential impact on residential amenity both during construction and once the turbines are operating. The application was accompanied by results from noise monitoring locations. Background day and night time noise levels were recorded and compared with predicted operational noise levels and predicted construction phase noise levels.
- 9.4.3. The proposed wind farm is located in an area of relatively low population density. The noise environment in the surrounding areas is generally dominated by traffic noise from the A165 and natural noise such as wind, the sea, rustling vegetation, and birds. Other noise sources include minor local roads and agricultural vehicle movements. Carnaby Industrial Estate is some 1500m to the north-west of the site.
- 9.4.4. The guidance document used by the applicant for assessing wind farm noise is "The Assessment and Rating of Noise from Wind Farms" ETSU-R-97, ("ETSU") published by the Department of Trade and Industry. ETSU recommends controlling wind turbine noise by the application of noise limits at the nearest noise sensitive properties.
- 9.4.5. ETSU concluded that there is no evidence that low-frequency noise is at a sufficient level to harm human health. National Policy Statement for Renewable Energy EN-3 refers to the report at paragraphs 2.7.55 to 61, stating that the applicant's assessment of noise from the operation of the wind turbines should use it, taking account of the latest industry good practice and including any guidance on best practice that the Government may publish. It states that the decision maker should satisfy itself that the noise from the operation of the wind turbines is within acceptable levels, and that where the correct methodology has been followed and the wind farm is shown to comply with ETSU-R-97 recommended noise limits, the decision maker may conclude that it will give little or no weight to adverse noise impacts from the operation of the turbines.
- 9.4.6. The Hayes McKenzie report to the DTI in May 2006 also concluded that there is no evidence of health effects arising from infrasound or low frequency noise from wind turbines. The ETSU report is referred to in EN-3 and it is accepted by the DTI that there are no health effects.
- 9.4.7. In the case of this particular proposal, the predicted noise limit levels are within ETSU standards, and thus there is no objection to the proposal on noise grounds. The Environmental Control Officer has confirmed this. They recommend a range of conditions which also take into account construction noise. Recommended conditions include a submission of a construction programme, limiting construction hours, micro-siting (within 50m of the proposed co-ordinates is deemed acceptable), decommissioning, conditions to ensure the noise emissions do not exceed those set out in the application, and requirement to assess and measure noise emissions should complaints about noise be received, and provide reports to the Local Planning Authority. The wind turbines are required to be turned off if a further assessment is required.
- 9.4.8. Subject to conditions setting noise limits, and procedures to deal with potential noise complaints in the event of an appeal be allowed, and submission of a detailed construction programme, the development is considered to be acceptable with respect to noise issues.

9.5. Residential Amenity and Living Conditions - Shadow Flicker

- 9.5.1. Shadow flicker occurs at certain times of the year when a rising or setting sun is perfectly aligned and shines towards a building through rotating turbine blades. Shadow flicker is usually experienced through a window. Shadow flicker effects are significant only within a distance of ten rotor diameters of a wind turbine and within approximately 130 degrees of either side of north from the turbine positions. A specific set of circumstances need to occur at the same time for shadow flicker to affect amenity, including: the sun must be shining; the wind turbine must be operating; the building must lie in the shadow of the turbine; it must be no more than 10 rotor diameters from the turbines and there must be no obstructions (e.g. trees) in between the viewer and the turbine.
- 9.5.2. With respect to the current wind farm proposal, ten rotor diameters is equivalent to a maximum distance of 1000m from each turbine (the blades would be up to 100m diameter). A shadow flicker analysis has been undertaken using a worst case scenario evaluation process and assumes directly facing windows, no intervening objects such as trees and rotor directly facing the house. The analysis produces a detailed breakdown of the exact times that shadow flicker may occur on each day.
- 9.5.3. 16 receptor properties have been identified as being located within the area of potential impact, and 10 of these have the potential to be affected by shadow flicker. Auburn Farm, to the eastern end of the site, is the only property to be potentially affected for more than 30 hours, with maximum potential of up to 38.9 hours over the year (when adjusted with the sunshine index for this area). However this property is financially involved. The level of flicker at this property would be limited by the large outbuildings to the west of the property and an area of trees between the property and the turbines. All other receptors would receive less than 30 hours of shadow flicker. The other properties most affected would be Gravel Pit Cottages to the north west of the site at 23.79 hours, the next highest being Kingsfield Cottages at 17.65 hours.
- 9.5.4. Potential shadow flicker is not considered to be significant and would be lessened by the presence of intervening vegetation, outbuildings and boundary treatment around the affected properties. The effects of shadow flicker are also reduced by cloud cover and when rotors are not spinning, therefore the worst case scenarios identified are unlikely to be experienced.
- 9.5.5. A suitably worded condition can be imposed to mitigate the effects of shadow flicker on the identified properties, which will require the developer to submit a scheme for approval to deal with shadow flicker. The condition would ensure that if complaints are received, turbines will be turned off until such time as the concerns are resolved. Potentially further planting could be imposed by condition to further lessen the impacts.

9.6. Residential Amenity and Living Conditions - Visual Amenity

- 9.6.1. National Policy Statement EN-3 recognises that modern wind turbines are large structures and for some distance around a site there will always be significant visual

effects. Assessments are required to take place in accordance with the Guidelines for Landscape and Visual Impact Assessment 2005, and should identify significant or substantial visual effects on residents. It is necessary to establish whether the proposals would affect the outlook of residents to such an extent that the property would become an unacceptably unattractive place to live; 'the public interest test'.

- 9.6.2. The applicant has submitted as part of the Environmental Statement a Residential Visual Amenity Study (RVAS), in conjunction with the submitted Landscape and Visual Impact Assessment (LVIA). The RVAS identifies the significance of the potential effects of the turbines on the private visual amenity experienced by residents of properties within 1 kilometre of those turbines, and determines if there would be an overbearing visual effect on any residential property within 1km of the site. The study is limited to an assessment of impacts on views from the dwelling itself and its curtilage. The parameters of the RVAS are considered to be acceptable, however some properties just outside the 1km radius are excluded and should be assessed given their clear and unrestricted views – East Cottages and Cliff Farm at Wilsthorpe to the north of the site. These are considered further below.
- 9.6.3. It is a long standing planning principle that there is no right to a view, however it has been established through several previous wind farm appeal decisions that in some cases turbines can have such an overbearing, overwhelming or oppressive effect on residential visual amenity that such a property would become an unattractive place to live. This would result in a detrimental effect on living conditions which may not be in the public interest.
- 9.6.4. Just because a property experiences a significant visual effect, it does not necessarily follow that there will be an overbearing effect on the property – there are several appeal decisions which clarify this point. The fact that wind turbines would be seen as prominent from a number of dwellings in the surrounding area and would significantly change views of the countryside is not determinative in itself.
- 9.6.5. The submitted RVAS identifies which residents within 1km of the turbines would experience a significant effect on any view from the dwelling or its curtilage. The location of the view is also considered - e.g. views from primary living areas and heavily frequented areas of garden are identified as having a high sensitivity, views from hallways and bedrooms and other parts of the garden as having a medium sensitivity, and views from bathrooms and storage areas as having a low sensitivity. Magnitude of impacts are also identified, ranging from Very Low to Very High Magnitude of Change, with Very High being a change in view that has a dominating or overbearing influence. This methodology is considered to be acceptable.
- 9.6.6. The hamlets of Fraisthorpe and Wilsthorpe are clearly the most affected settlements and respectively lies to the immediate south-west corner and to the north-east of the application site.
- 9.6.7. There are 46 residential properties within 1km of the turbines. The nearest property to any of the proposed turbines is Manor Farmhouse, some 593 metres to the west of the

nearest turbine, and having 3 turbines within 1km of the house. The second closest is Auburn Farm, some 602m to the east of the nearest turbine (next to the beach car park), and having 6 turbines within 1km of the house. These two properties are both owned and occupied by landowners of the application site so are 'involved' properties.

- 9.6.8. There are eight other properties located within 665m of the turbines. These are Westward Ho (617m to nearest turbine), Manor Dene (619m), The Lodge (632m), 9 Gravel Pits Cottage (646m), Fields Cottage (647m), 5 Honeysuckle Cottage (659m), 4 Honeysuckle Cottage (662m) and The Old Smithy (662m). Of these properties 9 Gravel Pits Cottage and Fields Cottage have four proposed turbines within 1 km of the house and the other six properties have three proposed turbines within 1 km of the house.
- 9.6.9. The RVAS assessment concludes that during summer months there would be a substantial visual effect on at least one room in 19 out of the 46 residential properties within 1km of the turbines - South Holme, Windshaven, Gull Cottage, Flats 1-16 Gledhow, Mayfair and Grosvenor Houses, Stakyard Farm, 1 and 2 West Cottages, Hill Farm, 8 Fields Cottage and 9 Gravel Pit Cottages, Westward Ho and Manor Dene. A further two properties would have substantial effect from at least one room in winter only - Bridge Farm and South Kingsfield Farm. A further two properties would have substantial effects from their curtilage only (not from the house) in summer and winter - West Farm and Shasta.
- 9.6.10. 23 out of 46 (50%) properties within 1km of the proposed turbines are assessed by the applicant's RVAS to experience a substantial visual affect on the view from the dwelling or curtilage, during some part of the year.
- 9.6.11. Of the properties identified as likely to experience a substantial effect, seven properties have been identified as having scope for mitigation including tree and hedgerow planting. These are Stackyard Farm, West Farm, Hill Farm, Bridge Farm, Shasta, Westward Ho and Manor Dene. The applicant has stated that they are prepared to carry out such mitigation if considered necessary or desirable by the Local Planning Authority. They envisage that most of the mitigation planting offered could be achieved on land within the control of the site provider. Remaining properties likely to experience a substantial effect on views from the house lying within 750m of a turbine and no scope for mitigation are South Holme, Windshaven, 8 Fields Cottage and 9 Gravel Pit Cottages.
- 9.6.12. As stated above although loss of view is not a material planning consideration, in some cases turbines can have such an overbearing, overwhelming or oppressive effect on residential visual amenity that the property would become an unattractive place to live.
- 9.6.13. As set out earlier in this report a relatively large number of properties would experience a substantial visual effect from their windows and/or residential curtilage. However it does not necessarily follow that the effect would be overbearing. Although 50% (23) of the properties within 1km of the turbines would experience a substantial effect during some part of the year only seven of these lie within 750m of the nearest turbine - South Holme, Windshaven, 8 Fields Cottage, 9 Gravel Pit Cottage, Westward Ho, Manor Dene and Shasta. These are discussed further below. This distance is considered to be

sufficient to avoid any direct overbearing effect. Four of these seven properties have no scope for mitigation planting (South Holme, Windshaven, 8 Fields Cottage and 9 Gravel Pit Cottages). Concerns relating to other properties are highlighted by the applicant as having potential for mitigation by planting and this could be required by condition/Section 106 Agreement should the appeal be allowed.

- 9.6.14. **South Holme and Windshaven** are pair of detached properties at the end of the coastal road at Wilsthorpe, to the north-east of the site. They are 718 and 728m away from the nearest proposed turbine (T8). The submitted RVAS assesses them (as worse case scenario) having a substantial effect on their visual amenity from both the house and residential curtilage in both summer and winter. The view from the principal windows of the properties face west-east therefore the view of the turbines would be at an oblique angle. The main garden areas for these properties are to the east side (facing the sea) and the curtilages to the rear (west) are more given over to storage and parking. There is a hedge to the south side of South Holme. Given that the turbines would be at an oblique angle to these properties and that the main views and the garden are to the east (over the sea), the turbines are not considered to have such an overbearing effect on the residential amenities of either of these properties so that they would become unattractive places to live.
- 9.6.15. **8 Fields Cottage and 9 Gravel Pit Cottages** - are a pair of semi-detached cottages some 646m from the nearest turbine (T7). They are situated to the east side of the A165, between Fraisthorpe and Carnaby. The submitted RVAS assesses them (as worse case scenario) as having a substantial effect on their visual amenity from both the house and residential curtilage in both summer and winter. These particular properties are oriented north-south. The main garden areas are to the south side. The turbines would be at a slight oblique angle and T4 to the south in particular would be in full view. The properties are bounded by hedges and fencing around 2m high. The view to the south is generally unrestricted and they also have views to the east from the curtilage. Given that the closest turbine T7 would be at an oblique angle (to the south-east) to these properties and the turbine in most direct view (T4) would be some 687m away from them the turbines are not considered to have such an overbearing effect on the residential amenities of either of these properties so that they would become unattractive places to live (there is an issue with shadow flicker at these properties which is dealt with in Section 9.5).
- 9.6.16 **Westward Ho and Manor Dene** are two storey semi-detached properties located in the village of Fraisthorpe some 617m to the south-west of the nearest turbine T2. Their rear windows face east and are likely to have direct views of T1, T2 and T3 to the east and more oblique views to all other turbines. There are outbuildings to the rear of Westward Ho and buildings at Manor Farm to the north which would obstruct views of several of the bases from ground level. There are trees belts to the immediate east which would provide good screening (in the winter only). Electricity and telegraph poles are visible across the site which present an existing vertical feature in the landscape in the foreground of the view. Views from the front and side windows of these properties would be unaffected. The turbines would be partially visible over the obstructions of trees and buildings in the foreground. The magnitude of impact to these properties is

assessed in the RVAS to be high and the worst case visual effects would be substantial all year round. There is potential for planting just beyond the rear garden boundary to reduce the impact from substantial to moderate. Without such mitigation the impact has the potential to be overbearing when the existing vegetation is not in leaf.

- 9.6.17 **Shasta** is a relatively isolated detached dormer bungalow located to the east of the A165 at Carnaby Sticks. It would be located around 679m from the nearest turbine T9. T7 is also within 1km of this dwelling. It is surrounded by gardens and mature screening of trees, both deciduous and evergreen. The property faces south-west. The trees on the boundary and beyond the site would provide some screening and filtering of the turbine bases. Electricity and telegraph poles traverse the middle ground of the view. All views of the turbines would be oblique (to the south-east) rather than direct given the south-westerly orientation of this property. Views from the gardens would be more direct depending on which direction the receptor was facing, the time of year and the density of the landscaping on the boundaries. There are gaps between the trees and shrubs which would provide some clear views of the turbines, however more long distance views would be partially screened by copses of trees in the wider landscape to the east. Views to the north and west of the property would be unaffected. The magnitude of impact from this property is assessed in the RVAS to range from medium in the house to high in the gardens. The worst case visual effect is assessed to be substantial all year round from the garden, and moderate from the house itself. There is a good potential for mitigation which could involve planting of evergreen trees along the eastern and southern boundaries of the garden to reduce the visual effect to moderate. If such mitigation is not put in place the turbines could appear overbearing when the existing trees are not in leaf to the detriment of living conditions.
- 9.6.18 **East Cottages and Cliff Farm** were excluded from the applicant's RVAS as they are just outside the 1km criteria however given the proximity of these properties just to the north of the 1km zone and that they have clear views over the site it is considered that further assessment of these properties is necessary.
- 9.6.19. 1 and 2 **East Cottages** are located some 1050m away and **Cliff Farm** some 1180m away from the nearest turbine T8. All three properties are two storey and have a principal (front) elevation facing south. The site is at a slight oblique angle to the south-west of these properties. There are principal living areas or kitchens and bedrooms which face south. **Cliff Farm** has low level vegetation to the front garden and enjoys a clear view from all front windows over the fields to the south. **East Cottages** have hedges to their front boundaries which are at present around 1.5m in height. Views are unrestricted from first floor windows over the fields to the south. All three properties have lawned front gardens. Small groups of trees and to a lesser extent hedges would partially filter views of some parts of the turbines however these properties would be able to see every one of the turbines from their front windows. A number of telegraph and electricity poles and wires traverse the site and these present vertical features in the landscape traversing the foreground of the view. Existing turbines at Lissett are visible on the horizon on a clear day. The magnitude of impact to these properties is considered to be high in both summer and winter, and the significance of effect substantial. This is the same as for 'West Cottages' just to the west of these properties (which are just within 1km). These

properties also have side facing windows which would have some more oblique views of the turbines. They would continue to enjoy open views to the rear (north) side of their properties. Overall the turbines would take up a narrow proportion of the wide field of view available and views from these properties would remain open and agricultural in character. These properties are more than 1000m away from the turbines and despite their view being substantially affected the impact is not considered to be so overbearing or oppressive that it would make the dwellings become unattractive places to live.

9.6.20. The other built elements of the wind farm, including the switchgear building and the anemometry mast, are unlikely to have any significant impact on the visual amenities and outlook of the nearest residential properties, given their relatively small scale, form and distances from these properties.

9.6.21. In conclusion Officers would not have recommended refusal on the basis of impact on living conditions.

9.7. Radar and Communications

9.7.1 Wind Turbines may have an adverse effect on two aspects of air traffic control movement and safety. Firstly they may represent a risk of collision with low flying aircraft and secondly, they may interfere with the proper operation of radar by limiting the capacity to handle air traffic and aircraft instrument landing systems. In respect of wind turbines it is the developer's responsibility to address any potential impacts, taking account of Civil Aviation Authority, Ministry of Defence (MOD), and the Department of Transport guidance, before planning applications are submitted. Local Planning Authorities are required to satisfy themselves that such issues have been addressed before considering planning applications. If an objection is raised by either a civil aviation or Defence Estates consultee, the onus is on the applicant to prove that the proposal will have no adverse effect on aviation interests.

9.7.2 NPPF paragraph 164 refers to the need for Local Planning Authorities to work with the MOD to ensure they take into account the most up-to-date information about defence and security needs in the area. EN1 Section 5.4 specifically refers to effects on aviation. Paragraph 5.4.14 requires proposals to be designed to minimise adverse impacts on the operation and safety of aerodromes and that reasonable mitigation is carried out. If it is considered that the development would significantly impede or compromise the safe and effective use of defence assets or have an impact on the safe and efficient provision of en route air traffic control services for civil aviation, consent should not be granted (Paragraph 5.4.17). Emerging East Riding Local Plan (Preferred Approach Core Strategy 2010) policy HQE7 refers to proposals for renewable energy development and specifically states at B2 that developments should take into account the effects of the development on navigation and radar.

9.7.3 An Aviation Study has been carried out by the applicants to assess the potential impacts on both civil and military aviation. Potential impacts on aviation include effects on primary and secondary surveillance radar systems, physical safeguarding of aerodromes, and low flying activities.

- 9.7.4 The presence of moving turbine blades can affect radar such as obscuration of unknown aircraft, difficulty tracking aircraft through clutter, and presentation of abnormal radar returns from turbines which could appear like an aircraft. The turbines at Fraisthorpe will be visible on both military and civil radar.
- 9.7.5 It is noted that numerous applications for both wind farms and single wind turbines within the East Riding and adjoining authorities are currently held up because of objections relating to radar issues. DECC is working with the signatories of a new Memorandum of Understanding to develop, resource and implement radar mitigation programmes for defence and civilian aviation radar over the next few years. However at this moment in time for this particular site it is not certain when any proposed mitigation will take place, e.g. at Staxton Wold or Claxby.

Military Aviation Radar

- 9.7.6 The site lies approximately 21.2 km from an RAF station with a radar at Staxton Wold. Pre-application discussions between the applicant and the Ministry of Defence (MoD) related to a different scheme on the site and the MoD had previously stated to the applicant (in April 2011) that they had no objection to the original six turbine scheme but would object to the additional three. The current nine turbine scheme occupies a similar area.
- 9.7.7 The MoD have been consulted on the application submission and have objected on the grounds that the probability of the radar detecting aircraft flying over or in the vicinity of the turbine would be reduced and the RAF would be unable to provide a full air surveillance service. This objection clearly raises significant issues in relation to potential air surveillance and associated air safety issues.
- 9.7.8 The applicant maintains that such issues can be dealt with by condition however without confirmation that this would satisfy the MoD the application should be rejected.

Civil Aviation Radar

- 9.7.7. Consultation on the effects of radar on civil aircraft have taken place with the Civil Aviation Authority and the National Air Traffic Safeguarding. There are no civil or military aerodromes within 15km of the site. The CAA do not raise any particular comments but advise consultation with other relevant bodies.
- 9.7.8. National Air Traffic Services En Route Ltd (NATS or NERL) have also objected in relation to safeguarding criteria for Claxby radar station, which is on the Lincolnshire Wolds. This radar dome controls UK civil aircraft. The applicant states that mitigation is available and a condition is under negotiation with NATS however this has not been forthcoming. In the absence of this, the potential impact of the wind turbines on civil aviation radar needs to be included as a reason for refusal.
- 9.7.9. The site is located in an area used by the Leconfield Helicopter Training Area. RAF

Leconfield and Bridlington Coastguard have been consulted and responses are awaited.

- 9.7.10. The Civil Aviation Authority have confirmed that the NERL and MOD are responsible for the safeguarding of their own operations and remain responsible for providing expert testimony as to any impact on those operations. It is for the wind turbine developer to propose and agree mitigation solutions with the affected operators, if options for mitigation exist. The lack of a statement of objection or support from the CAA should not be taken to mean that there are no aviation issues, or that a comment from an operator lacks weight.
- 9.7.11. The Local Planning Authority is willing to work with the appellant, NERL and the MOD to establish if an appropriate Grampian condition can be devised to overcome the radar issues. However without the confirmation from the aviation authorities that such a condition would be workable, radar issues must be included as a reason for refusal.

Telecommunications Apparatus

- 9.7.12. The relevant bodies regarding communication issues have been consulted with respect to navigational/radar/microwave/UHF links. Wind turbines, as with any large structures, can potentially interfere with microwave or electromagnetic signals, particularly in relation to mobile telephones and radar. For example, if a turbine is located such that the blades pass through a mobile telephone link the link will be broken and the mobile service disconnected therefore turbines either have to be located outside of the link or the link has to be moved. In order to determine where the links are and whether the turbines will cause any disruption Ofcom are consulted.
- 9.7.13. There is little evidence of adverse interactions with radio transmission and reception, including domestic radio services, CB and emergency services communications and other cellular telephone systems, due to the low frequency of the signals. No further assessment is required. The relevant bodies regarding communications issues who have responded confirm that the turbines are unlikely to cause concerns with regard to navigational/radar/microwave/UHF links.

Television Reception

- 9.7.14. The proposed development is unlikely to impact on TV quality as the transmitter which covers the East Yorkshire region has completed the switch to digital TV. Ofcom reports that digital signals are much better at coping with signal reflection and do not suffer from 'ghosting' of images on screen and as the digital switchover occurs across the UK, the strength of transmitters is increasing, much reducing the chance of interruptions in signals. Tests of digital TV signals have shown that they are more robust and less affected by the wind turbines.
- 9.7.15. As the development will take place after the switch over to digital television in this area, it is unlikely that the development will effect terrestrial television reception. A condition could be included in the event of the appeal being allowed to ensure no adverse impacts if considered necessary.

9.8. Heritage

Effect on the Setting of Listed Buildings

- 9.8.1. National policy regarding impact on heritage assets is set out in section 12 of the NPPF 'Conserving and enhancing the historic environment'. Paragraph 129 states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise. The impact of a proposal should avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 132 states that the more important the asset, the greater the weight should be given to its conservation. Substantial harm to heritage assets of the highest significance (including Grade I and II* Listed Buildings) should be wholly exceptional.
- 9.8.2. Paragraph 133 goes on to say that where a proposed development will lead to substantial harm Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh harm or loss. Where a development proposal will lead to 'less than substantial' harm to the significance of a designated heritage asset (para 134), this harm should be weighed against the public benefits of the proposal.
- 9.8.3. Also relevant is paragraph 137 regarding developments within the settings of heritage assets, where local authorities are advised 'to look for opportunities for new development within Conservation Areas... and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.' Paragraph 131 states that local authorities should take account of 'the desirability of new development making a positive contribution to local character and distinctiveness'. Paragraph 97 regarding climate change mitigation is also relevant. This states that local authorities should 'design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts'.
- 9.8.4. Regional policy relating to the historic environment is set out in ENV9 which requires the safeguarding and enhancement of the historic environment, ensuring that historical context informs decisions about development.
- 9.8.5. Joint Structure Plan policy ENV6 states that the setting, character or appearance of strategically important buildings, features and areas of historic or architectural interest should be protected and where appropriate enhanced. Local Plan policy EN20 refers to proposals affecting Listed Buildings and states that proposals will only be permitted where the character, appearance and setting of the building and its curtilage will be retained. These saved policies are compatible with the NPPF Section 12 'Conserving and Enhancing the Historic Environment'. They do not however detail 'public benefit' issues as set out in Paragraphs 133 and 134 (see 9.8.2. above).

- 9.8.6. The nearest Listed building is Manor Farmhouse (Grade II) in Fraisthorpe to the immediate south-west of the site, some 600m from the nearest turbines (T2 and T4). St Edmunds Chapel (Grade II) is further to the south some 610m away from T2. The nearest Conservation Area is Bridlington Hilderthorpe approximately 2.2km to the north. There are a number of other Listed Buildings in the area and the applicant has identified and assessed all Listed Buildings (and other heritage assets) within 15km of the proposed turbine within their Environmental Statement.
- 9.8.7. The Conservation Officer has considered the appellant's heritage assessment and concludes that they have underestimated the scheme's impact on the setting of several heritage assets, and disagrees with their comment that mitigation is not necessary.
- 9.8.8. In relation to St Edmunds Chapel, this building stands prominently on a mound and the setting has few modern intrusions. The Conservation Officer considers that the setting makes a high contribution to the asset and the sensitivity would be classified as high. Whilst the appellant suggests that views of the chapel will be unaffected it is considered that the whole wind farm would be visible during the winter from the church, due to the proximity and the open countryside setting. Instead of a flat agricultural landscape with hardly any modern intrusion, the visitor would see tall vertical structures with moving rotors. The scheme's magnitude will change the surroundings to such a degree that the baseline setting would be substantially altered, not moderately as suggested by the appellant. It is concluded that the scheme would have a major impact on the setting of the chapel.
- 9.8.9. Manor Farmhouse is the closest Listed building to the turbines however it is not mentioned in the heritage section of the Environmental Statement. The property is late 17th century in origin. The Listed Building in its entirety can be best seen from some distance, e.g. the A 165, and parts of the turbines and their rotor blades could be seen above the building's roof line. Seeing a multitude of rotor blades appearing and disappearing above a large farmhouse with subservient outbuildings will have an impact that can not be described as moderate. The Conservation Officer assesses the scheme's potential magnitude of impact as being high, resulting in a major negative effect on the setting of Manor Farm.
- 9.8.10. The complex of Grade 1 Listed buildings at Burton Agnes Hall lies approximately 5.2km to the north-west of the site. All turbines would be in view from Burton Agnes Hall which is set on the Wolds slopes overlooking the coast. This includes its Gatehouse and Manor House, and the church of St Martin (all also Grade I Listed). This is an important complex of Listed Buildings of national significance and it is this site which English Heritage has raised serious concerns about in their consultation response. They state that the close grouping of highly significant designated heritage assets at Burton Agnes is exceptional in the East Riding, and represents arguably the most significant group of this kind in the county. Their detailed consultation response sets out the importance of the buildings and their setting and note that the views of the landscape surrounding the Hall and the Gatehouse with its prominent horizon make a significant contribution to the appreciation of the siting and context and form an essential part of their 'baseline'

landscape setting. The views looking south and east are identified as key.

- 9.8.11. The applicants assessment states that the turbines would not intrude on specific 'key views and vistas' and concludes that the predicted impact on the complex would be 'low' or 'imperceptible', and the degree of predicted effect would be of 'negligible significance'. English Heritage (and the Conservation Officer) regard this as a significant underestimate of the effect. The prominent visibility of the turbines in wider views would be significant and harmful to the setting and significance of the Hall, Gatehouse and Manor House.
- 9.8.12. English Heritage also consider that the potentially significant impact on 'dynamic' or 'kinetic' views by visitors moving through the historic property are not sufficiently assessed by the applicant, nor are potentially significant cumulative impacts when seen in conjunction with the other turbines in the area are not adequately assessed (existing and consented).
- 9.8.13. They consider that the impact of Lissett on the setting of the complex is somewhat mitigated by the distance of the turbines and their clustering as a discrete group, which means that visually they are more easily accommodated by the viewer than a closer and/or more dispersed series of turbines would be. The Fraisthorpe turbines would be closer to Burton Agnes and dispersed along the horizon, with only a partial clustering and would potentially be more visually disruptive in views.
- 9.8.14. The Conservation Officer feels that the level of magnitude on the Hall and Manor House would be at least low to medium, not 'imperceptible' as assessed by the appellant.
- 9.8.15. English Heritage and the Conservation Officer view that the applicant underestimates the potential impact of the development on the setting and significance of the heritage assets of the complex. English Heritage consider, in NPPF terms, that the harm would be less than substantial but nevertheless be significant. They do not specifically object but recommend that the harm needs to be carefully weighed against the public benefits of the proposal (as set out in paragraph 134 of the NPPF).
- 9.8.16. Overall it is considered by Officers that while the impact on setting of these particular Listed buildings has been underestimated, and would result in some harm to setting, the impact would not be substantial. The fact that the wind farm comprises structures that will only be in situ for a temporary period is accepted. It is concluded that the public benefits of the proposal in relation to provision of renewable energy would outweigh the impacts but only if a mitigation scheme is put in place and secured by condition and/or legal agreement if the appeal were allowed. This would include further tree planting to help break up the views between Manor Farm and St Edmunds Chapel and the wind farm. It is understood that such mitigation is feasible as the land required is in the ownership of the appellant.

Effect on the Setting of Conservation Areas

- 9.8.17. There are several Conservation Areas in and around Bridlington including Hilderthorpe,

Old Town, Quay, Bessingby and Sewerby. The nearest Conservation Area to the site is Hilderthorpe some 2.3km to the north. Most of the turbines would be clearly visible when looking at the Conservation Area from South Marina Drive, which is the main road which runs along the seafront in the town, terminating at Kingston Road/Belvedere Parade within the Conservation Area. It is clear that the houses within this area were built to be seen from these roads and the beach and to allow views over the sea and the largely horizontal landscape.

- 9.8.18. From the beach and South Marina Drive, the Lisset turbines are visible on most days, but they appear as small features on the horizon. The proposed Fraisthorpe turbines which would be far closer would challenge this perception, as their rotor blades would appear above the roofscape and harm the ability to appreciate and experience the Conservation Area. Looking at the height of the turbines and how their blade tips appear above the roof line the Conservation Officer fears that they would be visible from the Bowling Green to the south of Trafalgar Crescent which lies within the Conservation Area, and they would be highly visible from within the Conservation Area at Belvedere Parade.
- 9.8.19. It is concluded that the wind farm would certainly have at least a moderate impact on the Hilderthorpe Conservation Area, and the appellants assessment of the significance of the impact as negligible is clearly an understatement.
- 9.8.20. Bridlington Quay Conservation Area further to the north is functionally and historically tightly connected to the Grade II Listed harbour piers, where the mainland meets the open sea. The setting is considered to make a high contribution to these assets and not moderate as described by the appellant. This location makes a strong positive contribution to understanding the siting and its historic and architectural context and occupies a prominent position, between the sea and town, between the flat coast to the south and the steep coast to the north. All nine turbines would be visible when looking south past the Hilderthorpe Conservation Area and the low lying landscape.
- 9.8.21. It is concluded that the appellant's estimated significance of the predicted effect will be much higher than 'minor', and will be at least moderate.
- 9.8.22. The setting of the other Conservation Areas in the Bridlington area (Old Town, Bessingby, Sewerby) are not considered to be adversely affected.
- 9.8.23. Overall it is considered by Officers that while the impact on setting of these particular Conservation Areas (Hilderthorpe, Quay and to a lesser extent Burton Agnes) has been underestimated, and would result in some harm to setting, the impact would not be so substantial as to recommend refusal on these grounds. The setting in terms of landscape and visual impact from these areas on receptors is considered to be the most significant issue as set out in Section 9.3. of this report.

Archaeology

- 9.8.24. Local Plan policy EN13 and Joint Structure Plan policy ENV7 require that where sites

are of archaeological significance, full provision should be made for the protection of the site, or where this is not practicable or justified the proper investigation and recording of it. Sufficient details are required to enable such an assessment to be made.

9.8.25. The submitted ES includes a desk-based assessment of the heritage assets on and around the site. The area includes Romano-British and Medieval occupation (connected with Auburn Sands to the east) as well as numerous World War I and II defensive structures including several pillboxes.

9.8.26. Humber Archaeology Partnership (HAP) have commented on the application, confirming that the site lies within a sensitive archaeological landscape, and mention several finds already recorded in this area. No surveys (trial trenching or geophysical) have yet been carried out therefore HAP cannot make an informed decision on the archaeological impact. The ES recommends a programme of evaluation that HAP support. If the evaluation shows that there are significant archaeological deposits which will be affected by the proposed development, mitigation measures should be explored to ensure their preservation. A condition is recommended should the appeal be allowed.

9.9. Ecology and Ornithology

9.9.1. NPPF paragraph 118 states that Local Planning Authorities should aim to conserve and enhance biodiversity, and that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or compensated for, then planning permission should be refused.

9.9.2. The Habitat Regulations and the Wildlife and Countryside Act afford protection to internationally and nationally designated sites, habitats and species outside of designated sites, and conservation of species of species protected by law. These requirements are also reflected in the development plans through Regional Spatial Strategy policy ENV8, Structure Plan policy ENV3 and Local Plan policies EN8, 9 and 11.

9.9.3. The site is not located within or adjacent to any sites designated for nature conservation at the national, regional or local level. The nearest European designation is Flamborough Head SPA, SAC and SSSI. An Ecological Impact Assessment has been submitted as part of the Environmental Statement. It evaluates the likely impact of the proposed development on species and provides details on mitigation to reduce impacts and proposed enhancements.

9.9.4. The habitats at the proposed wind farm site comprise arable fields, hedges with narrow strips of rough grassland at the field margins, drainage ditches, scrub, two small ponds (and a larger pond with scrub and reedbed on the site boundary) and three small copses. These habitats are all common in the surrounding landscape. Although of low intrinsic (primary) value, the hedges and copses have some secondary ecological value as potential flight-lines and foraging areas for birds and bats. The ecological value of the hedges could be improved by 'gapping-up' with native shrubs.

9.9.5. The only direct impacts on these habitats would be from widening of six existing field

accesses to accommodate the proposed access tracks for the wind farm, which would result in the loss of a maximum of 42m of hedge habitat. This would be compensated by creation of approximately 140m of new hedgerow to join up two separate sections of hedge south of Turbine 7 running east to west from the centre of the site, leading away from a block of woodland. This is likely to improve ecological connectivity across the site for species such as bats and birds, in a location well away from turbines.

- 9.9.6. There is a Badger sett on site and the applicant states that there would be no works with heavy machinery within 30m of the Badger sett and night-time driving along the access tracks will be avoided to reduce the risk of injury to Badgers. The site will be re-surveyed for Badgers prior to construction in case any new setts have been built. There will be no direct impacts on Badgers as a result of the wind farm.
- 9.9.7. Bat use of the site was found to be very low, and most of the recorded activity was of commuting and foraging bats along the hedges and around the copses in the northern half of the site. Surveys found very little bat activity in the open fields and this was mainly by Common Pipistrelles. Low levels of bat activity are to be expected in coastal locations where wind speeds are high and in a landscape with little foraging or commuting habitat. Turbines in the northern part of the site would all be at least 50m away from hedges in accordance with guidance from Natural England. Some in the southern part of the site would be within 50m however these were found to have very low bat activity and are very gappy. Natural England are satisfied that the siting of turbines is acceptable in terms of their guidance on Bats and Onshore Wind Turbines.
- 9.9.8. There is some potential for reptiles on the site and no Great Crested Newts were found during surveys. Overall Natural England are satisfied that the proposed development is unlikely to affect a European Protected Species.
- 9.9.9. There is predicted to be only negligible ornithological impacts within the wind farm and no impacts outside of the wind farm site. Surveys found only low numbers of common bird species. Small numbers of water fowl and sea birds were identified flying over the site, and occasional sightings of small flocks of waders including Oystercatcher, Golden Plover and Northern Lapwing. A total of 46 common species were recorded during the breeding bird surveys, 29 of these being breeding species.
- 9.9.10. Collision risk monitoring took place to provide an indication of risk posed by the wind turbines to birds known to be at higher risk of collision. Northern Lapwing and Golden Plover were recorded in slightly greater numbers and the worst case collision risk modelling suggested that up to six Northern Lapwing and fewer than three Golden Plovers would be at risk of collision with turbines during winter. Displacement is likely to occur and there are large amounts of suitable habitat in the nearby landscape which they may relocate to. The impact of collision from the proposed wind farm is deemed to be insignificant.
- 9.9.11. Natural England are satisfied that sufficient ornithological information has been submitted to satisfy the requirements of TIN 069 (Assessing the effects of onshore windfarms on birds).

- 9.9.12. Mitigation, compensation and enhancement should be secured by condition should the application be allowed. This would include further pre-construction surveys, details of new hedge planting, and rough grassland creation.
- 9.9.13. The application is supported by the findings of a comprehensive series of ecological surveys that have been undertaken to inform this planning application. These have followed appropriate guidance and current best practice. The submitted Environmental Statement determines that it contains enough detail to demonstrate that the surveys have been carried out satisfactorily and provide an appropriate level of information about the environmental characteristics of the site.
- 9.9.14. On the basis of the information provided within the report, it can be determined that the immediate area of the development is of limited intrinsic ecological value with few habitats or species of note and it is unlikely that the proposed development will cause significant harm to any local or national Biodiversity Action Plan bird species. The findings of the surveys support the conclusions that the ecologists have drawn.
- 9.9.15. Nevertheless the prevention of damaging impacts to the nature conservation interests of the site and the prevention of deliberate harm to the protected species are significant material considerations in determining this planning application. Therefore the mitigation measures outlined in the Ecology Chapter of the ES should be imposed as planning conditions should the appeal be allowed.

9.10. Highway Issues

- 9.10.1. The thrust of relevant Local Plan policies TM4 and TM5 requires development proposals to relate to the existing transport network and that the network, together with any improvements will provide adequate capacity for likely traffic generation. Traffic movements during the operational phase of the windfarm are likely to be minimal, related to infrequent maintenance visits. The most significant effects in terms of traffic generation will be during the construction and decommissioning phases. Construction is expected to take between 6 and 12 months (depending on factors such as ground conditions or the time of year at which construction begins). Traffic generation associated with the construction phase has been estimated based on an eight month programme.
- 9.10.2. The proposed transport route would be from the docks at Hull along the A165 directly to the site entrance within an existing layby to the north-west corner of the site. Both construction materials and abnormal loads are likely to come from a southerly direction. There would be no access via the village of Fraisthorpe. The proposals will involve the installation of around 4km of new track within the site. The route along the A165 has been evaluated as part of a submitted Transport Assessment (TA). This concludes that the site can be safely accessed from the public highway by HGVs and abnormal load vehicles. Swept path analysis drawings show all roads to the site can be navigated without major alteration. Some limited removal of street furniture may be required as a temporary measure during the delivery of the turbine components. The highway would be surveyed

before, and after, to ensure that any damage caused would be rectified by the applicant.

- 9.10.3. Over the 8 month programme, there is likely to be approximately 3908 return vehicle movements. These include deliveries of road stone, plant and equipment, cabling, concrete, cranes and the turbine equipment itself. The TA anticipates that there would be an average of 24 movements per day. The maximum traffic impact is predicted to occur in the third month of construction, with an average of 56 movements per day. Pouring of concrete would be the most intensive period of vehicle movements – for 9 days in the 8 month period 144 vehicle movements per day are predicted to occur. This represents only 3.4% of the annual working weekdays and should not be significant.
- 9.10.4. Traffic movements are predicted to only slightly increase traffic volumes overall on the A165 (by less than 2%) and would be temporary for the 6-12 month anticipated period of construction. Beyond this operational impacts would be limited to planned maintenance and servicing. The impacts during decommissioning would be no greater than during construction. A decommissioning traffic assessment should be undertaken and a new Traffic Management Plan prepared and agreed by condition prior to decommissioning.
- 9.10.5. The unclassified road between Fraisthorpe village and the beach traverses the site and one of the turbines (T1) is to the south of this road, therefore it will need to be crossed by heavy vehicles. This would involve temporary closure of this part of the road as part of a Traffic Management Plan which should be submitted for approval by condition should the appeal be allowed.
- 9.10.6. The Highway Control Officer is satisfied with the proposed access and transport arrangements. He states that the proposed development should not generate an unacceptable increase in the level of vehicle turning movements and on-street parking on the adjacent public highway network. Conditions are recommended in the event of the appeal being allowed, relating to the submission of a Traffic Management Plan; details of improvements (temporary and permanent) to the access and highway network; a Construction Method Statement (relating to siting and storage of construction equipment, compound, and car parking); and details of wheel cleaning facilities.
- 9.10.7. It is considered that subject to these conditions the development would be acceptable in respect of access, general traffic management and other highways issues.

9.11. Public Rights of Way

- 9.11.1. The site contains one public right of way, which is the minor unclassified road linking Fraisthorpe village to the beach. The closest turbine to this road is T2, which would be 150m away. This separation distance is fall over distance plus 10% from the base to the tip which is in excess of the recommendations previously set out in PPS22 Companion Guide. There are no bridleways or footpaths within or adjoining the site. There is a public footpath to the north-east linking Wilsthorpe to Southshore and the rest of Bridlington, and a public bridleway along the road to the north at Wilsthorpe. These are a significant distance from the nearest turbine and their use would be unaffected.

9.11.2. The Ramblers have objected to the application stating that the turbines will have an adverse effect on the beauty of the countryside around Fraisthorpe, however do not specifically mention use of particular public rights of way. No comments have been received from the British Horse Society. It is considered that the development when operational would no discernible impact on rights of way or bridleways.

9.11.3. There may be some disruption causes to users of the road through the site during construction, as it would need to be crossed for the construction of Turbine T1 to the southern end of the site. However there is only one turbine involved and the effects would be temporary. A Traffic Management Plan would ensure minimum disruption which would be conditional in the event of an approval.

9.12. Loss of Agricultural Land

9.12.1 'Saved' Local Plan policy EN2 Open Countryside aims in part to avoid the loss of the best and most versatile agricultural land. NPPF paragraph 112 states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land and where significant development of that land is necessary, development should be directed to areas of poorer quality land in preference to that of a higher quality. The fields where the development would be sites are of grade 2 agricultural land, which is defined under the Agricultural Land Classification of England as being of good quality.

9.12.2 The loss however would only be for the temporary period whilst the windfarm is operational (25 years), and after that time the land would be restored back to agricultural use. This can be subject of a planning condition in the event of the appeal being allowed. The land in the fields around the wind farm would remain in agricultural use, and the wind farm itself would not prevent access to the fields for farming. The temporary loss of land in respect of the turbine bases, new access tracks, associated hardstandings, mast and switchgear building would be in the region of 4ha. It is understood the agricultural land holding the development would be sited on extends to 265ha.

9.12.3 On the basis of the temporary nature of the loss, the development is considered to accord with Local plan policy EN2 in this respect.

9.13. Flood Risk, Drainage and Geology

9.13.1. The site lies in flood zone 1 - low flood risk, though nevertheless site covers a comparatively large area and regard has to be made to flood risk issues, in accordance with the NPPF and development plan policies on flood risk. A Flood Risk Assessment has been submitted to establish whether the proposed development is at risk of fluvial, tidal or pluvial flooding. There are no main watercourses running through the site however Auburn Beck is located on the north-east boundary close to turbine number 8.

9.13.2. The ground will be compacted during construction, access roads will be laid and turbine bases and substation buildings built which will all increase surface water run off in this

field. The uncontrolled discharge of surface runoff into local watercourses and drains during storm events has the potential to cause localised flooding and increase risk downstream. The FRA sets out various mitigation measures including Sustainable Drainage Systems (SuDS) to control the runoff.

- 9.13.3. Yorkshire Water have no comments and the Environment Agency have no objection subject to condition regarding a surface water discharge scheme.
- 9.13.4. The potential of flood risk is limited, and subject to submission of detailed surface water drainage scheme by condition in the event of a planning approval, the development is considered acceptable in this respect.
- 9.13.5. There are no geological designated sites on or in the vicinity of the site. The site and surrounding areas are relatively level and there are no steep slopes or areas of landslip. The ground is stable and there are no historic records which suggest contamination. There are no groundwater protection zones in the vicinity of the site.
- 9.13.6. The cliffs further to the east are subject to coastal erosion and the Shoreline Management Plan (2010) refers to no active intervention to protect the shoreline in this area. Nevertheless, it is not anticipated that erosion will affect the site in the lifetime of the scheme (25 years). The indicative expected shoreline position in 2055 is just to the east of Auburn Farm which is well outside of the application site boundary.

9.14. Connection to National Grid

- 9.14.1. The electricity produced by the turbines will be generated at between 690V and 1,000V depending on the rating of the turbine. This is stepped up by a transformer located either within the turbine or externally in a separate cabinet to a voltage suitable for connection to the local grid. The turbines will be connected together in a single electrical circuit with three cables. The cable trenches will be laid below ground and carry earthing and communications cables running together at the control building, which will also house metering equipment, control equipment and switchgear. The control building will be located west of Turbine 7 and be connected to the existing distribution network by underground cables.
- 9.14.2. Where ultimately the electricity would feed into the grid is determined through a separate consenting process initiated by the relevant Distribution Network Operator. An initial Grid Connection Feasibility Study has been conducted by the applicant and a point of connection identified at Brett Street in Bridlington. The electricity generated by the wind turbines will be fed into the local electricity distribution network via underground cables installed between the site control building and the point of connection and where possible the route will follow existing tracks on the landowner's land and be within public highways, verges and footpaths.
- 9.14.3. The main planning consideration in respect of electrical connections is normally visual impact and this is referred to by Local Plan policy EN25. In this case both the electrical cabling from the turbines to the switchgear building and export cable are to be installed

underground, and this can be controlled through a planning condition in the event of an approval. The control / switchgear building itself would be a relatively modest building in simple form that would be seen against the backdrop of much larger turbines, and is considered acceptable in visual amenity terms.

9.15. Socio-Economic Issues

- 9.15.1. The development would generate construction work, and would more broadly contribute to the development of the renewable energy industry in the UK. The applicant states that the wind farm has the potential to provide economic benefits to the East Riding through business rates, a community fund, employment and local business opportunities, increased tourism and farm diversification.
- 9.15.2. In terms of the level of business rates that may be payable to the Council if the wind farm is approved this is not a material planning consideration.
- 9.15.3. The applicant has stated that they will set up a community fund to the local community, with payments amounting to £2500 per megawatt of installed capacity per year for the life of the project, which would equate to £56,250 per annum or £1.4 million over the 25 year period. They have carried out consultation and the current consensus is that the benefit would be split in four ways: 1) Rebate on energy bills for those living closest to the scheme (not for those financially involved); 2) Bridlington (including Spa); 3) The parishes of Carnaby and Barmston; and 4) Support for employment opportunities. Residents living within 1km of the turbines could receive a rebate on the cost of their electricity, the level of which would be determined according to how much they are affected in terms of distance and significance of change to their outlook (using the Residential Visual Amenity Study). Such a fund would need to be secured by Section 106 Agreement if the appeal was allowed. However, it needs to be made clear that the provision of a fund carries little if any weight, in relation to making a decision either to approve or refuse a planning application. Little weight has been given the provision of such funds through the planning appeal decisions in the East Riding.
- 9.15.4. Construction of the wind farm and associated infrastructure would involve the creation of jobs locally and regionally. Local business opportunities include use of local accommodation for construction workers, use of local quarries for aggregates, use of local concrete suppliers, and suppliers of plant products and other services. Employment opportunities would potentially involve funding of training schemes, apprenticeships and work experience in green technologies.
- 9.15.5. The applicant cites research into public attitudes to wind farms (in an area of Scotland) which the majority of respondents state that the presence of wind farms made no difference to the likelihood of them visiting the area.
- 9.15.6. Auburn Farm to the east of the site runs a small caravan and camp site. This is an involved property which would financially benefit from the proposal if approved. The applicant states that the additional funds would allow the owners to improve the facilities within the immediate location and potentially provide a café and changing facilities for

users of Fraisthorpe Beach. It is also anticipated by the applicant that tours could be arranged around the wind farm.

- 9.15.7. The wind farm could be viewed as a form of farm diversification. A limited amount of agricultural land would be lost for the tracks and hardstandings and the rest of the land could continue to be used for arable farmland.
- 9.15.8. In terms of tourism, several objectors to the planning application have raised concerns that windfarm has the potential to have a detrimental impact on tourism, as the site lies in close proximity to the beach at Fraisthorpe, several caravan parks, and the main resort of Bridlington. Objectors have also raised the concern that the site would affect views of the landscapes that renowned local artist David Hockney has painted, and the development may detract from efforts to market the area for tourism on this basis. Additionally the beach was used by Visit England as part of their television advertisement campaign this year.
- 9.15.9. However there is no conclusive proof either way in terms of the effect of windfarms on tourism. There is no possible way that any cause and effect could be established for such a large industry with such a multitude of influences. Some studies have concluded that there is no overall detrimental impact, although by and large these studies have been commissioned by the renewable energy industry. Rather, it is more likely to be the case any such impact would depend on the subjective view of one person or another, in terms of whether they take a positive or negative view on windfarms. In the absence of any conclusive evidence that the proposed development would harm tourism significantly, it is considered the development would be acceptable in this respect.

10. CONCLUSION

- 10.1. The proposed wind farm would provide renewable energy which is encouraged by national and local planning policy. However the need to provide renewable energy must be balanced with the local impacts of a scheme in the proposed location.
- 10.2. The application site is in an exposed open landscape which contributes significantly to the character of the Coastal Zone where open and relatively unspoilt views are enjoyed by numerous receptors over Bridlington Bay. The views are expansive and horizontal in nature and contribute to the enjoyment of visitors to the Flamborough Headland Heritage Coast further to the north. The proximity to the major tourist resort of Bridlington means the sensitivity of the site is high to a large number of receptors whether they live and work in the area or visit the area on holiday or for day trips. The high sensitivity of the location is noted in the Landscape Character Assessment.
- 10.3. The site differs from other sites in the East Riding which have been previously accepted for commercial wind farm development as it lies within the coastal strip and is subject to assessment by Local Plan policy CZ8. It lies closer to the cliff edge (500 metres away) than any other wind farm development in this area and the proposed number and height of turbines would make them highly visible from a number of locations, most significantly from Bridlington and the Heritage Coast to the north where the horizontal

sweep of the bay would be punctuated by the turbines. The application would have been recommended for refusal based on landscape and visual grounds.

- 10.4. Whilst there are other wind farms (both in operation and proposed) in the area, the cumulative impact is not considered to be significant given the separation between them and the distinction between the character areas. The other developments are set much further away from the coastline and would appear much more distant within key views from Bridlington and the Heritage Coast.
- 10.5. There is considered to be some substantial impacts on residential visual amenity, particularly from dwellings around Fraisthorpe and Wilsthorpe, and to the south of Carnaby. However whilst views from these dwellings are considered to be significantly affected the impact would not be so overbearing that it would make their living conditions intolerable. Mitigation measures such as planting schemes would help to reduce impacts on views from dwellings (which should be conditioned if the appeal is allowed).
- 10.6. Other impacts on living conditions including noise and shadow flicker would not be significant subject to appropriate conditions.
- 10.7. The site lies within an area which is subject to aviation radar issues, both at Staxton Wold (MOD) and Claxby (NERL). The relevant aviation consultees object to the application as the turbines raise significant issues with relation to air surveillance and safety. Officers therefore would recommend a reason for refusal on this basis. However should an appropriate Grampian condition be put forward by the appellants which satisfies the relevant bodies the Local Planning Authority may reconsider this issue.
- 10.8. The site lies in close proximity to two Listed buildings (Manor Farmhouse and St Edmunds Chapel in Fraisthorpe) and is also within clear view of the important complex of Grade I Listed buildings at Burton Agnes Hall. The setting of nearby Conservation Areas at Bridlington (Hilderthorpe and Quay) would also be affected. These heritage assets have been carefully considered and whilst the appellant has underestimated the impact on these buildings and Conservation Areas the impact on their settings is less than significant and is not considered so harmful to warrant a recommended reason for refusal, and would be outweighed by the benefits of the provision of renewable energy. The potential harm to the nearest Listed buildings could be reduced by the imposition of conditions/legal agreement requiring a planting scheme to provide some screening.
- 10.9. The effects of the development have also been considered with regards to likely effects on telecommunications, highway safety, public rights of way, loss of agricultural land, flood risk, drainage and geology, nature conservation and socio-economic issues. The application is considered acceptable in all of these respects.
- 10.10. The significant benefits relating to the provision of renewable energy have been taken into account and weighed against the adverse effects of the scheme. Officers consider that the adverse landscape and visual impacts of the scheme outweigh these benefits and

would therefore have recommended refusal on this basis. Radar issues have also not been resolved in good time.

- 10.11. Members are asked to confirm that, on the basis of the information which is currently available to them, the application would have been refused for these two reasons.

11. HUMAN RIGHTS

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

12. RECOMMENDATION

That the Committee endorse the view that, should determination of the application still have been within their jurisdiction, the application would have been **REFUSED** for the following reasons:

1. The height, number and location of the turbines associated with the proposed wind farm would introduce uncharacteristic vertical structures into the relatively unspoilt coastline of Bridlington Bay. The area is within an area designated as Coastal Zone (Holderness Plain) by East Yorkshire Borough Wide Local Plan. The proposal would visually dominate the landscape and conflicts with policy CZ8.

East Riding of Yorkshire Landscape Character Assessment (Landscape Character Area 20C) recognises that the landscape has the capacity to accept commercial wind farm development that is set back from the coast, however it also states that the sensitivity of the location would change to high close to major resorts. The close proximity of the turbines to the coastline would have a direct and negative physical effect on the character of the area. The area extending from Ulrome to the South to the town of Bridlington and Flamborough Headland Heritage Coast to the north would be significantly adversely affected by the development. Benefits relating to the provision of renewable energy would not outweigh these adverse landscape and visual effects.

The proposal does not accord with NPPF paragraph 109, guidance offered in National Policy Statements 1 and 3 (Section 5.9. of EN-1 and 2.7. of EN-3), Regional Spatial Strategy (Yorkshire and Humber Plan) policy ENV10(b), Joint Structure Plan for Hull and East Riding of Yorkshire policy SP4(a), and East Yorkshire Borough Wide Local Plan policies EN2 (2, 3 and 5), EN25, CZ1 and CZ8(1).

2. The proposed wind farm would cause unacceptable interference to the radar at RAF Staxton Wold, 21.2km from the site, and Claxby, 66.5km from the site. The Ministry of Defence (MoD) have objected on the basis that the probability of the radar detecting aircraft flying over or in the vicinity of the turbine would be reduced and the RAF would be unable to provide a full air surveillance service. NATS En Route Plc have objected on the basis that turbines of the proposed size are likely to create false primary plots to be generated by its radar at Claxby.

The proposed wind turbines at this location would be in conflict with paragraphs 93 and 164 of the National Planning Policy Framework, and National Policy Statement (EN1) section 5.4. The benefits of generating green energy does not outweigh the significant harm the proposed wind turbines at this location will have in securing a safe RAF Air Defence radar at Staxton Wold and civilian Primary Radar Service at Claxby.

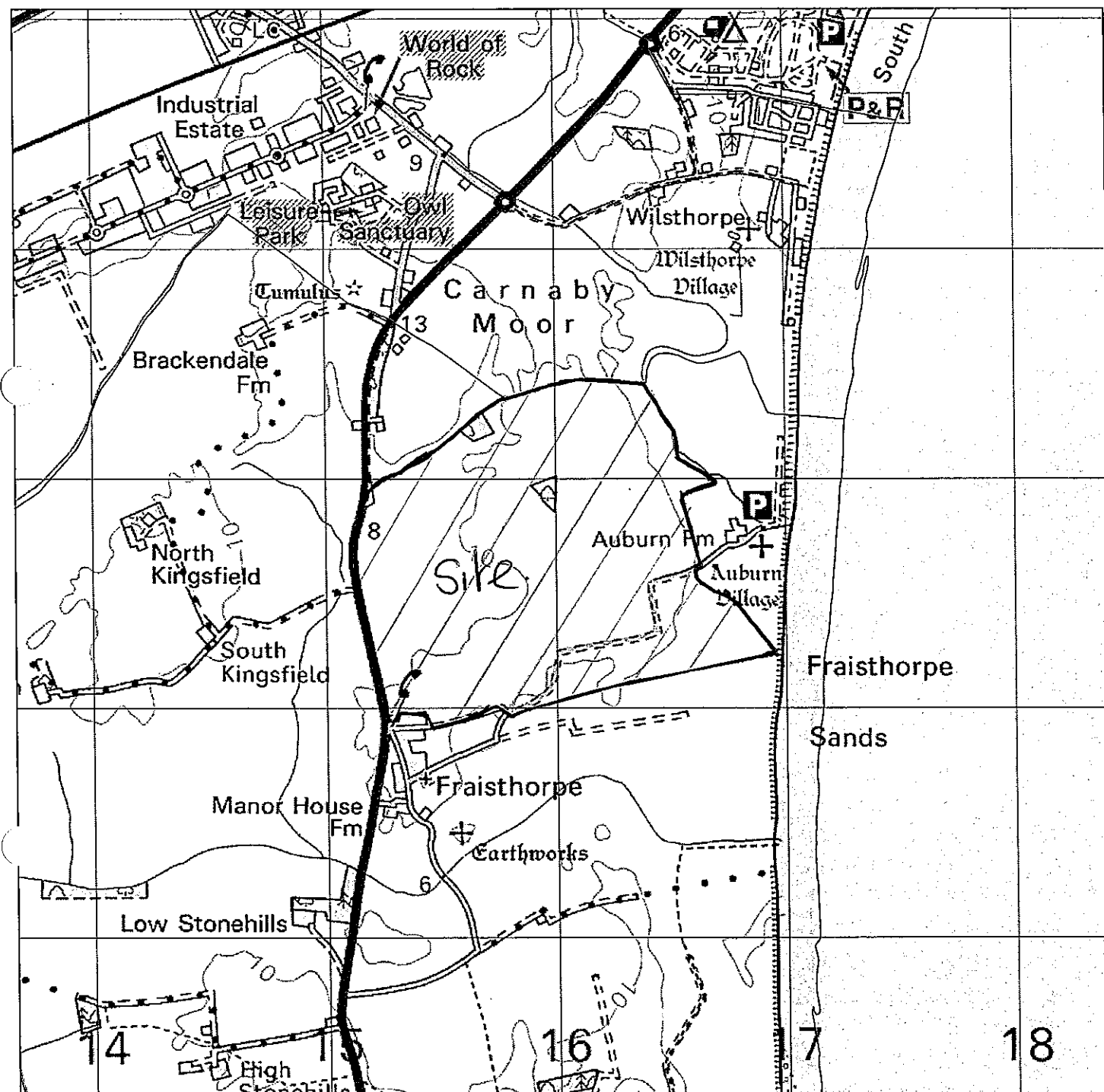
Alan Menzies
Director of Planning and Economic Regeneration

Contact Officer

Mrs Susan Hunt
Principal Development Management Officer
X. 3840

Background Papers

Committee Plan



Scale : 1:25000



EAST RIDING
OF YORKSHIRE COUNCIL

© Crown copyright. All rights reserved
East Riding of Yorkshire Council
Licence: LA09056L

Organisation	Not Set
Department	Not Set
Application	
Date	30 August 2012
SLA Number	Not Set



LEGEND

	WIND TURBINE
	CONTROL BUILDING
	CONTRACTORS TEMPORARY CONSTRUCTION COMPOUND
	PLANNING APPLICATION RED LINE BOUNDARY
	PROPOSED ACCESS TRACK
	CRANE HARDESTAND & TURNING AREA

WIND TURBINE COORDINATES
BRITISH NATIONAL GRID

ID	EASTING	NORTHING
T1	516,515	462,198
T2	515,946	462,152
T3	516,259	462,437
T4	515,482	462,518
T5	515,695	462,557
T6	516,215	462,907
T7	515,766	462,856
T8	516,391	463,299
T9	515,956	463,277

NOTE:
REFER TO DWG No. G80112 P003 FOR A1:1:5000
SCALE SITE LAYOUT PLAN INCORPORATING
APPLICATION RED LINE BOUNDARY

© Crown Copyright, All Rights Reserved. 2012 Licence Number 10001598



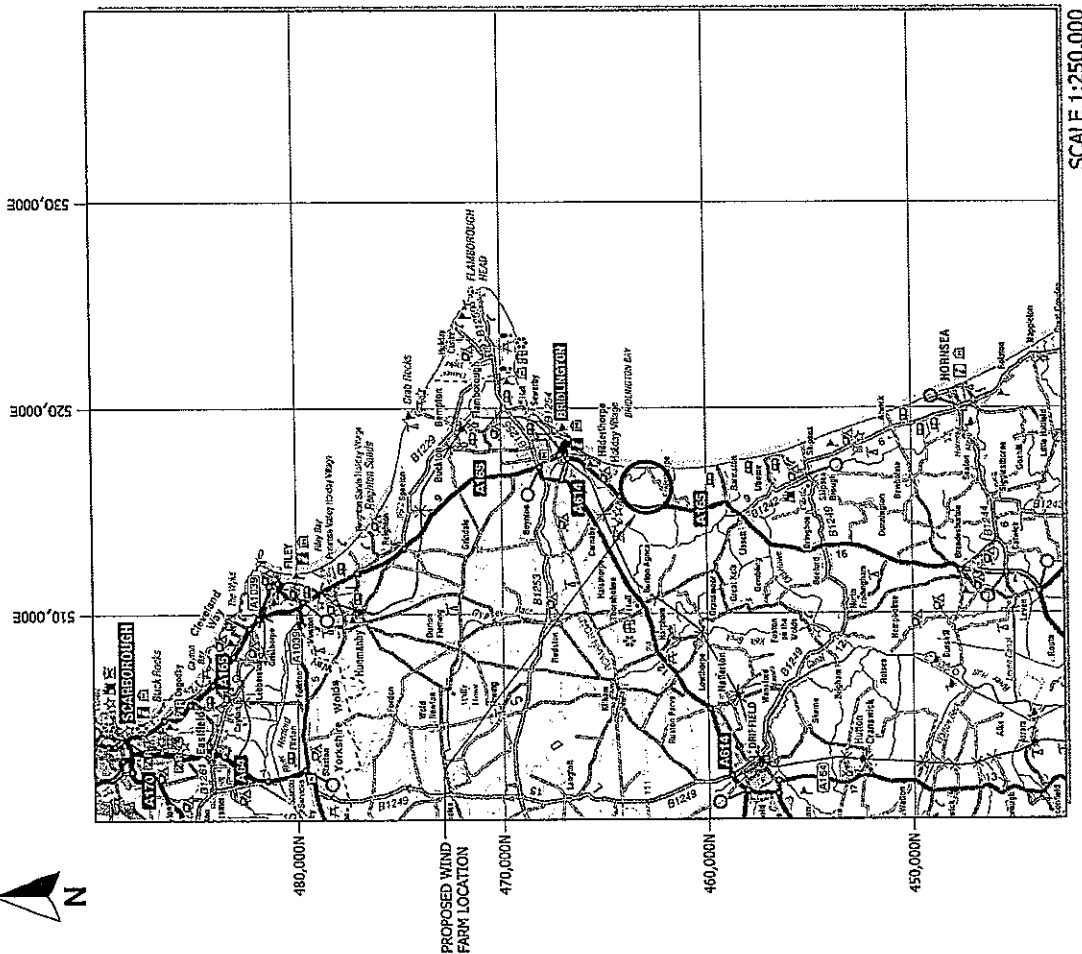
Rev: A
Date: 30/01/12
By: LJ
Description: First Issue

App: BH
Drawing Details:
Date: 30/01/12
Drawn By: LJ
Scale: As Shown
Checked: HT
Approved: BH

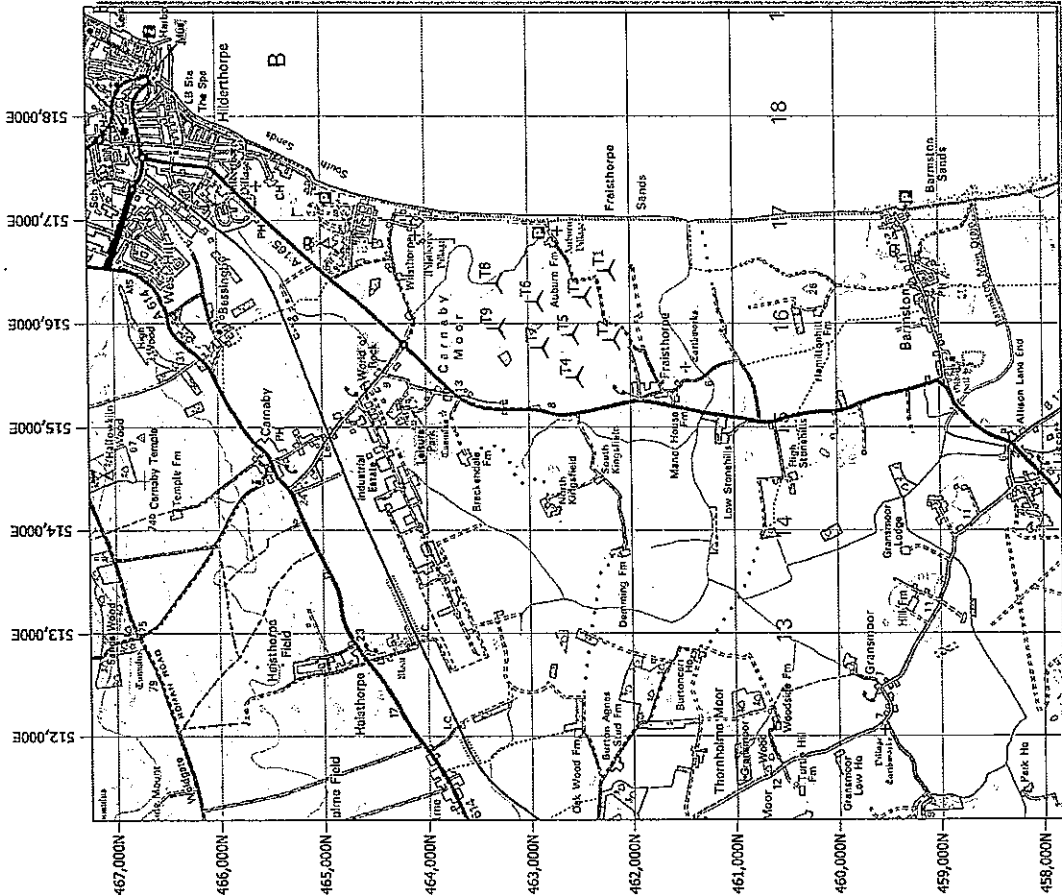
Proposed Project:
Fraisthorpe Wind Farm

Figure 4.2
Application Site Boundary

Drawing Status: Planning | Dwg No: G80112 P012 | Rev: A



SCALE 1:250,000



SCALE 1:50,000

LEGEND



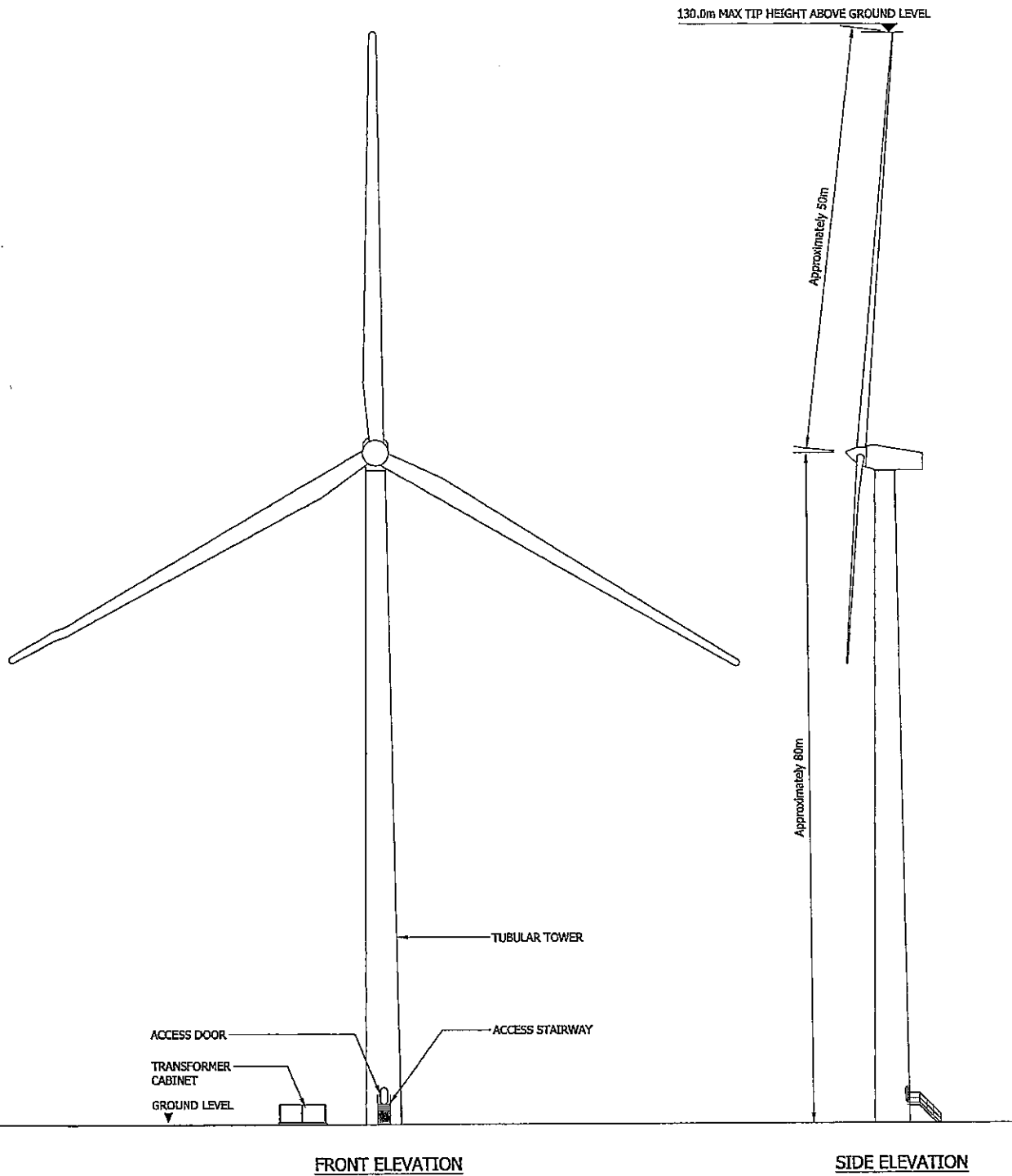
WIND TURBINE

© Crown Copyright, All Rights Reserved. 2012 Licence Number 010001998

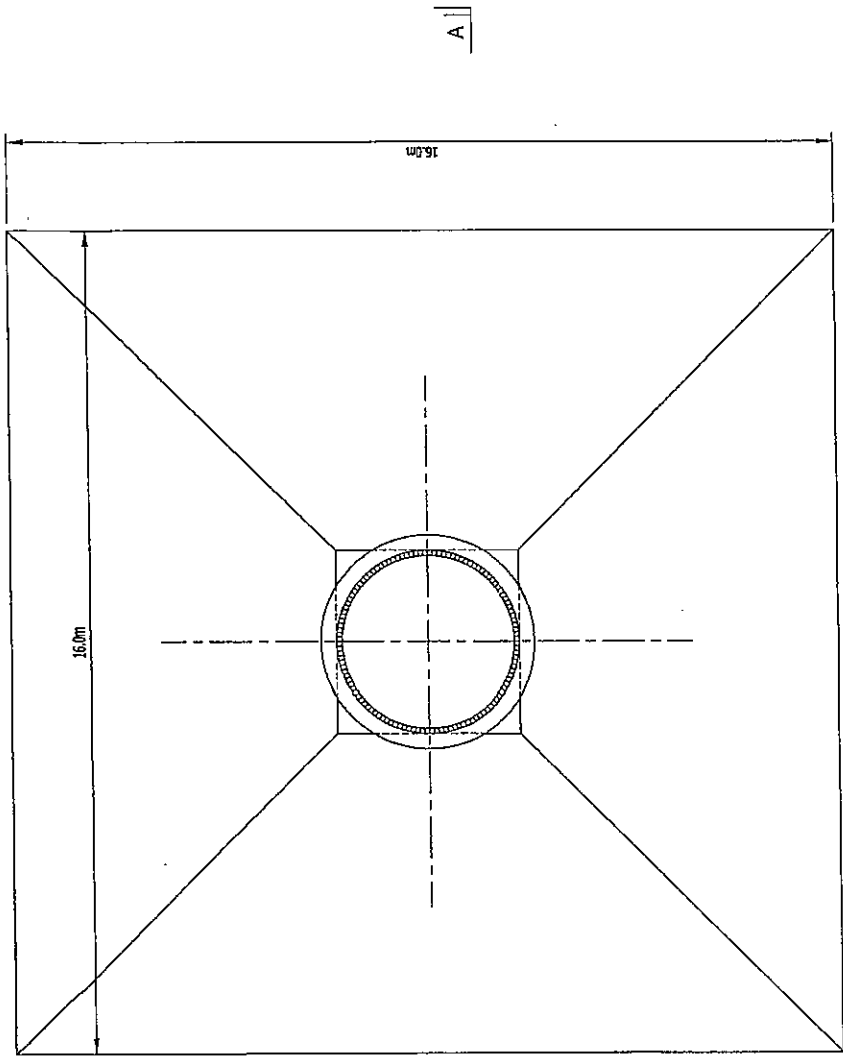


tcl renewables

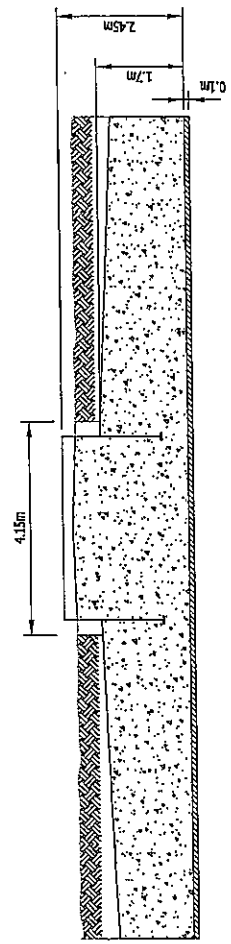
Proposed Project				Title			
Fraisthorpe Wind Farm				Figure 4.1 Site Location			
App	BH	Drawing Details	Date: 30/01/12	Drawing Status: Planning	Drg No: G90112 P001	Rev: A	
BY	U	Description	First Issue				
Rev	A	Date	30/01/12				
				Drawn By:	L	Scale:	As Shown
				Checked:	HI	Approved:	BH



renewables				Title:		Figure 4.3 Typical Turbine Elevations		Drawing Status: Planning		Dwg No: GB0112 P004		Rev: A	
				Proposed Project:		Fraisthorpe Wind Farm							
App:		BH		30/01/12		Drawing Details:							
						Drawn By: LJ							
						Scaled: 1:500							
						Checked: HI							
						Approved: BH							
Rev:		Date:		By:		Description:							
A		30/01/12		LJ		First Issue							



PLAN



SECTION A-A

				Figure 4.4 Typical Turbine Foundation Detail				Title:		Drawing Status: Planning Drg No: G80112 P005 Rev: A							
				Ref: A		Date: 30/01/12		By: J		Description: First Issue		App: BH		Drawing Details:		Proposed Project:	
																Fraisthorpe Wind Farm	

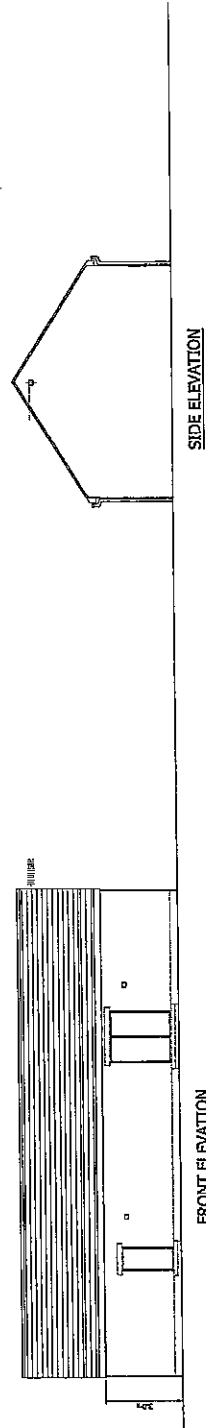
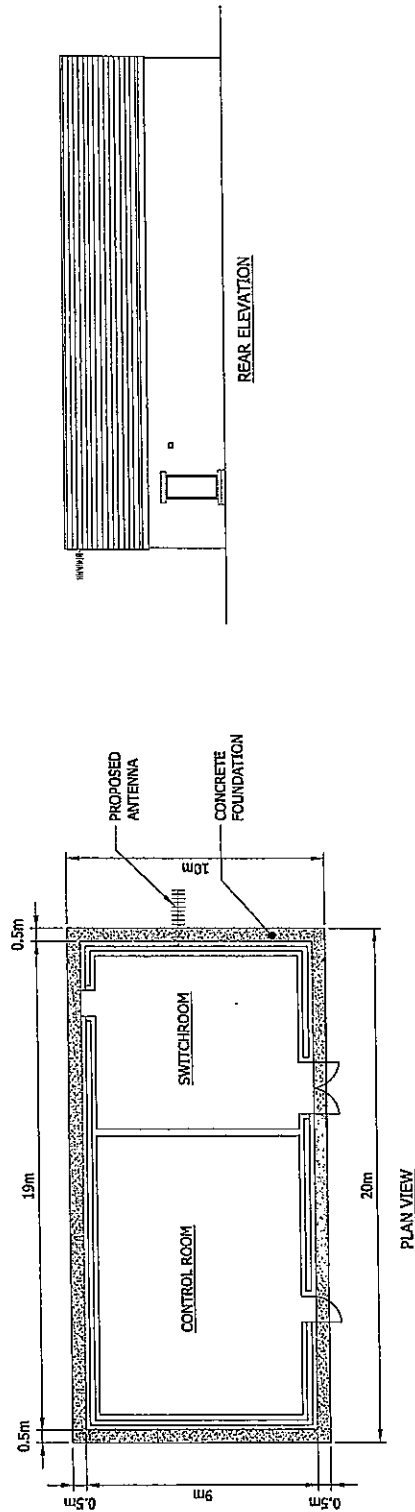


				Figure 4.10 Control Building Plan & Elevations				Title:		Drawing Status: Planning		Dwg No: G60112 P010		Rev: A	
Rev: A				Date: 30/01/12				Proposed Project:				Fraisthorpe Wind Farm			
By: LJ				App: BH				Drawing Details:				Date: 30/01/12			
Description: First Issue				Drawn By: LJ				Scale: 1:200				Checked: HI			
								Approved: BH							



tci
renewables

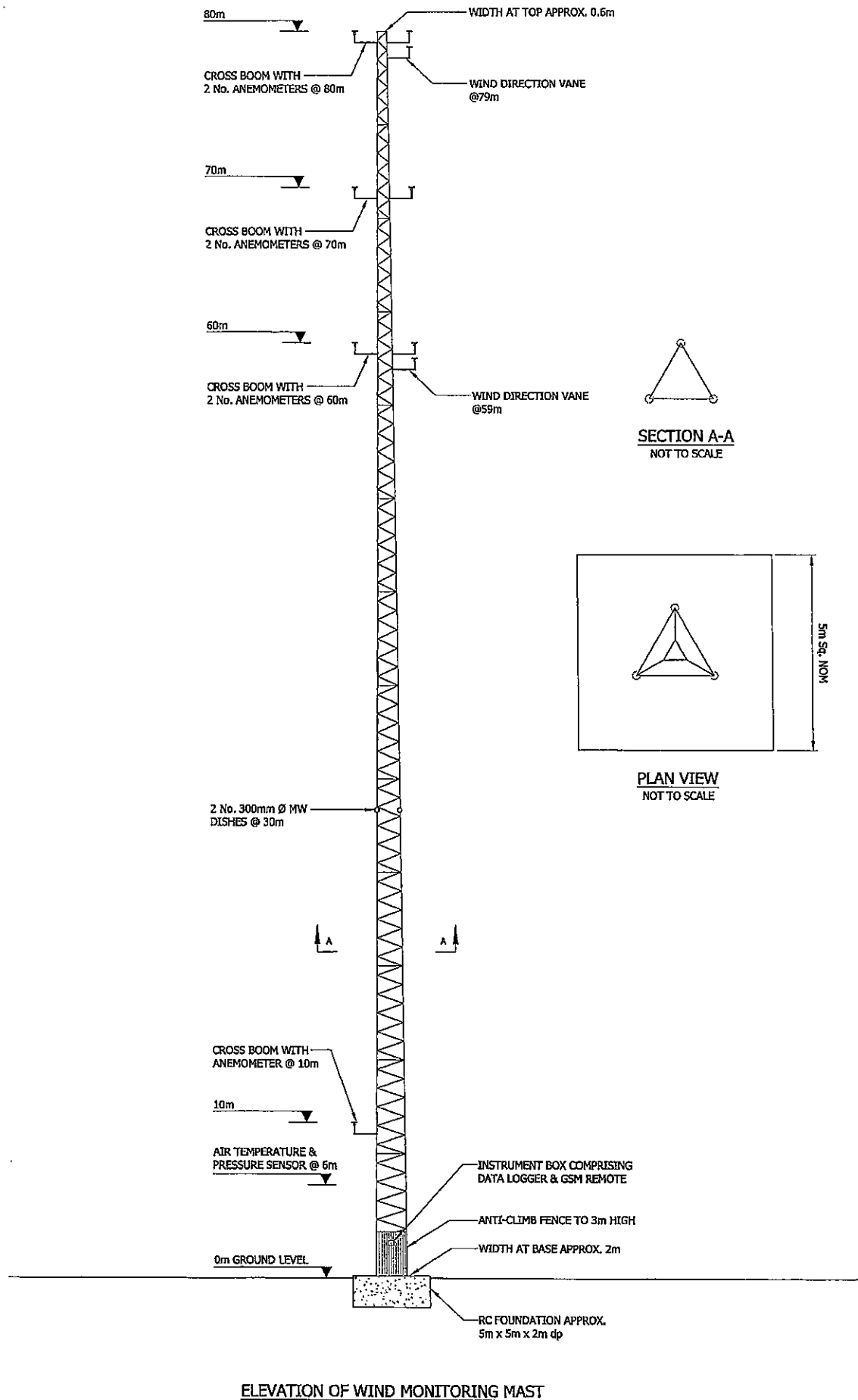
NOTES
1. ALL DIMENSIONS IN METERS
2. HEIGHT OF MAST IS DEPENDANT ON HUB
HEIGHT OF WIND TURBINE SELECTED

Rev	Date	By	Description
A	30/01/12	LJ	First Issue

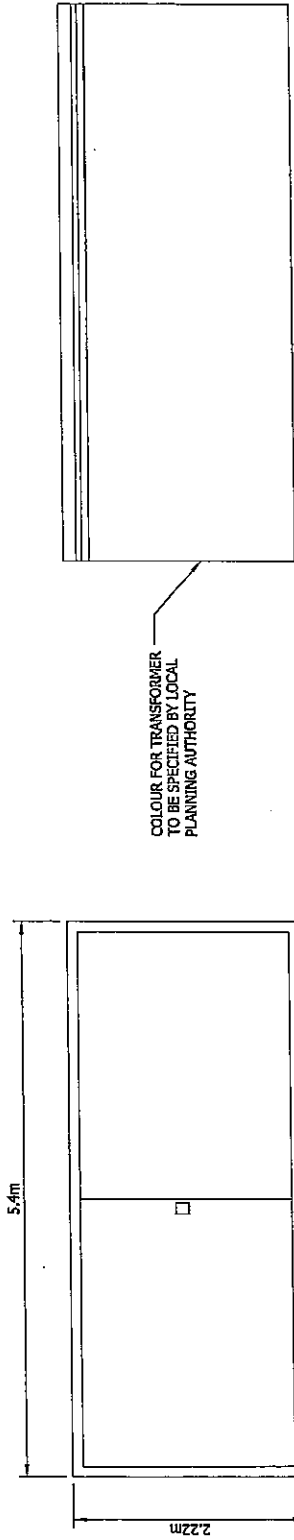
App	Drawn By	Checked	Approved
BH	30/01/12	HT	BH

Proposed Project	
Fraisthorpe Wind Farm	

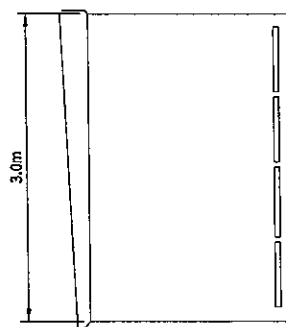
Title:	
Figure 4.9 Wind Monitoring Mast Elevation	
Drawing Status: Planning	Dwg No: GB0112 P011
Rev: A	



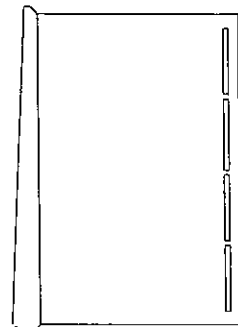
7.



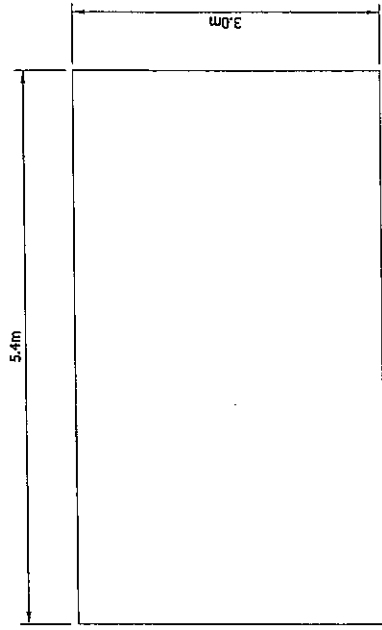
FRONT ELEVATION



SIDE ELEVATION

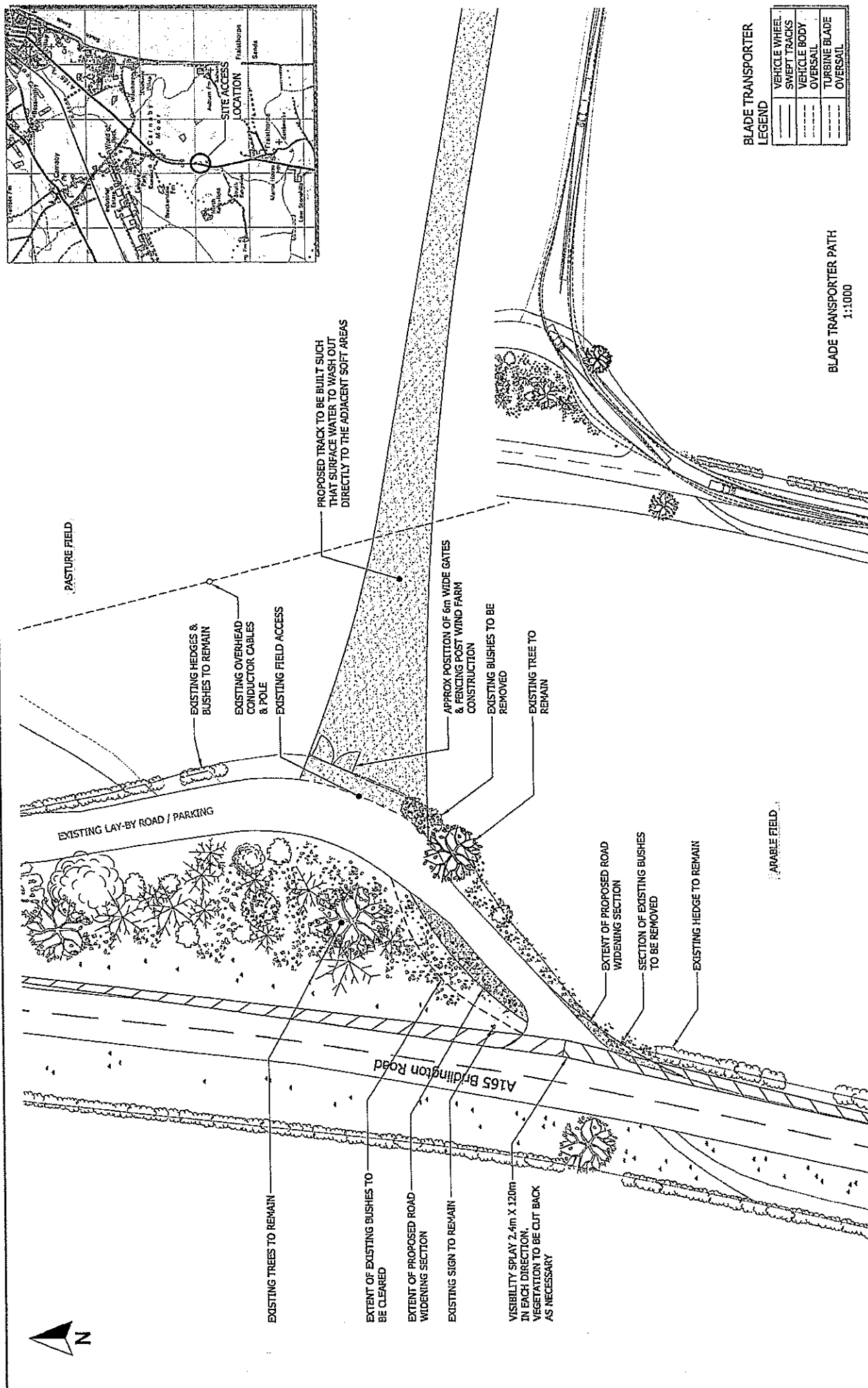
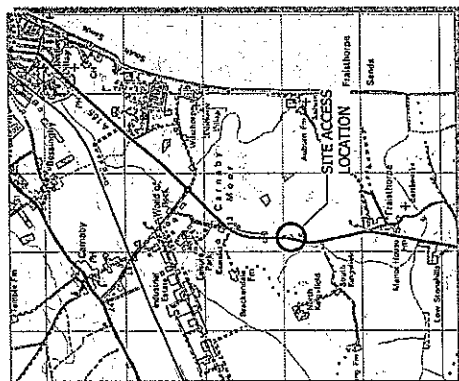


SIDE ELEVATION



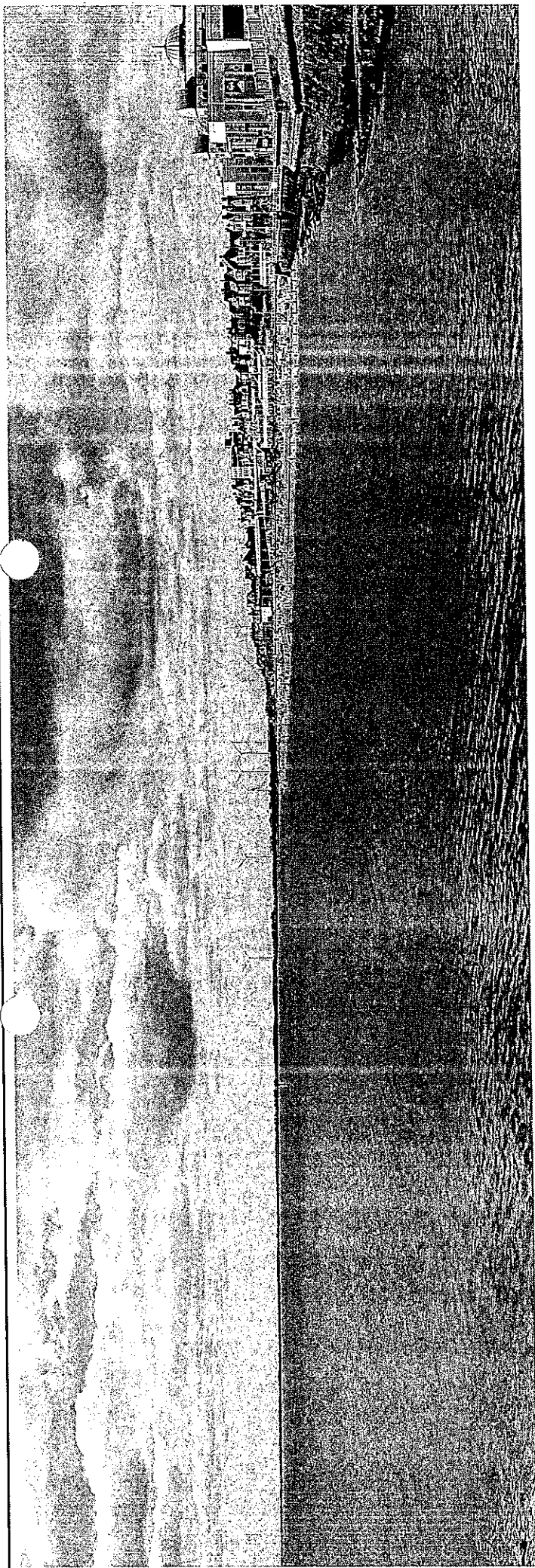
PLAN

				Figure 4.5 Typical Transformer Enclosure Detail				Title:	
Rev	Date	By	Description	App	Drawing Details			Proposed Project	
A	30/01/12	LJ	First Issue	BH	Date:	30/01/12	Fraisthorpe Wind Farm		
					Drawn By:	LJ			
					Scale:	1:50			
					Checked:	HT			
					Approved:	BH			
				Drawing Status: Planning Drg No: G90112 P005 Rev: A					

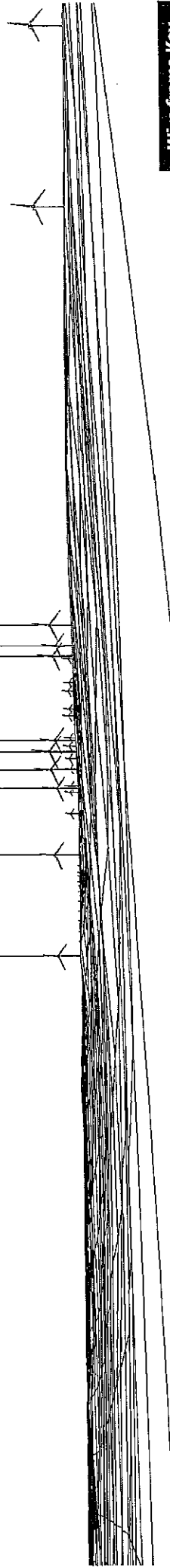


© Crown Copyright, All Rights Reserved. 2012 Licence Number 10001998

renewables				Figure 4.7 Site Entrance Detail				Drawing Status: Planning Drg No: GB0112 P008 Rev: A			
Rev: A		Date: 30/01/12		By: L		App: BH		Proposed Project		Fraisthorpe Wind Farm	
Description: First Issue				Date: 30/01/12		Drawn By: L		Scale: 1:500		Checked: HT	
										Approved: BH	



1 3 2 6 8 5 7 4 9



Wire frame Key

Fraisthorpe	1
Lissett	2
Carnaby	3
Thornholme Field	4
South Dale	5
Hall Farm	6
Withernwick	7

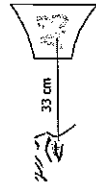


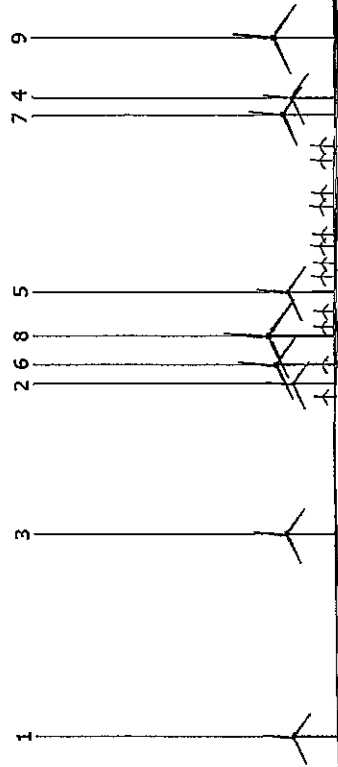
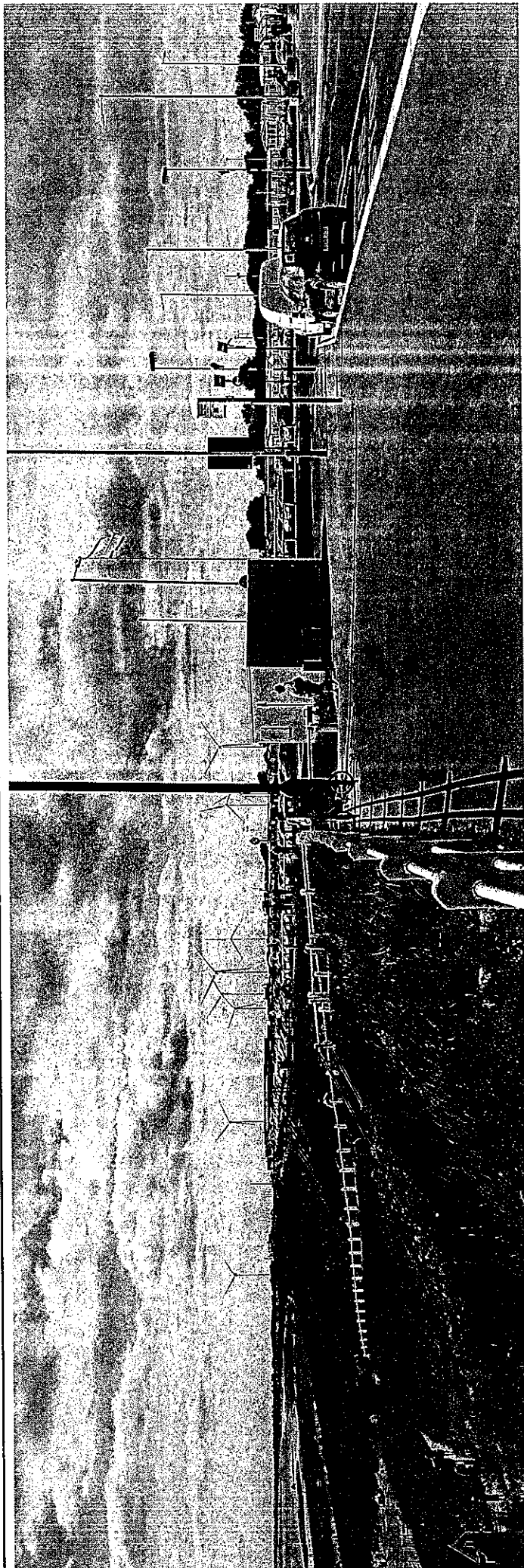
Fig. 5.24 Sheet B
Viewpoint 04 - Bridlington Harbour
 Photomontage and wireframe

Viewpoint Details		Bearing	210°
Nearest turbine	Tc @ 3655 m	Field of View	65°
Date/Time	22/08/11 - 11.05	Elevation	9 m
Grid Ref	518292 466421	Camera/Lens	Nikon D900 - 32 mm

TCI Renewables
 Willow Court
 Minors Business Park
 West Way, Oxford OX2 0J8
 T: 01865 201300
 info@tcirenewables.com
 www.tcirenewables.com



Fraisthorpe Wind Farm
 Bridlington, East Yorkshire



Wire frame key

Fraisthorpe	[Pattern]
Lissett	[Pattern]
Carnaby	[Pattern]
Thornholme Field	[Pattern]
South Dale	[Pattern]
Hall Farm	[Pattern]
Withernwick	[Pattern]

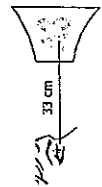
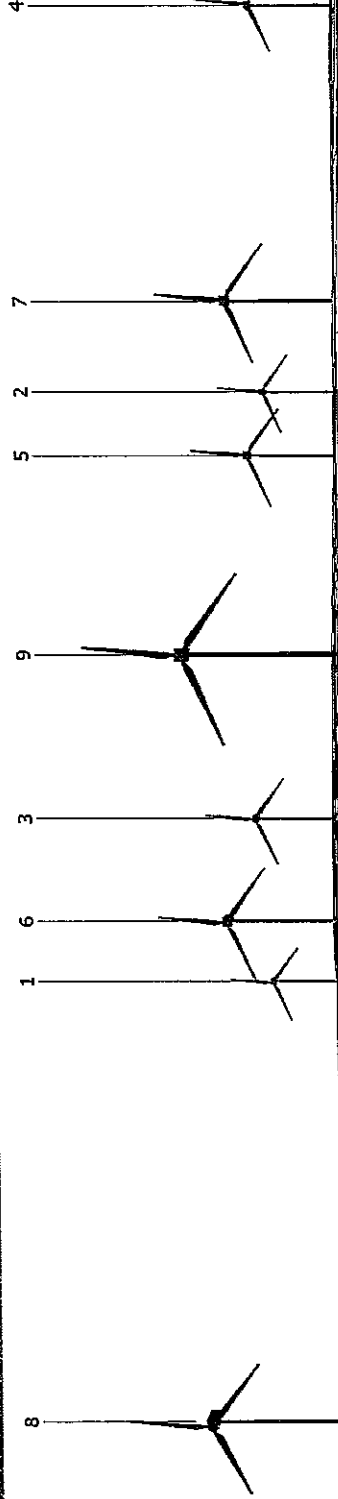
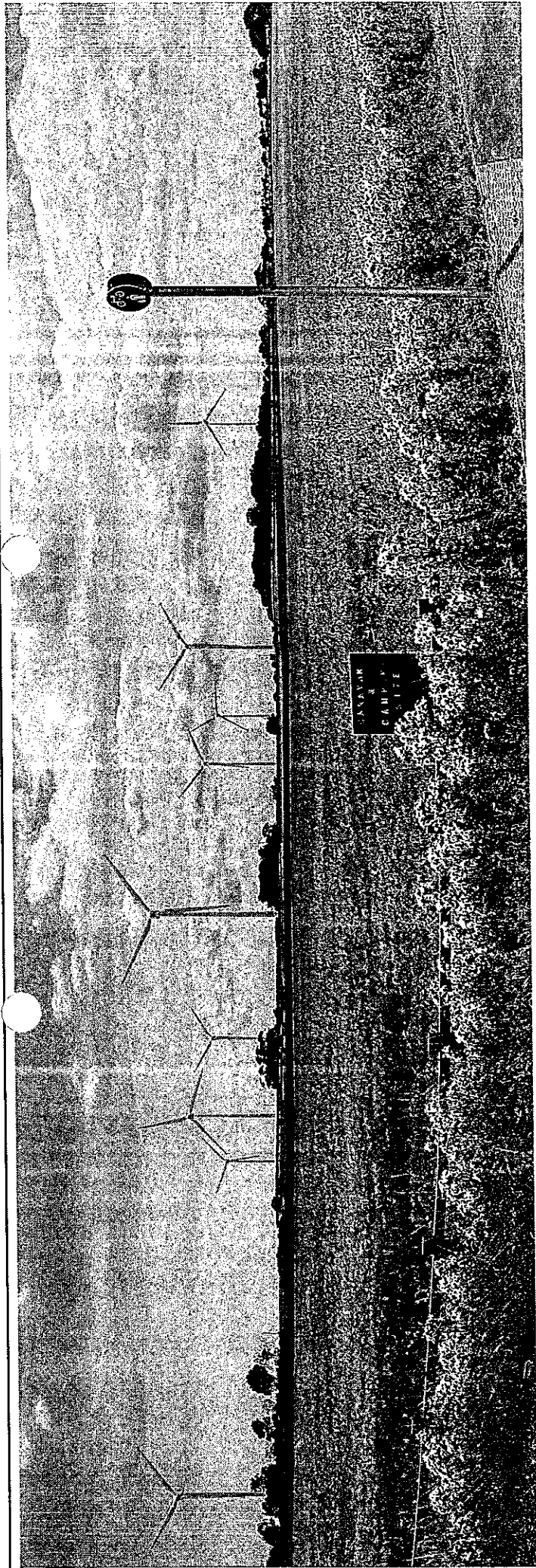


Fig. 5.25 Sheet B
Viewpoint 05 - Wilsthorpe Park & Ride
 Photomontage and wireframe

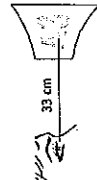
TCI Renewables Yellow Court King's Cross West View, Oxford OX2 0BH T: 01865 241000 F: 01865 241 301 info@tcirenewables.com www.tcirenewables.com	Viewpoint Details		
	Nearest turbine	T8 @ 2002 m	Bearing 217°
	Date/time	22/08/11 - 11:50	Field of View Lens
	Grid Ref	517370 - 465046	Elevat n
			Camera/Lens Nikon D300 - 32 mm

Fraisthorpe Wind Farm
 Bridlington, East Yorkshire



Wire frame Key

Fraisthorpe	Thornholme Field
Lissett	South Dale
Camaby	Hall Farm
Wickernwick	



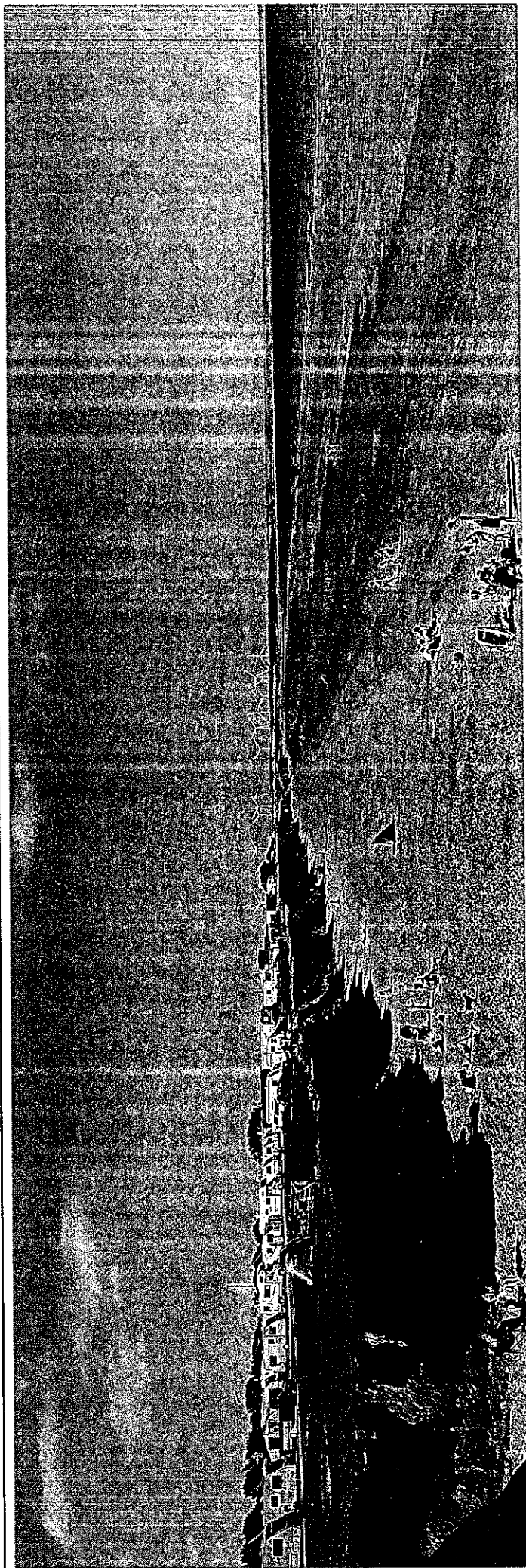
Fraisthorpe Wind Farm Bridlington, East Yorkshire

Fig. 5.26 Sheet B
Viewpoint 06 - Wilsthorpe Roundabout
Photomontage and wireframe

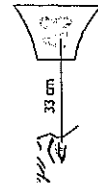
Viewpoint Details		Bearing	176°
Nearest turbine	T9 @ 919 m	Field of View	65°
Date/time	22/08/11 - 12.00	Elevation	9 m
Grid Ref	515805 464184	Camera/Lens	Nikon D300 - 32 mm

TCI Renewables
Yellow Court
Mills Business Park
Well Way, Oxford OX2 0JA
T: 01865 261 900
F: 01865 261 101
info@tcirenewables.com
www.tcirenewables.com





4 2 2 7 5 9 3 6 1 8



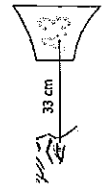
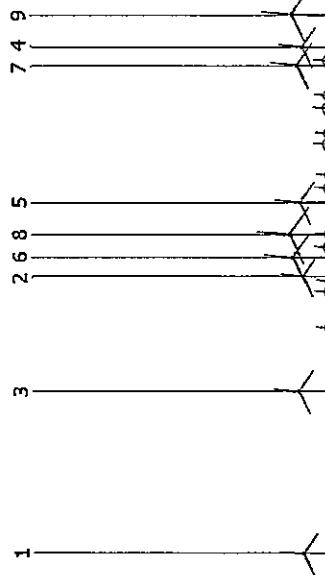
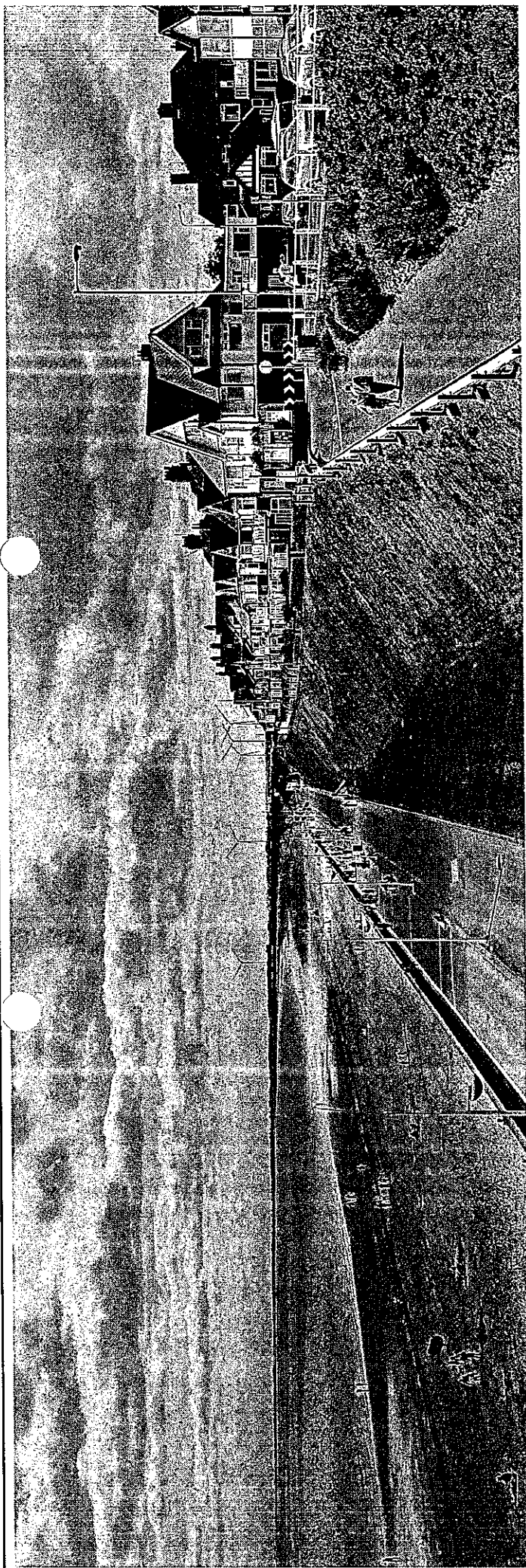
Wire frame Key

Fraisthorpe	
Lisset	
Carnaby	
Thornholme Field	
South Dale	
Hall Farm	
Withernwick	

Fig. 5.28 Sheet B
Viewpoint 08 - Ulfrasa Sands
Photomontage and wireframe

Viewpoint Details			
TCI Renewables Willow Court Mills Business Park West Way, Oxford OX2 0JB T: 01865 221300 F: 01865 221301 info@tcirenewables.com www.tcirenewables.com	Nearest turbine	T1 @ 5212 m	Bearing 344°
	Date/Time	22/08/11 - 14.33	Field of View
	Grid Ref	S17548 457089	Elevatic
			Camera/Lens
			Nikon D300 - 32 mm

Fraisthorpe Wind Farm
Bridlington, East Yorkshire



Wire frame Key

Fraisthorpe	Wire frame symbol
Lissett	Wire frame symbol
Carnaby	Wire frame symbol
Thornholme Field	Wire frame symbol
South Dale	Wire frame symbol
Hall Farm	Wire frame symbol
Withernwick	Wire frame symbol

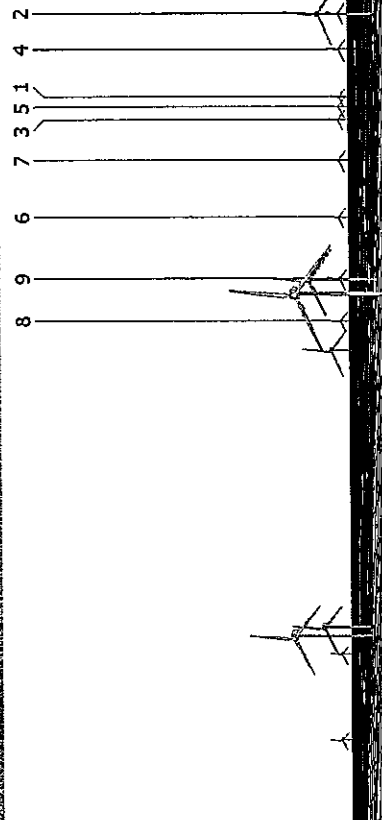
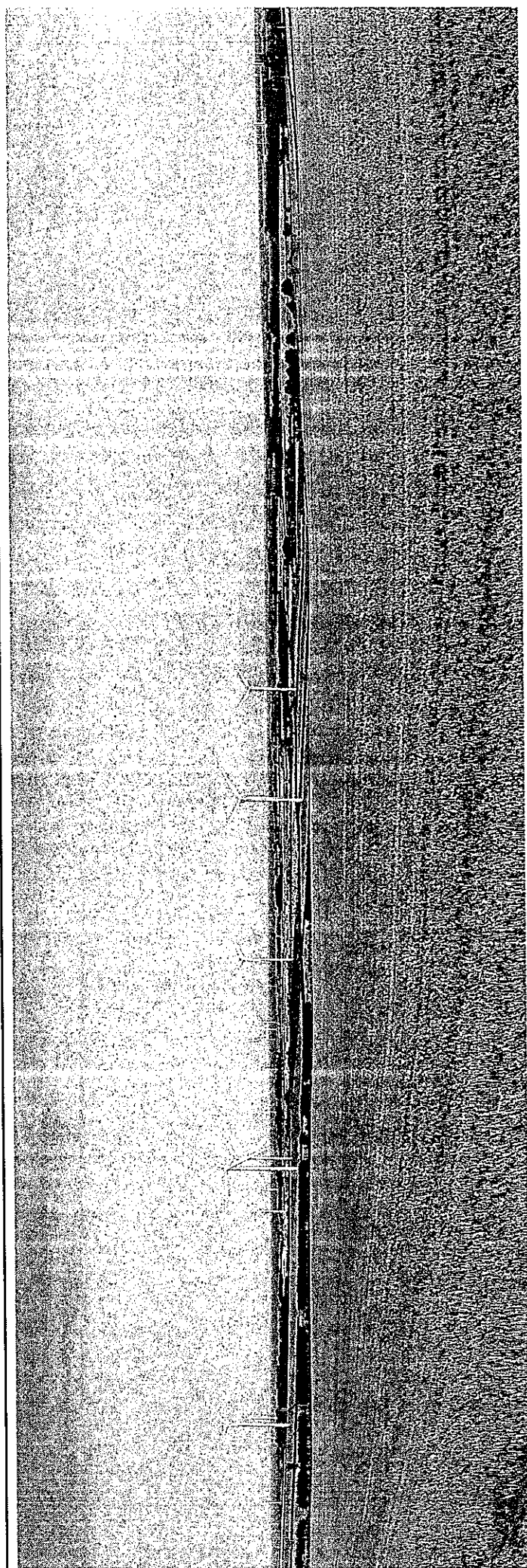
Fig. 5.29 Sheet B
Viewpoint 09 - Hilderthorpe
 Photomontage and wireframe

Viewpoint Details		Bearing	207°
Nearest turbine	T8 @ 281.8 m	Field of View	65°
Date/Time	22/09/11 - 11.32	Elevation	14 m
Grid Ref	517783 465750	Camera/Lens	Nikon D300 - 32 mm

TCI Renewables
 Willow Court
 Kings Road, York
 YO1 1AA
 Tel: 01845 261 300
 Fax: 01845 261 301
 Email: info@tcirenewables.com
 www.tcirenewables.com

tcirenewables

Fraisthorpe Wind Farm
 Bridlington, East Yorkshire



Wire frame Key	
	Fraisthorpe
	Lissett
	Carnaby
	Thornholme Field
	South Dale
	Hall Farm
	Witherwick

Fraisthorpe Wind Farm Bridlington, East Yorkshire

Fig. 5.35 Sheet B
Viewpoint 15 - Woldgate Road
Photomontage and wireframe

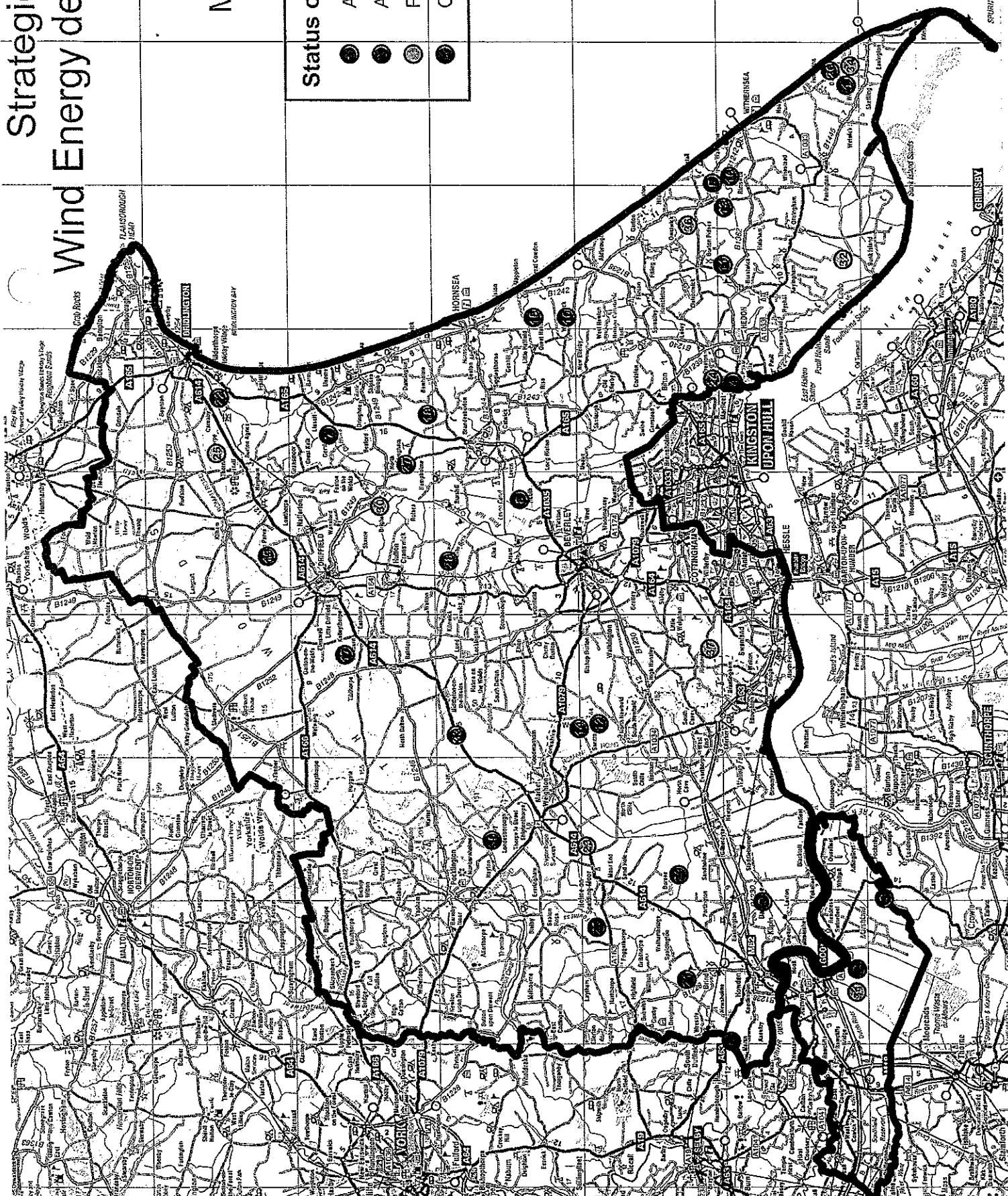
TCI Renewables Willow Court Minto Business Park West Way T: 01865 241300 F: 01865 261301 info@tcirenewables.com www.tcirenewables.com	Viewpoint Details		Bearing	127.5°
	Nearest turbine	T4 @ 555.1 m	Field of View	Yes
	Date/Time	22/08/11 - 15:50	Elevatic	
	Grid Ref	509722 465560	Camera/Lens	Nikon D300 - 32 mm



Strategic DC Wind Energy developments

March 2012

Status of Application
 Approved
 Appeal in progress
 Pending Consideration
 Operational



REF	APPLICATION	PROPOSAL	ADDRESS
1	98/02103/PLF	Erection of 7, 85 metre high turbi	Southfield Farm, Out Newton Road, Out Newton.
2	03/01987/STPLFE	Erection of 16, 125 metre high tur	Land West Of Charly Farm, Swinefleet Road, Goole Fields.
3	04/00505/STPLFE	Erection of 14, 110 metre high tur	Twin Rivers Windfarm, Moor Lane Track, Whitgift Common.
4	05/08754/STPLF	Erection of 1, 80 metre high turbi	Hull Waste Water Treatment Works, Hull Road, Saltend.
5	06/03729/STPLF	Erection of 3, 110 metre high turbi	Land South Of Pilmar Lane, Roos.
6	06/05245/STPLF	Erection of 2, 90 metre high turbi	Water Treatment Works, Water Treatment Works Access Rd, Barmb
7	06/05618/STPLFE	Erection of 12, 125 metre high tur	Lissett Windfarm, Disused Airfield Access Roads, Lissett.
8	06/08470/STPLFE	Erection of 12, 100 metre high tur	Land North Of Hall Farm Access Road To Crowshore Plantation,
9	07/04680/STPLFE	Erection of 10, 110 metre high tur	Land South Of West Linton Farm, Brow Lane, Balkholme.
10	08/01964/STPLFE	Erection of 9, 121 metre high turbi	Land North And North East of Homer House, Aldbrough Road, Wi
11	08/02928/STPLFE	Erection of 3, 135 metre high turbi	Land North East Of Wadworth Hill House, Greens Lane, Burton
12	08/04816/STPLFE	Erection of 6, 105 metre high turbi	Land North Of Sober Hill Farm, Stoneknowle Hill, North Newba
13	08/05692/STPLFE	Erection of 9, 126.5 metre high tu	Land To The West Of Ivy House, Rectory Road, Roos.
14	10/02080/STPLFE	Erection of 5, 100 metre high turbi	Land East Of Sancton Hill, Beverley Lane, Sancton.
15	11/00945/STPLF	Erection of 1, 77 metre high turbi	Land North Of Wood Farm, Mappleton Road, Hatfield.
16	11/01356/STPLF	Erection of 1, 67m metre high turbi	Carr Farm, Tower Road, Rimswell.
17	11/01367/STPLF	Erection of 1, 66.7 metre high tur	Land South Of Kirkburn Grange, Craike Road, Garton On The Wo
18	11/01946/STPLF	Erection of 1, 77.9 metre high tur	Land North West Of Magdalen Cottage Main Road, Bewholme.
19	11/02075/STPLF	Erection of 1, 67 metre high turbi	Land West Of The Bungalow, Wold Road, Nafferton.
20	11/02816/STPLF	Erection of 1, 68 metre high turbi	Land South East Of St Helens Farm, South End, Seaton Ross.
21	09/04550/STPLFE	Erection of 5, 126 metre high turbi	Spaldington Airfield, Holme Road, Spaldington.
22	10/04753/STPLFE	Erection of 2, 125 metre high turbi	Household Waste Recycling Site, Moor Lane, Carnaby.
23	11/00537/STPLF	Erection of 2, 87 metre high turbi	Gallymoor Landfill Site, Market Weighton Road, Holme Upon Sp
24	11/01980/STPLFE	Erection of 2, 85 metre high turbi	Land West Of The Limes, Staithe Road, Preston.
25	11/03999/STPLFE	Erection of 6, 110m and 3, 100 met	Thornholme Fields, Rudston Road, Burton Agnes.
26	11/04051/STPLF	Erection of 1, 77.9 metre high tur	Southfield Farm, Out Newton Road, Out Newton.
27	11/04209/STPLF	Erection of 1, 77.9 metre high tur	Land South Of Mount Pleasant Farm, Cross Road, North Froding
28	11/02619/STPLF	Erection of 1, 66.7 metre high tur	Bridge House Farm, Carr Lane, Watton.
29	11/05632/STPLF	Erection of 1, 77.9 metre high tur	Land West of Hasholme Hall, Bursea Lane, HUSM
30	11/05891/STPLF	Erection of 1, 78 metre high turbi	Elm Tree Farm, Main Street, Brigham
31	11/05923/STPLFE	Erection of 17, 126.5 metre high t	Land South West of White House Farm, Goole Fields
32	11/05896/STPLFE	Erection of 3, 102 metre high turbi	Far Marsh Farm, Marsh Road, Ottringham
33	11/03518/STPLF	Erection of 1, 66.7 metre high tur	Horsewold Farm, Market Weighton Road, Middleton on the wolds
34	11/05745/STPLFE	Erection of 5, 110 metre high turbi	Land South of Warner Lane, Easington
35	11/02974/STPLF	Erection of 1, 53.5 metre high tur	Land West of Queen Anne Plantation, Londesborough Road, Burn
36	12/00898/STPLF	Erection of 1, 74 metre high turbi	Land South West of Kenby Farm, Quaker Road, Owstwick
37	12/01005/STPLF	Erection of 1, 61 metre high turbi	Land South of York Grounds Farm, Ripplingham Road, Raywell

EAST RIDING OF YORKSHIRE COUNCIL

Report to: Planning Committee
13 September 2012

WARDS: Cottingham South

Application for Alterations to existing building and erection of building for use as a garden centre

At Twinacre Nurseries Ltd Castle Road Cottingham East Riding Of Yorkshire HU16 5JF by Mr M Rozenbroek

Application Number: 12/00677/STPLF

Report of the Director of Planning and Economic Regeneration

A. Executive Summary

Application reference 12/00677/STPLF is referred to the Committee for decision.

B. Corporate Priorities

Valuing our environment
Local problem solving
Revitalising our communities
Retaining the East Riding character
A Well Managed Authority

C. Application Type

Strategic - Full Planning Permission

D. Parish

Cottingham Parish Council

E. Applicant

Mr M Rozenbroek

F. Target Date

27 September 2012

G. Environmental Impact Assessment

Before this application was submitted it was considered within the context of The Town and Country Planning (Environmental Impact Assessment Regulations) 2011 with a view to determining whether an Environmental Impact Assessment was required. Taking into account the requirements of the Regulations and the guidance contained in Circular 02/99 it was determined that an Environmental Impact Assessment was not required in this case.

H. Recommendation

That the application be **DEFERRED** for receipt of outstanding consultation response from Public Protection. Upon receiving confirmation of no objection, the Director of Planning and Economic Regeneration be authorised to **APPROVE** the application subject to the following conditions, and any conditions required by Highway Control and Public Protection

1. INTRODUCTION

- 1.1 The application is referred to Planning Committee for a decision following a strong objection being received from Cottingham Parish Council.
- 1.2 The application relates to the Twinacres Nurseries site which occupies an area of approximately 4.5 hectares on the southern side of Castle Road on the western outskirts of Cottingham, opposite Castle Hill Hospital and approximately 650m from the junction with the A164.
- 1.3 Outline planning permission was granted on appeal in November 2005 for the erection of a building for use as a garden centre (application reference 03/064581/STOUT) alongside an application for full planning permission for the change of use of existing land and buildings to use as a garden centre (application reference 03/06484/STPLF). A reserved matters approval for the new building was approved in February 2009. In total, these permissions granted consent for a garden centre with a total floorspace of 7367 square metres (4422 square metres being internal and 2945 square metres being external), incorporating an aquatics centre and café.
- 1.4 Also granted at the same appeal in 2005 was a full planning permission for the construction of a new access and car/lorry parking areas (application reference 03/06491/STPLF). A further application was approved in 2010 (application reference 10/02853/STVAR) that varied a condition on the consent for the car park to allow the car park to be used by staff working at Castle Hill Hospital until such time that the garden centre comes into operation, after which the car park will revert to sole use for the garden centre during opening hours of the garden centre. The permission has been implemented and the car park is currently operational providing 249 spaces for users of Castle Hill Hospital.
- 1.5 This application seeks consent for a revised scheme for a new garden centre. A large

amount of glasshousing has been removed from the site, and currently remaining on site is an existing portal framed building and a range of packing sheds that would be retained, and some remaining glasshouses which are currently in a state of disrepair and would be removed. A new building would be erected incorporating the existing buildings to be retained.

- 1.6 This application seeks to reconfigure the garden centre proposal, reducing the size of external area compared to the previous consent by 195 square metres but increasing the internal area and the overall floorspace by 2588 square metres, resulting in a total sales area of 9955 square metres. The revised proposals would include a farm shop selling local produce and speciality foodstuffs and a café-restaurant facility.
- 1.7 The proposed building would mainly comprise glasshouses adjoining the western side of the existing buildings. It would be predominantly glass, with a series of elements of differing width and height and some feature panels of slate clad or random stone clad walls.
- 1.8 It is proposed to maintain the existing car park as a public pay and display car park which would be available for customers of the garden centre to use. The car park would be extended to create a total of 368 spaces, 257 in the main car park, 75 in the overspill and 36 for staff.
- 1.9 The site is outside development limits and therefore in the open countryside. It also lies within the Open Area of Strategic Importance between Cottingham and Willerby, as defined in policy E4 of the Beverley Borough Local Plan.

2. PLANS AND ILLUSTRATIONS

3.

Appendix 1 - Site Location Plan.

Appendix 2 - Site Layout Plan.

Appendix 3 - Proposed Elevations

Appendix 4 - Previously Approved Site Layout Plan (03/06481/STOUT, 03/06484/STPLF and 03/06491/STPLF)

Appendix 5 - Previously Approved Elevations (08/05248/STREM)

4. KEY PLANNING POLICIES

The Development Plan for the area comprises the Regional Spatial Strategy, Joint Structure Plan, and the Beverley Borough Local Plan.

Regional Spatial Strategy

- YH1 Overall Approach and Key Spatial Priorities
- YH6 Local Service Centres and Rural and Coastal Areas
- YH7 Location of Development
- HE1 Humber Estuary sub area policy
- ENV5 Energy

E7 Rural Economy

The Localism Act 2011 gives the Secretary of State power to revoke Regional Spatial Strategy in whole or in part. The Government stated intention to revoke can be treated as a material planning consideration with weight to be attached to this intention being left to the decision maker in each case.

Joint Structure Plan

- EC1 Employment development to be concentrated in DS1-3 settlements. Hull City Centre to act as sub-regional focus. Principal towns and towns to provide complementary role commensurate with size and function. Humber Bridge Head and Kingswood identified as strategic employment sites - tests established to ensure that development at these sites does not adversely affect the role of the city centre.
- SP2 Vitality and viability of strategic centres to be maintained and strengthened.
- SP5 Development proposals to achieve high standard of design.

Beverley Borough Local Plan

- E2 Development limits of settlements are those set out on the Proposals Map. Outside of those is Open Countryside.
- E3 General presumption against development outside development limits and criteria for when it might be acceptable.
- E4 Protect the strategically important open areas.

National Planning Policy

National Planning Policy Framework

Technical Guidance to the National Planning Policy Framework

Planning for Town Centres

4. RELEVANT PLANNING HISTORY

- 03/06481/STOUT Erection of a building for use as a garden centre - Refused June 2004; appeal allowed November 2005.
- 03/06484/STPLF Change of use of existing land and buildings for use as a garden centre - Refused June 2004; appeal allowed November 2005.
- 03/06491/STPLF Construction of access and car/lorry parking in connection with garden centre - Refused June 2004; appeal allowed November 2005.
- 08/05248/STREM Erection of a building for use as a Garden Centre following outline permission 03/06481/STOUT (Access, Appearance, Landscaping and Scale to be considered) - Approved February 2009.

10/02853/STVAR Variation of condition 11 (hours of use) of planning permission 03/06491/STPLF to allow use of approved car park by hospital staff - Approved October 2010

5. CONSULTATION REPLIES

Cottingham Parish
Council

Strong objection for the following reasons:

- Massive overdevelopment of the site
- Overbearing Nature of the proposal
- Increase in traffic
- Concerns over surface water/flooding and sewerage
- Out of character and inharmonious with the area
- Light & Noise pollution
- Wildlife interruption
- Yorkshire Water - The system is surcharged.

Highway Control

The application site includes an existing tarmaced pay and display car park which was approved on appeal, and there are two other permissions on the site for a garden centre which the applicants have indicated are extant. Whilst there is mention of the car park being associated with the hospital, it is understood that there is no formal arrangement with Castle Hill Hospital in connection with the use of the private car park which is currently operated by the applicants. The consent for the car park included a condition requiring the improvement of the existing public highway which has not been carried out to date.

The applicants have submitted with this application a transport assessment (TA) to consider the impact of the current development proposals on the surrounding highway network. The application also includes information on highway improvements required by the previous consents obtained at appeal but which have not yet been implemented. A Highway Authority acceptance for construction purposes notice for the highway improvement works was dated 9th August 2010.

There are draft highways agreements (Section 38 and Section 62 of the Highways Act 1980) currently with the developer which would, when returned to the Council for sealing, enable works on the outstanding highway improvements to be commenced subject to agreement on the details and location of utility company equipment and also to the contractors complying with the terms and conditions of the agreements and all other related highway legislation.

Castle Road is a bus route served by a number of bus stops in close

proximity to the site as a consequence of the location of the hospital and therefore the location of the garden centre would be relatively sustainable compared to other similar businesses which are not as well connected to sustainable means of transport. The improvements required to the highway network as a consequence of the development will, when completed, improve a link to the bus stop in the vicinity of the development

The applicant's consultants Local Transport Projects as part of the overall updating of the Transport Assessment have considered the vehicle trip rates to the development. The previous TA on the consented garden centre was produced in 2004 and used the TRICS data which was current at the time relating to information between 1990 and the end of 1999. This produced traffic generations in the peak hours for a garden centre development of 366 two way vehicle trips on Sunday and 61 peak hour trips on weekdays. Whilst there would normally be a presumption that that a larger garden centre equals greater vehicle movements LTP in their TA considered an updated version of the TRICS database and are as a consequence predicting a reduction in traffic generation in the most trafficked peak hour from the previous 366 down to 304 two way vehicle movements. As part of reasons for this reduction the TA notes that the trips are based on the most up to date data, which notes a slowed/declined rate of sales at garden centres and a reduction of 4.5% in the traffic levels at the nearest traffic count location between 2004 and 2010.

The applicant's consultants have also included information on improvements that the Council are constructing on the A164 which will provide additional capacity on the nearby highway network which were not accounted for in the previous Transport Assessment carried out by Sanderson's.

The details on highway matters supporting the application are considered to be appropriate and resilient assessment of the likely impact of the development on the surrounding highway network and is based on industry standard recognised methods of assessment. Accordingly based on the submitted information, that there is a consented scheme for a garden centre at the site and taking account of highway improvements that need to be implemented, appropriate highway conditions are recommended.

Public Protection
Division

Awaited.

Trees and Landscape
Section

No objection to the landscaping details shown on Drawing ROS 11 3 a dated 26.3.2012.

I would recommend the following modifications to the selection of trees annotated on the Drawing: Replace Copper Beech, with Hornbeam (*Carpinus betulus Fastigiata Frans Fontaine*), Field Maple cultivar (*Acer campestre Elegant*) and *Pyrus calleryana* Redspire (great autumn colour), which is in accordance with the email of 2.9.2010 for the application 11/30001/CONDET for a corresponding application.

A maintenance regime condition is necessary.

Yorkshire Water
Services Limited

No objection to the proposed drainage.

The Flood Risk Assessment (contained within the Supporting Statement) (prepared by East Riding Consultants Limited - dated 19th March 2012) is satisfactory from Yorkshire Water's viewpoint.

Environment Agency
(Planning Liaison)

No objections.

The proposed development will only meet the requirements of the National Planning Policy Framework if the measure(s) detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission, and subject to conditions relating to groundwater and contaminated land.

Nature Conservation
Officer (Biodiversity)

No comments.

6. PUBLICITY

Neighbours/
Publicity

1 letter of support has been received from 208 Sigston Road, Beverley, raising the following points:

- The plan is a very good idea for the area and also for jobs
- This is not an overdevelopment because this garden centre is smaller than the monstrosity of greenhouses that was there before.

Urge all concerned to approve the application for jobs and the area

7. CASE ON BEHALF OF THE APPLICANT

7.1 A Retail Statement has been submitted with the application which concludes:

The proposed development has particular locational and operational requirements which severely constrains the consideration of sequentially preferable site and the applicability of the sequential test as set out within the NPPF. Furthermore, the current scheme represents revised proposals for a site which has already been granted planning permission for garden centre development. Notwithstanding this, sequentially preferable sites have been examined at Cottingham and Beverley and none are available or suitable for the proposed development.

The scheme fully complies with the requirements of paragraph 26 of the NPPF. There would be no adverse impacts on existing, committed or planned public or private sector investment within centres. The proposed development would not undermine any such investment either by reducing expenditure capacity or providing any sort of comparable alternative provision. The proposed development would mainly draw trade from other garden centres and retail warehouses in out-of-centre locations. Impact on in-centre turnover would range from very low to negligible. Furthermore the impacts must also be assessed against the fall back position which would already permit a significant amount of retail development at the application site. The additional floorspace would generate approximately £3million of additional turnover, however once the fall back position is taken into account the already limited impacts on existing centres become negligible. The scheme would have positive impacts in terms of consumer choice, economic development and job creation.

7.2 A Supporting Document has also been submitted which concludes:

Policy S10 of the Local Plan does not set any limits on the size of the garden centre. The only criteria are road safety, appearance and nature conservation. The proposal would not conflict with any of those criteria.

The Inspector required that Castle Road be improved and details were submitted pursuant to the first car park permission. They are being resubmitted with this application.

The garden centre is larger than approved on appeal. However, the issues remain largely the same; visual impact and traffic. The purpose designed garden centre will be visually more attractive than the current approval.

8. KEY ISSUES

- Planning history
- Principle of development
- Impact on the character and appearance of the area
- Access and parking
- Residential amenity
- Flood risk, drainage and groundwater source protection zone
- Ecology
- Sustainability

9. OFFICER COMMENTS

- 9.1 Applications are to be determined in accordance with the Development Plan unless there are material considerations which indicate otherwise.
- 9.2 The National Planning Policy Framework (NPPF) is a material consideration which must be taken into account in planning decisions. If the NPPF contains policy guidance that is relevant to this application, the report below will explain this, and consider the extent to which development plan policy is consistent with the NPPF and the weight to be given to that policy. For 12 months full weight may still be given to relevant development plan policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The RSS falls into this category. For policies in the JSP and the existing Local Plans due weight should be given according to their degree of consistency with the NPPF.
- 9.3 It is the Government's clear policy intention to revoke the Regional Spatial Strategy subject to the outcome of the environmental assessments that are currently being undertaken. Until it is abolished the RSS remains part of the development plan although the intention to abolish the RSS can be treated as a material planning consideration with the weight to be attached to this intention being a matter for the decision maker.
- 9.4 Planning History
- 9.4.1 The application site, although closely related to the edge of Cottingham, is located outside the development limits of the village and therefore in the open countryside. When the permission was granted at appeal in 2005, the planning inspector considered the principle of development in this open countryside location. It was concluded that the existing horticultural enterprise operating from the site was no longer viable due to the small scale of the holding resulting in the business not being able to compete with larger producers. The Inspector concluded that a proposed garden centre would allow the site to be used for the growth of bedding plants and related items that would be more viable in the long term. In allowing the appeal the Inspector considered that the proposal would generate a turnover of £3million and provide 20-30 new jobs, which would have clear benefits to the local economy, and there would be no environmental or economic benefit in the enterprise failing resulting in job losses and the land falling into disrepair. It was also concluded that there were no soundly-based objections to the proposal on retail planning policy grounds at the time. As such, the Inspector found the principle of this scheme, essentially a rural diversification scheme, acceptable in principle.
- 9.4.2 The Planning Statement for this application asserts that a material start to the development of the garden centre (03/064581/STOUT) has taken place within the required timescale, and that the permission is therefore valid and is a realistic fallback position. However, in the absence of a formal application for a Certificate of Lawfulness providing all available evidence, the Local Planning Authority is unable to make a formal judgement regarding the status of the permission. As such, the previous appeal is a material consideration but the proposal should also be fully considered against current planning policy, which has changed since the previous appeal.

9.5 Principle of Development

- 9.5.1 The National Planning Policy Framework (NPPF) introduces a presumption in favour of sustainable development, stating that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. A core principle of the NPPF is to proactively drive and support sustainable economic development, responding positively to opportunities for growth. The NPPF sets the framework for achieving this and includes the requirement to manage development patterns to achieve development in sustainable locations where people have a choice of means of access and support sustainable town centres. Whilst ensuring the viability of town centres is a key aspect of the NPPF, the NPPF also seeks to support appropriate economic growth in rural areas, encouraging the growth and expansion of existing businesses through the conversion of existing buildings and well-designed new build.
- 9.5.1 Regional Spatial Strategy (RSS) policy YH7 sets out the locational priorities for development in Yorkshire and Humber. Towns are identified to be hubs for the rural economy, being the prime focus for employment and shopping in their area. A key priority of RSS policies YH5 and E2 is to enhance the vitality and viability of town centres, strengthening their role and performance. Similar to RSS policies, Joint Structure Plan (JSP) policy EC1 seeks to locate most town centre uses to Hull City Centre as a first priority, however it states that towns should provide complementary office, shopping and other commercial uses commensurate with each centre's role and function. However, notwithstanding the emphasis on securing town centre viability through retail provision, RSS policies YH1, YH6 and E7 in line with the NPPF do encourage the diversification of the rural economy, where it would bring economic, social and environmental benefit. It notes a priority for utilising existing buildings, and supports schemes where they would be an appropriate scale for their location.
- 9.5.2 Beverley Borough Local Plan policy E2 defines development limits, and policy E3 relates to sites outside the development limits in the open countryside. It notes a number of special circumstances when development in the open countryside may be acceptable, one of which being for rural diversification or uses appropriate to a rural area, so long as they are located, designed and landscaped so as to minimise visual impacts. Policy S10 specifically identifies garden centres as a type of retail development that would be appropriate in a rural area, subject to consideration of access, impact on the character of the locality and nature conservation interests.
- 9.5.3 These policies from national to local level all aim to achieve development in sustainable locations and strike a balance between ensuring town centres are protected and promoted and allowing diversification in rural areas where it would support the rural economy, so long as there would be no harm to town centre viability. To ensure this is the case, the NPPF advocates a sequential approach for all retail developments, and requires impact assessments to be submitted.

Diversification

- 9.5.4 The site was formerly a horticultural enterprise comprising at its most 30,000 square metres of buildings and outbuildings. Whilst this is a horticultural use, it would not normally be considered as previously developed land, a number of buildings are still present on the site that would be incorporated into the development, and the main part of the new development would be glasshouse construction in place of previous glasshouses. The Inspector previously agreed that development of a garden centre on this site would be diversification, and on this basis the principle of this proposal would comply with paragraph 28 of the NPPF, RSS policies YH1, YH6 and E7 and Local Plan policy E3. The current proposal is larger than previously agreed and now seeks permission for the sale of a greater range of products than can be grown on site (the previous permission states that 75% of the products sold would be produced on the site). Nevertheless, Local Plan policy S10 supports garden centres in the open countryside and does not require all of the produce sold at garden centres to be grown on site.

Accessibility

- 9.5.5 The NPPF seeks to locate development to make full use of alternative modes of transport, however by the nature of this type of use a high level of trips are likely to be carried out by private car due to the bulky nature of goods sold. Although in the open countryside, this site is well related to Cottingham and is within walking distance from an established residential area. It is also located on a regular bus route connecting the village and train station with Castle Hill Hospital. The site is well related to the strategic road network being only 650m from the junction with the A164, and therefore is within a short drive time from several centres of population including Hull, Beverley, Cottingham and the other Haltemprice settlements. It is acknowledged that the majority of customers are likely to arrive by car, however it is considered that there are alternative methods of transport and the proposal is in a suitable location to limit the distance of trips being made by private car.

Retail Sequential Approach

- 9.5.6 The NPPF has now superseded Planning Policy Statements at a national level, however the Planning for Town Centres guidance which accompanied PPS4 is still relevant guidance. The NPPF and the guidance both require a sequential test for all main town centre uses, of which retail is included, however the guidance makes it clear that different uses have different operational and market requirements that should be taken into account. In particular, retailers such as garden centres that sell bulky goods are considered as complementary to the role of town centre retailing, and do not generate sufficient sales productivity to trade in prime town centre locations. Attached to the submitted Retail Statement are a number of appeal decisions where Inspectors have taken this stance and considered that the sequential test is not of relevance to garden centres.
- 9.5.7 In this case, the centres of Beverley and Cottingham have been considered, however due to the constrained nature of both centres no sites have been considered available that

would provide sufficient floorspace for the proposed use, given the large sales and display areas required for plants and garden products and the requirement for surface parking adjacent to the garden centre. There are also no sites identified on the edge of either centre that could accommodate the proposal. As such, any available site other than the application site would be considered to be out of centre and would not be sequentially preferable to this site and the proposal therefore passes the sequential test.

- 9.5.8 Alongside the garden centre, the proposal includes 575 square metres for a café/restaurant and 350 square metres for a farm shop. Whilst these uses are town centre uses, they are complementary uses that are often found in garden centres in the open countryside. Based on the scale of the proposed garden centre, these uses would be genuinely ancillary to the main use, and subject to a condition ensuring they are only used as part of the garden centre and not as independent uses in their own right, it is considered that this element also passes the sequential test as they form an ancillary part of the proposed development that could not be accommodated in the town centre.

- 9.5.9 It is considered that the proposal passes the sequential test on the basis that it is a garden centre use selling bulky goods and this could not be accommodated in a town centre unit. As such, it is considered necessary to restrict the type of goods that could be sold to ensure the garden centre would not compete with town centre uses. We are told that 530 square metres would be for ancillary products, and the main part of 7345 square metres would be for garden centre goods. Within the Planning Statement, a condition has been suggested by the Applicant which lists the type of products that could be sold in the main floor area of 7345 square metres. Included in this list are products such as gardening related books, cards, clothing and other unrelated items such as pets/fish, pets/fish products, equestrian/camping/angling equipment and conservatories. It is considered that these items do not constitute items that require a specialist open countryside location, and these types of items could be sold within town centres or designated retail parks. Should these be included in unrestricted volumes in the main floorspace the proposal would not pass the sequential test.

- 9.5.10 In response to these concerns, the plans have now been amended to indicate specific areas within the main floorspace for aquatics and pets. This is considered sufficient to ensure that the scale of these sales remains ancillary to the garden centre use. It is considered that an area of 530 square metres for ancillary goods in addition to these areas is still a significant area for the sale of ancillary products such as gardening books and clothing, and it is important that the type of goods sold remain genuinely gardening related so as not to compete with main town centre uses. Officers have considered conditions that have been used elsewhere and the condition suggested by the Applicants, and recommend conditions 2 and 3 detailed below would be adequate to control the type of goods that could be sold and ensure that the proposal passes the sequential test.

Retail Impact Assessment

- 9.5.11 In addition to the sequential assessment, the NPPF requires an impact assessment to be carried out for all retail proposals in out of centre locations, giving consideration to potential impacts of a proposal on both town centre vitality and viability and existing and

committed investment.

- 9.5.12 A Retail Assessment was submitted with the application. It identifies a catchment area for the proposal including Hull, Haltemprice and Beverley. This equates to roughly a 15-20 minute drive time. It is considered that 85% of the trade would come from the catchment area, with the remainder being inflow. Within the catchment, the forecast expenditure for comparison goods in 2016 is £1420million and in 2021 of £1867million. The proposed store would have an estimated turnover in 2016 of £5.82million, which is less than 1% of the total forecast growth in expenditure on comparison goods over the same period.
- 9.5.13 The Retail Assessment considers that the proposed garden centre would draw most of its trade from existing garden centres and out of town hardware stores such as Homebase at Willerby Shopping Centre. Whilst some town centre shops offer similar products, they have a much more limited range of products and serve a different market to garden centres. The Retail Assessment considers the maximum impact the proposal may have on centres would be 3.38% from Cottingham, 0.09% from Beverley and 0.05% from Hull city centre. These figures are very low and are not considered to be significant trade diversions.
- 9.5.14 It is considered that the trade draw would be dispersed due to the wide area of the catchment. The main trade diversions, as stated above, are likely to be from similar retailers, and due to the wide catchment it is considered this diversion would be dispersed between a number of retailers. Nevertheless, these are all out of centre developments and as such the impact on these units are not material considerations.
- 9.5.15 The proposed garden centre would also include 350sqm for a farm store which would sell convenience goods which would have potential to compete with convenience goods retailers in Cottingham centre. This shop would, however, be a farm store which would sell a limited range of products, and this would change seasonally, based on what was being produced locally. As such, the range would be unpredictable and the shop is unlikely to be used for top-up shopping on a regular basis and take this trade from the shops in the centre. The opening hours of the shop would also be restricted to those of the garden centre, preventing it from operating as a shop unit in its own right. On this basis it is considered to be different in nature to the offer of top-up retailers in the centre, and the proposal is for a relatively small floorspace, it is not considered it would not compete directly with retailers in Cottingham and affect the centre. Furthermore, in addition to garden centres, Local Plan policy S10 specifically refers to farm shops as a type of development that would be suitable in the open countryside.
- 9.5.16 Overall, it is considered that there is sufficient capacity within the forecast growth expenditure on comparison goods to accommodate the proposed store, and by its nature of offering a different type of retail offer to a town centre it would not have any significant adverse impacts on the centres of Cottingham, Beverley or Hull. As such, there are no retail planning objections to the scheme and the scheme complies with the NPPF in terms of retail planning.

Principle of Development Summary

- 9.5.17 The proposal is the diversification of an existing business located on the site. It is considered to be a relatively sustainable location for the proposed use given the bus links and potential for walking and cycling. There are not considered to be any sequentially preferable sites for the proposed garden centre, and it is not considered there would be any adverse impacts on the centre of Cottingham, Beverley or Hull. As such the proposal is considered to be acceptable in principle.

9.6 Impact on the Character and Appearance of the Area

- 9.6.1 A core principle of the NPPF is to seek to secure high quality design, requiring that new developments add to the overall quality of the area and reflects the local surroundings. Joint Structure Plan policy SP5 and Local Plan policy D1 both require developments to integrate with the surroundings. Local Plan policy D3 requires all new developments to contain integrated landscaping schemes, and D6 seeks to ensure that parking areas do not adversely affect the character and appearance of the area.
- 9.6.2 The site is located in the open countryside and therefore any proposal must be appropriate in this setting and integrate with the surrounding open countryside. The site also falls within the area identified in the Local Plan as an Open Area of Strategic Importance. This area is identified as locally important in maintaining the separation of the built up areas of Cottingham and Hull, making a significant contribution to the setting of Cottingham. Local Plan policy E4 seeks to protect the open area by restricting development that is not of an open nature.
- 9.6.3 The impact of a garden centre development on the Open Area of Strategic Importance and compliance with Local Plan policy E4 was considered in depth by the Inspector in 2005 and it was concluded in the appeal decision that: "Although the nursery adjoins open fields, it lies within a wider area which contains a variety of uses, including built development, business and institutional uses, farm buildings, dwellings and sports facilities, typical of the urban fringe. The frontage of the appeal site has recently become more open, as a result of demolishing one of the glasshouses, and the overall effect of the proposals would increase the degree of openness... Built development would not encroach further into the important strategic gap between Cottingham and Willerby/Hull or seriously erode the physical or visual separation between settlements. The appearance of the surrounding countryside would remain unaltered... In terms of views across the Strategic gap, the proposals would make little discernable change."
- 9.6.3 The appeal decision goes on to consider the change in intensity from a nursery to a commercial garden centre, and concludes "the proposals would introduce a commercial retail operation with a much greater degree of activity and traffic, and to some extent erode the rural character of the site and introduce an element of urbanisation... However, Twinacre Nursery lies on the fringe of the urban area, on a busy road opposite a major hospital and close to a new business park. It is not an isolated site in the middle of the open countryside." The Inspector is clear in this assessment and the key consideration is therefore whether this proposal changes the balance due to its increased size and would

have any adverse impact contrary to the Inspectors conclusions.

- 9.6.4 The current proposal still utilises the existing buildings on the site but amends the configuration of the new build elements to reduce the amount of external sales area by 195sqm but increase the internal floorspace by 2783sqm. The proposed building would remain on a roughly similar footprint, contained fully within the site that has previously been occupied by glasshouses, and although the glasshouses are no longer present, the total floorspace would be less than two thirds of the area that was, until recently, occupied by glasshouse (12,280sqm were on site in 2005). The car park has already been established on half of the site, which provides significantly more open space than when the site was entirely glasshouses and now introduces views across the site to the Strategic gap.
- 9.6.5 Whilst the floorspace would increase by 2588 sqm, the overall dimensions would remain similar as the previously approved scheme included a number of voids between different elements of the garden centre and was designed with the front elevation staggered which reduced the total floor area . The current proposal is for a more compact development that removes voids to maximise the floorspace. The amended design would result in the overall width on the Castle Road frontage increasing from 73m to 79m, and the overall depth increasing from 115m to 119.5m. Both of these increases are considered to be small and would not significantly alter the perceived scale of the development from any of the main vantage points. The frontage car park adjacent to the building (which has already been constructed) would be retained providing views to the open countryside beyond. The biggest increase in floorspace would come from consolidating the area to the rear of the existing building, which was shown on the original plans as a predominantly open area. The amended scheme would incorporate this area into the building. Whilst this would increase the scale of built form, it would not extend any further than the previous proposal into the Strategic gap and would be entirely contained within the existing site. The proposed building would have stepped elevations to all sides to result in each elevation comprising a number of smaller sections which would break up the mass of the building. Overall, it is not considered that the proposed increase in floorspace would have any detrimental impact on the appearance of the building or relationship with Strategic Open Area.
- 9.6.6 In addition to an increased floorspace, the current proposal is also for a higher building than previously approved. The new proposal includes 2 elements of new glasshouse that would appear as large conservatories above the height of the existing building. The previous proposal ensured the new build would be no higher than the existing building, with a maximum eaves height of 5m, ridge height of 9m and feature tower of 11m. In comparison, the current proposal includes 2 conservatories with an eaves height of 9m and a ridge height of 11m.
- 9.6.7 The development along Castle Road is relatively low level and the existing building on the site is one of the largest on this side of Castle Road. The Parish Council have raised concerns that the proposed building would be overbearing and out of character with the character of the area. It is considered that the proposed building at a height greater than the existing building would be more imposing than the previous proposal. The design is,

however, different and although taller some elevations would be more compact. Bearing this in mind, although the proposal would have a greater height than previous proposals, on balance it is not considered that the proposal would be significantly more overbearing so as to unacceptably impact on amenity or character of the area.

9.6.8 The Inspector in 2005 found that this proposal would have positive impacts on the area through introducing the car park and landscaping areas in place of glasshouses and introducing views across the site from Castle Road to the Open Area of Strategic Importance. This would be retained, and the car park and landscaped areas would be increased in size. It is considered that this remains positive and the landscaping of the car park would help to ensure the appearance of the car park is acceptable to comply with Local Plan policies D3 and D6.

9.6.9 The proposed landscaping is considered acceptable, subject to some amendments to the planting requested by the Trees and Landscape Officer. A condition is recommended to agree these amendments.

9.7 Access and Parking

9.7.1 The proposal utilises a car park that has already been granted consent under application reference 03/06491/STVAR. Consent was originally granted for the car park to serve the previously approved garden centre, however an application was approved in 2010 to allow the use of the car park by Castle Hill Hospital. It is currently operated as a public pay and display car park on a 24 hour basis, and improvements to Castle Road and the site access were made prior to the car park coming into use. Conditions on the existing permission require the use of the car park by Castle Hill Hospital to cease during opening hours of the garden centre as soon as the approved garden centre is brought into use, and the car park to revert back to sole use for garden centre users during these times. This proposal seeks to provide an additional 8 spaces, with an additional overspill area for 75 cars, however continue to operate the car park as a pay and display car park with unrestricted use by customers of the garden centre or Castle Hill Hospital.

9.7.2 Local Plan policies D6, D7 and D8 require the provision of adequate parking, safe and convenient pedestrian movement and disabled accessibility within the site. The proposed car park is well located adjacent to the building to allow easy access to and from the building for customers purchasing bulky goods. The car park is also well connected to the pedestrian footway that runs along the length of Castle Road by a separate pedestrian access away from the vehicular access to the site.

9.7.3 Highway Control have considered the parking provision as existing and as proposed, and subject to the agreement of a parking management strategy to ensure that sufficient space for garden centre customers is maintained if the car park is to remain in use as a pay and display car park, and subject to agreement of measures to ensure pedestrian and vehicular access to the site is controlled to ensure safe access and egress from the site, the parking arrangements are considered acceptable. Conditions are recommended to secure these details.

9.7.4 Traffic impacts and highway safety were a major issue dealt with at the appeal in 2005, and the permissions granted at appeal required highway improvement works to be carried out in Castle Road. These works have not yet been implemented, however Highway Control confirm an acceptance for construction purposes notice was issued in August 2010 which agreed the full details of the works, and that the works can be implemented upon completion of highways agreements which are currently under negotiation.

9.7.5 A full Transport Assessment has been submitted with the application, and the application also includes details of the highway improvement works already agreed under the previous consents. The Transport Assessment provides details of the number of vehicle movements likely to be associated with the proposed garden centre, and concludes that the number is likely to be less than previously predicted for the previous applications (366 peak hour movements reduced to 304). The number of trips is predicted to be lower due to a slow in average sales at garden centres in recent years resulting in less activity, and a reduction in traffic volume in the vicinity by 4.5% between 2004 and 2010. 366 peak hour movements was previously accepted by the Inspector as not having a detrimental impact on the road network. Highway Control confirm that the Transport Assessment is robust, and on the basis that the number of vehicle movements at the peak time is likely to be well below the level previously found to be acceptable by the Inspector, it is considered that the proposal would be acceptable in terms of impact on the highways. The previously agreed highway improvement works are still required and these can be secured through a condition on any permission granted.

9.8 Residential Amenity

9.8.1 The site is bordered by a dwelling to the west, The Hollies, and a dwelling to the east, 79 Castle Road. 79 Castle Road is within the ownership of the applicant and adjacent to the main site access, separated from the site by an established hedgerow. Immediately opposite the site to the north is Castle Hill Hospital. The nearest dwelling to the north of Castle Road is number 72 however this is offset so is not adjacent to the site.

9.8.2 The Hollies, a 2 storey detached dwelling, has main elevations facing north and south to Castle Road and open countryside respectively. Its boundary adjoins the site to the east, which is delineated by a well established hedgerow which provides significant screening of the dwelling and its garden. The driveway of the dwelling provides a separation between the dwelling itself and the site. The car park adjoins the boundary, with the proposed garden centre building being over 120m from the boundary of the property. The main access to the site is 170m from The Hollies and is proposed to be retained in this position.

9.8.3 The garden centre building is considered to be a significant distance from The Hollies to prevent any loss of amenity from impact on outlook. The existing screening prevents views from the dwelling across the site which further limits potential for any impacts. It is considered that lighting would need to be controlled so as not to result in any loss of amenity through overspill, however this can be the subject of a condition. The car park would be adjacent to the boundary, however this car park is already in existence and it is

not considered that the proposed garden centre would result in any material change in this situation. In addition, the existing access to the car park would be retained which is a significant distance from The Hollies. Deliveries to the site would be to the opposite side of the garden centre building from The Hollies, over 170m away. This is a significant distance and the building would act as a buffer for any noise. The Inspector previously imposed conditions restricting the hours of opening and the hours at which deliveries could be taken and despatched, and in order to ensure amenity is protected at The Hollies and other nearby dwellings a similar condition is recommended for this proposal. Subject to conditions regarding lighting and hours of use, it is not considered there would be any loss of residential amenity.

- 9.8.4 The NPPF requires new development to not adversely affect amenity in the locality. In this case there are not considered to be any adverse impacts at any specific property, however the Parish Council have raised concerns more widely regarding light and noise pollution.
- 9.8.5 It has already been considered in section 9.6 above that the site is on the urban fringe and its setting is heavily influenced by the existing development, most notably Castle Hill Hospital, and Castle Road, a busy distributor road carrying significant volumes of traffic. As such, although the site is open countryside it has a strong urban influence with existing background noise and light levels being more typical of urban settings than rural. Noise levels associated with the development would peak during times of highest activity when the store would be open and when deliveries would be taken (which can both be controlled through condition). This would be during the day time and coincide with peak traffic movements on Castle Road and peak intensity of activity at Castle Hill Hospital. At night the garden centre would be closed to customers and deliveries so there would be no adverse impacts on the area from noise. In terms of lighting, the area is relatively well lit at night, with streetlights along Castle Road and external lighting at Castle Hill Hospital. This site is, however, on the opposite side of the road which is less well lit and adjacent to open countryside so a condition requiring a lighting scheme is recommended. Subject to conditions restricting hours of use and requiring a lighting scheme it is not considered there would be any detrimental impact on amenity in the locality as a result of noise or lighting.

9.9 Flood Risk, Drainage and Groundwater Source Protection Zones

- 9.9.1 The site lies within flood zone 1, however as the site is over 1 hectare in size a flood risk assessment is required and has been provided. The Environment Agency have considered the flood risk assessment, and subject to conditions to secure the recommendations of the flood risk assessment raise no objections to the proposal.
- 9.9.2 It is understood that some of the areas surrounding the application site were subject to flooding during the June 2007 flood events. The councils Strategic Flood Risk Assessment has taken account of the June 2007 flood events in considering areas where there is a localised drainage issue, however this site has not been identified as an area at risk.

9.9.3 It is proposed that foul drainage would go to the mains sewer in Castle Road, and that surface water would go to an existing watercourse along the rear (southern) boundary of the site. This is the same arrangement as agreed under the previous application, subject to conditions requiring the final details to be submitted for agreement. Although the Parish Council have raised concerns that the drainage system is already surcharged, Yorkshire Water raise no objection to the proposed connection to the mains sewer, or in principle to the proposed drainage to the drainage ditch. They do, however, require an additional plan to detail how the surface water drainage would connect to the existing drain. This has been requested from the applicant. Yorkshire Water recommend a number of conditions.

9.9.4 The site lies within groundwater source protection zone 3 (SPZ3) of the Keldgate water supply borehole. The Environment Agency raise no objections to the proposal in relation to SPZ3 subject to a number of conditions to ensure that drainage, construction and any potential land contamination that may be found is adequately managed to ensure that the water supply is protected.

9.9.5 Subject to conditions and an amended plan to show the surface water connection to the drainage ditch to the south of the site, the proposal is considered acceptable in terms of flood risk, drainage and the SPZ.

9.10 Ecology

9.10.2 The Parish Council have raised concerns that the proposal would interrupt wildlife. The site has always been part of the Nursery site and currently comprises a new car park covering a large part of the site, existing buildings and recently cleared land. The natural features of the site are the hedgerows to the site boundaries which would be retained as part of this application. There are no objections from the councils Nature Conservation Officer, and on the basis the natural features of the hedges would all be retained, and the rest of the site has been heavily disturbed through clearance of glasshouses and construction of the car park, it is not considered likely that there would be any detrimental impact on wildlife interests at the site.

9.11 Sustainability

9.11.2 The NPPF states that new development should be planned in ways to reduce greenhouse gas emissions and to minimise energy consumption. RSS policy ENV5 specifically requires that new developments over 1000m² of non-residential floorspace secure at least 10% of their energy from decentralised and renewable or low-carbon sources. A condition is recommended to secure this.

10. CONCLUSION

The proposed garden centre would be a redevelopment of an existing nursery business located in the open countryside on the edge of Cottingham. The site is accessible by foot and bus from Cottingham and is well located close to the main road network if the A164. By its nature, the garden centre requires a large site to sell bulky goods and plants, and on

the basis that the retail unit is only used for the sale of plant and garden goods, it is not considered that the proposed use could be accommodated within either of the nearest centres of Cottingham or Beverley. It would utilise existing buildings on an existing site for diversification which would meet the requirements of Local Plan policy E3, and Local Plan policy S10 is supportive of garden centres in open countryside locations. There is no evidence that the proposal would have any negative impacts on the centres of Hull, Beverley or the Haltemprice settlements. The proposed development would have an acceptable design that would not harm the Open Area of Strategic Importance, the character of the area or residential amenity. The site could be adequately drained and would not impact on ecology. Subject to confirmation from Public Protection that they have no objections, the application is considered acceptable subject to conditions, and would comply with policy.

11. HUMAN RIGHTS

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

12. RECOMMENDATION

That the application be **DEFERRED** for receipt of outstanding consultation response from Public Protection and. Upon receiving confirmation of no objection, the Director of Planning and Economic Regeneration be authorised to **APPROVE** the application subject to the following conditions, and any conditions required by Highway Control and Public Protection:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

This condition is imposed in order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The premises shall be used as a garden centre with ancillary coffee shop and farm shop only, and for no other purposes (including any other purpose in Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any Statutory Instrument revoking and re-enacting that Order with or without modification).

This condition is imposed to ensure that the permitted retail development is appropriate to an open countryside location and that the development does not detrimentally affect the vitality and viability of local town and city centres.

3. The floorspace to be used for the sale of food not for consumption on the premises shall not exceed 350 square meters, and the floorspace to be used for the café shall not exceed 575 square meters. The remaining floorspace shall be used only for the sale and display of the goods listed in the schedule below, except for up to a maximum of 530 square meters which may be used for the sale and display of ancillary garden centre goods not

listed in the schedule below and the areas identified on drawing no. 0372/4E which identifies areas to be used for the sales of aquatics products and pets, unless otherwise agreed in writing by the Local Planning Authority.

Schedule of Garden Centre Goods for Sale:

Trees
Shrubs
Plants and flowers
Seeds
Bulbs
Tree stakes and plant supports
Turf
Topsoil and mulches
Composts
Peats
Gravel
Sands and grit
Grobags
Propagators and related accessories
Weedkillers
Pesticides
Fungicides
Fertilisers
Lawn care equipment and garden machinery
Terracotta gardenware and plantware
Troughs and planters
Garden, plant or flower related pottery, stoneware and glassware
Cut flowers
Rustic poles
Fencing and related accessories
Wood preservatives
Garden ornaments
Barbeques and related equipment, fuel and accessories
Greenhouses and related equipment and accessories
Garden furniture
Garden sheds
Garden lighting and irrigation equipment
Floristry equipment and accessories
Trellises
Cranes
Timber decking
Garden related wrought ironwork
Garden ponds and pools
Flagstones
Walling
Rockery materials
Gardening tools and equipment

This condition is imposed to ensure that the permitted retail development is appropriate to an open countryside location and that the development does not detrimentally affect the vitality and viability of local town and city centres.

4. The farm shop and the café contained in the building hereby approved shall remain ancillary to the use of the site as a garden centre and shall not be used for separate purposes.

This condition is imposed to ensure that the permitted retail development is appropriate to an open countryside location and that the development does not detrimentally affect the vitality and viability of local town and city centres.

5. The use garden centre, farm shop and café hereby permitted shall not be open to customers outside the following times: 9.00am to 5.30pm in the winter months (October-March) and 9.00am to 6.00pm in the summer season (April-September) and until 8.30pm in the summer season on Thursday nights only.

This condition is imposed in the interests of residential amenity.

6. No deliveries shall be taken at or despatched from the site outside the hours of 9.00am to 5.30pm in the winter months (October-March) and 9.00am to 6.00pm in the summer season (April-September) and until 8.30pm in the summer season on Thursday nights only and not at any time on Sundays or Public Holidays.

This condition is imposed in the interests of residential amenity.

7. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) 19 March 2012 by East Riding Consultants Limited and the following mitigation measures detailed within the FRA:

- 1. Limiting the surface water run-off generated by the development so that it will be reduced from the existing site and reduce the risk of flooding off-site. This will be achieved by a reduction in impermeable area and using permeable materials.*

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

This condition is imposed to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

8. Prior to the commencement of development, a scheme for the disposal of both surface water and foul water drainage shall be submitted to and agreed in writing by the LPA. The scheme shall include full details of proposed design together with the accompanying

design drawings. The development shall thereafter proceed only in strict accordance with the agreed scheme. The proposed development is in a very sensitive location, within the Source Protection Zone 3 (SPZ3) of Yorkshire Water Services "Keldgate" water supply borehole, that abstracts groundwater from the underlying Chalk aquifer. The Keldgate water supply borehole provides much of Hull's drinking water. The development must not therefore impact on the groundwater. It is understood from the submitted Supporting Statement (dated 28th June 2012) that a pervious paving area is proposed to deal with the surface water drainage from the proposed car parking area. Full details of the design, including cross sectional drawings, shall be submitted. The Environment Agency expects that the design will conform with a Type C pervious paving design detailed in Chapter 12 of CIRIA publication "The SUDS Manual (C697)". This provides comprehensive details on both design and construction considerations with reference to the relevant standards for the pervious paving design proposed.

9. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

This condition is imposed to protect groundwater by ensuring against mobilisation of contamination from infiltration. The proposed development is in an extremely sensitive location, within the Source Protection Zone 3 (SPZ3) of Yorkshire Water Services "Keldgate" water supply borehole, that abstracts groundwater from the underlying Chalk aquifer. The Keldgate water supply borehole provides much of Hull's drinking water. It must be demonstrated that any infiltration associated with both the surface water drainage from the car parking areas and clean roof water is within ground free from contamination.

10. Prior to the commencement of construction a Construction Environmental Management Plan (CEMP) should be submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with the approved CEMP. The CEMP should include implementation of mitigation measures designed to protect the groundwater, and these details shall not be altered in any way without the prior written approval of the local Planning Authority.

This condition is imposed to protect public drinking water supplies. The proposed development is in a very sensitive location, within the Source Protection Zone 3 (SPZ3) of Yorkshire Water's "Keldgate" water supply borehole. The Keldgate water supply borehole provides much of Hull's drinking water. Therefore it will need to be demonstrated as part of any application how construction will be carefully managed to ensure against pollution of the groundwater and protect public water supplies. This should include an assessment of any foundations work to be undertaken that could potentially act as a pollution pathway and the appropriate mitigation required to protect the groundwater.

11. No development approved by this planning permission (or such other date or stage in

development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

This condition is imposed to protect the water environment by ensuring that the site is remediated to an appropriate standard. The proposed development is in a very sensitive location, within the Source Protection Zone 3 (SPZ3) of Yorkshire Water Services "Keldgate" water supply borehole. The Keldgate water supply borehole provides much or Hull's drinking water. The development must not therefore impact on the groundwater.

12. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

This condition is imposed to protect the water environment by ensuring that the site is remediated to an appropriate standard. The proposed development is in a very sensitive location, within the Source Protection Zone 3 (SPZ3) of Yorkshire Water Services "Keldgate" water supply borehole. The Keldgate water supply borehole provides much or Hull's drinking water. The development must not therefore impact on the groundwater.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local

planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

This condition is imposed to protect the water environment by ensuring that the site is remediated to an appropriate standard. The proposed development is in an extremely sensitive location, within the Source Protection Zone 3 (SPZ3) of Yorkshire Water Services "Keldgate" water supply borehole. The Keldgate water supply borehole provides much of Hull's drinking water. The development must not therefore impact on the groundwater.

14. No development shall take place until full details of both hard and soft landscape works for the whole site together with a programme of implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or as may be otherwise agreed in writing by the Local Planning Authority.

These details shall include:

- i) means of enclosure
- ii) hard surfacing materials
- iii) planting plans

This condition is imposed because a well designed landscaping scheme can enhance the living environment of future residents, reduce the impact of the development on the amenities of existing residents and help to integrate the development into the surrounding area.

15. Any trees, shrubs or hedges planted in accordance with the agreed landscaping scheme which are removed, die, become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

This condition is imposed because landscaping works can enhance a development both for its own sake and for the benefit of the wider area. Trees, shrubs and hedges can fail as a result of a number of causes and it is important that, if the landscaping scheme is to succeed, there is provision for replacement planting.

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

This condition is imposed because the submitted application did not specify the materials to be used in the proposed development or the specified materials were not considered acceptable. It is considered that the use of inappropriate materials could be harmful to the

appearance of the area and that the Council therefore needs to retain a measure of control.

Note: The developer's attention is drawn to the fact that development cannot commence until the facing materials have been agreed. A period of at least 10 working days should be allowed for the submission and approval process. Developers are, however, advised that whilst the Council expects to be able to respond within 10 working days, the lack of a response within that time should not be taken as a deemed approval.

17. Before the development is first brought into use a scheme of lighting including details of the design and location of floodlighting/floor lighting/wall lighting/internal glasshousing lighting and the times when lighting shall be used shall be submitted to and agreed in writing by the Local Planning Authority. The development shall operate in accordance with the approved scheme at all times.

This condition is imposed in the interests of residential amenity and impact on the character of the area.

18. No development shall be commenced until the highway improvements to Castle Road have been constructed and completed in accordance with the submitted details.

This condition is imposed in order to provide satisfactory access to the development and in the interests of highway safety.

19. Development shall not be brought into use until parking, loading, un loading and manoeuvring arrangements have been constructed and completed in accordance with the submitted details.

This condition is imposed in order to provide satisfactory parking loading, unloading and manoeuvring facilities with the site and in the interests of highway safety.

20. Development shall not be brought into use until details of the parking management strategy for the site have been submitted to and approved in writing by the Local Planning Authority after consultation with the Highway Authority

This condition is imposed to ensure satisfactory parking arrangements are available for the uses on the site and in the interests of highway safety

21. Development shall not be brought into use until details of the control measures / operation and use of the existing vehicular / pedestrian access together with any improvements associated with the safety of users and the associated highway at the western end of the site frontage have been submitted to and approved in writing by the Local Planning Authority after consultation with the Highway Authority.

This condition is imposed in order to secure satisfactory pedestrian and vehicular accessibility to the development and to implement and safety measures associated with the operation of the access as it affects the adjoining highway network.

22. The development hereby permitted shall not be brought into use until there has been submitted to and approved in writing by the Local Planning Authority, a report showing the location of any externally mounted plant or vents including air conditioning units, fans and refrigeration equipment, their sound output, and any measures to be taken to prevent noise and vibration problems to neighbouring residential properties. The development shall be implemented in accordance with these approved details and shall thereafter be maintained.

This condition is imposed in order to ensure that the amenities of adjacent properties are not adversely affected by vibration or noise.

23. Demolition or construction work shall not commence until such a time that a code of good working practice for protecting the nearest residential dwellings including measures to control noise and vibration, as set out in BS 5228 Part 1: 1997 - Noise and Vibration Control on Construction and Open Sites, has been submitted to and approved in writing by the Local Planning Authority. The demolition and construction works shall be carried out in accordance with these agreed details.

The code of practice shall include the use of vehicles, plant and equipments, piling operations, excavations, earth moving, site communications systems and the loading and unloading of raw materials.

This condition is imposed in order to ensure that the amenities of adjacent properties are not adversely affected by noise or vibration.

24. No development of any phase of development shall take place until the Local Planning Authority has approved a report provided by the applicant identifying how the predicted CO₂ emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Unless otherwise agreed in writing by the local planning authority, the development shall then proceed in accordance with the approved report.

Before the unit is occupied or sold the renewable energy equipment shall have been installed and the local planning authority shall be satisfied that their day to day operation will provide energy for the development for so long as the development remains in existence.

This condition is imposed in the interests of sustainability and to minimise the development's impact on climate change.

25. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No	Description	Date Received
	Location Plan	03.05.12
0372/2D	Roof Plan	03.05.12

	Proposed Sections	03.05.12
	Proposed Sections	03.05.12
ROS 11 3a	Proposed Site Layout	03.05.12
CRC/109 B	Road Construction Details	03.05.12
CRC/105A	Long Section Along Right Hand Channel	03.05.12
CRC/104	Carriageway Cross Sections	03.05.12
CRC/103	Carriageway Cross Sections	03.05.12
CRC/108A	Proposed Signing and Lining	03.05.12
CRC/107B	External Works and Drainage Details	03.05.12
CRC/106C	Kerbing and Paved Areas	03.05.12
CRC/102A	Proposed Alignment	03.05.12
CRC/101A	General Arrangement	03.05.12
	Proposed Elevations	06.06.12
0372/4E	Proposed Ground Floor Layout	21.08.12

This condition is imposed for the avoidance of doubt and to ensure that the development hereby permitted is carried out in accordance with the approved details in the interests of the character and amenity of the area and the provisions of the development plan.

Relevant Planning Policies

Regional Spatial Strategy

- YH1 Overall Approach and Key Spatial Priorities
- YH6 Local Service Centres and Rural and Coastal Areas
- YH7 Location of Development
- HE1 Humber Estuary sub area policy
- ENV5 Energy
- E7 Rural Economy

Joint Structure Plan

- EC1 Employment development to be concentrated in DS1-3 settlements. Hull City Centre to act as sub-regional focus. Principal towns and towns to provide complementary role commensurate with size and function. Humber Bridge Head and Kingswood identified as strategic employment sites – tests established to ensure that development at these sites does not adversely affect the role of the city centre.
- SP2 Vitality and viability of strategic centres to be maintained and strengthened.
- SP5 Development proposals to achieve high standard of design.

Beverley Borough Local Plan

- E2 Development limits of settlements are those set out on the Proposals Map. Outside of those is Open Countryside.
- E3 General presumption against development outside development limits and criteria for when it might be acceptable.
- E4 Protect the strategically important open areas.

National Planning Policy Framework

Reason for Decision

The proposed garden centre would be a diversification of an existing nursery business located in the open countryside on the edge of Cottingham. The site is accessible by foot and bus from Cottingham and is well located close to the main road network if the A164. By its nature, the garden centre requires a large site to sell bulky goods and plants, and on the basis that the retail unit is only used for the sale of plant and garden goods, it is not considered that the proposed use could be accommodated within either of the nearest centres of Cottingham or Beverley. It would utilise existing buildings on an existing site for diversification which would meet the requirements of Local Plan policy E3, and Local Plan policy S10 is supportive of garden centres in open countryside locations. There is no evidence that the proposal would have any negative impacts on the centres of Hull, Beverley or the Haltemprice settlements. The proposed development would have an acceptable design that would not harm the Open Area of Strategic Importance, the character of the area or residential amenity. The site could be adequately drained and would not impact on ecology. Subject to confirmation from Highway Control that there are no objections on highways grounds and Public Protection that they have no objections, the application is considered acceptable subject to conditions, and would comply with policy.

Alan Menzies
Director of Planning and Economic Regeneration.

Contact Officer

Miss Hannah Coldwell

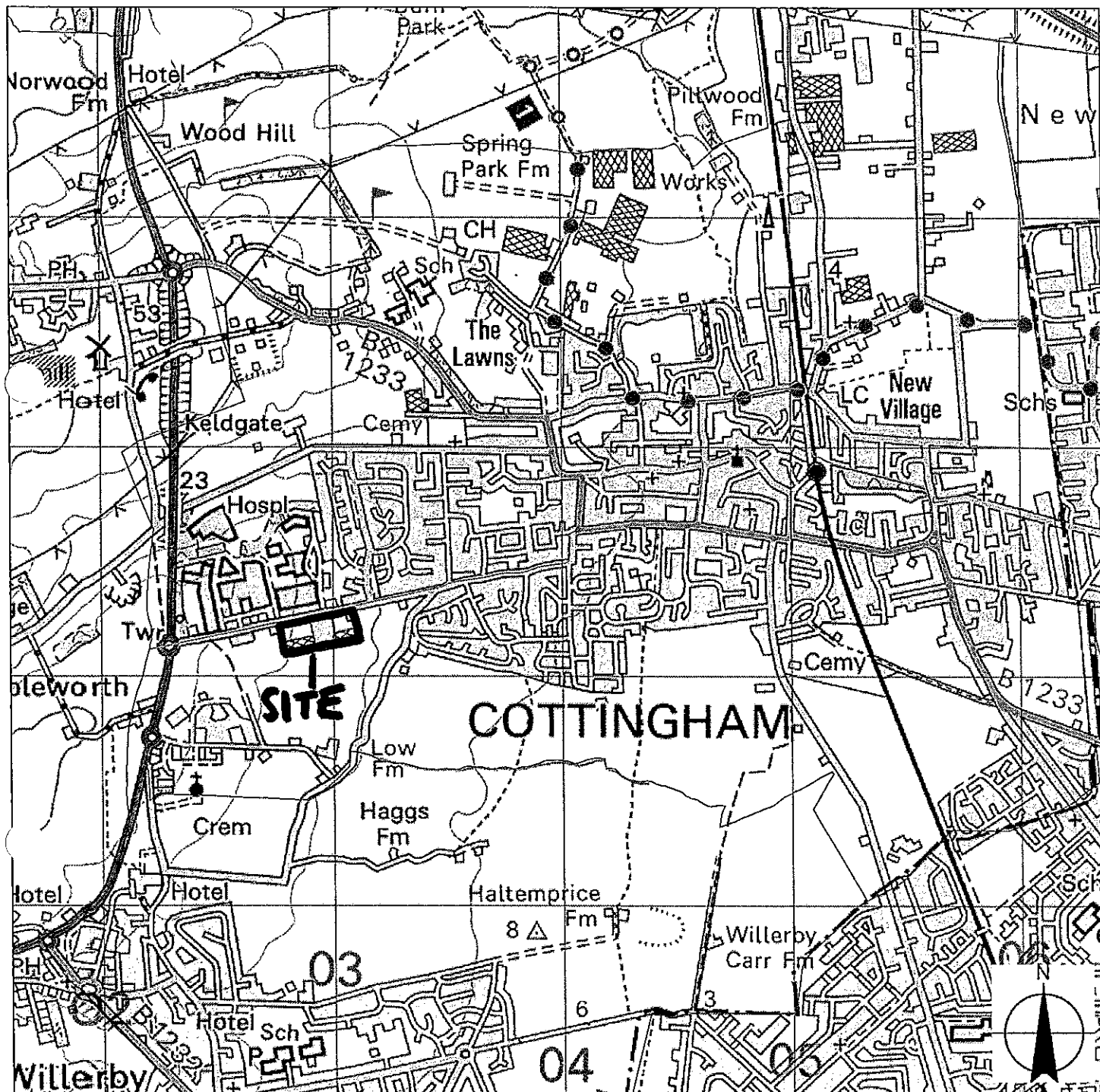
Background Papers

12/00677/STPLF



EAST RIDING

OF YORKSHIRE COUNCIL

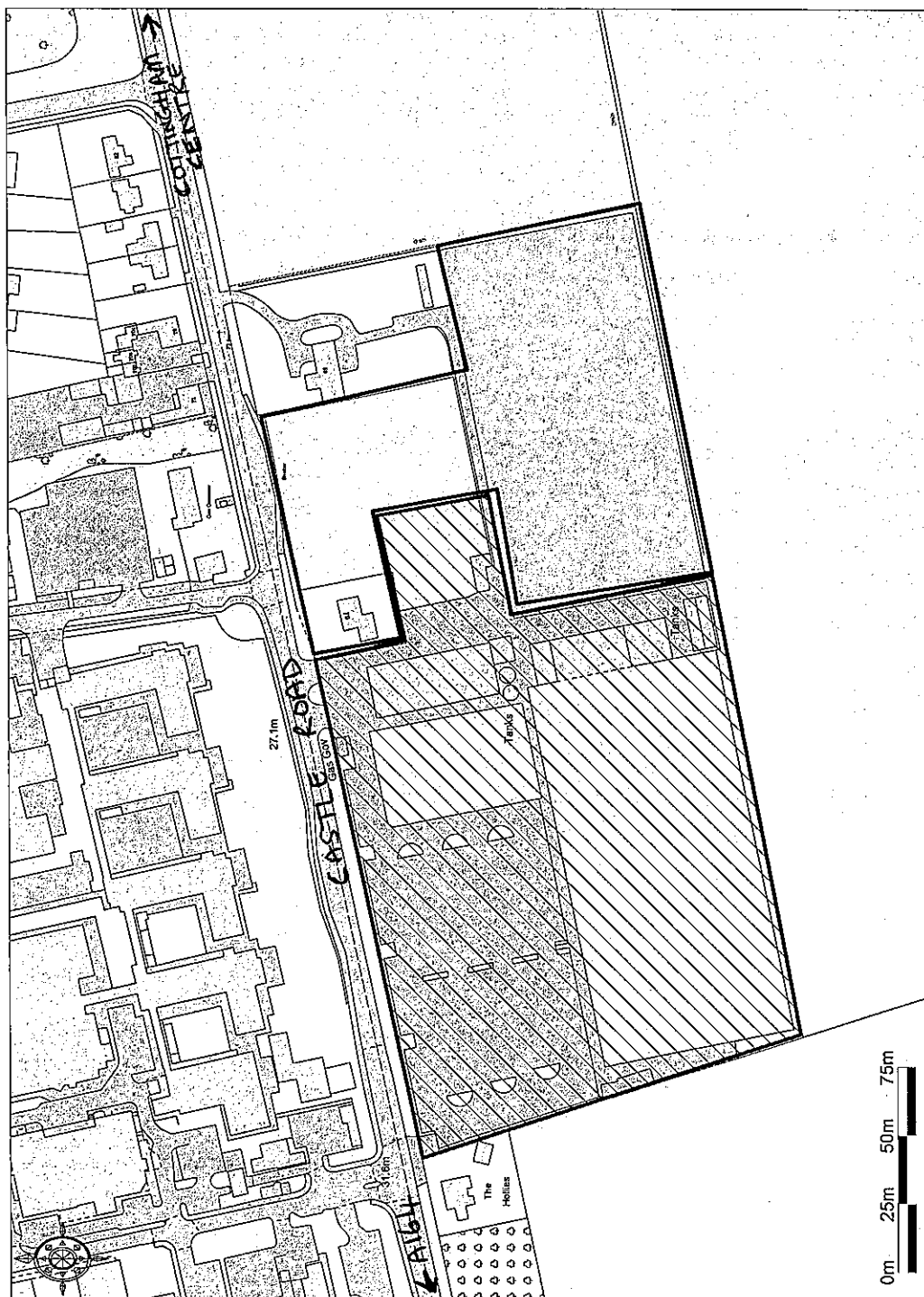


Scale : 1:25000

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

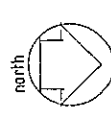
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

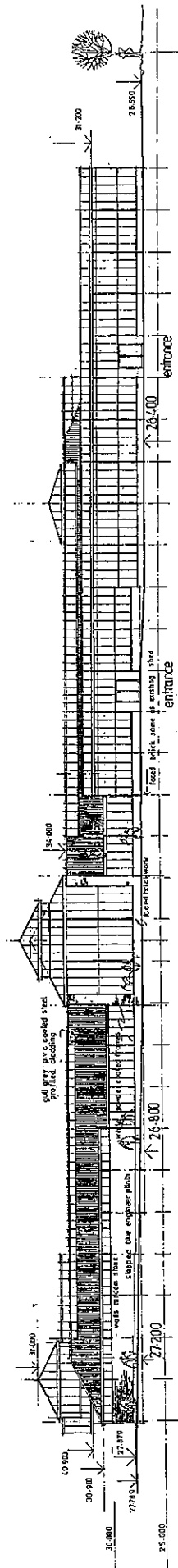
Organisation	Not Set
Department	Not Set
Comments	
Date	30 August 2012
SLA Number	Not Set



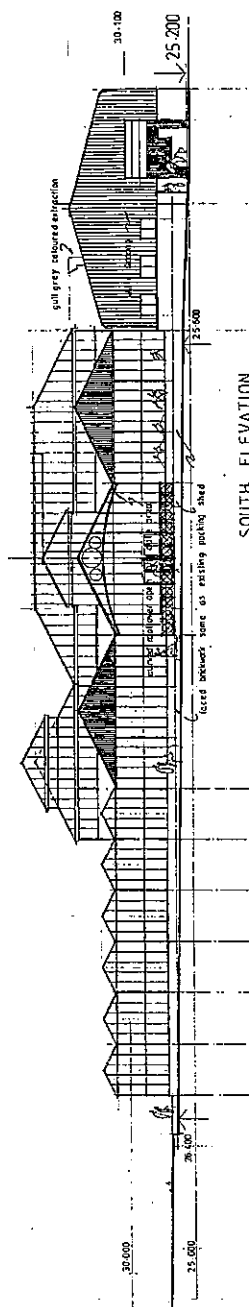
Ordnance Survey © Crown Copyright 2012. All rights reserved. Licence number 100020449. Photod Scale - 1:2500

1. I cannot pretend after lunch
2. I am not a native
3. I have been here for
4. I have been here for
5. I have been here for
6. I have been here for
7. I have been here for
8. I have been here for
9. I have been here for
10. I have been here for
11. I have been here for
12. I have been here for
13. I have been here for
14. I have been here for
15. I have been here for
16. I have been here for
17. I have been here for
18. I have been here for
19. I have been here for
20. I have been here for
21. I have been here for
22. I have been here for
23. I have been here for
24. I have been here for
25. I have been here for
26. I have been here for
27. I have been here for
28. I have been here for
29. I have been here for
30. I have been here for
31. I have been here for
32. I have been here for
33. I have been here for
34. I have been here for
35. I have been here for
36. I have been here for
37. I have been here for
38. I have been here for
39. I have been here for
40. I have been here for
41. I have been here for
42. I have been here for
43. I have been here for
44. I have been here for
45. I have been here for
46. I have been here for
47. I have been here for
48. I have been here for
49. I have been here for
50. I have been here for
51. I have been here for
52. I have been here for
53. I have been here for
54. I have been here for
55. I have been here for
56. I have been here for
57. I have been here for
58. I have been here for
59. I have been here for
60. I have been here for
61. I have been here for
62. I have been here for
63. I have been here for
64. I have been here for
65. I have been here for
66. I have been here for
67. I have been here for
68. I have been here for
69. I have been here for
70. I have been here for
71. I have been here for
72. I have been here for
73. I have been here for
74. I have been here for
75. I have been here for
76. I have been here for
77. I have been here for
78. I have been here for
79. I have been here for
80. I have been here for
81. I have been here for
82. I have been here for
83. I have been here for
84. I have been here for
85. I have been here for
86. I have been here for
87. I have been here for
88. I have been here for
89. I have been here for
90. I have been here for
91. I have been here for
92. I have been here for
93. I have been here for
94. I have been here for
95. I have been here for
96. I have been here for
97. I have been here for
98. I have been here for
99. I have been here for
100. I have been here for

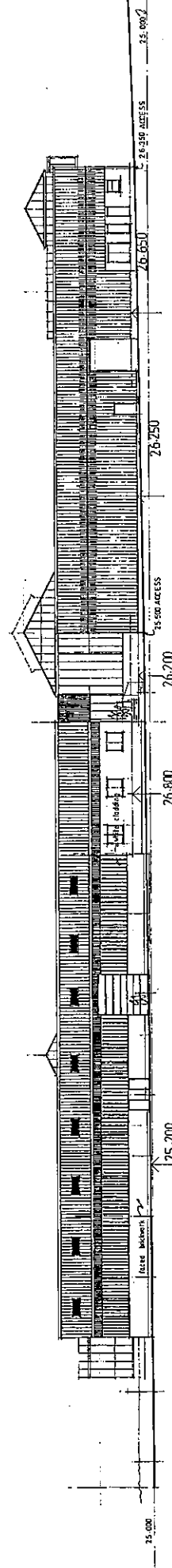




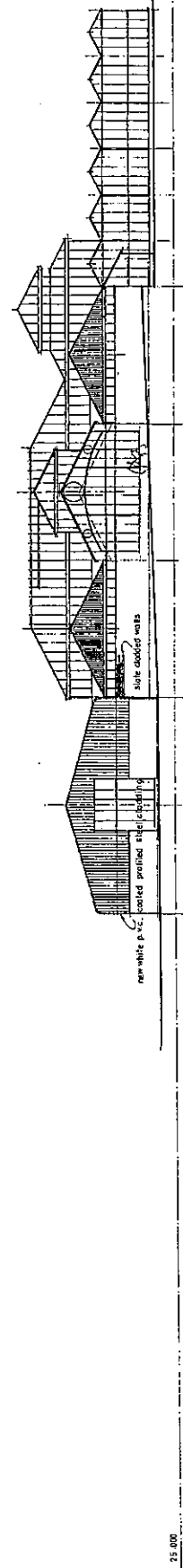
WEST ELEVATION FACING CAR PARK



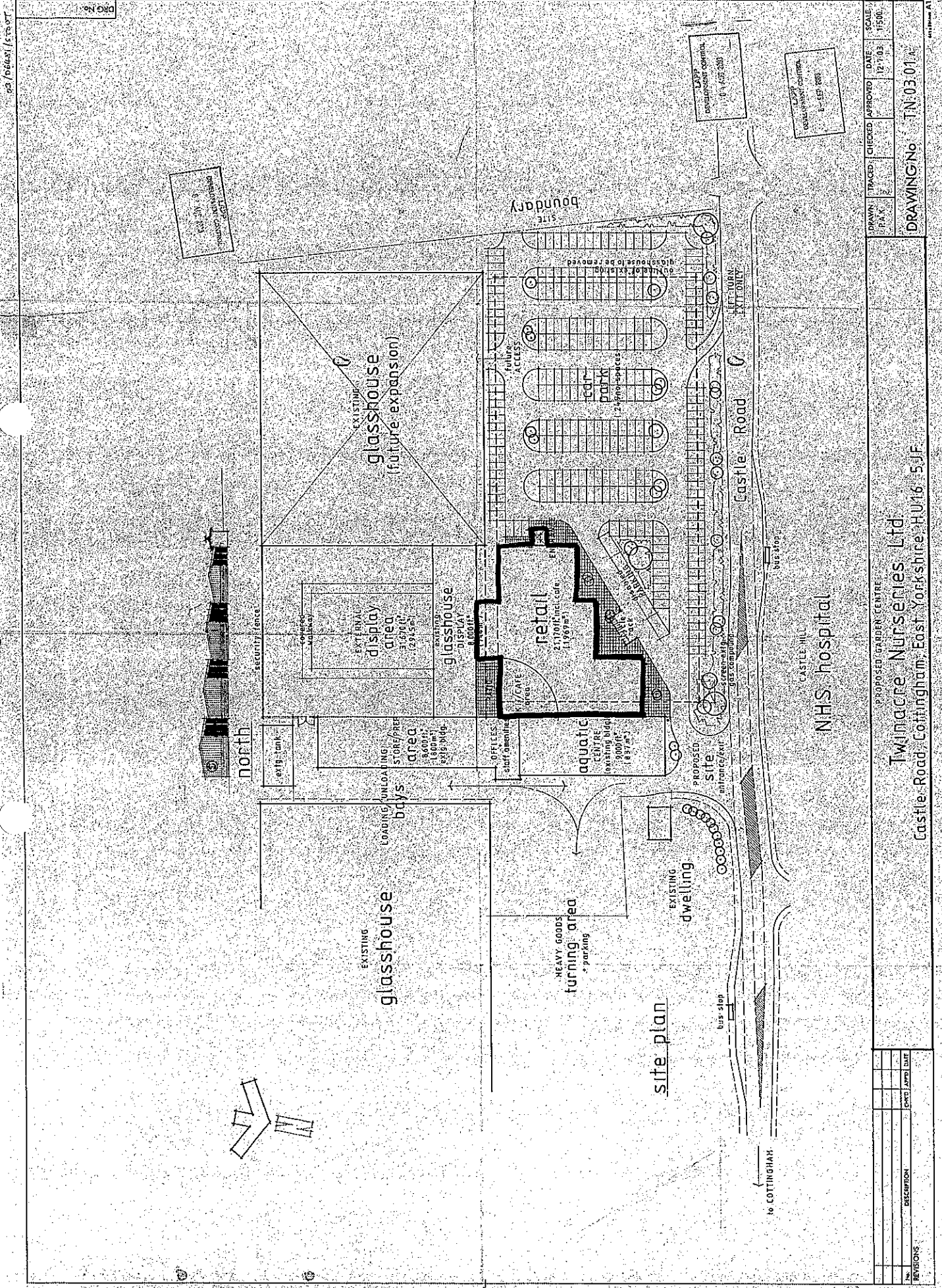
SOUTH ELEVATION



EAST ELEVATION



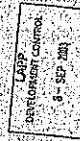
NORTH ELEVATION



REVISIONS		DESCRIPTION		DATE
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

DRAWN	TRACED	CHECKED	APPROVED	DATE	SCALE
P.A.K.				12/1/03	1:500

DRAWING No		TN 03 01A	
Twimacre Nurseries Ltd.		Castle Road, Cottingham, East Yorkshire HU16 5JF	

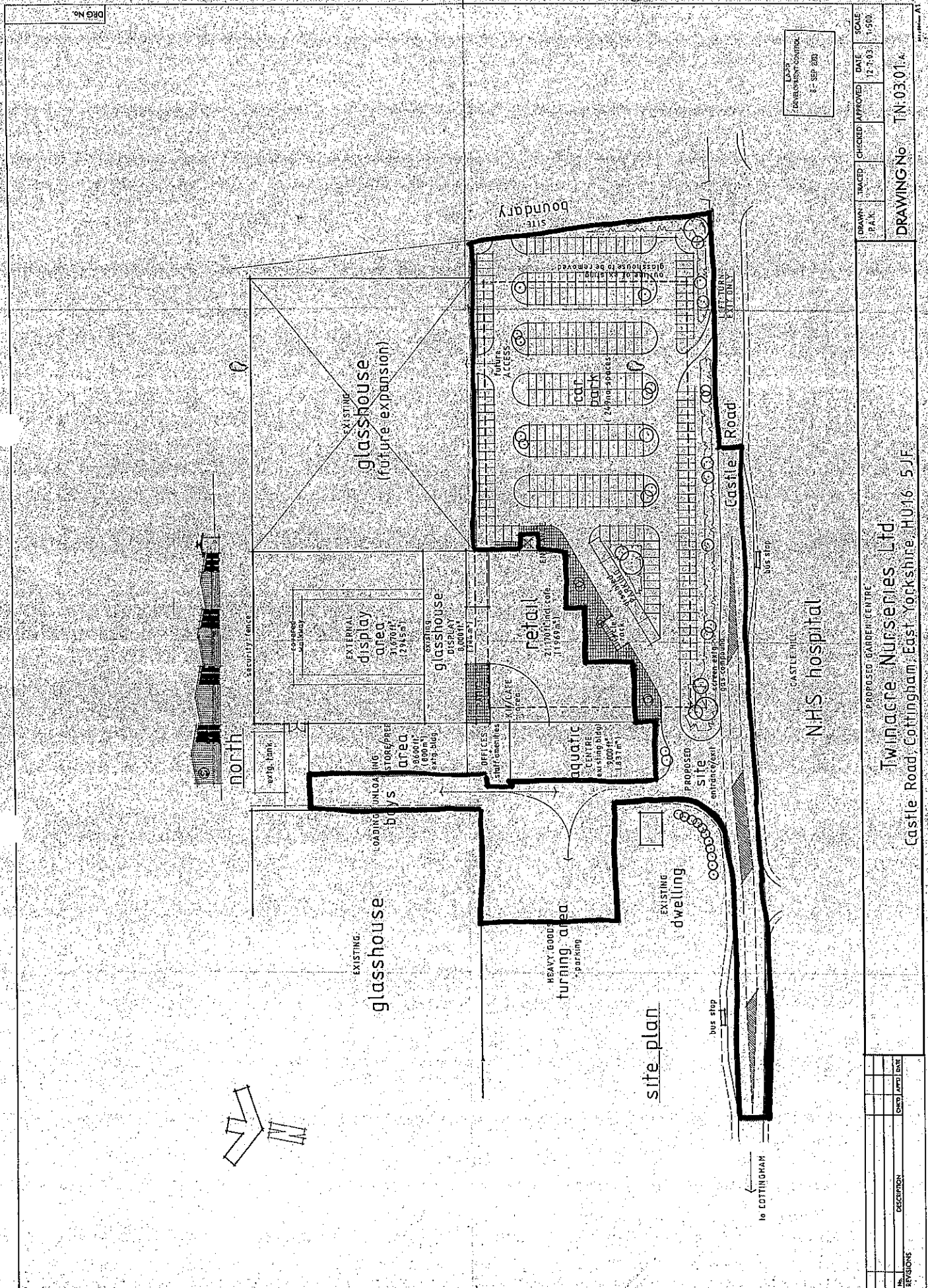
[illegible]

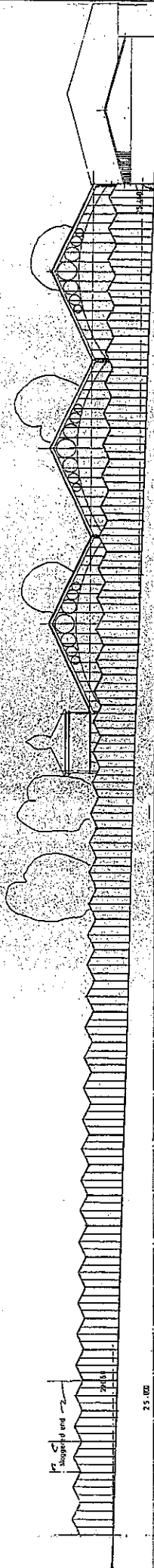
PROPOSED GARDEN CENTRE

Twinacre Nurseries Ltd.
Cottage Road, Cottingham, East Yorkshire, HU10 1JH

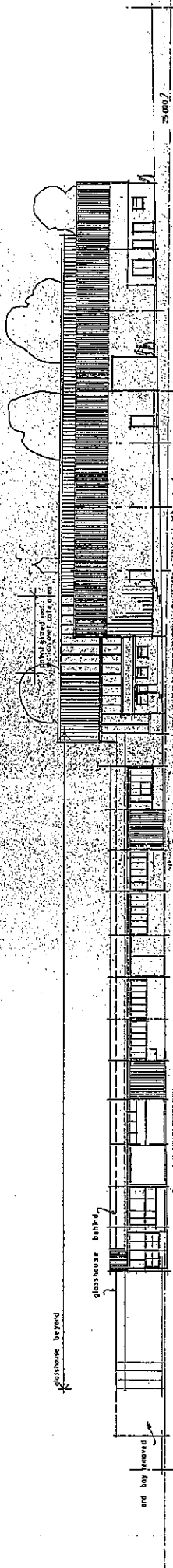
DRAWN P.A.K.	TRACED	CHECKED	APPROVED	DATE 12-7-03	SCALE 1:500
-----------------	--------	---------	----------	-----------------	----------------

DRAWING No. TN-03-01-A

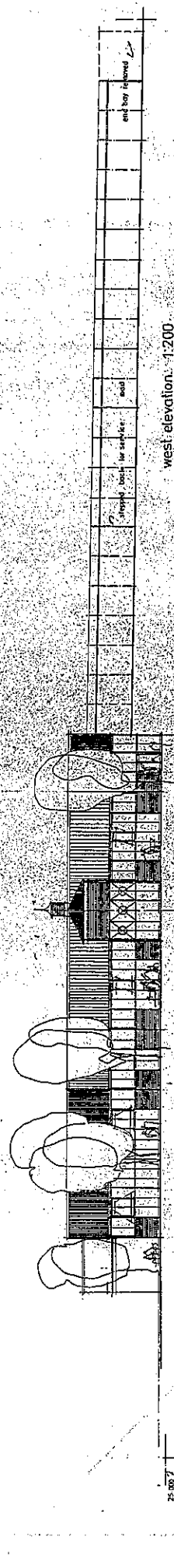




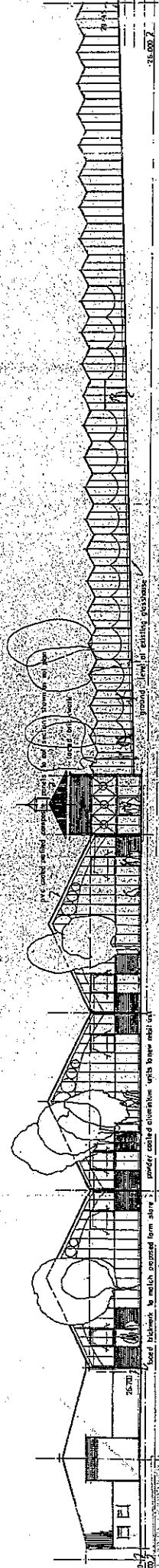
proposed south elevation 1:200



proposed east elevation 1:200



proposed garden centre retail sales area facing west



proposed north elevation 1:200

ERECTION OF BUILDING FOR USE AS A GARDEN CENTRE, TWIN ACRE NURSERY, CASTLE ROAD, COTTINGHAM, E. YORKS. HU16 5JF.

EAST RIDING OF YORKSHIRE COUNCIL

Report to: Planning Committee
13 September 2012

WARDS: Mid Holderness

Full Planning Permission: Erection of a detached dwelling following demolition of existing barn/store (Resubmission of 11/05500/PLF) at Beckside Villas Land To The West Back Lane Danthorpe East Riding Of Yorkshire

Applicant: Mr and Mrs S Swyer

Application Number: 12/00815/PLF

Report of the Director of Planning and Economic Regeneration

A. Executive Summary

This planning application is referred back to the Planning Committee following consideration at the last meeting. Members will recall that during the debate Councillor Turner speaking in favour of the proposal set out his recollections of the former business that had been run from the site. Officers subsequently advised that evidence of the former use had not been submitted with the application and in light of this it could not be reasonably established that there was a former commercial use on the site, and that the applicant could if they wished pursue a formal determination on this basis if they had the evidence to do so.

Members subsequently voted to refuse the application on all three grounds, as initially recommended in the Officer report, rather than just for reasons 2 and 3 as had been advised by the Sub Committee.

Following Planning Committee Councillor Grove submitted information providing evidence of the former commercial use of the site.

In light of this it is considered appropriate to ask the Planning Committee to reconsider the resolution with full information.

B. Corporate Priorities

Valuing our Environment
Local problem solving
Revitalising our Communities

C. Application Type

Full Planning Permission

D. Parish

Elstronwick Parish Council

E. Applicant

Mr and Mrs S Swyer

F. Recommendation

That the application be **REFUSED** for the reasons set out in Section 4.

1. BACKGROUND

1.1 This application was considered by the Eastern Area Planning Sub-Committee at its meeting on 11th June 2012, and the Planning Committee on the 19th July. A copy of the Planning Committee report is attached as Appendix 1.

1.2 At the Planning Committee, Officers updated Members in respect of a letter from the applicant's agent which advised the applicant would be willing to submit a revised scheme to address the concerns of the Sub Committee should Members resolve to endorse the decision of the Sub Committee.

1.3 That revised submission would seek to address the concerns of design and scale and improve the relationship to neighbouring properties whilst staying within the footprint of the existing building.

1.4 The letter goes on to state that the siting of the building is outside the area of flood risk and that should a community nursing position arise for the applicant this could be a benefit to the community.

2. DISCUSSION

2.1 The original Planning Committee report is attached at Appendix 1 of this report.

2.2 The full planning history is set out below.

N.1323	Erection of a single storey building for use as a warehouse - Approved 29.06.1956
--------	--

N.1323(A)	Erection of a single-storey extension to an existing building for use as a warehouse - Approved 31.10.1958
-----------	---

N.1323(B)	Retention of an extension to an existing building and continued use as a warehouse - Approved 08.05.1969
-----------	---

N.1323(C)	Retention of an extension to an existing building and its continued use as a warehouse - Approved 09.08.1974
-----------	---

N.1323-C	Retention of an extension to an existing building and its continued use as a warehouse - Approved 14.11.1979
N.1323-C	Removal of a planning condition in order to use an extension to a warehouse on a permanent basis - Approved 27.02.1985
98/00976/OUT	(344-10023) Outline - erection of a dwelling - Refused 09.07.1998
02/07821/OUT	Outline - Erection of a detached dwelling - Refused 14.02.2003 – Appeal Dismissed 21.11.2003
04/08494/OUT	Outline permission - Erection of a detached dwelling following demolition of storage building - Refused 11.01.2005
11/05500/PLF	Erection of a detached dwelling following demolition of existing barn/store - WITHDRAWN

- 2.3 Members will note the site has been used for warehousing since the 1950s when there were a series of temporary permissions, which was finally converted to a full permission in 1985. There were then 4 applications to have a dwelling on the site dating back to 1998, with three refused and the most recent withdrawn.
- 2.4 The first of the residential applications was submitted by the former owner of the warehouse, which was refused following consideration by the Sub Committee.
- 2.5 The second residential application was refused following sub committee consideration in 2003, and was subsequently dismissed following an appeal later that year. The Inspector concluded that despite the land falling within the definition of 'previously developed land', the site could not be considered an infill plot and would be contrary to prevailing policies regarding residential development in the countryside.
- 2.6 The third residential application in 2004 was once again refused as contrary to policy being in the countryside and there being no exceptional reason which might justify a dwelling on the site contrary to normal policies.
- 2.7 A fourth residential application was withdrawn last year, which was for a similar proposal to that presently before the Committee.
- 2.8 In light of the history of the site and its present condition with the building remaining, it is the Officer's view that the site can be properly considered as previously developed land not 'Greenfield' land as stated in the original Sub Committee or the previous Planning Committee reports.
- 2.9 In considering this change, the question then needs to be asked whether this would lead to a different recommendation in respect of the principle of redevelopment of this site that is accepted as being outside of the defined development limits and therefore in the 'open countryside'. The NPPF

recognises a preference to developing previously developed sites over Greenfield sites, but does not set aside normal countryside protection policies in doing this.

- 2.10 Paragraph 55 of the NPPF sets out the exceptions which apply in dealing with new residential schemes in the countryside. This development does not meet any of them.
- 2.11 Local Policy applies equally stringent tests in dealing with new residential development in the countryside. H7 and DS4 of the JSP only allow for new dwellings within existing villages if it meets a local need and contributes to sustaining the role of the existing settlement. There is no evidence of a local need, indeed the applicants would be moving into the village and there are no local facilities that this scheme would support.
- 2.12 There is also a strong need to ensure consistency in decision making. Having refused applications on 3 previous occasions and successfully defended the approach on appeal, it would be very difficult to justify a different approach now when the policy stance is fundamentally the same.
- 2.13 Officers remain of the view therefore that the scheme should be refused for all the three reasons stated.

3 HUMAN RIGHTS ACT 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

4 RECOMMENDATION

That the application be **REFUSED** for the following reason(s):

- 1. The application site lies in an open countryside location where new residential development should only be permitted where there is an essential need for a rural worker to live permanently at or near their place of work. In this case, no evidence has been submitted to demonstrate a genuine need for a workers dwelling on the site and the applicant's case with regard to keeping the site tidy and prevent fly tipping is not sufficient to justify departure from the established policies and principles of the Development Plan and national policy guidance. This application is therefore considered to constitute inappropriate development in the open countryside contrary to paragraph 55 of National Planning Policy Framework, policies E7, YH1, YH6 and YH7 of the Regional Spatial Strategy and DS4 and H7 of the Joint Structure Plan which seek to direct housing development to sustainable locations and to restrict development in the countryside except in cases where there is an essential need for the purposes of agriculture or forestry.
- 2. It is considered that the proposed dwelling, by virtue of its excessive size and scale and its poor siting and design, would detract from the visual amenity of the area and the intrinsic character and beauty of the countryside. The proposal is therefore considered to contravene sub-section (ii) of policy SP5 of the Joint Structure Plan which seeks to ensure a high standard of design that integrates

visually and physically with its surroundings, sub-section 1. of policy G6 of the Holderness District Wide Local Plan which requires development to be in sympathy with the appearance and character of the local environment and is appropriate in scale, mass, design, materials, layout and siting and in relation to adjoining buildings and the guidance contained in the National Planning Policy Framework regarding good standards of design.

3. It is considered that proposed dwelling would have a detrimental impact on the residential amenities of the neighbouring property to the east (No. 2 Beckside Villas) resulting from a significant degree of enclosure and dominance due to the excessive projection of the proposed dwelling beyond the rear elevation of the neighbouring property, its two storey height and its close proximity to the eastern boundary. Furthermore, it is considered that the proposed development will give rise to issues of overlooking across the eastern boundary from windows in the eastern elevation which would result in an unacceptable degree of loss of privacy for the occupiers of the neighbouring dwelling.

The proposal is therefore considered to contravene sub-section (ii) of policy SP5 of the Joint Structure Plan which seeks to ensure a high standard of design that integrates visually and physically with its surroundings, sub-section 1. of policy G6 of the Holderness District Wide Local Plan which requires development to be in sympathy with the appearance and character of the local environment and is appropriate in scale, mass, design, materials, layout and siting and in relation to adjoining buildings and the guidance contained in the National Planning Policy Framework regarding good standards of design and adequate levels of residential amenity.

Alan Menzies

Director of Planning and Economic Regeneration

Contact Officer

Edwin Maund

Development Services Manager (East)

Ext. 3784

Background Papers

Planning Application Files

APPENDIX 1

Agenda Item No.

EAST RIDING OF YORKSHIRE COUNCIL

Report to: Planning Committee
19 July 2012

WARDS: Mid Holderness

Full Planning Permission: Erection of a detached dwelling following demolition of existing barn/store (Resubmission of 11/05500/PLF) at Becksides Villas Land To The West Back Lane Danthorpe East Riding Of Yorkshire

Applicant: Mr and Mrs S Swyer

Application Number: 12/00815/PLF

Report of the Director of Planning and Economic Regeneration

A. Executive Summary

This planning application is referred to the Planning Committee for determination contrary to established policies. The Eastern Area Planning Sub-Committee resolved that the application be Refused in respect of reasons 2 and 3 but not in respect of reason 1 as the Committee was satisfied that the current proposal was suitable despite being contrary to the development plan.

B. Corporate Priorities

Valuing our Environment
Local problem solving
Revitalising our Communities

C. Application Type

Full Planning Permission

D. Parish

Elstronwick Parish Council

E. Applicant

Mr and Mrs S Swyer

F. Recommendation

That the application be **REFUSED** for the reasons set out in Section 4.

1. BACKGROUND

1.2 This application was considered by the Eastern Area Planning Sub-Committee at its meeting on 11th June 2012. A copy of the report is attached as Appendix 1.

1.2 At the Sub Committee the applicant spoke and raised the following points:

- The applicant is a Director of a successful business in Hull
- As a nurse whilst presently based at a hospital would like to go back to provide community nursing.
- Seeking the village life style to bring up a new family
- Having purchased the site and cleared it already feel part of the community

1.3 Councillor Grove spoke in favour of the scheme as he is supportive of the principle. He considers the site to be previously developed land, and reiterated the parish support for the development. He considers that sustainability is more than just car useage, and villages cannot be frozen in time. A young family coming into the village is to be encouraged. He however made it clear he could not support this design, and considered it to be particularly poor.

1.4 Officer's updated the Sub Committee in respect of the following;

- A correction to the wording of a paragraph of the report – added in italics within the appendix.
- Public Protection had advised that there was no objection to te scheme in respect of foul drainage.

1.5 The Committee considered that the principle of the application could be supported, contrary to the Officer's report, but should be refused for reasons 2 and 3 as set out.

2. DISCUSSION

2.1 What Members need to consider is whether there are any material planning considerations which would weigh against the development plan, that justifies agreeing to residential development in this location in the open countryside outside of any defined development limit.

2.2 Local and National Policy is clear, new residential development should only be permitted where it is genuinely required, and that the dwelling proposed passes the tests set out in the NPPF and Development Plan.

2.3 This dwelling is being sought not due to a recognised need, but as a potential additional dwelling for a new family moving into the village. The argument is being made that much has been done to tidy the site by the applicants, and that to allow this development will be a broader benefit for the community

- 2.4 The redevelopment of this site could allow for the site to be tidied, but this is a weak argument, and should not be used as a justification to allow development in the countryside outside development limits. It could happen too often.
- 2.5 The Sub Committee were presented with an argument that the site was previously developed land (brownfield) It does have a former agricultural building on it which is not an attractive appearance particularly in its run down state. This is not however 'brownfield' agricultural development is specifically excluded from such a definition.
- 2.6 The question of sustainability generally was also debated. The Council has sought to develop a strategic hierarchy, which has developed over time, and within the latest policy allows for single dwellings within development limits which would allow villages the potential to grow modestly in an evolutionary way. Danthorpe however is so small it has no defined development limit and new dwellings should only be allowed where there is special justification. This is not the case here.
- 2.7 Members of the Sub Committee endorsed Officers view that the design and scale of the proposal was extremely poor, and entirely unsuitable and this proposal could not be supported in any event.
- 2.8 Members of the Planning Committee should be aware that this site is also identified as an area of flood risk, and within an area to be kept open to assist in avoiding the coalescence of settlements. This site is therefore not suitable for residential development for other reasons. The appended site plan identifies these constraints.
- 2.9 Officers remain of the view that the scheme should be refused for all the reasons stated.

3 HUMAN RIGHTS ACT 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

4 RECOMMENDATION

That the application be **REFUSED** for the following reason(s):

1. The application site lies in an open countryside location where new residential development should only be permitted where there is an essential need for a rural worker to live permanently at or near their place of work. In this case, no evidence has been submitted to demonstrate a genuine need for a workers dwelling on the site and the applicant's case with regard to keeping the site tidy and prevent fly tipping is not sufficient to justify departure from the established policies and principles of the Development Plan and national policy guidance. This application is therefore considered to constitute inappropriate development in the open countryside contrary to paragraph 55 of National Planning Policy

Framework, policies E7, YH1, YH6 and YH7 of the Regional Spatial Strategy and DS4 and H7 of the Joint Structure Plan which seek to direct housing development to sustainable locations and to restrict development in the countryside except in cases where there is an essential need for the purposes of agriculture or forestry.

2. It is considered that the proposed dwelling, by virtue of its excessive size and scale and its poor siting and design, would detract from the visual amenity of the area and the intrinsic character and beauty of the countryside. The proposal is therefore considered to contravene sub-section (ii) of policy SP5 of the Joint Structure Plan which seeks to ensure a high standard of design that integrates visually and physically with its surroundings, sub-section 1. of policy G6 of the Holderness District Wide Local Plan which requires development to be in sympathy with the appearance and character of the local environment and is appropriate in scale, mass, design, materials, layout and siting and in relation to adjoining buildings and the guidance contained in the National Planning Policy Framework regarding good standards of design.
3. It is considered that proposed dwelling would have a detrimental impact on the residential amenities of the neighbouring property to the east (No. 2 Beckside Villas) resulting from a significant degree of enclosure and dominance due to the excessive projection of the proposed dwelling beyond the rear elevation of the neighbouring property, its two storey height and its close proximity to the eastern boundary. Furthermore, it is considered that the proposed development will give rise to issues of overlooking across the eastern boundary from windows in the eastern elevation which would result in an unacceptable degree of loss of privacy for the occupiers of the neighbouring dwelling.

The proposal is therefore considered to contravene sub-section (ii) of policy SP5 of the Joint Structure Plan which seeks to ensure a high standard of design that integrates visually and physically with its surroundings, sub-section 1. of policy G6 of the Holderness District Wide Local Plan which requires development to be in sympathy with the appearance and character of the local environment and is appropriate in scale, mass, design, materials, layout and siting and in relation to adjoining buildings and the guidance contained in the National Planning Policy Framework regarding good standards of design and adequate levels of residential amenity.

Alan Menzies

Director of Planning and Economic Regeneration

Contact Officer

Edwin Maund

Development Services Manager (East)

Ext. 3784

Background Papers

Planning Application Files



APPENDIX 1

REPORT TO EASTERN AREA PLANNING SUB-COMMITTEE

COMMITTEE DATE: 11 June 2012

PARISH: Elstronwick Parish Council

WARD: Mid Holderness

APPLICATION NUMBER: 12/00815/PLF

APPLICATION TYPE: Full Planning Permission

DESCRIPTION: Erection of a detached dwelling following demolition of existing barn/store (Resubmission of 11/05500/PLF) at Beckside Villas Land To The West Back Lane Danthorpe East Riding Of Yorkshire

APPLICANT: Mr And Mrs Sam Swyer

DATE RECEIVED: 21 February 2012

RECOMMENDATION: Refuse

INTRODUCTION

This application seeks full planning permission for the erection of a detached dwelling following the demolition of an existing barn/store on land to the west of Beckside Villas, Back Lane, Danthorpe. The village of Danthorpe has no formal Development Limits and therefore the site lies in an area that is defined as 'open countryside' for the purposes of Development Plan policy. The application site is considered to constitute previously undeveloped 'Greenfield' land.

This application is being referred to the Sub-Committee for determination due to a recommendation of approval from Elstronwick Parish Council, which is strongly held.

PLANS AND ILLUSTRATIONS

Appendix 1 – Location Plan

Appendix 2 – Proposed Elevations, Roof Plan and Block Plan

Appendix 3 – Proposed Floor Plans and Section

KEY PLANNING POLICIES AND GUIDANCE

National Planning Policy Guidance

NPPF National Planning Policy Framework.

Regional Spatial Strategy

YH1	Overall Approach and Key Spatial Priorities
YH6	Local Service Centres and Rural and Coastal Areas
YH7	Location of Development
HE1	Humber Estuary sub area policy
ENV9	Historic Environment.
ENV10	Landscape
E7	Rural Economy

Joint Structure Plan

SP1	Character and distinctiveness of settlements and their setting (including important features) to be protected and enhanced.
SP5	Development proposals to achieve high standard of design

Holderness District Wide Local Plan

G6	Design of New Development.
G7	Planning and Design Considerations.
Tr7	Car Parking.

RELEVANT PLANNING HISTORY

04/08494/OUT	Outline permission - Erection of a detached dwelling following demolition of storage building – Refused 11.01.2005
11/05500/PLF	Erection of a detached dwelling following demolition of existing barn/store - WITHDRAWN

EXTANT PLANNING PERMISSIONS

At the present time, there is 1 residential plot with extant planning permission within the Parish and this has been started.

CONSULTATION REPLIES

Parish Council	Elstronwick Parish Council recommend that the application be approved and if approved, the following condition should be imposed: “There shall be a 6 metre gap along the whole length of the drain bank to the road to allow access from the road to the drain back for annual maintenance of the beck” The Parish Council feel strongly about this application and recommend that, if the planning officer is recommending a different decision, it should be referred to the appropriate Committee/Sub-Committee.
Parish Council	A further response has been received from Elstronwick Parish Council expressing their strong support for this application.
Highway Control	“The site is within a 30-mph speed limit and is served by an existing vehicular access from Back Lane (public highway). There is adequate visibility in both directions for vehicles emerging from the site. The submitted details include vehicle parking provision within the curtilage of the site. There are therefore no objections to the proposals from a highway point of view subject to the provision and retention of these facilities.” An appropriate condition is advised.
Yorkshire Water Services Limited	“The previous comments and recommended condition in Yorkshire Water’s letter dated 18 January 2012, on planning application 11/05500/PLF, are still relevant for this resubmitted development proposal. The Agent has indicated once again on the application form, that foul water disposal is to ‘Mains Sewer’ via an existing drainage system. As stated in our letter, this area is not served by public sewer Network.” Key points from previous Yorkshire Water response: “Company records indicate a live 90mm water main crosses the red line site boundary, as shown on the enclosed plan. The presence of the main may affect the layout of the site and therefore I consider it to be a material consideration in the determination of this application. It is recommended that no obstruction encroaches within 3 metres on either side of the main i.e. a protected strip width of 6 metres. The exact line of the main will have to be determined on site under Yorkshire Water Services supervision. It may be possible for the main to be diverted under s.185 of the Water Industry Act 1991. These works would be carried out at the developer’s expense. The cost of these works may be prohibitive.

This proposal is in an area not served by the public sewerage network, the application should be referred to the Environment Agency and the Local Authority's Environmental Health Section for their comment on private treatment facilities."

Environment Agency "The red line boundary of this site includes areas of Flood Zones 2 and 3, however, we are pleased that the applicant has taken a sequential approach to the proposed development and sited it wholly within Flood Zone 1. Therefore, we have no objections to the proposed development subject to the following surface water drainage condition being imposed on any subsequent decision."

An appropriate condition is advised.

PUBLICITY

Neighbours/
Publicity No correspondence received.

CASE ON BEHALF OF THE APPLICANT

A Planning and Design and Access Statement has been submitted in support of this application. A summary of the main points in support of the proposals is as follows:

- The proposed detached dwelling is designed to cover most of the existing footprint of the barn/storage building after demolition of the same.
- The applicant has minimal use of the storage building which he feels is in a very dilapidated condition and is barely suitable for secure storage purposes
- The siting of the dwelling has been arranged to avoid impingement on any part of flood risk zones 2 and 3.
- To demolish the existing building and replace it with the proposed dwelling will greatly contribute to the area.
- The site was massively overgrown with weeds, briars and bushes etc and was tidied up by the applicant much to the praise and satisfaction of the Parish Council and village residents generally.
- The applicant will continue to ensure a tidy site as it is his intention to reside in the dwelling with his growing family.
- The site was previously used as a dumping ground by unknown fly tippers and the applicant (when resident) will keep a watchful eye on the site and prevent further dumping.
- Further justification would be to allow a hard working and genuine family man to achieve his dream of building a dwelling to his design and reside in the pleasant village of Danthorpe.
- The Parish Council and local residents and neighbours are fully supportive of the applicant and his proposals
- The applicant proposes to construct the property to meet the Code for Sustainable Homes Level 4.

KEY ISSUES

- Planning Policy
- Design and Visual Amenity
- Impact on Residential Amenity
- Access/Parking
- Other Matters

OFFICER COMMENTS

Applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) is a material consideration which must be taken into account in planning decisions. If the NPPF contains policy guidance that is relevant to this application, the report below will explain this, and consider the extent to which development plan policy is consistent with the NPPF and the weight to be given to that policy. For 12 months from the date of publication of the NPPF full weight may still be given to relevant development plan policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The RSS falls into this category. For policies in the JSP and the Local Plan due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

It is the Government's clear policy intention to revoke the Regional Spatial Strategy subject to the outcome of the environmental assessments that are currently being undertaken. Until it is abolished the RSS remains part of the development plan although the intention to abolish the RSS can be treated as a material planning consideration with the weight to be attached to this intention being a matter for the decision maker.

Planning Policy

The Development Plan for the area comprises the Regional Spatial Strategy for Yorkshire and the Humber (RSS), the Joint Structure Plan for Kingston upon Hull and the East Riding of Yorkshire (JSP), and the Holderness District Wide Local Plan (HDWLP). The recently published guidance contained within the NPPF is also a material consideration in the determination of applications for planning permission.

The development plan for this area sets out a hierarchy of settlements where new housing development should be directed with the Regional City being the first priority followed by the Principal Towns. Danthorpe is a settlement which was not allocated a development limit in the Holderness District Wide Local Plan and is therefore considered to be at the lowest position in terms of the settlement hierarchy. Policies YH1, YH6 and YH7 of the RSS and DS4 and H7 JSP direct development to existing settlements and as a result of the designation of this village as countryside, the development plan would not endorse new housing development in this location. Policy E7 of the RSS allows for essential development for agriculture or forestry purposes in the countryside.

The NPPF identifies that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF goes on to state that in order to promote sustainable development in rural areas, housing should be located

where it will enhance or maintain the vitality of rural communities. In this case the site lies in the open countryside, where there is an inherent presumption against residential development. The NPPF states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances that justify such development. Such circumstances may include the essential need for a rural worker to live permanently at or near their place of work in the countryside; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. It is also recognised in the NPPF that planning needs to take account of the intrinsic character and beauty of the countryside.

In this case, no evidence has been submitted to suggest that there is a need for an additional dwelling in the open countryside for a rural worker and therefore this application cannot be regarded as essential development for the purposes of policy E7 of the RSS or meeting the guidance set out in the NPPF. There is an existing building on the site; however this would be totally unsuitable for residential conversion. The information submitted in support of this application states that the removal of the existing building and its replacement with the proposed dwelling will make a positive contribution to the area. It is also stated that the site was previously overgrown and was used as a dumping ground by fly tippers but was tidied up by the applicant. The application purports that allowing him to reside at the site with his family; this will ensure that the site remains tidy in the future.

Granting planning permission for the land is not the only solution to ensuring that the site does not become untidy or unsightly in the future. The Council has enforcement powers through Section 215 of the Town and County Planning Act to deal with untidy land, in the event that the site was to fall into an unreasonably untidy condition. It is therefore considered that the case put forward by the applicant is *not sufficient* justification to allow the creation of an additional dwelling in the open countryside, contrary to established development plan policies and national planning guidance.

Whilst the previous use of the site is somewhat unclear, it is expected that the land and building would have been in some form of agricultural use in the past and there is no evidence to suggest that there have been any other use operating on the land or within the building. The application site must therefore be regarded as previously undeveloped 'Greenfield' land. Development Plan policies and guidance favour the development of previously-developed land in sustainable locations over the development of Greenfield sites.

It is therefore considered that the proposed development of a new dwelling on Greenfield land in the open countryside would not accord with the criteria set out in Development Plan policy and the NPPF and it is considered there are no material considerations sufficient to outweigh established planning principles relating to the protection of the open countryside.

Design And Visual Amenity

With regard to design, policy SP5 of the Joint Structure Plan seeks to achieve a high standard of design across all development proposals that, amongst other things, respects local landscape and settlement character, and integrates visually and physically with its surroundings. The publication of the NPPF allows full weight to be attached to Policy SP5 of the JSP, which is used as a tool for assessing the design of new development.

Local Plan policy G6 seeks to ensure that development is in sympathy with the appearance and character of the local environment by paying careful attention to matters such as siting, mass, design and materials. The requirements of this policy are considered to be consistent with the NPPF.

Paragraph 58 of the NPPF states that Planning policies and decisions should aim to ensure that developments add to the overall quality of the area and paragraph 67 states that *"permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"*.

The submitted plans propose a substantial property of a rectangular design with a shallow pitched roof that would occupy a similar footprint to that of the existing building. The accommodation proposed comprises a hall (with cloak room and toilet), lounge, kitchen/dining area, utility room (with a second toilet) and a games room to the ground floor. At first floor level the accommodation comprises four bedrooms (three of which would have en-suite facilities), a bathroom and a study.

Whilst the site lies in an open countryside location, between Danthorpe and Elstronwick, the area around the application site comprises a scattered development of dwellings and farmsteads. Paragraph 3.14.4 of the Local Plan states that *"Part of both villages' appeal are their very loose form, with large open spaces between small groups of buildings although agriculture remains the predominant feature of the settlement"*.

The pattern of development in the vicinity of the application site is generally of a linear type, with most of the properties fronting onto Back Lane. This proposal is not considered to be at odds with the general pattern of development in the area of the village, however the size, scale and siting of the proposed dwelling is considered to be fundamentally out of keeping with the character and appearance of the development in the locality.

The size and location of the application site is such that there would have been scope to design a property that is similar in terms of its size, scale and siting to the existing semi-detached properties to the east. Instead, the dwelling hereby proposed is considered to be uninspiring in terms of its design and its size and scale is massively out of proportion with the neighbouring residential properties.

In conclusion, it is considered that the size, scale, design and siting of the dwelling hereby proposed would detract from the character of the village, the visual amenity of the area and the intrinsic character and beauty of the countryside. The proposal is therefore considered to contravene policy SP5 of the Joint Structure Plan, policy G6 of the Holderness District Wide Local Plan and the guidance contained in the NPPF with regard to good standards of design.

Impact On Residential Amenity

The proposed dwelling would occupy a similar footprint to the existing building on the site and therefore it would have a close relationship with the semi-detached property to the east (2 Beckside Villas). The submitted plans indicate that the separation distance between the eastern elevation of the proposed dwelling and the boundary of the neighbours property will be approximately 3.5 metres. There are no properties to the

north or south that will be affected by the proposed development and the neighbour to the west (Brookside Lodge) is located in excess of 50 metres away. As such, the only property likely to be affected by the proposed development is no. 2 Beckside Villas.

The eastern elevation of the proposed dwelling measures approximately 25 metres in length and would measure 6.2 metres to eaves height and 7.4 metres to the ridge. The submitted plans indicate that the proposed dwelling will project approximately 23 metres beyond the rear elevation of the neighbour's property at a distance of 3.5 metres to the boundary. As such, it is considered that the proposed development will create a significant degree of enclosure for the neighbours given its projection beyond the rear elevation of their property and its two-storey height.

The eastern elevation of the proposed dwelling would comprise an extensive mass of brickwork and it is considered that the result of this would be a dominating impact on the neighbour's property and garden. Furthermore, there are 4 no. windows in the eastern elevation of the proposed dwelling and these would be within close proximity of the boundary. Two of these windows are small windows intended to serve an en-suite bathroom at first floor level and a toilet to the ground floor. It would be reasonable to impose a condition that required these small windows to be installed with obscure glass and therefore they do not give rise to any significant concerns regarding overlooking.

There is a large kitchen window at ground floor level and a large gallery/landing window to the first floor. These windows are considered to give rise to significant concerns regarding overlooking given their size and height above ground level (which is a maximum of 3 metres in the case of the ground floor window and 5.5 metres in the case of the first floor window). It is accepted that the landing is not a habitable room however it is considered that installing obscure glass in this window opening would not eliminate the sense of overlooking given the size and location of the window in question.

The proposals are not considered to give rise to any issues regarding overlooking to the north or south given the absence of any neighbouring properties in these directions, or to the west given the large separation distance to the western boundary.

In conclusion, it is considered that dwelling hereby proposed will have a detrimental impact on the residential amenity of the neighbouring occupiers to the east (2 Beckside Villas) due to the creation of a significant degree of enclosure and dominance resulting from the projection of the proposed dwelling beyond the neighbours rear elevation, its two storey height and its close proximity to the eastern boundary. Furthermore, it is considered that the proposed development will give rise to issues of overlooking across the eastern boundary which will result in a loss of privacy for the neighbours.

Access/Parking

This application proposes to utilise an existing vehicular access off Beck Lane to serve the proposed dwelling. The Highway Control Officer has been consulted in respect of this development proposal and has not raised any objections. It is advised that there is adequate visibility in both directions for vehicles emerging from the site and the proposals include vehicle parking facilities within the curtilage of the site. The Highway Control Officer has advised a condition that requires the vehicular access and parking facilities to be provided before the dwelling is occupied.

Other Matters

As originally submitted the application proposed that foul water would be disposed of by mains sewer, however Yorkshire Water has advised that this site is located in an area that is not served by public sewerage network. The application form has therefore been amended and it is now proposed foul water will discharge to a septic tank.

Part of the red line boundary of the application site lies within areas of Flood Zones 2 and 3, however, the applicant has taken a sequential approach to the proposed development and has sited the dwelling and the access from the highway wholly within Flood Zone 1. As such the Environment Agency has not raised any objections to the proposed development, subject to a condition that requires the submission of a scheme that limits the surface water run-off so that it will not exceed the run-off from the undeveloped site. It is considered that the imposition of such a condition would ensure that surface water was dealt with satisfactorily.

CONCLUSION

This application seeks planning permission for the erection of a detached dwelling in an open countryside location where new residential development should only be permitted where there is an essential need for a rural worker to live permanently at or near their place of work. In this case, no evidence has been submitted to demonstrate a genuine need for a workers' dwelling on the site and the applicant's case with regard to keeping the site tidy and prevent fly tipping is not sufficient to justify departure from the established policies and principles of the Development Plan and national policy guidance. This application is therefore considered to constitute inappropriate development in the open countryside.

Furthermore, it is considered that the proposed dwelling, by virtue of its excessive size and scale and its poor siting and design, would detract from the visual amenity of the area and the intrinsic character and beauty of the countryside. The proposal is therefore considered to contravene policy SP5 of the Joint Structure Plan, policy G6 of the Holderness District Wide Local Plan and national policy guidance.

It is also considered that proposed dwelling would have a detrimental impact on the residential amenity of the neighbouring occupiers to the east (No. 2 Becksides Villas) due to the creation of a significant degree of enclosure and dominance resulting from the projection of the proposed dwelling beyond the neighbours rear elevation, its two storey height and its close proximity to the eastern boundary. Furthermore, it is considered that the proposed development will give rise to issues of overlooking across the eastern boundary which will result in a loss of privacy for the neighbours. The proposal is therefore considered to contravene policy SP5 of the Joint Structure Plan, policy G6 of the Holderness District Wide Local Plan and national policy guidance.

HUMAN RIGHTS ACT 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

RECOMMENDATION

That the application be **REFUSED** for the following reason(s):

1. The application site lies in an open countryside location where new residential development should only be permitted where there is an essential need for a rural worker to live permanently at or near their place of work. In this case, no evidence has been submitted to demonstrate a genuine need for a workers dwelling on the site and the applicant's case with regard to keeping the site tidy and prevent fly tipping is not sufficient to justify departure from the established policies and principles of the Development Plan and national policy guidance. This application is therefore considered to constitute inappropriate development in the open countryside contrary to paragraph 55 of National Planning Policy Framework, policies E7, YH1, YH6 and YH7 of the Regional Spatial Strategy and DS4 and H7 of the Joint Structure Plan which seek to direct housing development to sustainable locations and to restrict development in the countryside except in cases where there is an essential need for the purposes of agriculture or forestry.
2. It is considered that the proposed dwelling, by virtue of its excessive size and scale and its poor siting and design, would detract from the visual amenity of the area and the intrinsic character and beauty of the countryside. The proposal is therefore considered to contravene sub-section (ii) of policy SP5 of the Joint Structure Plan which seeks to ensure a high standard of design that integrates visually and physically with its surroundings, sub-section 1. of policy G6 of the Holderness District Wide Local Plan which requires development to be in sympathy with the appearance and character of the local environment and is appropriate in scale, mass, design, materials, layout and siting and in relation to adjoining buildings and the guidance contained in the National Planning Policy Framework regarding good standards of design.
3. It is considered that proposed dwelling would have a detrimental impact on the residential amenities of the neighbouring property to the east (No. 2 Becksides Villas) resulting from a significant degree of enclosure and dominance due to the excessive projection of the proposed dwelling beyond the rear elevation of the neighbouring property, its two storey height and its close proximity to the eastern boundary. Furthermore, it is considered that the proposed development will give rise to issues of overlooking across the eastern boundary from windows in the eastern elevation which would result in an unacceptable degree of loss of privacy for the occupiers of the neighbouring dwelling.

The proposal is therefore considered to contravene sub-section (ii) of policy SP5 of the Joint Structure Plan which seeks to ensure a high standard of design that integrates visually and physically with its surroundings, sub-section 1. of policy G6 of the Holderness District Wide Local Plan which requires development to be in sympathy with the appearance and character of the local environment and is appropriate in scale, mass, design, materials, layout and siting and in relation to adjoining buildings and the guidance contained in the National Planning Policy Framework regarding good standards of design and adequate levels of residential amenity.

Regional Spatial Strategy

Policy YH1 - Overall Approach and Key Spatial Priorities

"A. Growth and change will be managed across places and communities in Yorkshire and Humber in order to achieve sustainable development and the Spatial Vision as set out in Table 2.1

B. Plans, strategies, investment decisions and programmes should aim to:

1. Transform economic, environmental and social conditions in the Regeneration Priority Areas - the older industrialised parts of South Yorkshire, West Yorkshire and the Humber.
2. Manage and spread the benefits of continued growth of the Leeds economy as a European centre of financial and business services.
3. Enhance the role of Sheffield as an important business location within its wider city region
4. Optimise the opportunities provided by the Humber Ports as an international trade gateway for the region and the country.
5. Support Principal Towns and Local Service Centres as hubs for the rural and coastal economy and community and social infrastructure and encourage diversification of the rural economy.
6. Protect and enhance the region's environmental resources including areas of international and national importance, and the character and qualities of the Region's coast and countryside including for economic and social development.
7. Avoid exacerbating environmental threats to the region and reduce the region's exposure to those threats.
8. Avoid increasing flood risk, and manage land and river catchments for flood mitigation, renewable energy generation, biodiversity enhancement and increased tree cover.
9. Ensure that transport management and investment support and help deliver the spatial strategy."

Policy YH6 - Local Service Centres and Rural and Coastal Areas

"Local Service Centres and rural and coastal areas will be protected and enhanced as attractive and vibrant places and communities, providing quality of place and excellent environmental, economic and social resource. Plans, strategies, investment decisions and programmes should:

1. Achieve a high standard of design that protects and enhances settlement and landscape diversity and character.
2. Support innovative means of accessing and delivering services.
3. Retain and improve local services and facilities, particularly in Local Service Centres.
4. Support economic diversification.
5. Meet locally generated needs for both market and affordable housing."

Policy YH7 - Location of Development

"A. After determining the distribution of development between cities and towns in accordance with policies YH4, YH5 and YH6, local planning authorities should allocate sites by giving:

1. First priority to the re-use of previously developed land and buildings and the more effective use of existing developed areas within the relevant city or town.
2. Second priority to other suitable infill opportunities within the relevant city or town.
3. Third priority to extensions to the relevant city or town.

B. In identifying sites for development, local planning authorities should adopt a transport-orientated approach to ensure that development:

1. Makes the best use of existing transport infrastructure and capacity.
2. Takes into account capacity constraints and deliverable improvements, particularly in relation to junctions on the Strategic Road Network.
3. Complies with the public transport accessibility criteria set out in Tables 13.8 and 13.9 and maximises accessibility by walking and cycling.
4. Maximises the use of rail and water for uses generating large freight movements."

Policy E7 - Rural Economy

"Plans, strategies, investment decisions and programmes should help diversify and strengthen the rural economy by facilitating the development of rural industries, businesses and enterprises in a way that:

1. Promotes complementary roles for Principal Towns and Local Service Centres.
2. Allows for essential development for agriculture or forestry purposes in the countryside.
3. Encourages the use of information technology and telecommunications.
4. Supports rural diversification schemes which bring economic, social and environmental benefit.
5. Gives priority to the re-use of existing buildings.
6. Supports and protects an attractive and high quality rural environment.
7. Ensures appropriate scales and types of development and levels of traffic generation."

Joint Structure Plan

Policy DS4

"The countryside should function as an attractive and viable environmental, economic and recreational resource, with existing villages providing for most of the everyday needs of local communities. Limited development will be allowed in existing villages if this meets local needs and contributes to sustaining the role of the settlement. Housing development in existing settlements must conform to

the requirements of Joint Structure Plan Policy H7."

Policy H7

"Housing development in existing villages should meet an identified local need, particularly for affordable housing but also to support existing village services. Development should be limited in scale, with a preference given to previously developed sites, infill plots and conversions. Development that would result in unacceptable long distance commuting will be resisted."

Policy SP5

"Development proposals should achieve a high standard of design that:

- (i) respects local landscape and settlement character including building styles and materials;
- (ii) integrates visually and physically with its surroundings;
- (iii) harnesses local heritage and landscape distinctiveness;
- (iv) maximises the use of sustainable construction material and techniques;
- (v) makes it easy and safe for people to move around and through the development;
- (vi) encourages a vibrant mix of uses either on the site or across a wider area; and
- (vii) facilitates walking, cycling and the use of public transport."

Holderness District Wide Local Plan

Policy G6

"Development which is in accordance with the policies contained in this Plan will be permitted provided that the Council is satisfied that it:

1. Is in sympathy with the appearance and character of the local environment and is appropriate in scale, mass, design, materials, layout and siting and in relation to adjoining buildings, spaces, views and landscape.
2. Safeguards important landscape, nature conservation, architectural features or other heritage features of importance, and where possible includes measures to enhance and manage these features.
3. Includes adequate open space provision, in accordance with policy H16."

The recommendation is based upon established and important principles of planning policy. If the Committee wishes to come to a contrary decision it should do so in the form of a recommendation to the next available meeting of the Planning Committee.

Committee Plan



APPENDIX 1.



Scale : 1:5000



EAST RIDING
OF YORKSHIRE COUNCIL

© Crown copyright. All rights reserved
East Riding of Yorkshire Council
Licence: LA09056L

Organisation	Not Set
Department	Not Set
Application	Not Set
Date	31 July 2012
SLA Number	Not Set

EAST RIDING OF YORKSHIRE COUNCIL

Report to: Planning Committee
13 September 2012

WARDS: Beverley Rural

Full Planning Permission: Erection of 2no dwellings, access roads and associated external amenity areas following demolition/removal of former school buildings and headmaster's house (Resubmission of 11/03326/PLF) at South Wolds School Chantry Lane Etton East Riding Of Yorkshire HU17 7PB

Applicant: East Riding of Yorkshire Council

Application Number: 12/01747/PLF

Report of the Director of Planning and Economic Regeneration

A. Executive Summary

This planning application is referred to the Planning Committee for determination contrary to established policies. The Eastern Area Planning Sub-Committee resolved that the application could be approved in line with the Officer's recommendation for the reasons set out in the Sub Committee report. The decision to approve is referred to the Planning Committee as this is contrary to normal policies.

B. Corporate Priorities

Valuing our Environment
Local problem solving
Revitalising our Communities

C. Application Type

Full Planning Permission

D. Parish

Dalton Holme Parish Council

E. Applicant

East Riding Of Yorkshire Council

F. Recommendation

That the application be **DEFERRED** for the application to be referred to the

Secretary of State and that if the Secretary of State does not call in the application for his consideration the application be approved subject to the conditions set out in Section 4.

1. BACKGROUND

- 1.1 This application was considered by the Eastern Area Planning Sub-Committee at its meeting on 23 July 2012. A copy of the report is attached as Appendix 1.
- 1.2 At the Sub Committee Officer's updated members in respect of the issue of commuted sums in lieu of on site affordable housing. The Council's Housing Team have advised that in accordance with the Interim Affordable Housing Policy a commuted sum in lieu of on site affordable housing should be payable. The Sub Committee supported this and resolved to refer the application to the Planning Committee as recommended.

2. DISCUSSION

- 2.1 The main issue to be considered by the Planning Committee is whether the development of the land for two dwellings is appropriate bearing in mind the present policy.
- 2.2 What Members need to consider is whether they agree that the reasons set out in the Sub Committee report and endorsed by the Sub Committee are sufficiently material to out weigh the development plan in this case.
- 2.3 The recommendation is to Defer the application and to Approve subject to the Secretary of State not calling in the application for his own determination. Any approval to be subject to the conditions set out, and a mechanism to achieve the contribution of a commuted sum in lieu of affordable housing.

3 HUMAN RIGHTS ACT 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

4 RECOMMENDATION

That the application be **DEFERRED** for the application to be referred to the Secretary of State and that if the Secretary of State does not call in the application for his consideration the application be approved subject to the conditions set out., the Director of Planning and Economic Regeneration be authorised to **APPROVE** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

This condition is imposed in order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. No development shall take place until details of the materials to be used in the

construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

This condition is imposed because the submitted application did not specify the materials to be used in the proposed development or the specified materials were not considered acceptable. It is considered that the use of inappropriate materials could be harmful to the appearance of the area and that the Council, therefore, needs to retain a measure of control.

Note : The developers attention is drawn to the fact that this development cannot commence until all the facing materials have been agreed. A period of at least 10 working days should be allowed for the submission and approval process. Developers are, however, advised that whilst the Council expects to be able to respond within 10 working days, the lack of a response within that time should not be taken as a deemed approval. Please note that samples of materials will only be needed if specifically requested. In the event of this, please arrange with the case officer for the samples to be seen on site.

3. Prior to the commencement of development a method statement to deal with the demolition of the buildings, and removal of hardstandings from the site will be submitted to and approved in writing by the Local Planning Authority. This plan shall include the timing and method of the carrying out such works, and the removal of the existing dwelling. The demolition and removal of the hardstanding and buildings shall be carried out in accordance with the approved scheme. No new dwelling shall be occupied in advance of the demolition of the existing dwelling or other buildings.

This condition is imposed to ensure that the benefits of the development of the site are fully realised in accordance with the details of the submitted scheme, and to allow for the full landscape plans to be properly achieved in the wider interests of the local landscape.

4. Prior to the commencement of development a traffic management plan for all construction vehicles providing for access and egress to the site from the B1248 to the north of the application site will be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Traffic Management Plan.

This condition is imposed to ensure that construction traffic uses the most appropriate access and egress routes to and from the site thereby minimising disturbance to nearby residential properties, and potential highway conflicts.

5. No dwelling shall be occupied until the means of vehicular access has been provided and space has been laid out within the curtilage of that dwelling for motor cars to be parked and to enable vehicles to turn so that they may enter and leave the site in forward gear in accordance with the details hereby approved. The vehicle parking and turning facilities shall thereafter be retained.

This condition is imposed in order to ensure that reasonable and adequate space is provided within residential curtilages to meet normal parking demands and

avoid the need for vehicles to park on the highway where they could adversely affect the safety of other highway users and to allow them to enter and leave the highway in a forward gear, thus minimising the risk to other road users.

6. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by East Riding Consultants Ltd dated 7th February 2011 and the following mitigation measure detailed within the FRA:

1. Limiting the surface water run-off generated by the development so that it will reduce the run-off from the existing site and reduce the risk of flooding off-site.

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

7. No development shall take place except in strict accordance with the method statement set out in Section 4.2.1 - 4.6.7 of the protected species report (Bat Survey at Southwolds School, Etton, , Wold Ecology Ltd, May and June 2011 as submitted with the application in all respects. Any variation thereto shall be prior agreed in writing by the local planning authority before such change is made.

This condition is imposed to conserve protected species and their habitat and to comply with the Natural Environment and Rural Communities Act (NERC) 2006.

8. If development has not commenced within 12 months of the date of this permission, a new bats and nesting birds survey of the entire site (to include all buildings) shall be undertaken, submitted, and approved in writing by the Local Planning Authority. The survey should determine the presence or absence of protected species (including bats) and should be conducted by a qualified member of the Institute of Ecology and Environmental Management. The development shall only take place in accordance with the recommendations and mitigation measures contained within the approved ecological survey.

This condition is imposed in the interests of ecology and to ensure that protected species would not be harmed by the re-development of this site.

9. No development shall take place until details of the provisions to be made for artificial bat roosting sites and boxes, which make provision for roosting bats as part of the proposed development, have been submitted to, and approved in writing by the LPA. The approved works shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing by the LPA [and thereafter retained?]

This condition is imposed to ensure that bat species are protected and their habitat enhanced, in accordance with the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and The Conservation of Habitats and Species Regulations 2010.

10. No development shall take place unless in accordance with the method statement

set out in Section 5.3.1 - 5.4.3 of the protected species report (Reptile Survey Report at Southwolds School, Etton, Wold Ecology Ltd, May - July 2011 as submitted with the application in all respects. Any variation thereto shall be prior agreed in writing by the local planning authority before such change is made.

This condition is imposed in accordance with the recommendations of the Protected Species Survey forming part of the application, to conserve protected species and their habitat and to comply with the Natural Environment and Rural Communities Act (NERC) 2006.

11. No development shall take place unless in accordance with the Habitat Mitigation and Enhancement recommendations as detailed in Section 5.0.1 - 5.5.2 of the protected species report (Bird Surveys at Southwolds School, Etton, Wold Ecology Ltd, April - June 2011) as submitted with the application in all respects. Any variation thereto shall be agreed in writing by the local planning authority before such change is made.

This condition is imposed in accordance with the recommendations of the Protected Species Survey forming part of the application, to conserve protected species and their habitat and to comply with the Natural Environment and Rural Communities Act (N

12. No development shall take place until a detailed landscaping scheme, broadly in accordance with the landscaping provision as set out on Landscape Masterplan drawing D127684/LA/007 has been submitted to and approved in writing by the local planning authority. The scheme shall include the following details:

- i. planting plans
- ii. specifications of the planting to be undertaken including details of the species, size, number / density of plants, shrubs and trees
- iii. a programme of implementation, maintenance and aftercare.

The approved landscaping scheme shall be carried out in accordance with the approved programme for implementation, maintenance and aftercare unless the local planning authority gives written approval to any variation. Any trees or plants which within a period of 5 years from the completion of the development die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

This condition is imposed to ensure the maintenance of screening to the site, protect the appearance and character of the area, and to ensure the provision of amenity afforded by the proper maintenance of existing and new landscape features

13. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on an immediately adjoining the site shall be protected from damage for the duration of works on the site. This shall be to the satisfaction of the Local Planning Authority and in accordance with British Standards (BS 5837: 2005). Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or

otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Authority

This condition is imposed to ensure the continuity of amenity afforded by existing hedges or hedgerows.

14. The development hereby permitted shall be implemented in accordance with the Tree Protection Measures as detailed in Section 5 and the recommendations set out in Section 6 (Arboricultural Method Statement) of the Arboricultural and Landscape Report (Land at Etton Former School Site, Etton, Mark Feather, January 2011) as submitted with the application in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

This condition is imposed because the Council is under a statutory obligation when considering planning applications to consider whether it is necessary to take steps to preserve existing trees. There are existing trees within or in the vicinity of the site and these contribute to the character and appearance of the area. It is important that they are protected from damage before, during and after construction works.

15. No development shall take place on the site until details of services have been submitted to and been approved in writing by the Local Planning Authority.

This condition is imposed to enable the Local Planning Authority to have an opportunity to consider the effect of services on the appearance of the area, tree root systems and overhanging trees.

16. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority (Circular 11/95, Model Clause 55). The Scheme shall provide for:

- (i) the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area
- (ii) an assessment of the impact of the proposed development on the archaeological remains
- (iii) proposals for the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible
- (iv) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and
- (v) notification in writing to the Curatorial Officer of the Humber Archaeology

Partnership of the commencement of archaeological works and the opportunity to monitor such works.

This condition is imposed because the site lies within a major archaeological landscape, with two barrows known from within the proposal site itself and a group of at least five barrows known to the east.

Note to Applicant/ Agent

In respect of condition 16. A suitable staged scheme to preserve or record the archaeological deposits should include the following provisions:

Evaluation.

1. Trial trenching of the proposed development area, in order to determine the depth, date, nature, extent, quality of survival, and importance of any remains.
2. The results of this preliminary stage should enable the impact of the proposed development on any archaeological deposits to be fully assessed. An informed and reasonable decision can then be taken regarding the future treatment of the remains.

Further work

3. Should the evaluation show that the site contains significant archaeological features, mitigation measures should be explored to achieve physical or in situ preservation of the remains. If destruction is unavoidable, detailed excavation of selected areas, followed by post-excavation analysis and publication of results, should take place in order to achieve preservation by record.

All archaeological site work must be undertaken by an archaeological contractor who is acceptable to the Local Planning Authority after consultation with their archaeological advisor.

Should any burials be discovered, the developer, or his appointed archaeologist, must obtain from the Ministry of Justice a licence authorising the removal of all human remains likely to be disturbed by development; in accordance with the Burial Act of 1857. No development should therefore take place until all human skeletal remains have been properly removed in accordance with the terms of that licence.

Relevant Planning Policies

Regional Spatial Strategy

- YH1 Overall Approach and Key Spatial Priorities
- YH2 Climate Change and Resource Use
- YH3 Working Together
- YH4 Regional Cities and Sub-Regional Cities and Towns
- YH5 Principal Towns
- YH6 Local Service Centres and Rural and Coastal Areas
- YH7 Location of Development
- H2 Managing and Stepping Up the Supply and Delivery of Housing
- ENV8 Biodiversity

Joint Structure Plan

- SP1 Character and distinctiveness of settlements and their setting (including important features) to be protected and enhanced.
- SP4 Distinctive character of Yorkshire Wolds, Jurassic Hills, Vale of York, Holderness, Humber Estuary and Ouse/Trent levels Landscape Character Areas to be protected. LDFs to provide landscape guidelines paying attention to unique landscapes of Goole/Crowle Lowlands, Lower Derwent Valley, Spurn and Flamborough Head.
- SP5 Development proposals to achieve high standard of design.
- H7 Housing in existing villages should be limited in scale, meeting local needs and supporting existing services. Preference given to PDL, infill and conversions. Proposals involving unacceptably long commuting distances to be resisted.
- DS4 Limited development allowed in existing settlements where it meets local needs and contributes towards sustaining the role of the settlement. Housing development must conform with Policy H7.

Beverley Borough Local Plan

- D1 Layout and design of development to respect and contribute to the character of its locality. Briefs on substantial and important sites.
- D2 Criteria for layout etc. of new dwellings.
- D6 Provision of adequate and convenient car parking in a manner appropriate to its surroundings.
- E2 Development Limits and Open Countryside
- E3 General presumption against development outside development limits and criteria for when it might be acceptable.
- E10 Conserve area of high landscape value.
- H14 Criteria for allowing a replacement dwelling in the open countryside away from a ribbon or small group.
- L5 Criteria for allowing development which result in the loss of an existing or allocated playing field.
- C3 Redundant educational facilities. Presumption in favour of appropriate re-use and criteria for redevelopment.

Reason for Decision

This scheme is contrary to the Development Plan. The applicant has provided a strong case including a clear history of the site, substantial new planting, limited development of two houses, and evidence to demonstrate there is little likelihood of a positive solution coming forward which would address the redevelopment of the site for the future. It has been considered therefore that these material planning factors weigh marginally in favour of granting permission despite the policy position.

The Applicant/Agent must contact the East Riding of Yorkshire Council's Streetscene Services (Highways) Section, Beverley Depot, Annie Reed Road, Beverley HU17 0LF (tel: 0845-6001666) regarding the construction specification of the vehicular access before any works are commenced in the public highway.

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in

line with regulations.

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs-swmp.co.uk>.

The developer must apply the waste hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal options. Government Guidance on the waste hierarchy in England is at:

<http://www.defra.gov.uk/publications/files/pb13530-waste-hierarchy-guidance.pdf>

Alan Menzies

Director of Planning and Economic Regeneration

Contact Officer

Edwin Maund

Development Services Manager (East)

Ext. 3784

Background Papers

Planning Application Files



APPENDIX 1

REPORT TO EASTERN AREA PLANNING SUB-COMMITTEE

COMMITTEE DATE: 23 July 2012

PARISH: Dalton Holme Parish Council

WARD: Beverley Rural

APPLICATION NUMBER: 12/01747/PLF

APPLICATION TYPE: Full Planning Permission

DESCRIPTION: Erection of 2no dwellings, access roads and associated external amenity areas following demolition / removal of former school buildings and headmaster's house (Resubmission of 11/03326/PLF) at South Wolds School Chantry Lane Etton East Riding Of Yorkshire HU17 7PB

APPLICANT: East Riding Of Yorkshire Council

DATE RECEIVED: 20 April 2012

RECOMMENDATION: Refer to the Planning Committee with a recommendation that the application be approved.

INTRODUCTION

The application site is part of the former South Wolds School including the associated Headmaster's bungalow, Chantry Lane, Etton.

This application site is situated to the north of Beverley and to the south of Drifffield, approximately 400 metres to the north of the village of Etton. The former school site, is roughly triangular in shape, and 10.66 hectares (26.34 acres) in extent lying to the immediate west of the B1248. The application site has been reduced from that previously submitted under application number 11/03326/PLF and now includes an area of land of 3.3 hectares (8.15 acres) It is bounded along its western edge by Chantry Lane and open agricultural land separates the site from Etton along its southern boundary. This scheme seeks to utilise 3.3ha of that area as set out on Appendix 1.

To the north of the site there is a woodland forestry business and a sewage treatment works located at the junction of Chantry Lane with the B1248.

The site has well defined boundaries, with a significant degree of enclosure to the east

and north but is more visible to the west along Chantry Lane.

The site is located outside of the settlement of Etton and is within the “open countryside”. That part of the site where there are buildings would constitute previously developed land due to the former use of the site as a school and the Headmaster’s dwelling, with curtilage.

The proposal seeks to re-develop the site, following the clearance of the existing buildings, and areas of hardstanding with the erection of two large detached houses served via separate independent entrances with new entrance gates and bin compounds.

Each dwelling is shown with a southern aspect in an extensive garden.

The application has been supported with reports in respect of ecology, drainage, flood risk, arboriculture and landscape, and ground investigation.

A comprehensive tree protection, and landscape masterplan forms part of the development proposal.

PLANS AND ILLUSTRATIONS

Appendix 1 - Location Plan 1:10,000

Appendix 1a - Location Plan 1:5,000

Appendix 2 - Proposed Elevations

Appendix 3 - Proposed Landscape Masterplan

Appendix 4 - Proposed Entrance gate and Bin Store

Appendix 5 - Demolition Plan

KEY PLANNING POLICIES AND GUIDANCE

National Planning Policy Framework

Regional Spatial Strategy

YH1	Overall Approach and Key Spatial Priorities
YH2	Climate Change and Resource Use
YH3	Working Together
YH4	Regional Cities and Sub-Regional Cities and Towns
YH5	Principal Towns
YH6	Local Service Centres and Rural and Coastal Areas

YH7	Location of Development
H2	Managing and Stepping Up the Supply and Delivery of Housing
ENV8	Biodiversity

The Government has indicated its intention to delete the Regional Spatial Strategy as part of the development plan. This intention can be treated as a material planning consideration, but the weight to be attached is a matter for the decision maker.

Joint Structure Plan

SP1	Character and distinctiveness of settlements and their setting (including important features) to be protected and enhanced.
SP4	Distinctive character of Yorkshire Wolds, Jurassic Hills, Vale of York, Holderness, Humber Estuary and Ouse/Trent levels Landscape Character Areas to be protected. LDFs to provide landscape guidelines paying attention to unique landscapes of Goole/Crowle Lowlands, Lower Derwent Valley, Spurn and Flamborough Head.
SP5	Development proposals to achieve high standard of design.
H7	Housing in existing villages should be limited in scale, meeting local needs and supporting existing services. Preference given to PDL, infill and conversions. Proposals involving unacceptably long commuting distances to be resisted.
DS4	Limited development allowed in existing settlements where it meets local needs and contributes towards sustaining the role of the settlement. Housing development must conform with Policy H7.

Beverley Borough Local Plan

D1	Layout and design of development to respect and contribute to the character of its locality. Briefs on substantial and important sites.
D2	Criteria for layout etc. of new dwellings.
D6	Provision of adequate and convenient car parking in a manner appropriate to its surroundings.
E2	Development Limits and Open Countryside
E3	General presumption against development outside development limits and criteria for when it might be acceptable.
E10	Conserve area of high landscape value.

- | | |
|-----|---|
| H14 | Criteria for allowing a replacement dwelling in the open countryside away from a ribbon or small group. |
| L5 | Criteria for allowing development which result in the loss of an existing or allocated playing field. |
| C3 | Redundant educational facilities. Presumption in favour of appropriate re-use and criteria for redevelopment. |

RELEVANT PLANNING HISTORY

- | | |
|--------------|--|
| 07/07130/PLF | Erection of 4 dwellings following demolition of existing dwelling and former school. Application withdrawn 18.9.2008 |
| 11/03326/PLF | Erection of 2 dwellings following demolition of existing dwelling and former school. Application Refused 1.12.2011. |

EXTANT PLANNING PERMISSIONS

At the present time, there are 0 residential plots with extant planning permission within the Parish of Etton, and no dwellings have been completed in either parish in the last 4 years.

CONSULTATION REPLIES

- | | |
|-----------------------------|--|
| Etton Parish Council | Recommends that this application be approved subject to restrictive covenants that there shall be no more than 2 dwellings on the site and also ensuring the provision of landscaping to the south |
| Dalton Holme Parish Council | <p>The additional screening, change of access to plot 1, and reduction in site area are improvements over the previous submission, however the parish council maintain an objection on the following grounds:</p> <ol style="list-style-type: none"> 1. The site and circumstances do not justify the weight the ERYC (the applicant) has placed on their own exception policies, to grant themselves planning consent for two substantial houses in Open Countryside, choosing to ignore their much referred to Sustainability and Open Countryside policies. There must be a grave chance of this setting a precedent for other potential applications in Dalton Holme and elsewhere in the East Riding. 2. Two very large houses will not contribute in any way to the village of Etton, there is nothing to suggest that the occupiers of these houses will not keep the large gates proposed, firmly closed. There is no evidence to suggest that owners of five/ six bedroomed properties want to positively contribute to their neighbouring villages' life, particularly if they live outside the village and in a different parish. |

3. On further consideration of the proposals, we believe concerns should be raised about potential light pollution, fence and boundary design, impact and details of the treatment of the land surrounding the proposed dwellings; will these be formal landscaped gardens or pony paddocks? Security will be a big issue for the owners and the dwellings are likely to be brightly lit at night, thus light polluting the countryside.

4. We accept the current scheme may be considered modest for the site, it is still also contrary to policy C2 regarding height of buildings and whilst there is a viable alternative option, to return this redundant commercial site to open countryside, through sale to a third party, this should be explored further, rather than consent for residential property in open countryside, be granted.

5. Whilst an undertaking to restrict development on the site to the two proposed dwellings is offered, we are very concerned that this will be able to be made robust enough, to prevent any development whatsoever on the site and adjoining area.

Highway Control

This application is acceptable as the proposed development will not generate an unacceptable increase in the level of vehicle turning movements and on-street parking on the adjacent public highway network over the previous site use. The vehicular accesses serving the development are wide enough to accommodate the turning requirements of motor cars at the junctions with Chantry Lane. Visibility for the drivers of emerging vehicles is compatible with the traffic flows and the vehicle speeds that can be expected at this location. Parking and manoeuvring facilities will be provided within the site curtilage. There have been no recorded injury accidents on the adjacent public highway within the period 2007 - 2011

Trees and Landscape Section

I have no objections to the proposed development as the site layout design is sympathetic to the requirements of the existing trees and will not put excessive pressure on them. Subject to the provision of an appropriate level of tree protection during the construction process there is little likelihood of damage during development or premature removal at a later date. Moreover the juxtaposition of the existing trees and the proposed dwellings provides for a satisfactory spatial relationship which suggests it is unlikely that there will be subsequent demands, from future residents, for their removal. Therefore the development proposals should not have a negative impact on the amenity value of trees on this site.

Currently the site benefits from extensive tree cover. Many of the individual trees that are dispersed throughout the site are particularly good examples of their species. Furthermore the boundary features and peripheral woodlands on land adjoining the site are of particular visual importance to the locality and contribute to the character of the wider landscape.

Yorkshire Water

No comments required from Yorkshire Water. Use of package

Services Limited	treatment plant and surface water run off to watercourse is acceptable.
Environment Agency (Planning Liaison)	The scheme will only be acceptable if undertaken in accordance with the FRA. Conditions should be applied accordingly.
Nature Conservation Officer (Biodiversity)	A comprehensive series of ecological surveys have been undertaken and submitted to support this planning application. These have followed appropriate guidance and current best practice. An appraisal of the reports determines that they contain enough detail to demonstrate that the surveys have been carried out satisfactorily and provide an appropriate level of information about the environmental characteristics of the site. The findings of the surveys support the conclusions that the ecologists have drawn. The Phase 1 Habitat survey determined that the surrounding habitats are potentially important and the development area may impact upon mobile species. Consequently, the biodiversity assessment targeted the following species which the ecologist considered were relevant to the study area and proposed development. These included badger, bats, birds, great crested newt and reptiles. No objections to the proposed development subject to the imposition of appropriate conditions.
The East Yorkshire Bat Group	No response received.
Humber Archaeology	Advise that the site is in an area of archaeological interest and despite previous construction on site, archaeological remains may still be present, and a condition requiring an archaeological survey is required in advance of works being undertaken.

PUBLICITY

The application has been advertised on site and in the press as a Departure from the Development Plan.

Neighbours/ Publicity	Objections have been received from Field Head Leconfield, 2 Jesmond Road, 31 Queensway, 5 Bleach Yard, Moor Farm Cottages Long Lane, 14 Cleaves Avenue, making the following points;
--------------------------	--

Object in the strongest possible terms. Consider the application to be mendacious as in the Design and Access statement the applicant states that the site was offered to market and only attracted major redevelopment schemes for unrestricted residential development or holiday lodge park development. The document fails to inform the planning department, the committee members or the public that my company has offered to buy this School unconditionally for educational uses. It is clear that there is an intentional

misrepresentation of the facts in an attempt to obtain a planning consent that is a departure from Beverley Local Plan E2, E3, E10 Joint Structure Plan Policies DS4, H7, RSS Policies YH1, YH2, YH3, YH4, YH5, YH6, YH7, and the principles established in PPS1, PPS3 and PPS7 as stated in the refusal notice dated 1st December 2011 for exactly the same proposal. This misrepresentation can only be an attempt to obtain an inappropriate consent to raise land value given there is a willing buyer for educational purposes. Secondly, there has been no material change in circumstances since the refusal of application DC/11/03326/PLF/EASTSE dated 1st December 2011. That being the case, this application must still be a departure to all the policies referred to in the refusal notice. This application is still unrestricted development in open countryside that is not sustainable. No matter what redesigning is done, it is still departure from the relevant policies. As this is the case, how much public money has been wasted on this new application for two houses that was refused less than 6 months ago? I am sure the wider public and central Government would like an answer to this question, I have no doubt that the same people would like to know why the Local Authority are attempting to obtain a planning consent for an alternative use that is a departure from all the relevant policies referred to in the refusal dated 1st December 2011 when the Local Authority have received both verbal and written confirmation that my company would be willing to purchase this property unconditionally for educational purposes.

This cannot be right, a local authority trying to get planning on their own land that would never be approved to anyone else when there is a willing purchaser for its existing use. All of that and a refusal for the same proposal within the last six months, no wonder the country is in such a state with the wilful squandering of the public purse. This should be sent to our local MP.

The application should be withdrawn never mind refused – disgraceful.

A further objection has been received from the Dower House South Dalton – The site is in open countryside and it would be possible to clear the site and return it to agriculture save for the former Headmasters house, and am willing to acquire the site at agricultural value with a commitment to clear the site and return it to woodland and pasture. This viable alternative is both sustainable and environmentally beneficial.

CASE ON BEHALF OF THE APPLICANT

The application has been supported with a Design and Access Statement and Planning Statement which are summarised below: The applicant has also responded to objections made, and these responses are summarised as part of this case.

The school was closed in 2001 to pupils and then formally by the DFES in 2002 and has

been marketed for complementary and/or alternative uses.

The site contained residential elements linked to its former use and as a consequence the proposal for two new houses is considered by the applicant to be both proportionate and rational.

The site has been unoccupied since the school closure and there is evidence of an increase in anti-social behaviour. This is a growing problem and is an issue that is becoming increasingly more serious.

The previous application on the site received a Planning Refusal dated 1 Dec 2011.

Proposals for this application form a revision to the previous application refused in December 2011. These revisions following consultations with the local Planning Authority to address particular issues of concern & objections to the previous application.

These revisions to proposals comprise the following :-

- A reduction in the size of the application site.
- Shortening the drive to House 1.
- Additional planting along the south boundary, for screening purposes.

There is also a Unilateral Undertaking accompanying this application – a legal document to back-up the restrictions of any planning consent and to provide further comfort to interested parties who might have concerns about any intended future over-development of the site

A comprehensive landscaping masterplan is submitted with the application to create a framework and strategy for the management and enhancement of existing landscape and ecological features of the whole site. These landscaping proposals have been revised since the last application to include for further planting (for screening purposes) along the south boundary of the full site. This proposed planting is to address this particular concern raised as an objection to the previous application.

Notwithstanding the presumption against developments within this location the Joint Structure Plan notes that:

“Limited development of an appropriate scale and type can positively help to sustain them (i.e. existing settlements) as active communities, helping to meet local needs and contributing to a more vibrant, attractive and high quality living and working environment”

We believe that this well-developed application for two houses meets this and small-scale development such as this represents a positive opportunity for new residents to actively contribute to the life of the nearby village of Etton.

The application site had been used as a residential school for over 60 years and consequently the historical agricultural character has changed fundamentally. The application proposal should be seen in the context of earlier development on the site as this is clearly not a prime rural site on which development is proposed for the first time. It is hard to conceive that the site could be returned to a former agricultural use.

Of particular relevance to this scheme are Local Plan policies C2 and C3 which relate to the re-use of former educational facilities such as this one

"The Council will encourage the re-use of any surplus buildings for community related purposes compatible with their location. If there is little or no prospect of viable re-use within those categories then, as an alternative to allowing the buildings to remain empty or grossly unoccupied, alternative suitable uses by conversion of the buildings will be considered sympathetically. However, should it be proved that the existing buildings are unsuitable for conversion; the Borough Council may be prepared to consider redevelopment. It would be important in any redevelopment that the new use should not prejudice the character of the site and that it should comply with current policies. The 'footprint' of the total redevelopment should not occupy a larger area of the site than the existing buildings nor should any new building exceed the height of the existing buildings. If possible both should be reduced and landscaped to minimise the impact on the surrounding area. Any change of use of the existing buildings should also include substantial new landscaping." (Local Plan para 9.13)

The evaluation and analysis of both the site and wider landscape has helped to determine the most suitable location for the two houses on the site. This stands in contrast to alternative design approaches where landscape is seen as the space "leftover" from development and not integrated with it as is the "best practice" case presented here

This modest development of two private houses represents a sensitive and low impact proposal and a sensible and considered use of the former site. A larger housing development, if it were proposed, could not rely on the availability of local services and facilities and would clearly form an 'unsustainable' location in these terms. By contrast the two houses proposed now would be far less reliant on such services if they were to be located here and in this respect the term unsustainable is arguably of less importance in context with the very limited size of development.

By comparison with earlier proposals the impact of this limited development is far less than the school that preceded it or any larger housing development that the applicant has resisted.

In addition to the supporting information the applicant has responded to some of the objections and this is summarised below:

It remains our view that the demolition and removal of the existing buildings and structures for the land to be returned to agriculture is not financially viable in the market. Advice has been obtained that the cost of demolishing the existing buildings and structures would run into several hundred thousand pounds. It is considered that this cost would outweigh the agricultural value of the property taking into account the buyer's legal costs and stamp duty. The fact that the objector may be willing to contemplate this course of action should not in our opinion be given weight in determining this planning application as it is due to his own preferences and special circumstances. The submitted scheme is considered to represent an appropriate and sensitive scheme that returns additional land to a natural state whilst allowing very limited redevelopment which will in turn ensure that the existing redundant school buildings are demolished and removed for the benefit of the environment. If this planning application is successful, the objector will have the opportunity of submitting a bid for the property when it is offered for sale on the open market'

The Valuation and Estates Manager has advised that as a public body, the Council has a duty to ensure that it deals with property sales in an open and transparent manner and to satisfy its statutory obligations. In this connection, the Council has a well established process which involves openly marketing its surplus property assets, generally by formal or informal tender, inviting prospective purchasers to submit bids or proposals within prescribed timescales.

The Council has openly marketed the former South Wolds School in this manner on a number of occasions, including the sale of the property as a going concern and has not successfully secured a purchaser. Neither the objector nor his development company have ever submitted a bid or proposal in response to any of these formal disposal processes.

Whilst the objector has made enquiries regarding the availability of the property and has submitted proposals for consideration, these were not for a school and were outside of the formal disposal process. In addition, the proposals involved the demolition of all of the existing buildings with a rebuild to include a house. The suggested education use is not in line with the existing residential institution use and as such the proposed development would require its own planning consent, a fact acknowledged by the objector in the proposal.

The objector has been advised that the Council is not able to accept an off market bid but would be pleased to receive a formal bid when the property is remarketed.

KEY ISSUES

- Development Plan Principles
- Site History
- Landscape
- Other Material Considerations

OFFICER COMMENTS

Applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) is a material consideration which must be taken into account in planning decisions. If the NPPF contains policy guidance that is relevant to this application, the report below will explain this, and consider the extent to which development plan policy is consistent with the NPPF and the weight to be given to that policy. For 12 months from the date of publication of the NPPF full weight may still be given to relevant development plan policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The RSS falls into this category. For policies in the JSP and the Local Plan due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

It is the Government's clear policy intention to revoke the Regional Spatial Strategy subject to the outcome of the environmental assessments that are currently being undertaken. Until it is abolished the RSS remains part of the development plan although the intention to abolish the RSS can be treated as a material planning consideration with the weight to be attached to this intention being a matter for the decision maker.

Some weight should now be afforded to policies in the emerging core strategy due to the progress it has made through the publication and consultation stage that it has reached. This can however only be a small amount of weight at this stage.

Development Plan Principles

The site is in the open countryside outside the defined development limits, and forms part of the Area of High Landscape Value as defined in the Local Plan. Residential development in such a location is normally only able to be supported where it would meet an identified special need such as agriculture or forestry. Neither of these cases is being presented here, so the principle of development for two dwellings runs counter to the core principles of protecting the countryside, and seeking to achieve sustainable development patterns. This approach is set out in NPPF, Regional Spatial Strategy Policies YH1, 2, 3, 4, 5, 6 and 7 and Joint Structure Plan Policies DS4 and H7.

This range of policies forms a significant element of the core local, regional, and national policies aimed at protecting the countryside, and targeting new residential development to the towns. The applicant in recognising this must therefore be able to demonstrate a robust case which would warrant a different approach in this instance.

The Planning Authority also needs to consider if this scheme is materially different from the previous application which was refused by the Sub Committee in December 2011 and what effect there has been since the introduction of the NPPF in the mean time.

In presenting this application the applicant has completed comprehensive research into the history of the site, and has set this out in their Design and Access Statement. This details clearly that the site has developed from a camp for children through to a residential school over a period of 80 years. The length of time and the extensive history of educational and quasi residential use is an important factor in considering the planning balance on this site. The full history of the site and the extent of the boarding of students and staff was not fully researched or explained in the 2007 application but did form part of the case last year.

Local Plan Policy C3 and paragraph 9.14

The applicant has in supporting their case made reference to Policy C3 of the Beverley Borough local Plan which deals with the redevelopment of sites surplus to educational requirements. It is considered that this policy is being mis-applied by the applicants as in the supporting justification there is the following explanation.

“ 9.14 Outside of development limits re-use or redevelopment of schools, which are in principle ‘institutions standing in extensive grounds’ should be strictly controlled. Such development will be dealt with under ‘normal’ development control considerations applying to sites outside development limits.”

Policy C3 applies to educational sites within development limits.

In accepting that this site is in the open countryside outside defined development limits and in what would be regarded as an unsustainable location what material considerations have been provided which would warrant a different approach being applied?

Site History

The school is now vacant and boarded up and the grounds have started to become overgrown. As outlined above the school historically had a number of boarders residing on the site with the original capacity being in the region of 72 pupils consisting of both sexes and a range of ages from 8 - 16 year olds.

The school was formally closed around June 2002, with 58 pupils relocated to other educational establishments within the Hull and East Riding area. In addition there is the Headmaster's house. The buildings for the former school and the Headmaster's house remain but are presently boarded up and the main entrances are secured with Heras fencing. The site remains accessible despite these measures.

The site has been in use since the 1930's when a camp was first established for the National Camps Corporation, and the original cedar clad buildings were erected about this time. The site was acquired in 1952 by the Local Authority to be used for a school for children with learning difficulties. At this time it catered for around 120 pupils aged 9 - 16 in residential dormitories, with separate staff accommodation.

Between the 1950's and 1970's the buildings presently on site were formed replacing the original buildings and creating what many would recognise as the present day school. The application has been supported by the provision of historic ordnance maps showing the development of the site through the years.

Since the school closed, the buildings have been secured, but the site has been the subject of trespass and some anti social behaviour. Whilst it is not an attractive group of buildings it is not considered to be a 'blot on the landscape'. Nevertheless, the removal of the buildings and hardstanding would result in an improvement to the local environment.

There is very little likelihood of the buildings being brought back into economic use. This has been demonstrated by both the difficulties that have been shown through the different marketing exercises, and the appraisals provided. On each of the occasions the site has been marketed, schemes of a far greater scale have been presented which in all likelihood would have caused greater difficulties than the present proposal, [why - you should justify this comment please] although two applications was ultimately submitted [for what?], followed more recently by the Council's own application last year.

The question posed last time was 'is the present application the best solution that might be achieved for the site, and if not what might be the alternative given the passage of time which has elapsed since the site was last used and the absence of a suitable alternative proposal being put forward?' This is again material to the decision to be made.

The site has been marketed on a number of occasions but these attempts have not been successful in achieving a way forward. This is either due to planning policy restrictions, unrealistic aspirations from prospective purchasers or conditions of purchase being sought which could not reasonably be agreed to by the land owner. The site has now been vacant since the school closed in 2002. The buildings are not readily re-useable, and have already lasted beyond their design life.

This is the third planning application for residential development and is sought to be justified by the supporting documentation referred to. It is materially different from the previous proposal in respect of;

- A reduction in the size of the application site.
- Shortening the drive to House 1.
- Additional planting along the south boundary, for screening purposes.
- A Unilateral Undertaking accompanying the application – a legal document to back-up the restrictions of any planning consent and to provide further comfort to interested parties who might have concerns about any intended future over-development of the site

There has also been substantial work in respect of preparing an ecological appraisal and a landscape scheme to seek to improve the biodiversity, but also to improve the local environment. This is supported by the provision of additional landscaping, and tree planting, but also the retention of the woodland areas.

The argument in favour of 2 dwellings on a smaller site is arguably more balanced than both the previous residential schemes submitted, but this still does not accord with the policy position. By replacing the existing house and buildings with 2 dwellings on a smaller site this is a less harmful response to the site. This balance is an important part of the consideration in this case as the authority has to be mindful not just of any justification for this scheme, but what alternative scheme might be put forward in the future using this proposal as a starting point. The Parish Councils and some neighbours have recognised this and are keen to ensure that no additional dwellings are allowed in the future.

If this scheme is to be approved it needs to be clear that there is sufficient justification for this scheme and this does not go on to allow a more dense development of the site in the future.

The applicant has sought to address this by offering a unilateral undertaking which would run with the land, and offers to restrict the site to no more than two dwellings being built. This is a helpful approach, but it does not offer a guarantee that an alternative scheme for more dwellings may be presented for consideration by a third party. Members need to be aware that this offer cannot be given weight in the decision making process, as it does not give additional controls as any more dwellings would require the benefit of planning permission in any event

The issue remains therefore whether this scheme is sufficiently well argued that it can in itself be supported, and whether this case is sufficient as to be able to address the concerns of the Sub Committee and objectors that approval would set a precedent for residential development on this site or other sites.

Landscape

The application site is located within an area which is considered to be an "Area of High Landscape Value", therefore subject to the criterion of Policy E10 of the Beverley Borough Local Plan which states:

"The Area of High Landscape Value shown on the Proposals Map will be conserved.

Development proposals within this area will only be approved if they are of an appropriately high standard and will not adversely affect to any material extent the special character, appearance or nature conservation value of the landscape."

The site characteristics are that it slopes gently north-eastwards towards the B1248, and although the generally open nature of this arable landscape affords long-distance views, the visual envelope of the site is not extensive and views are restricted. This is due to a combination of local landform, the wooded nature of parts of the site and its strongly defined boundaries. From the north, views are restricted by roadside vegetation, mature trees, shrubs and copses close to the northern boundary. To the west the landscape is more open, but the site slopes away from Chantry Lane and the farmland beyond it, restricting long distance views. There are, however, views into the site from Chantry Lane itself. The southern boundary is enclosed by a hedgerow and some trees and copses, but remains more open than the southeast boundary, where topography and vegetation prevent views into and out of the site. To the east, long distance views are restricted by significant nearby vegetation including woodland, hedgerows, and mature trees.

The B1248 passes the site immediately adjacent to its eastern boundary, and glimpsed views into the site are available from some sections of the road. These partial views will be slightly more open during the winter, but evergreen vegetation and the depth of tree and shrub belts will continue to provide a significant degree of screening and enclosure.

The current buildings on the site are modern styled single storey structures, with the sports hall being marginally higher consisting of a 2½ storey building, which do not currently contribute to the site or wider area. Nevertheless because of the drop in land levels and the restricted height of these buildings they do not have a significant effect on the landscape. They do however not create a positive back drop to the site, or have any realistic future.

The proposal includes a substantial new landscape plan, with extensive new planting to create a comprehensive landscaped setting for the proposed new buildings which would allow a better quality environment for the dwellings for the future. It would also enable over time for a constructive and positive response to the challenge that this site faces in trying to constructively move forward from the present site.

One of the advantages of this scheme is not just the removal of the existing buildings, but their replacement with good modern development, in a landscaped setting. As only 2 dwellings are proposed there is ample space between them such that the predominant vista will be of the woodland both proposed and existing interspersed with the dwellings.

Since the last proposal there has been additional planting proposed to the south of the site to address concerns identified by Etton PC with regard to the views from this aspect of the site. This is an additional improvement over the previous proposal.

Other Material Considerations

Loss of sports fields.

In considering the 2007 application, Sports England objected to the loss of the sports

fields. In assessing this application and the one from last year consideration has been given to the rules governing consultation with Sport England, and while there were sports pitches associated with the school, these have not been maintained or available for use since closure in 2002. This passage of time takes this aspect of the proposal outside of the rules which require consultation with Sport England.

The pitches themselves are not readily accessible to a local community which might have benefited from them had they remained useable, and in this instance whilst the loss of this facility is regrettable, this has occurred in any event outside of the planning system.

Replacement dwelling criteria

At present there remains one dwelling on site. This is of modest proportions, being the former Headmasters house. The garden had a defined curtilage around it which remains. The dwelling is still capable of being reused, but is obviously in need of refurbishment due to being vacant and boarded up for so long. The tests in Policy H14 for replacement dwellings are not however met in this instance in respect of criteria c) gross size, d) scale and design e) siting. Nevertheless, this remains a material factor in the consideration of this scheme.

The history of the site and the presence of this dwelling is a material factor, but the scheme as submitted does not meet the rules set out in this policy.

Comments from the Council's Estates and Valuation Service

The Council's Estates Department have responded through the applicant to an objection to the application on the basis of an alternative proposed development for the site and this is set out as part of the applicant's response above. This issue is outside of the planning considerations of the proposal.

Supporting information

This scheme has been supported by extensive habitat and species survey at different times of the year. Mitigation strategies have been developed which respond to and seek to enhance the local ecology. This would be a material benefit to the locality if undertaken.

This proposal seeks to provide for individual package treatment plants, with surface water run off going to Becks Drain. This is supplemented with grey water harvesting, and the use of permeable surfaces where appropriate. Both the Environment Agency and Yorkshire Water have responded positively in this regard.

Objectors' other comments

The objectors have suggested that the only appropriate re use for the site would be to return it to agriculture

When this application was last considered Officers felt that it was unlikely that agricultural reuse would ever materialise for the site as the cost of building demolition and site clearance would be too prohibitive to allow this. An objector has specifically offered to do this on this occasion. The applicant has responded as set out previously

and considers this scheme represents a balance in favour of the scheme to allow a future for the development of the site, but recognising the policy situation.

The offer is a material planning consideration and must be recognised as such, however it has not been presented as a formal offer or scheme and there is no guarantee of the outcome, given that this would be entirely in the hands of the Council as landowner. Whilst it is a material consideration, it should be given limited weight because it is no more at this stage than an informal offer.

If permission is granted, how would a scheme for more development be resisted?

Any future application would need to be assessed at the time on the facts of the case. There is a risk in supporting this application that once the door is opened allowing development in conflict with policy that a greater size or number of units could be proposed. This would have to be the subject of a fresh application which would need to be considered at that time on its own merits. There is a clear conflict with policy here, but a case has been presented which seeks to support this individual scheme on its merits. The fall back position for the site is an educational use with dwelling (former headmaster's house) this is a net gain of one house which would replace the school buildings. It is Officer's view that this on balance can be supported. A scheme for a greater number of dwellings would represent a more distinct conflict with policy than this proposal.

Construction vehicles should only be allowed to access and egress from the site via the main road.

This comment is considered to be a sensible precaution, and a condition is suggested to seek to control the route of traffic accessing and egressing the site to minimise impacts on amenity or highway safety.

The scheme is an unsustainable open countryside location.

It is fair to say that this site does not meet the Council or indeed Regional or National policies in respect of being a sustainable location for new development. This has not changed as a result of the publication of the NPPF, which largely endorses the previous approach in only allowing development in the countryside in specific circumstances. This is balanced against the former use of the site, and the desire to achieve a sustainable future in the broader sense. Two dwellings will result in fewer movements to and from the site than the former use this though needs to be given limited weight' as there appears to be little likelihood that the former use will recommence.

The existing dwelling could continue to be occupied, and therefore there is one additional dwelling to be considered. The conflict with sustainability issues is balanced against the potential environmental benefits of removing the school buildings, the additional planting, and potential bio diversity improvements offered by this scheme. This one additional dwelling is on balance considered acceptable.

The scheme is contrary to established National Regional and Local policy.

This development is contrary to policy and has been advertised as a departure. The assessment of the scheme has been undertaken from the outset in the knowledge that

this was the case. The applicant has been aware of this and sought to set out a case why material planning considerations might outweigh the normal policy approach in this particular instance. One additional dwelling is contrary to this approach, but it is considered that the argument put by the applicants has presented on balance sufficient material planning reasons as to why this can be supported

The Authority has a duty to consider applications in an even handed manner.

The application is by the Council, and has been submitted to the Council as Local Planning Authority. There is a clear procedure to follow in such cases where in recognising a departure should the Local Planning Authority conclude in favour of a scheme it must first be referred to the Secretary of State. This would be the case here.

CONCLUSION

In conclusion there are a number of potential benefits which could arise from this scheme. This is a small scale scheme for 2 dwellings supported by a comprehensive landscape scheme that will give the buildings a significant landscape backdrop and setting.

The removal of the existing school and areas of hardstanding would be a significant benefit to the locality and remove what on occasion has become a site for anti social behaviour. There is also the potential for improved bio diversity with the improved landscaping and planting proposed.

No realistic development alternative has come forward which would be of a less harmful nature despite attempts being made since the school closed in 2002, although an offer has now been made to purchase the site and clear it.

On the reverse side of this argument, there are the clear dis-benefits of such a scheme. The proposal runs counter to many established policies to promote sustainability and protect the countryside. This could lead to pressure to support other sites for redevelopment in the countryside should this scheme be supported.

It is considered that in this specific case there is a marginal balance in favour of supporting the scheme. It is for 2 dwellings in place of a larger range of buildings and the Headmaster's house. There at present is no realistic prospect of an alternative preferable proposal, this scheme would provide for substantial additional planting the removal of the former school buildings, and an opportunity for enhanced biodiversity. An approval may give the site a positive future.

Should Members endorse the recommendation the application will need to be referred to the Planning Committee as a Departure from The Development Plan. If the Planning Committee affirm that decision this will then need to be referred to the Secretary of State.

HUMAN RIGHTS ACT 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

RECOMMENDATION

That the application be **APPROVED** subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

This condition is imposed in order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

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

This condition is imposed because the submitted application did not specify the materials to be used in the proposed development or the specified materials were not considered acceptable. It is considered that the use of inappropriate materials could be harmful to the appearance of the area and that the Council, therefore, needs to retain a measure of control.

Note : The developers attention is drawn to the fact that this development cannot commence until all the facing materials have been agreed. A period of at least 10 working days should be allowed for the submission and approval process. Developers are, however, advised that whilst the Council expects to be able to respond within 10 working days, the lack of a response within that time should not be taken as a deemed approval. Please note that samples of materials will only be needed if specifically requested. In the event of this, please arrange with the case officer for the samples to be seen on site.

3. Prior to the commencement of development a method statement to deal with the demolition of the buildings, and removal of hardstandings from the site will be submitted to and approved in writing by the Local Planning Authority. This plan shall include the timing and method of the carrying out such works, and the removal of the existing dwelling. The demolition and removal of the hardstanding and buildings shall be carried out in accordance with the approved scheme. No new dwelling shall be occupied in advance of the demolition of the existing dwelling or other buildings.

This condition is imposed to ensure that the benefits of the development of the site are fully realised in accordance with the details of the submitted scheme, and to allow for the full landscape plans to be properly achieved in the wider interests of the local landscape.

4. Prior to the commencement of development a traffic management plan for all construction vehicles providing for access and egress to the site from the B1248 to the north of the application site will be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Traffic Management Plan.

This condition is imposed to ensure that construction traffic uses the most

appropriate access and egress routes to and from the site thereby minimising disturbance to nearby residential properties, and potential highway conflicts.

5. No dwelling shall be occupied until the means of vehicular access has been provided and space has been laid out within the curtilage of that dwelling for motor cars to be parked and to enable vehicles to turn so that they may enter and leave the site in forward gear in accordance with the details hereby approved. The vehicle parking and turning facilities shall thereafter be retained.

This condition is imposed in order to ensure that reasonable and adequate space is provided within residential curtilages to meet normal parking demands and avoid the need for vehicles to park on the highway where they could adversely affect the safety of other highway users and to allow them to enter and leave the highway in a forward gear, thus minimising the risk to other road users.

6. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by East Riding Consultants Ltd dated 7th February 2011 and the following mitigation measure detailed within the FRA:

1. Limiting the surface water run-off generated by the development so that it will reduce the run-off from the existing site and reduce the risk of flooding off-site.

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

7. No development shall take place except in strict accordance with the method statement set out in Section 4.2.1 - 4.6.7 of the protected species report (Bat Survey at Southwolds School, Etton, , Wold Ecology Ltd, May and June 2011 as submitted with the application in all respects. Any variation thereto shall be prior agreed in writing by the local planning authority before such change is made.

This condition is imposed to conserve protected species and their habitat and to comply with the Natural Environment and Rural Communities Act (NERC) 2006.

8. If development has not commenced within 12 months of the date of this permission, a new bats and nesting birds survey of the entire site (to include all buildings) shall be undertaken, submitted, and approved in writing by the Local Planning Authority. The survey should determine the presence or absence of protected species (including bats) and should be conducted by a qualified member of the Institute of Ecology and Environmental Management. The development shall only take place in accordance with the recommendations and mitigation measures contained within the approved ecological survey.

This condition is imposed in the interests of ecology and to ensure that protected species would not be harmed by the re-development of this site.

9. No development shall take place until details of the provisions to be made for artificial bat roosting sites and boxes, which make provision for roosting bats as

part of the proposed development, have been submitted to, and approved in writing by the LPA. The approved works shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing by the LPA [and thereafter retained?]

This condition is imposed to ensure that bat species are protected and their habitat enhanced, in accordance with the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and The Conservation of Habitats and Species Regulations 2010.

10. No development shall take place unless in accordance with the method statement set out in Section 5.3.1 - 5.4.3 of the protected species report (Reptile Survey Report at Southwolds School, Etton, Wold Ecology Ltd, May - July 2011 as submitted with the application in all respects. Any variation thereto shall be prior agreed in writing by the local planning authority before such change is made.

This condition is imposed in accordance with the recommendations of the Protected Species Survey forming part of the application, to conserve protected species and their habitat and to comply with the Natural Environment and Rural Communities Act (NERC) 2006.

11. No development shall take place unless in accordance with the Habitat Mitigation and Enhancement recommendations as detailed in Section 5.0.1 - 5.5.2 of the protected species report (Bird Surveys at Southwolds School, Etton, Wold Ecology Ltd, April - June 2011) as submitted with the application in all respects. Any variation thereto shall be agreed in writing by the local planning authority before such change is made.

This condition is imposed in accordance with the recommendations of the Protected Species Survey forming part of the application, to conserve protected species and their habitat and to comply with the Natural Environment and Rural Communities Act (N

12. No development shall take place until a detailed landscaping scheme, broadly in accordance with the landscaping provision as set out on Landscape Masterplan drawing D127684/LA/007 has been submitted to and approved in writing by the local planning authority. The scheme shall include the following details:

- i. planting plans
- ii. specifications of the planting to be undertaken including details of the species, size, number / density of plants, shrubs and trees
- iii. a programme of implementation, maintenance and aftercare.

The approved landscaping scheme shall be carried out in accordance with the approved programme for implementation, maintenance and aftercare unless the local planning authority gives written approval to any variation. Any trees or plants which within a period of 5 years from the completion of the development die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

This condition is imposed to ensure the maintenance of screening to the site,

protect the appearance and character of the area, and to ensure the provision of amenity afforded by the proper maintenance of existing and new landscape features

13. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on an immediately adjoining the site shall be protected from damage for the duration of works on the site. This shall be to the satisfaction of the Local Planning Authority and in accordance with British Standards (BS 5837: 2005). Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Authority

This condition is imposed to ensure the continuity of amenity afforded by existing hedges or hedgerows.

14. The development hereby permitted shall be implemented in accordance with the Tree Protection Measures as detailed in Section 5 and the recommendations set out in Section 6 (Arboricultural Method Statement) of the Arboricultural and Landscape Report (Land at Etton Former School Site, Etton, Mark Feather, January 2011) as submitted with the application in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

This condition is imposed because the Council is under a statutory obligation when considering planning applications to consider whether it is necessary to take steps to preserve existing trees. There are existing trees within or in the vicinity of the site and these contribute to the character and appearance of the area. It is important that they are protected from damage before, during and after construction works.

15. No development shall take place on the site until details of services have been submitted to and been approved in writing by the Local Planning Authority.

This condition is imposed to enable the Local Planning Authority to have an opportunity to consider the effect of services on the appearance of the area, tree root systems and overhanging trees.

16. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority (Circular 11/95, Model Clause 55). The Scheme shall provide for:

- (i) the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area
- (ii) an assessment of the impact of the proposed development on the

- archaeological remains
- (iii) proposals for the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible
 - (iv) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and
 - (v) notification in writing to the Curatorial Officer of the Humber Archaeology Partnership of the commencement of archaeological works and the opportunity to monitor such works.

This condition is imposed because the site lies within a major archaeological landscape, with two barrows known from within the proposal site itself and a group of at least five barrows known to the east.

Note to Applicant/ Agent

In respect of condition 16. A suitable staged scheme to preserve or record the archaeological deposits should include the following provisions:

Evaluation.

1. Trial trenching of the proposed development area, in order to determine the depth, date, nature, extent, quality of survival, and importance of any remains.
2. The results of this preliminary stage should enable the impact of the proposed development on any archaeological deposits to be fully assessed. An informed and reasonable decision can then be taken regarding the future treatment of the remains.

Further work

3. Should the evaluation show that the site contains significant archaeological features, mitigation measures should be explored to achieve physical or in situ preservation of the remains. If destruction is unavoidable, detailed excavation of selected areas, followed by post-excavation analysis and publication of results, should take place in order to achieve preservation by record.

All archaeological site work must be undertaken by an archaeological contractor who is acceptable to the Local Planning Authority after consultation with their archaeological advisor.

Should any burials be discovered, the developer, or his appointed archaeologist, must obtain from the Ministry of Justice a licence authorising the removal of all human remains likely to be disturbed by development; in accordance with the Burial Act of 1857. No development should therefore take place until all human skeletal remains have been properly removed in accordance with the terms of that licence.

Relevant Planning Policies

Regional Spatial Strategy

- YH1 Overall Approach and Key Spatial Priorities
- YH2 Climate Change and Resource Use
- YH3 Working Together
- YH4 Regional Cities and Sub-Regional Cities and Towns
- YH5 Principal Towns
- YH6 Local Service Centres and Rural and Coastal Areas
- YH7 Location of Development
- H2 Managing and Stepping Up the Supply and Delivery of Housing
- ENV8 Biodiversity

Joint Structure Plan

- SP1 Character and distinctiveness of settlements and their setting (including important features) to be protected and enhanced.
- SP4 Distinctive character of Yorkshire Wolds, Jurassic Hills, Vale of York, Holderness, Humber Estuary and Ouse/Trent levels Landscape Character Areas to be protected. LDFs to provide landscape guidelines paying attention to unique landscapes of Goole/Crowle Lowlands, Lower Derwent Valley, Spurn and Flamborough Head.
- SP5 Development proposals to achieve high standard of design.
- H7 Housing in existing villages should be limited in scale, meeting local needs and supporting existing services. Preference given to PDL, infill and conversions. Proposals involving unacceptably long commuting distances to be resisted.
- DS4 Limited development allowed in existing settlements where it meets local needs and contributes towards sustaining the role of the settlement. Housing development must conform with Policy H7.

Beverley Borough Local Plan

- D1 Layout and design of development to respect and contribute to the character of its locality. Briefs on substantial and important sites.
- D2 Criteria for layout etc. of new dwellings.
- D6 Provision of adequate and convenient car parking in a manner appropriate to its surroundings.
- E2 Development Limits and Open Countryside
- E3 General presumption against development outside development limits and criteria for when it might be acceptable.
- E10 Conserve area of high landscape value.
- H14 Criteria for allowing a replacement dwelling in the open countryside away from a ribbon or small group.
- L5 Criteria for allowing development which result in the loss of an existing or allocated playing field.
- C3 Redundant educational facilities. Presumption in favour of appropriate re-use and criteria for redevelopment.

Reason for Decision

This scheme is contrary to the Development Plan. The applicant has provided a strong case including a clear history of the site, substantial new planting, limited development of two houses, and evidence to demonstrate there is little likelihood of a positive solution coming forward which would address the redevelopment of the site for the future. It has been considered therefore that these material planning factors weigh marginally in favour

of granting permission despite the policy position.

The Applicant/Agent must contact the East Riding of Yorkshire Council's Streetscene Services (Highways) Section, Beverley Depot, Annie Reed Road, Beverley HU17 0LF (tel: 0845-6001666) regarding the construction specification of the vehicular access before any works are commenced in the public highway.

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations.

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs-swmp.co.uk>.

The developer must apply the waste hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal options. Government Guidance on the waste hierarchy in England is at:
<http://www.defra.gov.uk/publications/files/pb13530-waste-hierarchy-guidance.pdf>

The recommendation is contrary to established and important principles of planning policy. If the Committee wishes to come to a decision in favour it should do so in the form of a recommendation to the next available meeting of the Planning Committee, and then subsequent referral to the Secretary of State.

© Crown copyright. All rights reserved
East Riding of Yorkshire Council
Licence: LA09056L

Organisation	East Riding of Yorkshire Council
Department	Planning & Development Management
Application	12/01747/PLF
Date	12 July 2012
SLA Number	100023383



Committee Plan



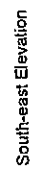
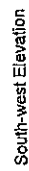
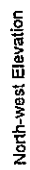
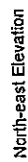
Scale : 1:5000



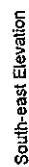
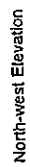
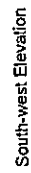
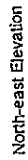
EAST RIDING
OF YORKSHIRE COUNCIL

© Crown copyright. All rights reserved
East Riding of Yorkshire Council
Licence: LA09056L

Organisation	East Riding of Yorkshire Council
Department	Planning & Development Management
Application	12/01747/PLF
Date	12 July 2012
SLA Number	100023383

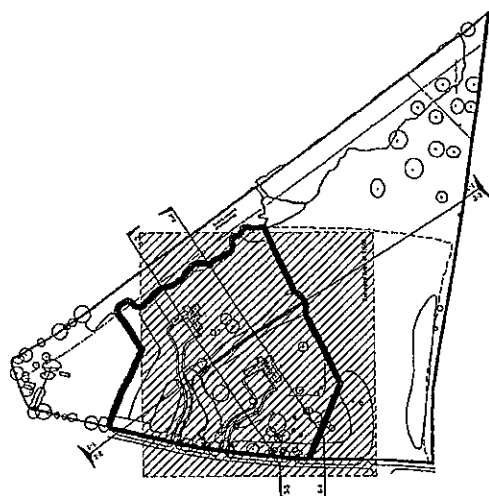
[illegible]

HOUSE 1
PROPOSED ELEVATIONS



HOUSE 2
PROPOSED ELEVATIONS

Page No.	1	Extended	Page No.	1
THIS DOCUMENT CONTAINS INFORMATION OF A CONFIDENTIAL NATURE. IT IS TO BE KEPT SECRET AND NOT TO BE DISCLOSED TO ANY OTHER PERSON OR ORGANIZATION WITHOUT THE WRITTEN AUTHORIZATION OF THE DIRECTOR OF THE NATIONAL INTELLIGENCE AGENCY.				
EAST RIDING OTFOSKINE COUNCIL				
East Riding Council 10000 Highway 100 Box 10000 Fort McMurray, Alberta T9C 1A1 Tel: 780 779-7000 Fax: 780 779-7001 www.eastriding.ca				
Director of the National Intelligence Agency NATIONAL INTELLIGENCE				
Proposed Residential Development At former South Wilds School, South.				
Project No. 1500 Date of Issue 15/05/2011 Elevations as proposed.				
Property Code	0	JC	Planning No.	12
Sheet No.	45008		Scale	1:1000
Drawing Sheet			Date	

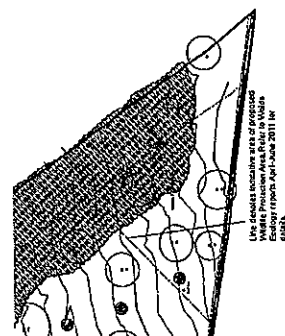


Key Plan 1:2500

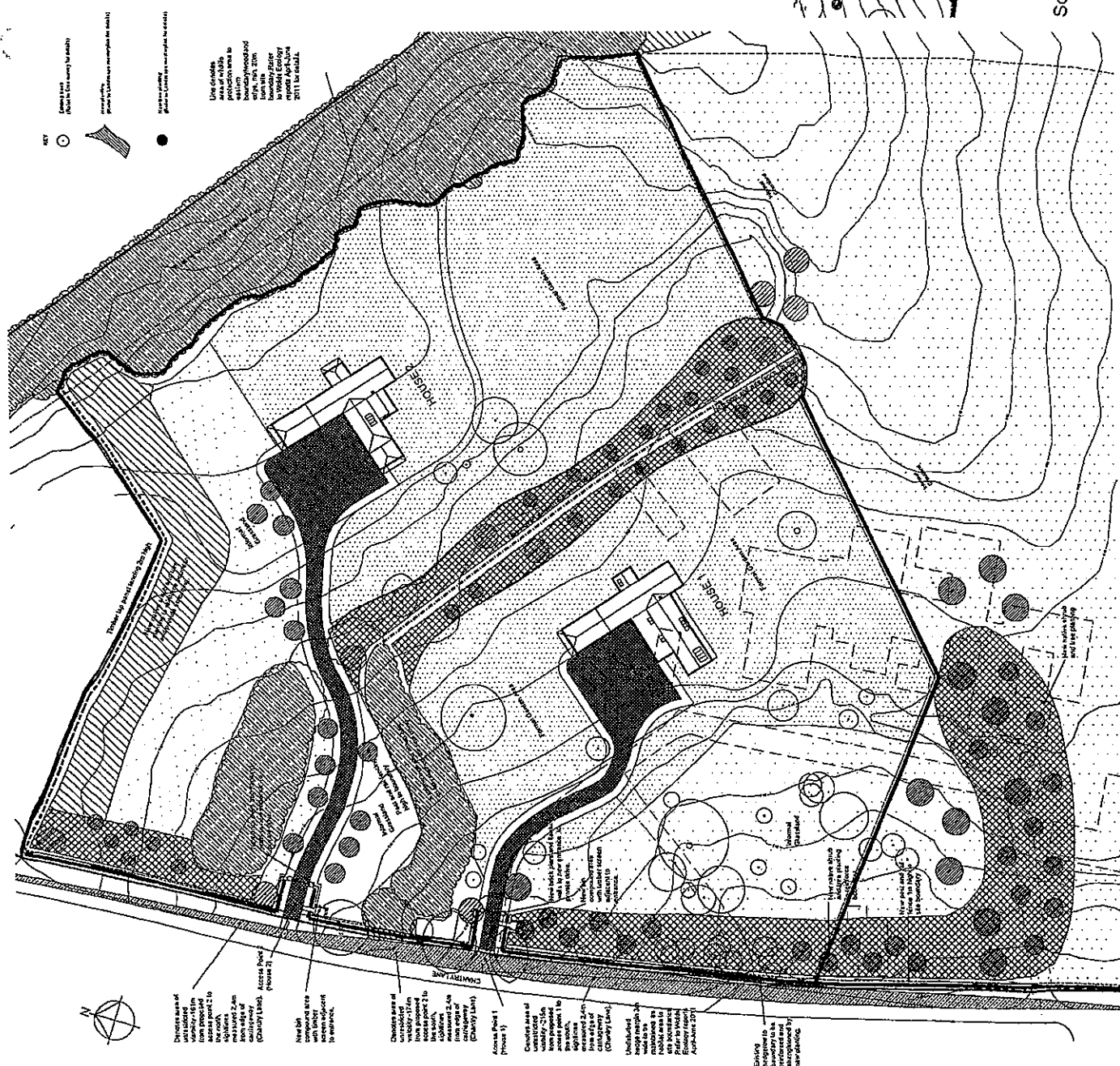
For details of landscaping proposals refer to
URS/Scott Wilson Ltd
Landscape Masterplan drawing ref D127684/LA/007.

For indicative site sections refer to drawing 45008-21 for details.

For details of wildlife protection zones/sanctuaries refer to World's Ecology reports April-June 2011 that accompany this application.

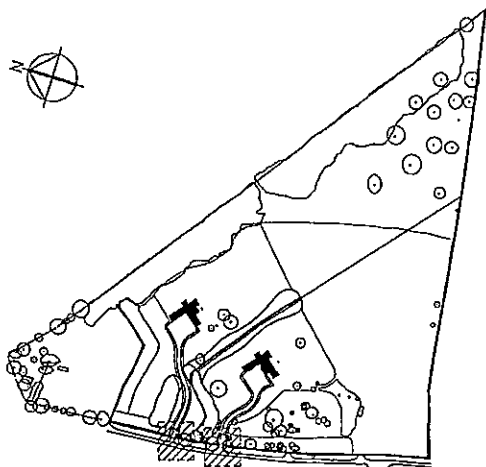


South-east corner detail 1:1000



Proposed Site Layout 1:500

[illegible]



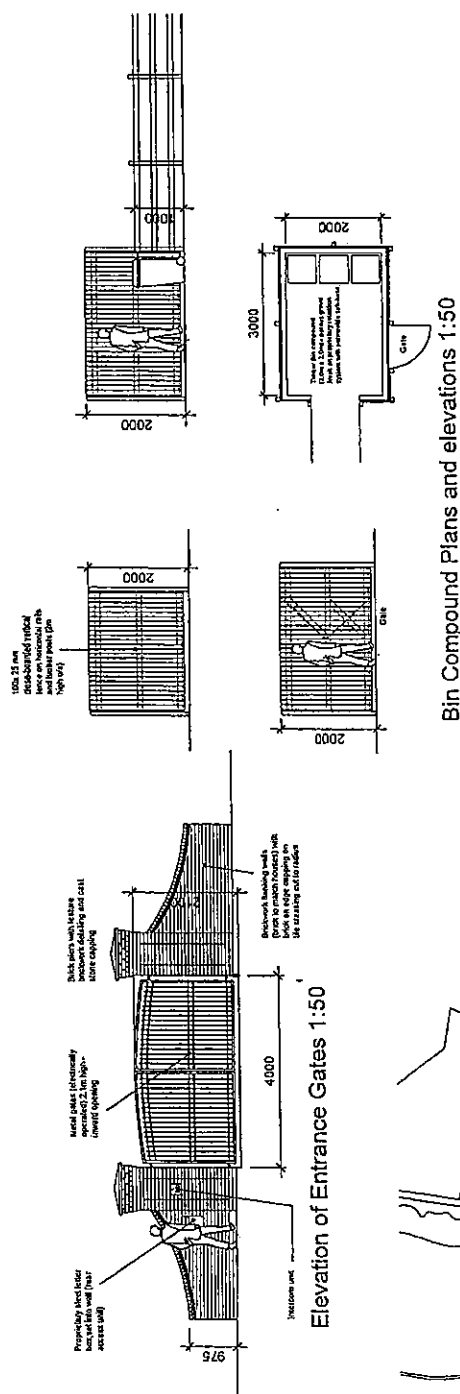
Key Plan 1:2500

For details of landscaping proposals refer to
URS/Scott Wilson Ltd
Landscape Masterplan drawing ref D127684/LA/007.

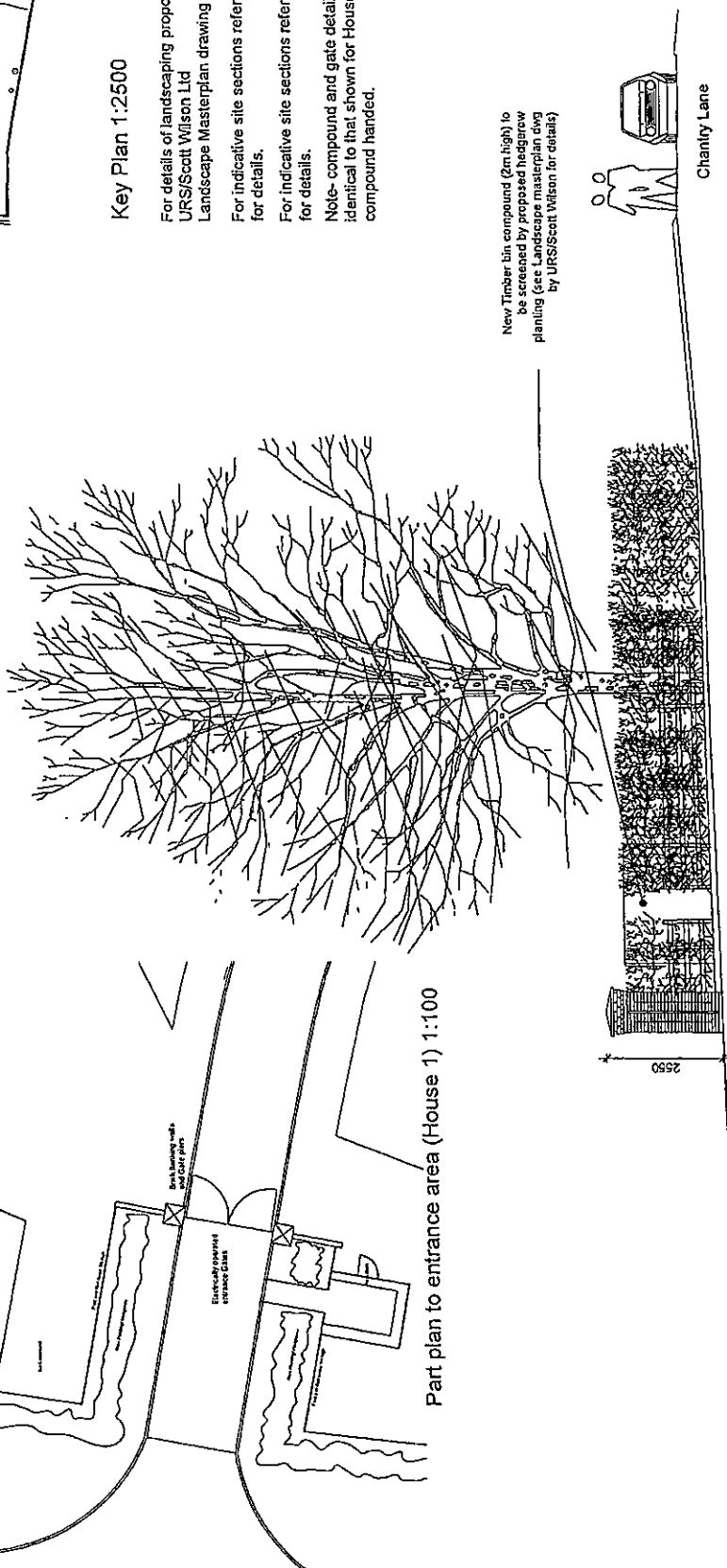
For indicative site sections refer to drawing 45008-21 for details.

For indicative site sections refer to drawing 45008-21 for details.

Note- compound and gate details for House 2 are identical to that shown for House 1 - with bin compound handed.



Bin Compound Plans and elevations 1:50



Part plan to entrance area (House 1) 1:100

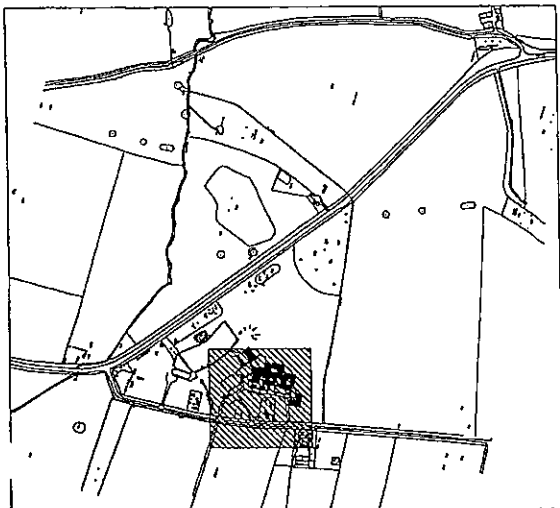
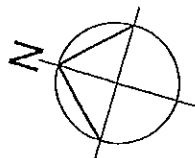
New Timber bin compound (2m high) to be screened by proposed hedgerow planting (see Landscape masterplan dwg by URS/Scott Wilson for details)

Chantry Lane

Entrance Gates and Brick Pillar
Longitudinal section observation to Chantry Lane 1:50

[illegible]

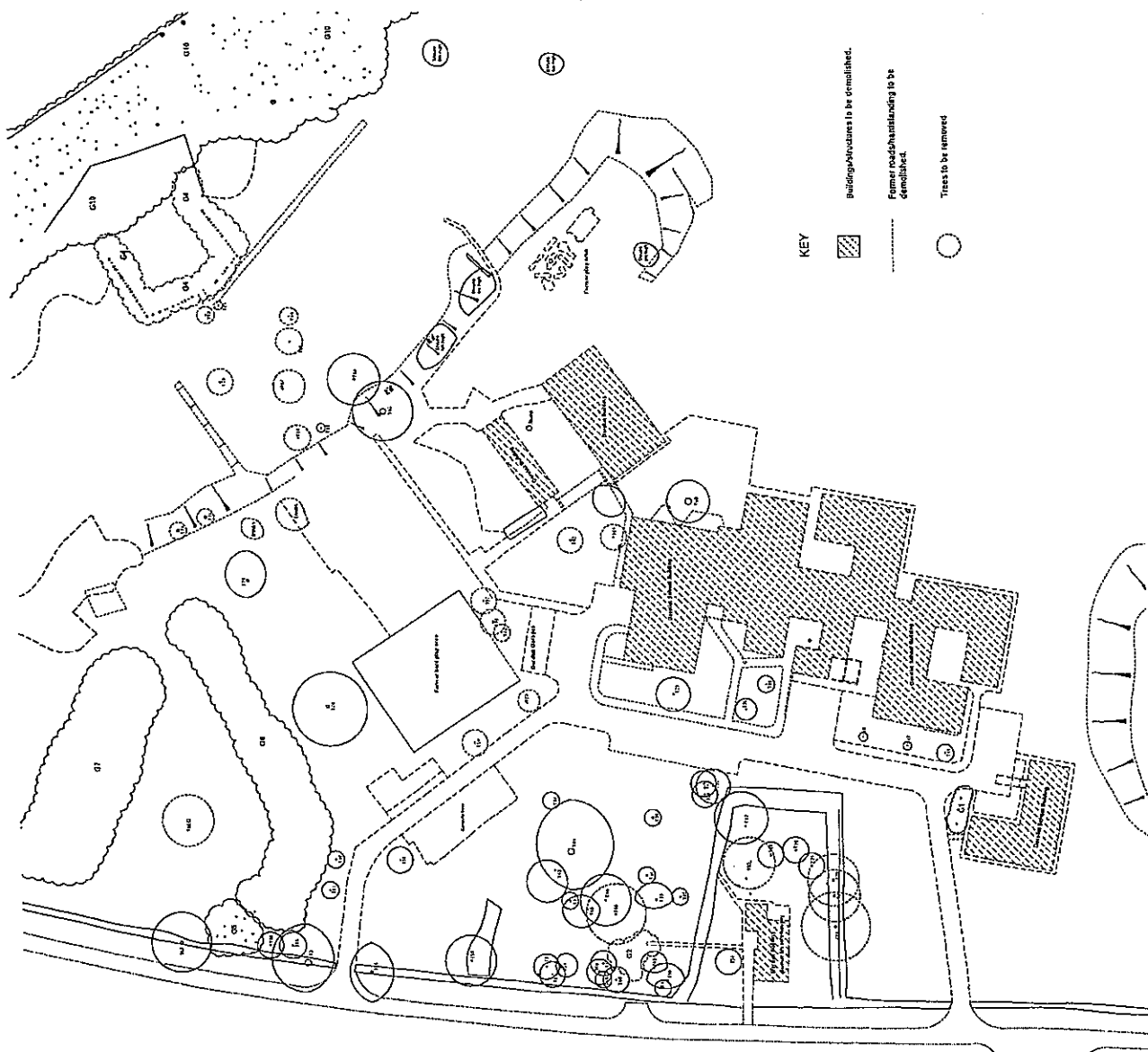
NOTES



Key plan 1:5000

Protection of Trees during demolition.

This drawing to be read in conjunction with Dwg 45008-17 and 18 and Arboricultural and Landscape Report, January 2011 by Mark S Feather that accompanies this application.



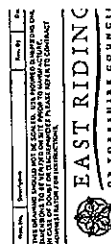
KEY

Buildings/structures to be demolished.

Former buildings/structures to be demolished.

Trees to be removed

Demolition Plan



EAST RIDING
OF YORKSHIRE COUNCIL

Head Office: 100, Market Street, York, YO1 1PE
Tel: 01904 434343
Fax: 01904 434344
www.eastriding.gov.uk

Director of Environment and Neighbourhood Services

WYB/11/001/12/1

Proposed Residential Development
At former South Wolds School
Easingwold

Demolition plan
Former school buildings and external works

Project Number: 45008

Revision: 00

Drawn by: [Name]

Checked by: [Name]

Date: [Date]

Scale: [Scale]

Project Name: [Project Name]

Project Location: [Project Location]

Project Status: [Project Status]

EAST RIDING OF YORKSHIRE COUNCIL

Report to: Planning Committee
13 September 2012

WARDS: Howdenshire

**Application for Erection of building for use as materials recycling facility, construction of service yard, construction of earth bunds with tree and shrub planting and replacement of surface water storage lagoon
At Land South Of Prospect House, Howden Road, Holme Upon Spalding Moor, East Riding Of Yorkshire by Allensway Recycling Ltd
Application Number: 12/02096/STPLF**

Report of the Director of Planning and Economic Regeneration

A. Executive Summary

Application reference 12/02096/STPLF is referred to the Committee for decision.

B. Corporate Priorities

Valuing our environment
Local problem solving

C. Application Type

Strategic - Full Planning Permission

D. Parish

Holme Upon Spalding Moor Parish Council

E. Applicant

Allensway Recycling Ltd

F. Target Date

18 September 2012

G. Environmental Impact Assessment

When this application was submitted it was considered within the context of The Town and Country Planning (Environmental Impact Assessment Regulations) 2011 with a view to determining whether an Environmental Impact Assessment was required. Taking into account the requirements of the Regulations and the guidance

contained in Circular 02/99 it was determined that an Environmental Impact Assessment was not required in this case.

H. Recommendation

That the application be DEFERRED for a response from the Environment Agency, the Public Protection Officer and the Biodiversity Officer. Subject to a satisfactory response to these outstanding consultations then the Director of Planning and Economic Regeneration be authorised to APPROVE the application subject to the conditions set out in Section 12 of this report.

1. INTRODUCTION

- 1.1 This application proposes the erection of a building for use as a materials recycling facility at Prospect House, Holme upon Spalding Moor. The site is situated outside the development limits for the village on the west side of A614 Howden Road. The site was previously used as an intensive livestock unit, but now has permission for the use of the site and buildings as a materials recycling facility (MRF) and composting facility. The site consists of a range of large sheds and outbuildings, with the new shed required to provide additional floorspace and handling areas for waste products in connection with the operations at the consented MRF at the site, which has operated for over 2 years.
- 1.2 The existing operations at the site within the MRF (consented in 2009) will be replicated in the proposed building and consist of the mechanical separation of solid, liquid and sludge foods in plastic and metal containers. The goods to be recycled would arrive on site on pallets and be weighed on arrival and then stored within the proposed building prior to unpackaging. Material would be processed in batches dependent on the nature of the product. An mechanical separator would be used that operates by splitting the packaging away from the product. The recovered contents are all organic matter which is then taken through a macerator and pump system into a holding tank, where it will be transferred to the on site composting process (in another building). The residual waste from the containers (plastic and metal) is transferred by an auger conveyor, to be washed and bulked on site prior to onward distribution to a recycling facility or to final disposal if there is no recovery process. Premium material such as aluminium cans and PVC etc would be compacted and baled prior to onward disposal to recovery. All goods waiting for unpackaging are stored within the existing or proposed buildings and there are no operations carried out in the open. The new building will house an unpacking machine, together with a shredder and wash plant to clean recovered packaging prior to compacting it.
- 1.2 The proposed single portal framed building measures approximately 35 metres by 34 metres, by 8.2 metres high. It would be sited on the southern edge of the existing buildings and yard area in the main an area of waste land/lagoon. The building has a total floor area of 2,118m² and the proposal includes a new surface water lagoon, and extension to the yard as well as an extensive landscaping scheme and screen bunds to the southern site boundary. The process will be conducted under negative pressure with air efflux through the existing bio-filter, which keeps the system sealed. The only activities outside on the proposed yard area to the front of the building other than vehicle movements would be some limited storage of skips for cleaned

processed packaging prior to its onward delivery to recycling.

2. PLANS AND ILLUSTRATIONS

Appendix 1 - Site Location Plan

Appendix 2 - Site Layout Plan

Appendix 3 - Elevations

Appendix 4 - Proposed planting plan

Appendix 5 - Existing site plan

3. KEY PLANNING POLICIES

The Development Plan for the area comprises the Regional Spatial Strategy, Joint Structure Plan, the Boothferry Borough Local Plan and the Joint Waste Local Plan

Regional Spatial Strategy for Yorkshire and Humber

The Localism Act 2011 gives the Secretary of State power to revoke Regional Spatial Strategies in whole or in part. The Government's stated intention to revoke can be treated as a material planning consideration with weight to be attached to this intention being left to the decision maker in each case

ENV5	Energy
ENV12	Regional Waste Management objectives
ENV13	Provision of waste management and treatment facilities
ENV14	Strategic locational criteria for waste management

Joint Structure Plan for Kingston upon Hull and the East Riding of Yorkshire

SP5	Design of new development
-----	---------------------------

Boothferry Borough Local Plan

EN2	Development judged against a series of environmental criteria
EN5	Diversification in the countryside
E17	Existing businesses need to expand to remain competitive and states:-

"Subject to the proposal being in accordance with other policies of the plan and provided that the environment is not adversely affected, excessive traffic is not generated and subject to satisfying access, services, landscaping and design standards local authority will:-

1. Expand proposals at existing concerns; or
2. New proposals or extensions to existing concerns within existing industrial areas. "

Joint Waste Local Plan for Kingston upon Hull and the East Riding of Yorkshire

W2	Development Criteria
W4	Sequential approach
W17	Agricultural land

W23	Adequacy of local road network
W25	Proximity Principle/traffic
W26	Self Sufficiency
W27	Best practicable environmental option
W28	Materials recovery

National Planning Policy

Waste strategy 2000 - Reduction of waste to landfill and recovery of value from waste.
Joint Sustainable Waste Management Strategy (Target 45 +)
PPS10 - Planning and Waste management
National Planning Policy Framework

4. RELEVANT PLANNING HISTORY

06/06297/STPLF	Use of land and buildings as composting facility. APPROVED 10.08.2009
09/03599/STPLF	Erection of a building for use as a material recycling facility (MRF). APPROVED 22.12.2009
11/00829/STPLF	Construction of a new vehicular access. APPROVED 14.04.2011

5. CONSULTATION REPLIES

Holme upon Spalding Moor Parish Council Recommend approval.

Highway Control No objection. A new vehicular access was constructed to allow safe and easy access to HGVs since the existing vehicular access at the north eastern end of the site frontage was damaged and inadequate. The existing north eastern access is still used but restricted to small vehicles and the staff car park is also accessed from this access.

The established recycling facility was approved in 2009 and has operated for 2 years. The proposal will allow sufficient space to deal with the existing permitted tonnage under the existing Environment Agency permit. The proposal would be used for the same activities as those already approved. The proposal does not introduce any new processes at the site or expand the consented waste streams.

There is adequate access and service facilities for the proposed development and the proposal is considered to be acceptable from a highway aspect.

Environment Agency (Planning Liaison) In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

The FRA submitted with this application does not comply with the

requirements set out in para. 9 the Technical Guide to the National Planning Policy Framework. The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to provide satisfactory surface water drainage details. It is unclear if the lagoon can store the additional run-off/volume from the new building. Also, it is not clear where the lagoon drains to (e.g. to ground or watercourse). The surface water discharge must be limited to the greenfield run-off rate of 1.4 l/s/h. The scheme must be designed to contain up to the 1 in 30yr storm and not flood any buildings/adjacent land up to the 1 in 100yr storm including an allowance for climate change.

Our objection can be overcome by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

Our objection will be maintained until an adequate FRA has been submitted.

Environment Management

The applicant states that water levels within the lagoon will be controlled by pumping to the local watercourse subject to discharge consents and conditions. This activity would be an offence under Regulation 38(1) of the Environmental Permitting Regulations 2010. In its current form we will not be able to permit the site.

Under the Environmental Permitting Regulations 2010 permitted sites should not cause harm to human health or pollution of the environment. The operator is required to have appropriate measures in place at the site to prevent pollution to the environment, harm to human health, the quality of the environment, detriment to the surrounding amenity, offence to a human sense or damage to material property.

The proposed building will require any permit to be varied because it is located outside the current permitted area. In addition the permit will require that all waste to be treated and stored takes place on an impermeable surface with sealed drainage.

Ouse and Humber
Internal Drainage
Board

No objection.

Public Protection
Division

Having viewed the site history along with the information submitted with this application, public protection have concerns regarding the

bio-filter's capacity to accommodate the proposed additional building. An application granted in 2009 raised concerns for public protection and questions were raised regarding the bio-filter's capacity to accommodate the proposed building.

The information received in 2009 stated that the bio-filter has the capacity for up to 30,000m³ of building space and at that time was serving three buildings totalling 20,708m³ building space. The additional building in 2009 had 8,330m³ of building space giving a total of 29,038m³.

The current application states that the applicant proposes to use the existing bio-filter to control any issues of odour or dust. If this application is granted the additional proposed building with a floor area of 2118m² will exceed the bio-filter's capacity and may have consequences on its ability to function.

Trees and Landscape
Section

No objection subject to conditions. It is considered that the proposed earth bunds with tree and shrub planting and the proposed woodland planting to the southwest of the site will help to screen the development and help it to integrate into the surrounding area. The landscaping of the site as shown within drawing no. PB 12/19(d) is considered to be acceptable however, it is necessary to impose a condition to ensure that the landscaping is implemented.

Nature Conservation
Officer (Biodiversity)

Planning permission should be refused unless sufficient additional information can be provided.

Note the proposals include the loss of a surface water storage lagoon. Paragraph 4.1 of Natural England's Standing Advice for great crested newts (GCN) may be required when there is a pond on or near the site. Consequently, object to this application as no information has been provided to demonstrate whether the development would have an adverse effect on GCN or other protected species.

The lack of a survey is contrary to the provisions of Planning for Biodiversity and Geological Conservation: A Guide to Good Practice. It therefore follows that the Authority does not have sufficient information or detail for it to undertake its duties fully. Consequently unable to support this application at this point in time.

Therefore recommend that in this instance an ecological scoping survey (walkover survey) is the minimum level of information required to determine this planning application. This should be undertaken by a suitably qualified ecologist and should be designed to:

- identify important habitats or determine the obvious presence of notable or protected species or ecological features which may not have been identified in a desk top study.

- providing the applicant with guidance on wildlife legislation and how to meet local planning authority requirements
- identify potential impacts and provide data for considering mitigation and enhancement options.

In summary, advise that as this application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on protected species or their habitat you are not in a position to approve this planning application at this point in time. The recommendation is that planning permission should be refused unless sufficient additional information can be provided.

Northern Gas Networks

We own and operate a high pressure natural gas pipeline in the vicinity of this proposed development. The recommendations of the Institution of Gas Engineers and Managers document TD1 Edition 5 recommends that no occupied property should be constructed within 15m of this particular pipeline. This application exceeds the recommended minimum distance, therefore no reason to object to the application.

As the new site access would cross the pipeline, the developer should consult with us with regards to the protection of the pipeline at this crossing point.

Environmental Veterinary Manager

Response Awaited (due 13/07/12)

Animal Health Officer

No objection subject to them obtaining the appropriate approval (or variation to the current approval) from Animal Health and Veterinary Laboratories Agency for activities involving Animal By-Products.

Animal Health (DEFRA)

Response Awaited (due 13/07/12)

Humber Archaeology Partnership

Recommend condition.

East Riding Health Authority

Response Awaited (due 13/07/12)

6. PUBLICITY

Neighbours/
Publicity

The application was publicised by means of a site notice and a press notice in the Goole Chronicle, as well as letters to five properties nearby on Howden Road. The expiry date was 24 July 2012. One letter of objection has been received from a resident of Holme upon Spalding Moor;

- The proposed building lies outside of the site area approved

- for change of use for land and farm buildings under planning application 06/06297/STPLF, in open countryside/farmland.
- The amenity of the area is already blighted with smells, noise, increased traffic flow, bright lights all night and an already large industrial site
 - The lagoon is proposed to have an overflow to existing water courses, could it be contaminated with Animal By-products?
 - Have previous spills into watercourses been investigated by the Environment Agency?
 - Was the lagoon approved under a previous planning application as it did not exist in 2003?
 - The bio-filter is not shown attached to the proposed building on plans; it is implied that the bio-filter system will be attached and operated at all time.
 - How is this potentially overburdened bio-filter monitored?
 - How many buildings can be attached to an unproven bespoke built bio-filter?
 - What is the bio-filter's capacity? The bio-filter's capacity is overloaded now according to previous planning applications, what happens in event of failure or overload?
 - The proposed site should operate with a waste management license; does this include transfer of the waste or will a waste transfer license be needed?
 - Is the existing waste recycling site operating with a waste transfer license?
 - The sanitized waste is waste until used (spread on farmland for benefit after a period of maturation) can the industrial waste be transferred from site by agricultural tractors?
 - The proposed opening hours for site operations on the application are Monday to Friday 6.30 am to 7.30pm, Saturdays 6.30am-1.00pm, with no working on Sunday and Bank Holidays - will these hours been adhered to?
 - Previous planning applications for the site all state the same opening times on the application forms - how has this been monitored by the Council?
 - Conditions must be imposed to protect the amenities of the area. Why is another processing shed needed when the existing site can easily process the restricted cubic metres of waste that can be processed? A total limit of 1000m³ of waste sanitation to be completed and transferred off site, before another batch can be started was imposed by East Riding Council to protect the amenities of the area 2009.
 - The existing site is to be discontinued on or before 30th July 2012. Why has this application been submitted for consideration so close to the discontinuation of the existing site at Prospect Farm, brought about by conditions imposed by East Riding Council in 2009.
 - The planning application 06/06297/STPLF passed in August 2009 allows for only 1000m³ of waste to be processed at any one time in the existing site. How is this monitored by East Riding Council?

- Based on time and temperature parameters this allows for each batch of waste to take 12-13 weeks to be sanitised. Only 2,000-3,000 tonnes of sanitized waste can be processed each year. How is this monitored by East Riding Council?
- How many tonnes of waste are processed each year on site and how is this monitored by East Riding Council?
- The application form states no increase in the tonnage of waste, what is the purpose of the proposed building if not to increase waste processing? How is this to be monitored in order to protect the amenities of the area?
- The waste when sanitised is removed from site to farmland to enable maturation and then spreading, who monitors the farmland sites?
- All spreading is restricted (by East Riding Council in 2009) to land solely in the ownership of Allensway Recycling/Mr. Allen Williamson of Prospect House, Holme upon Spalding Moor. How is this monitored?
- No liquid wastes shall be removed from site unless otherwise agreed in writing by the Local Planning Authority - how has this been monitored?

7. CASE ON BEHALF OF THE APPLICANT

7.1 Prospect House Farm was originally a traditional intensive livestock unit, however, as a result of a decline in the pig industry alternative uses were introduced to the site including a composting operation producing soil improvers for the owners own land, and that use has developed ancillary to agriculture into the current Allensway recycling operations at the site. The development is part of an ongoing programme of inward investment to the site to develop state of the art buildings and infrastructure at the facility. The composting and recycling of goods to use in the composting operations have evolved in accordance with industry best practice which has seen significant increases in the segregation of suitable wastes for use as an input material to the composting. This increased demand has in the main been influenced by restrictions on material to landfill and is a key part of the Government's objectives for reduce-reuse-recycle.

- The facility has an Environmental Permit for ongoing operations at the site and permits composting, shredding of wood and MRF.
- There is a need for large-scale covered accommodation in which to undertake the composting and material recycling operations. The original farm buildings have been adapted for this use, but provide inadequate space and require constant maintenance.
- Further improvements to the site included the construction of a new vehicular access at the southern end of the site frontage to Howden Road (A614). This enables segregation of HGV and other traffic to the site, controlled by a security gate which restricts access and allows two-way HGV movements creating a significant operational and highway safety benefit for the site.
- As a result of increased demand in part caused by increased pressures on the

waste market to limit or exclude unnecessary land filling of wastes, the existing buildings are unable to deal with this demand, and additional floor space and processing area is desperately required even to deal with the tonnages consented under the existing Environment Agency permit. (No additional permitting will be required to operate the proposed MRF building).

- The business is the largest employer in the village; providing a valuable source of employment in the local labour market by employing around 60 people (20 of whom are aged 20 or under) and is a significant inward investment to the local economy.
- The building has been designed locally and will be sourced, constructed and operated by local firms.
- Village services benefit from the business and it is considered to be a vibrant and successful addition that diversifies the rural economy taking up some of the gap left by a shrinking farming sector.
- Regarding the connection of the shed to the biofilter we understand from the EA that the building does not need to be connected to the biofilter as there is no composting undertaken inside

8. KEY ISSUES

- Planning Policy
- Visual impact
- Highway Safety
- Residential Amenity
- Drainage and Flood Risk
- Biodiversity

9. OFFICER COMMENTS

Applications are to be determined in accordance with the Development Plan unless there are material considerations which indicate otherwise

9.1 Planning Policy

- 9.1.1 Joint Waste Local policy W2 sets out development criteria, including the effect on amenity, design of the building, pollution and highway safety issues, that need to be met before a proposal is considered to be acceptable in planning terms.. Joint Waste Local Plan policy W4 sets out a sequential approach for waste management development. In this case the site is already operating as a composting facility. The additional proposal will complement the existing use in that it will provide for the recycling and composting of waste which at present would normally go to landfill. Policy W17 of the JWLP relates to agricultural land and requires that no loss or damage occurs to land unless it satisfies the sequential approach to land. In this instance the site is already operating and the proposal involves infill development within the confines of the existing buildings. Policies W23 and W25 of the JWLP relate to highway safety and proximity to the source of waste. In this instance these policies are both satisfied by virtue of the existing use and good transport links to and

from the site.

9.1.2 The proposal will also comply with the criteria in JWLP policy W26 in that the proposal will help towards the plan's objective of being self sufficient in waste management. Finally Policy W27 of the JWLP relates to the Best Practicable Environmental Option in relation to development proposals and waste management. This policy requires that the preferred development for treating waste is in order of materials recovery, anaerobic digestion and large scale composting of which this proposal falls within that category.

9.1.3 The proposal meets the policy objectives of PPS 10, which seeks to provide for more sustainable forms of waste management away from traditional landfilling waste. There are also opportunities to further develop the synergies with sustainability; the siting of the MRF at an existing site enables shared use of transport and infrastructure, which maximises the efficiency of resource consumption. The proposal is also consistent with the objectives of the NPPF and PPS10 because of its potential contribution to supporting a prosperous rural economy, and the objectives of reducing waste by re-use/recycling, respectively. The principle of the proposed development has been established by the earlier grant of planning permission for an MRF at the site and this is a logical development of that use.

9.2 Visual Impact

9.2.1 The proposal is unlikely to have a significant visual impact as it will be read in conjunction with the existing buildings on site. It is sited south of the existing buildings and lagoon on the former pig unit site and the proposed materials are similar to those of the surrounding buildings. The topography of the area is like much of this part of East Yorkshire, very flat, in which the field pattern is delineated by a mixture of hedges and ditches. Tree cover in the area is considered to be sparse although there are areas of woodland and copses which form a backdrop to the area. The A614 between the site and village consists of a sporadic ribbon of developments including a number of other commercial uses which include commercial glasshouses, a garage, equestrian activities, and a number of agricultural businesses. The site is surrounded to the west, south and east by open countryside. The visual impact would be greatest to travellers on the A614 in a northerly direction, where long views of the existing and proposed buildings are experienced, but the proposal includes comprehensive works to mitigate these potential impacts, including bunding and woodland planting along the length of the proposed building to screen it.

9.2.2 The Council's tree officer has raised no objection subject to conditions, as it is considered that the proposed earth bunds with tree and shrub planting and the proposed woodland planting to the southwest of the site will help to screen the development and help it to integrate into the surrounding area. The landscaping of the site as identified in the planning application is considered to be acceptable however, it is necessary to impose a condition to ensure that this landscaping is implemented. There are no visual impact reasons why planning permission cannot be approved.

9.3 Highway Safety

- 9.3.1 A new vehicular access was constructed to allow safe and easy access to HGVs as the existing vehicular access at the north eastern end of the site frontage was damaged and inadequate. The existing north eastern access is still used but restricted to small vehicles and access to the staff car park. The established recycling facility was approved in 2009 and has operated for 2 years. The proposal will allow sufficient space to deal with the existing permitted tonnage under the existing Environment Agency permit. The proposal would be used for the same activities as those already approved. The proposal does not introduce any new processes at the site or expand the consented waste streams. There is adequate access and service facilities for the proposed development and the proposal is considered to be acceptable from a highway aspect, and there are no objections to the proposal from the Council's Highway Officer. Therefore there are no highway safety reasons why planning permission cannot be approved.

9.4 Drainage

- 9.4.1 The process building will be integrally bunded with a separate collection system for any liquids involved in a potential spillage. Rainwater from the building will be collected in an internal storage tank and used in the package washing as available. The external yard area proposed around the building which will service the MRF will be concreted and will be drained through interceptors to the proposed lagoon which retains and provides an onsite water resource.

- 9.4.2 The applicant states that water levels within the lagoon will be controlled by pumping to the local watercourse subject to discharge consents and conditions. This activity would be an offence under Regulation 38(1) of the Environmental Permitting Regulations 2010. In its current form the Environment Agency will not be able to provide a Waste Management Permit for the proposal. In addition, the Environment Agency have objected to the proposal due to the lack of an acceptable Flood Risk Assessment. The NPPF at paragraph 9 of the Technical Guide makes it very clear that "local planning authorities should only consider development in flood risk areas appropriate where informed by a site-specific flood risk assessment. This should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed so that the development remains safe throughout its lifetime, taking climate change into account." Discussions are currently ongoing between the applicant and the Environment Agency to resolve these drainage issues and Members will be updated at the Committee with the formal view of the Environment Agency.

9.5 Residential Amenity

- 9.5.1 Noise dust and odour have all been considered as part of the application. The separation distances to neighbours are such that any noise generation would be controlled to an acceptable level, in the main this is because all operations are contained within the building. The development and operation will be in a sealed building and noise implications should be limited due to the location of the site in a rural location. Noise, dust and odour can all be controlled within the site, as has been the position at the existing MRF building, which has been operational for around 2 years. It is not considered that any cumulative effects will occur that will give rise to any unacceptable nuisances. All plant and equipment at the MRF will be specified to ensure levels of over 85db(A) are not experienced inside the

building which is the current mandatory action level.

- 9.5.4 The Council's Public Protection officer has raised concerns regarding the bio-filter's capacity to accommodate the proposed additional building. The bio-filter is an integral part of the operation to protect residential amenity from odour. Further information has been received from the agent following consultation with the Public Protection Department regarding the capacity of the existing bio-filter and Members will be updated at the Committee as to the outcome of these discussions.
- 9.5.5 One objection has been received from the occupier of a property in Holme upon Spalding Moor. The objector raises a number of detailed concerns regarding the operation primarily relating to the environmental management of the site. The protection of both residential and environmental amenity from the operation will be regulated by conditions attached to the planning permission that are set out in Section 12 below. It is important to recognise that the operation is also subject to a Environment Permit under the provisions of the Environmental Permitting Regulations 2010. This clearly states that permitted sites should not cause harm to human health or pollution of the environment. The operator is required to have appropriate measures in place at the site to prevent pollution to the environment, harm to human health, the quality of the environment, detriment to the surrounding amenity, offence to a human sense or damage to material property. The level of operational control by the Planning Authority and the Environment Agency is comprehensive and robust.

9.6 Biodiversity

- 9.6.1 The proposals include the loss of part of a surface water storage lagoon, which could have implications for the ecology of the lagoon. Paragraph 4.1 of Natural England (NE) Standing Advice for great crested newts may be required when there is a pond on or near the site. Consequently, the Council's Biodiversity officer objects to this application as no information has been provided to demonstrate whether the development would have an adverse effect on great crested newts or other protected species. As a planning authority we are required to take account of the presence of protected species when considering applications for planning permission and may refuse applications on the grounds of adverse effects on protected species or if an assessment of the impact of the development on them is inadequate or has not been provided. The lack of a survey is contrary to the provisions of Planning for Biodiversity and Geological Conservation: A Guide to Good Practice. It therefore follows that the Authority does not have sufficient information or detail for it to undertake its duties fully. Para 98 of the ODPM Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System determines that *'the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat'*. Furthermore Para 99 states that *'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision'*. Consequently the Council's biodiversity officer is objecting until further information has been submitted that satisfies his concerns.

9.7 Archaeology

- 9.7.1 The proposed development lies within a very sensitive archaeological landscape containing heritage assets dating to the prehistoric and Romano-British periods. The proposed works will involve below-ground disturbance that are likely to extend to a sufficient depth to impact upon surviving archaeological remains. Hence, it is recommended that a field evaluation comprising stripping of topsoil under archaeological supervision is undertaken within the area where the proposed development is where appropriate, and subsequently be followed by targeted excavation if archaeological remains are encountered. This will allow for the identification of any heritage assets of archaeological interest to be made before they are destroyed and for them to be adequately recorded. It will also allow for mitigation measures to be identified should any archaeological remains of significance be identified in order to ensure their preservation. The provision for this programme of archaeological work can be accommodated in a standard condition and so any planning permission that may be granted should include a condition requiring a written scheme of archaeological investigation.

10. CONCLUSION

- 10.1 The proposed development forms an extension to the established Materials Recovery Facility on site. The principle of the development at this site is acceptable in planning policy grounds as it is already established and seeks to move the treatment of waste up the waste hierarchy away from landfill.
- 10.2 The operation has been designed and will be regulated to minimise any impact residential amenity. Planning conditions are proposed to protect residential and environmental amenity and the Waste Management Permit will offer additional protection as regulated by the Environment Agency. There are no highway objections to the proposal.
- 10.3 The applicant is currently in further discussions with the Environment Agency about a revised Flood Risk Assessment, with the Public Protection officer about the capacity of the bio-filter and the Biodiversity officer regarding a suitable ecological survey of the site. Subject to the satisfactory resolution of these issues then it is considered that the proposal is acceptable on planning policy grounds.

11. HUMAN RIGHTS

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

12. RECOMMENDATION

That the application be **DEFERRED** for a response from the Environment Agency, the Public Protection Officer and the Biodiversity Officer. Subject to a satisfactory response to these outstanding consultations then the Director of Planning and Regeneration be authorised to **APPROVE** the application subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

This condition is imposed in order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

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

This condition is imposed because the submitted application did not specify the materials to be used in the proposed development or the specified materials were not considered acceptable. It is considered that the use of inappropriate materials could be harmful to the appearance of the area and that the Council therefore needs to retain a measure of control.

Note: The developer's attention is drawn to the fact that development cannot commence until the facing materials have been agreed. A period of at least 10 working days should be allowed for the submission and approval process. Developers are, however, advised that whilst the Council expects to be able to respond within 10 working days, the lack of a response within that time should not be taken as a deemed approval.

3. The doors to the building on the site shall be kept closed at all times other than to facilitate deliveries/ loading operations.

This condition is imposed in order to protect the amenities of nearby properties from adverse effects due to noise.

4. The bio-filter plant shall be activated during all operations and activities associated with the Material Recycling Facility hereby approved.

This condition is imposed in order to protect the amenities of nearby properties from adverse effects due to odour.

5. There shall be no outside storage of materials in connection with the materials recycling facility hereby approved.

This condition is imposed in the interests of the amenities of the area.

6. The landscaping of the site shall be carried out in accordance with drawing no. PB 12/19(d) – Planting Schedule received as part of the application and received in this office on 1st May 2012. The approved landscaping scheme shall be implemented at the first available planting period (October - March) following completion of the development.

This condition is imposed because a well designed landscaping scheme can help to integrate the development into the surrounding area.

However, for the landscaping scheme to achieve these objectives, it is necessary to impose a condition, which will ensure that it is implemented.

7. If within a period of 5 years from the date of the planting of any tree or shrub that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective) another tree or shrub of the same species, size and maturity as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

This condition is imposed because landscaping works can enhance a development, both for its own sake and for the benefit of the wider area. Trees and shrubs can fail as a result of a number of causes and it is important that, if the landscaping scheme is to succeed there is provision for replacement planting.

8. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. Development shall be carried out in accordance with the approved details (Circular 11/95, Model Clause 55).

This condition for a monitored topsoil strip has been imposed because the application site lies within a sensitive archaeological landscape which contains heritage assets dating from the prehistoric and Romano-British periods, with the projected line of a Roman road running just to the north of the proposal site.

9. Any conditions recommended by EA/Biodiversity/public protection

Note to applicant

The programme of archaeological work, which must be undertaken by a professional archaeological contractor, should comprise a stripping of the topsoil under archaeological supervision and the subsequent cleaning and recording of the exposed surfaces, this should then be followed by targeted excavation if archaeological features are encountered. If archaeological remains are uncovered, the archaeological contractor on site should be afforded the opportunity to record them by means of photographs and scale drawings. This may involve a temporary suspension of construction work; however, the archaeological work should cause no significant delay to the development overall. A report on the archaeological observations should be produced and an ordered archive prepared.

The applicant is advised to contact Tracey Thompson tel. 01709 312903/email tracey.thompson@environment-agency.gov.uk to discuss the issues relating to the Environmental Permit application.

Relevant Planning Policies

Regional Spatial Strategy for Yorkshire and Humber

The Localism Act 2011 gives the Secretary of State power to revoke Regional Spatial Strategies in whole or in part. The Government's stated intention to revoke can be treated as a material planning consideration with weight to be attached to this intention being left to the decision maker in each case

ENV5 Energy

ENV12 Regional Waste Management objectives
ENV13 Provision of waste management and treatment facilities
ENV14 Strategic locational criteria for waste management

Joint Structure Plan for Kingston upon Hull and the East Riding of Yorkshire

SP5 Design of new development

Boothferry Borough Local Plan

EN2 Development judged against a series of environmental criteria
EN5 Diversification in the countryside
E17 Existing businesses need to expand to remain competitive and states:-

"Subject to the proposal being in accordance with other policies of the plan and provided that the environment is not adversely affected, excessive traffic is not generated and subject to satisfying access, services, landscaping and design standards local authority will:-

3. Expand proposals at existing concerns; or
4. New proposals or extensions to existing concerns within existing industrial areas. "

Joint Waste Local Plan for Kingston upon Hull and the East Riding of Yorkshire

W2 Development Criteria
W4 Sequential approach
W17 Agricultural land
W23 Adequacy of local road network
W25 Proximity Principle/traffic
W26 Self Sufficiency
W27 Best practicable environmental option
W28 Materials recovery

National Planning Policy

Waste strategy 2000 - Reduction of waste to landfill and recovery of value from waste.
Joint Sustainable Waste Management Strategy (Target 45 +)
PPS10 - Planning and Waste management
National Planning Policy Framework

Reason for Decision

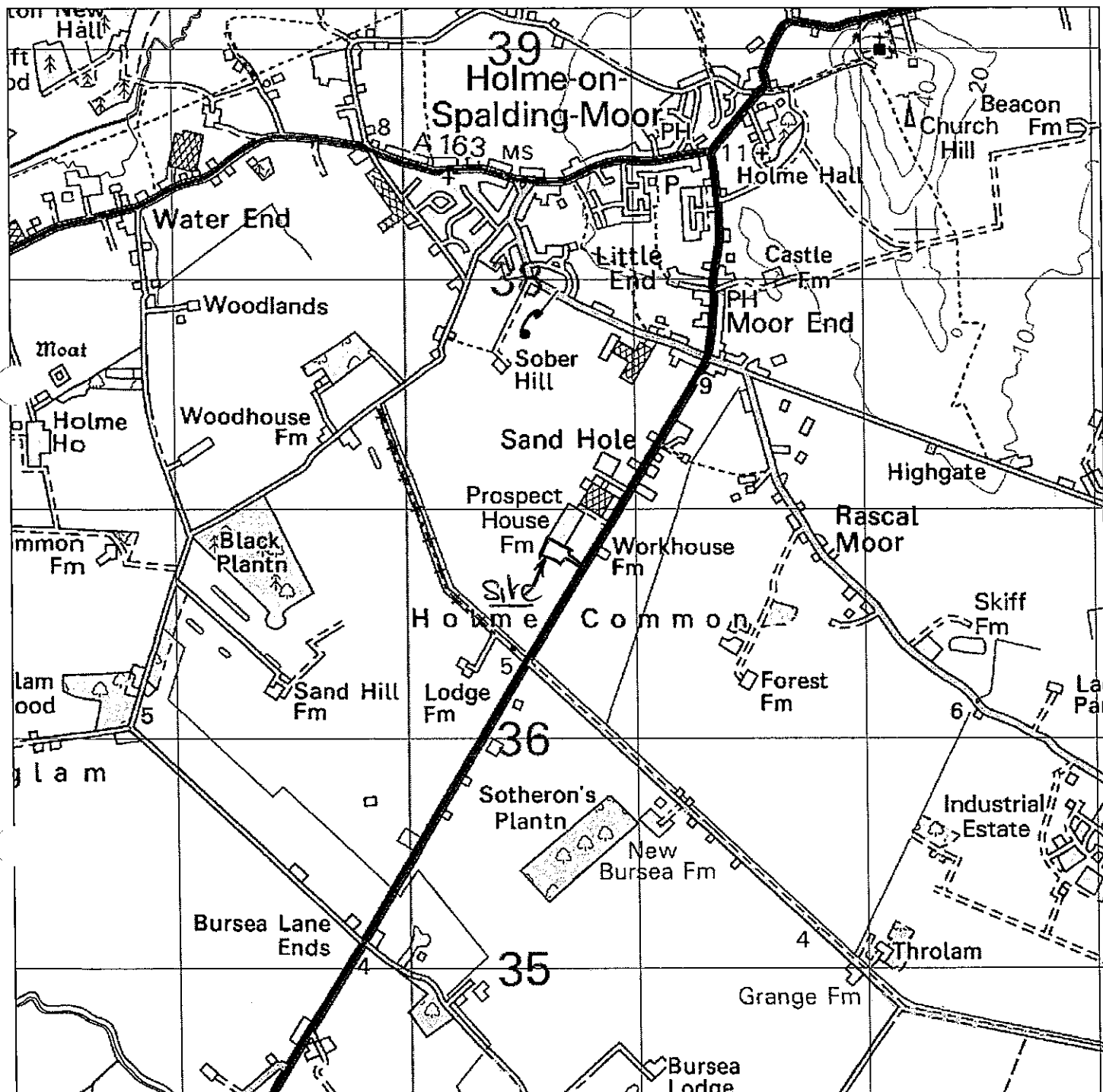
The proposal is acceptable in planning policy terms. The proposal is to complement an existing activity on this site which involves the composting of additional waste which normally would go to landfill. This allows recycling and composting the waste thus maximising the value of the waste by recycling the food waste and packaging. On this basis the proposal meets with the Local, Regional and National planning policies and guidance and the aims and objectives of the Waste Strategy 2000 thus reducing the amount of waste going to landfill. Through appropriate conditions the proposal can be controlled to ensure that there is no additional noise, smells, disturbance or loss of amenity to the locality. The proposal has been considered against these policies and it is considered that the scheme accords with these policies and there are no material considerations which indicate a decision

should be otherwise.

Alan Menzies
Director of Planning and Economic Regeneration.

Contact Officer
Mrs Shirley Ross
Principal Planning Officer

Committee Plan



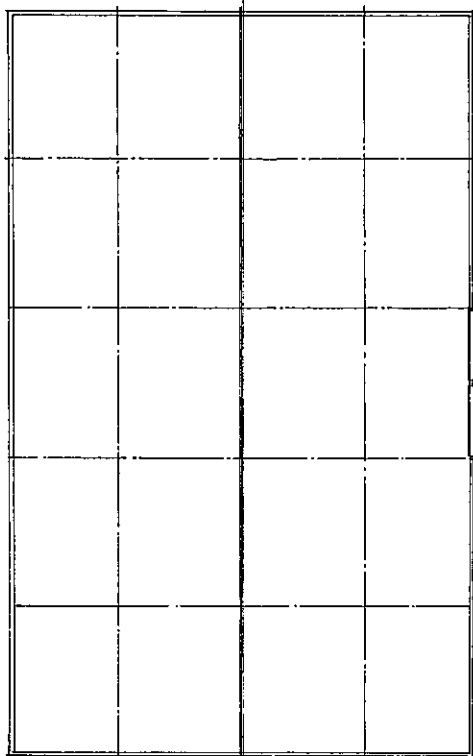
Scale : 1:25000



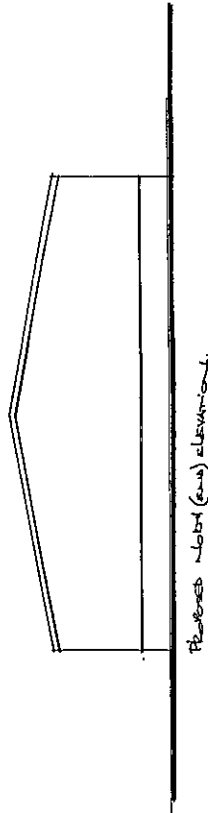
EAST RIDING
OF YORKSHIRE COUNCIL

© Crown copyright. All rights reserved
East Riding of Yorkshire Council
Licence: LA09056L

Organisation	Not Set
Department	Not Set
Application	
Date	30 August 2012
SLA Number	Not Set



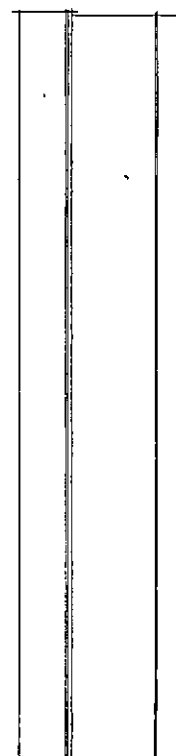
Proposed Rear Elevation



Proposed North (end) Elevation



Proposed Front (end) Elevation



Proposed Side (end) Elevation

DATE
01 MAY 2012
CHECKED/ENCLOSED

NOTES:
1. All elevations and elevations of proposed storage building

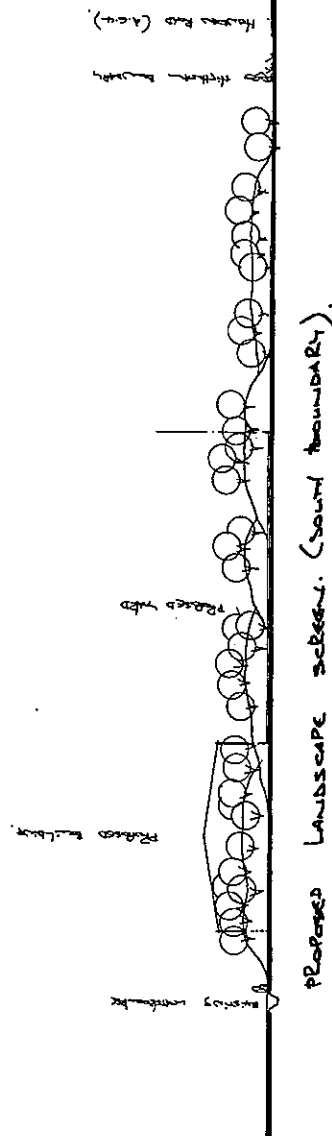
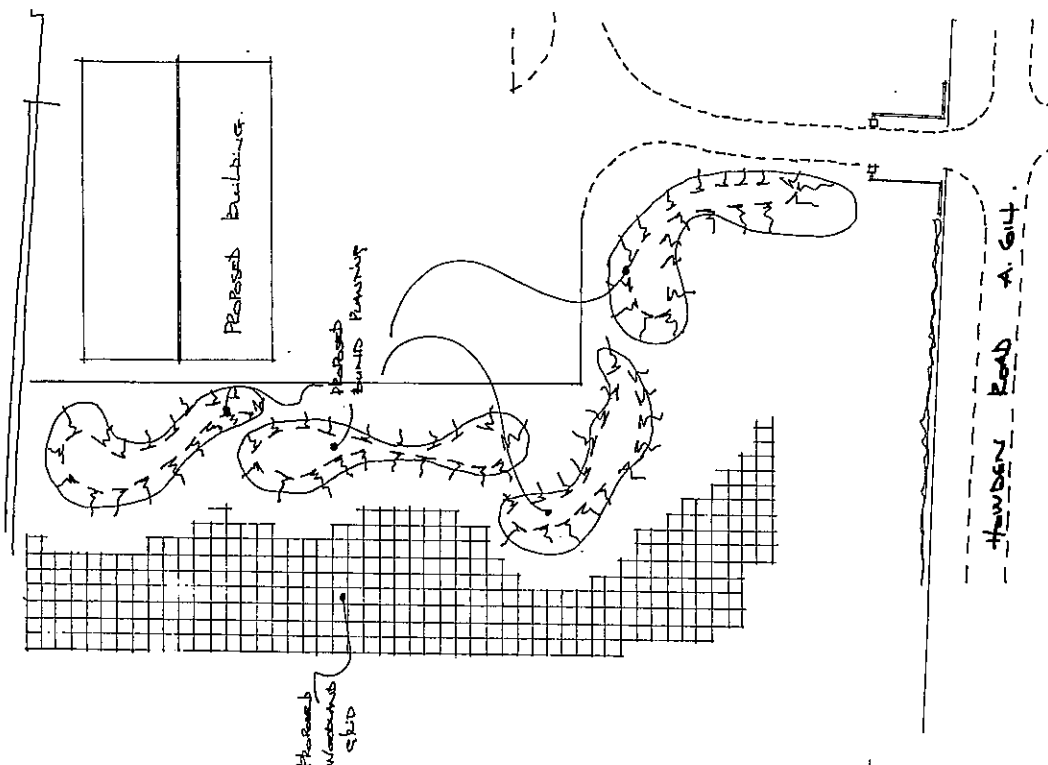
PROPOSAL: Erection of a general purpose storage building, construction of an extension to the existing building and construction of a surface water storage lagoon.		
AT: Prospect House Farm, Howden Road, Holme-on-Spalding Moor, East Yorkshire, YO41 4BT (Allotment Recycling Ltd)		
SCALES: 1:200 (Rear)	DWG NO: PB 0213 (R)	REV: 1

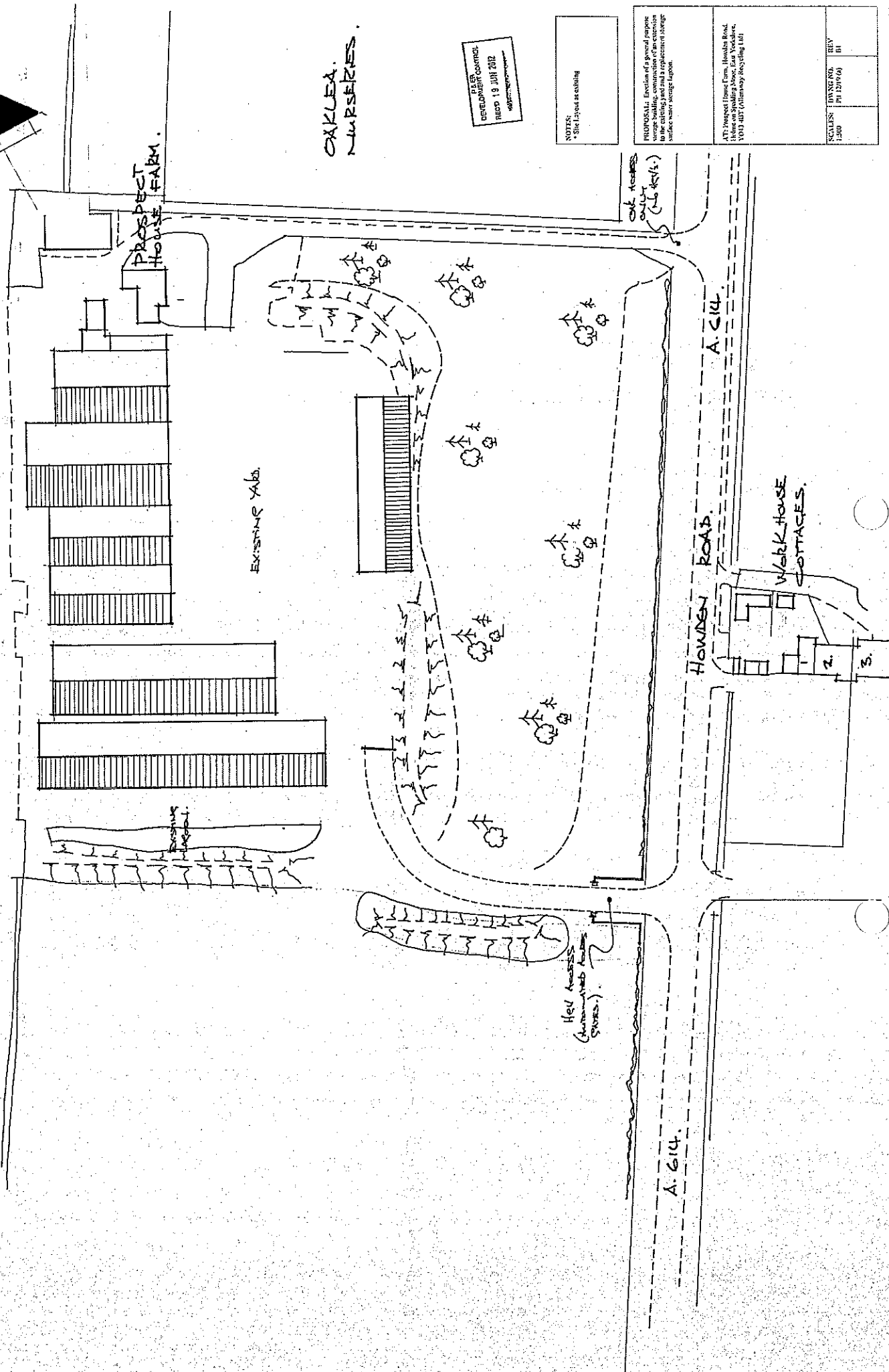
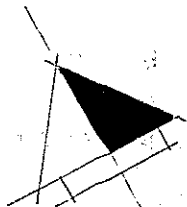
PROPOSAL: Erection of a general purpose storage building, construction of an extension to the existing yard and a replacement storage surface water storage lagoon.

SCALES: 1:500 site 1:200 planing schedule	DWNG NO. PB 12/19 (d)	REV 1
---	--------------------------	----------

[illegible]

- 800. 3m. 250. 80m. 250m. 400m. 600m. 800m. 1000m. 1200m. 1400m. 1600m. 1800m. 2000m. 2200m. 2400m. 2600m. 2800m. 3000m. 3200m. 3400m. 3600m. 3800m. 4000m. 4200m. 4400m. 4600m. 4800m. 5000m. 5200m. 5400m. 5600m. 5800m. 6000m. 6200m. 6400m. 6600m. 6800m. 7000m. 7200m. 7400m. 7600m. 7800m. 8000m. 8200m. 8400m. 8600m. 8800m. 9000m. 9200m. 9400m. 9600m. 9800m. 10000m.
- 1/2 15m. 1/4 15m. 1/8 15m. 1/16 15m. 1/32 15m. 1/64 15m. 1/128 15m. 1/256 15m. 1/512 15m. 1/1024 15m. 1/2048 15m. 1/4096 15m. 1/8192 15m. 1/16384 15m. 1/32768 15m. 1/65536 15m. 1/131072 15m. 1/262144 15m. 1/524288 15m. 1/1048576 15m. 1/2097152 15m. 1/4194304 15m. 1/8388608 15m. 1/16777216 15m. 1/33554432 15m. 1/67108864 15m. 1/134217728 15m. 1/268435456 15m. 1/536870912 15m. 1/1073741824 15m. 1/2147483648 15m. 1/4294967296 15m. 1/8589934592 15m. 1/17179869184 15m. 1/34359738368 15m. 1/68719476736 15m. 1/137438953472 15m. 1/274877906944 15m. 1/549755813888 15m. 1/1099511627776 15m. 1/2199023255552 15m. 1/4398046511104 15m. 1/8796093022208 15m. 1/17592186044416 15m. 1/35184372088832 15m. 1/70368744177664 15m. 1/140737488355328 15m. 1/281474976710656 15m. 1/562949953421312 15m. 1/1125899906842624 15m. 1/2251799813685248 15m. 1/4503599627370496 15m. 1/9007199254740992 15m. 1/18014398509481984 15m. 1/36028797018963968 15m. 1/72057594037927936 15m. 1/144115188075855872 15m. 1/288230376151711744 15m. 1/576460752303423488 15m. 1/1152921504606846976 15m. 1/2305843009213693952 15m. 1/4611686018427387904 15m. 1/9223372036854775808 15m. 1/18446744073709551616 15m. 1/36893488147419103232 15m. 1/73786976294838206464 15m. 1/147573952589676412928 15m. 1/295147905179352825856 15m. 1/590295810358705651712 15m. 1/1180591620717411303424 15m. 1/2361183241434822606848 15m. 1/4722366482869645213696 15m. 1/9444732965739290427392 15m. 1/18889465931478580854784 15m. 1/37778931862957161709568 15m. 1/75557863725914323419136 15m. 1/151115727451828646838272 15m. 1/302231454903657293676544 15m. 1/604462909807314587353088 15m. 1/1208925819614629174706176 15m. 1/2417851639229258349412352 15m. 1/4835703278458516698824704 15m. 1/9671406556917033397649408 15m. 1/19342813113834066795298816 15m. 1/38685626227668133590597632 15m. 1/77371252455336267181195264 15m. 1/154742504910672534362390528 15m. 1/309485009821345068724781056 15m. 1/618970019642690137449562112 15m. 1/1237940039285380274899124224 15m. 1/2475880078570760549798248448 15m. 1/4951760157141521099596496896 15m. 1/9903520314283042199192993792 15m. 1/19807040628566084398385987584 15m. 1/39614081257132168796771975168 15m. 1/79228162514264337593543950336 15m. 1/158456325028528675187087900672 15m. 1/316912650057057350374175801344 15m. 1/633825300114114700748351602688 15m. 1/1267650600228229401496703205376 15m. 1/2535301200456458802993406410752 15m. 1/5070602400912917605986812821504 15m. 1/10141204801825835211973625643008 15m. 1/20282409603651670423947251286016 15m. 1/40564819207303340847894502572032 15m. 1/81129638414606681695789005144064 15m. 1/162259276829213363391578010288128 15m. 1/324518553658426726783156020576256 15m. 1/649037107316853453566312041152512 15m. 1/1298074214633706907132624082305024 15m. 1/2596148429267413814265248164610048 15m. 1/5192296858534827628530496329220096 15m. 1/10384593717069655257060992658440192 15m. 1/20769187434139310514121985316880384 15m. 1/41538374868278621028243970633760768 15m. 1/83076749736557242056487941267521536 15m. 1/166153499473114484112975882535043072 15m. 1/332306998946228968225951765070086144 15m. 1/664613997892457936451903530140172288 15m. 1/1329227995784915872903807060280344576 15m. 1/2658455991569831745807614120560689152 15m. 1/5316911983139663491615228241121378304 15m. 1/10633823966279326983230456482242756608 15m. 1/21267647932558653966460912964485513216 15m. 1/42535295865117307932921825928971026432 15m. 1/85070591730234615865843651857942052864 15m. 1/170141183460469231731687303715884105728 15m. 1/340282366920938463463374607431768211456 15m. 1/680564733841876926926749214863536422912 15m. 1/1361129467683753853853498429727072845824 15m. 1/2722258935367507707706996859454145691648 15m. 1/54

[illegible]



EAST RIDING OF YORKSHIRE COUNCIL

Report to: Planning Committee
13 September 2012

WARDS: Snaith, Airmyn & Rawcliffe & Marshland

Application for Erection of a temporary 60m high anemometer mast
At Land East Of Bank House Bridge Lane Rawcliffe Bridge East Riding Of
Yorkshire by Airvolution Energy Ltd
Application Number: 12/02128/STPLF

Report of the Director of Planning and Economic Regeneration

A. Executive Summary

Application reference 12/02128/STPLF is referred to the Committee for decision.

B. Corporate Priorities

Valuing our environment
Retaining the East Riding character
A Well Managed Authority

C. Application Type

Strategic - Full Planning Permission

D. Parish

Rawcliffe Parish Council

E. Applicant

Airvolution Energy Ltd

F. Target Date

8 August 2012

G. Environmental Impact Assessment

Before this application was submitted it was considered within the context of The Town and Country Planning (Environmental Impact Assessment Regulations) 2011 with a view to determining whether an Environmental Impact Assessment was required. Taking into account the requirements of the Regulations and the guidance contained in Circular 02/99 it was determined that an Environmental Impact Assessment was not required in this case.

H. Recommendation

That the application be **DEFERRED** for receipt of outstanding consultation responses from Robin Hood Airport. Upon receiving confirmation of no objection, the Director of Planning and Economic Regeneration be authorised to **APPROVE** the application subject to the following conditions, and any conditions required by Robin Hood Airport.

1. INTRODUCTION

- 1.1 The site is located in an agricultural field, approximately 1km to the south-east of Rawcliffe Bridge. The village of Rawcliffe is located approximately 3km to the north-west. The town of Goole is located over 3km to the north-east.
- 1.2 The proposal is for the erection of a 60m anemometer mast to test wind speeds and directions. Testing would occur through small devices at the heights of 40m, 50m and 60m. The mast would be secured to the ground by 7 guy wires. The anemometer mast is required to ascertain whether the area is suitable for future wind energy proposals. The mast is proposed for a maximum period of 18 months, after which the land would be returned to its previous state. The site is located in open countryside within the Boothferry Borough Wide Local Plan Area.

2. PLANS AND ILLUSTRATIONS

Appendix 1 - Site Location Plan.
Appendix 2 - Site Layout Plan.
Appendix 3 - Elevations

3. KEY PLANNING POLICIES

The Development Plan for the area comprises the Humber and Yorkshire Plan - Regional Spatial Strategy to 2026 (2008), Joint Structure Plan for Kingston Upon Hull and the East Riding of Yorkshire (2005), and the Boothferry Borough Local Plan (1999).

National Planning Policy Framework

Section 10 - Meeting the challenge of climate change, flooding and coastal change

Regional Spatial Strategy

ENV5 Energy

ENV10 Landscape

The Localism Act 2011 gives the Secretary of State power to revoke Regional Spatial Strategy in whole or in part. The Government stated intention to revoke can be treated as a material planning consideration with weight to be attached to this intention being left to the decision maker in each case.

Joint Structure Plan

SP4 Landscape Character

Boothferry Borough Local Plan

EN7 Development in Open Countryside

Other Relevant Documents

East Riding of Yorkshire Landscape Character Assessment (2005)

4. RELEVANT PLANNING HISTORY

N/A.

5. CONSULTATION REPLIES

Rawcliffe Parish Council	No observations to make.
Public Protection Division	No comments to make.
Nature Conservation Officer (Biodiversity)	No objections subject to condition.
Ministry Of Defence	No objection subject to conditions.
NERL Safeguarding Officer	No safeguarding objections to the proposal.
CAA - Airspace Policy (Tall Bldgs, Flares, Nuclear)	No objections raised.
Landscape + Visual Impact Assessment	No objections to the development.
Robin Hood Airport	Response awaited

Doncaster Sheffield

6. PUBLICITY

Neighbours/ Publicity	The council have received 2 letters of objection on the grounds that the proposal is a precursor to wind turbine/s.
--------------------------	---

7. CASE ON BEHALF OF THE APPLICANT

The agent has submitted a design and access statement which puts forward a case for the applicant. Plans were also included in the supporting documentation of the proposal.

8. KEY ISSUES

- Principle of Development
- Impact on the landscape character
- Residential Amenity
- Safety

9. OFFICER COMMENTS

9.1 Applications are to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration which must be taken into account in planning decisions. If the NPPF contains policy guidance that is relevant to this application the report below will explain this, and consider the extent to which development plan policy is consistent with the NPPF and the weight to be given to that policy. For 12 months full weight may still be given to relevant development plan policies adopted since 2004. In other cases due weight should be given to relevant policies according to their degree of consistency with the NPPF.

9.2 Principle of Development

9.2.1 The proposal is for the erection of an anemometer mast to test wind speeds and directions. Testing would occur at the heights of 40m, 50m and 60m. The mast is proposed for a maximum period of 18 months, after which the land would be returned to its previous state. Any loss of agricultural land would thus be temporary under this application.

9.2.2 Section 10 of the National Planning Policy Framework deals with meeting the challenge of climate change, flooding and coastal change and its Paragraph 97 sets out the responsibility on all communities to contribute to energy generation from low carbon sources. Policy ENV5 of the Regional Spatial Strategy also states that: The region will maximise improvements to energy efficiency and greenhouse gas reduction. Both policies fully support developments in relation to renewable energy and encourage such developments to proceed in order to support the provision of renewable energy installations.

9.3 Impact on the Landscape Character

- 9.3.1 The proposal site is located within Landscape Character Type 9B: Drained open farmland, as defined within the East Riding Landscape Character Assessment (2005). The site is also located on the edge of character area 8C: M62 Corridor Farmland. The character assessment describes it as an open landscape that contains few trees and woodland. The raised M62 Motorway forms a main characteristic of the area, with other industrial developments present in the wider area. The proposal site is relatively flat with few trees and woodland in the wider landscape.
- 9.3.2 The Landscape Character Assessment identifies the area as having a medium sensitivity in terms of wind energy proposals due to the flat land levels and the wide ranging views. The guide suggests that vertical structures would potentially detract from the flat character and small scale intimate nature of the river corridors and detract from their distinctive characteristic features. However in view of the scale and temporary nature of this proposal, particularly its slim construction, although it would be visible, it is considered that the mast would not be prominent nor would it have a detrimental impact on the surrounding landscape.

9.4 Residential Amenity

- 9.4.1 The site is located within an established agricultural area and the mast would be located approximately 1km from the settlement of Rawcliffe Bridge. The mast would also be located a substantial distance from the nearest residential properties. The nearest residential properties are Bank House (950m to the north-west), Bridge Farm (850m to the north-west) and Little Decoy Farm (850m to the north-east). It is therefore considered that due to the distances involved and the slim nature of the proposal, any impact on residential amenity would be limited and temporary as a result of this proposal.

9.5 Safety

- 9.5.1 In relation to aviation issues, the Ministry of Defence, Civil Aviation Authority and the National Air Traffic Safeguarding unit have all indicated that there are no safeguarding objections to the mast. However, the Ministry of Defence have indicated the need for aviation lighting at the tip of the mast. This would usually be in the form of a small flashing red light or infrared lighting. It is therefore considered acceptable in terms of aviation safety provided lighting conditions are met.
- 9.5.2 The development would result in very limited highways movements, the majority of which would be during construction. Access to the site would be via the existing highway network and no further access roads improvements would be required. The development is considered acceptable in highway terms.

10. CONCLUSION

- 10.1 The proposed anemometer masts consist of a steel pole installed from sections; with a

maximum diameter of 15cm. Guy wires would support the 60m structure. The landscape impact of the development would be minimal due the slim nature and the temporary period of 18 months for which the consent is sought. The nearest residential properties are a significant distance from the development (all over 850m from the proposal) and views from the settlement of Rawcliffe Bridge (1km north-west) would not be adversely affected by the proposal due to the slender nature of the pole and guy wires in this open landscape.

11. HUMAN RIGHTS

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

12. RECOMMENDATION

That the application be **DEFERRED** for receipt of outstanding consultation responses from Robin Hood Airport. Upon receiving confirmation of no objection, the Director of Planning and Economic Regeneration be authorised to **APPROVE** the application subject to the following conditions, and any conditions required by Robin Hood Airport:

1. The structure hereby permitted shall remain on site for a limited period only and shall be removed and the land restored to its former condition on or before 1st April 2014.

This condition is imposed in the interests of visual amenities in the area.

2. No development shall commence until details of bird deflectors, including their means of attachment to the guy wires and arrangements for monitoring their continuing presence and replacement where necessary have been submitted to and approved in writing by the local planning authority. The deflectors shall be fitted in accordance with the approved scheme on erection of the mast and they shall be retained, or replaced as necessary, in accordance with the approved measures.

This condition is imposed in order to minimise the impact on wildlife.

3. Prior to erection the proposed mast shall be fitted with 25 candela omni directional red light or equivalent infra-red lighting at the highest practicable point of the mast and shall remain in place throughout the term of the permission, any variation from this shall first be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

This condition is imposed in the interests of aviation safety.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Numbers:

AVE_E069_005	Location Plan	received 03/05/12
AVE_E069_004	Proposed Site Plan	received 03/05/12
60mastplan5.cad	Aerial View	received 03/05/12
60mastelev5.cad	Proposed Elevations	received 03/05/12

This condition is imposed for the avoidance of doubt and to ensure that the development hereby permitted is carried out in accordance with the approved details in the interests of the character and amenity of the area and the provisions of the development plan.

5. Prior to the commencement of development the agent/applicant must notify UK Digital Vertical Obstruction File and Powerlines at the Defence Geographic Centre with the following information:
 - a. Precise location of development
 - b. Dates of commencement and completion of development
 - c. The height above ground level of the tallest part of the development
 - d. The maximum extension height of any construction equipment
 - e. Details of aviation warning lighting fitted to the structure

Relevant Planning Policies

National Planning Policy Framework

Section 10 - meeting the challenge of climate change, flooding and coastal change

Joint Structure Plan for Kingston upon Hull and the East Riding of Yorkshire (2005)

SP4 Landscape Character

Boothferry Borough Local Plan (1999)

EN7 Development in the open countryside

The Humber and Yorkshire Plan - Regional Spatial Strategy to 2026 (2008)

ENV5 Energy

ENV10Landscape

Reason for Decision

The proposed anemometer masts consist of a steel pole installed from sections; with a maximum diameter of 15cm. Guy wires would support the 60m structure. The landscape impact of the development would be minimal due the slim nature and the temporary period of 18 months for which the consent is sought. The nearest residential properties are a significant distance from the development (all over 850m from the proposal) and views from the settlement of Rawcliffe Bridge (1km north-west) would not be adversely affected by the proposal due to the slender nature of the pole and guy wires in this open landscape.

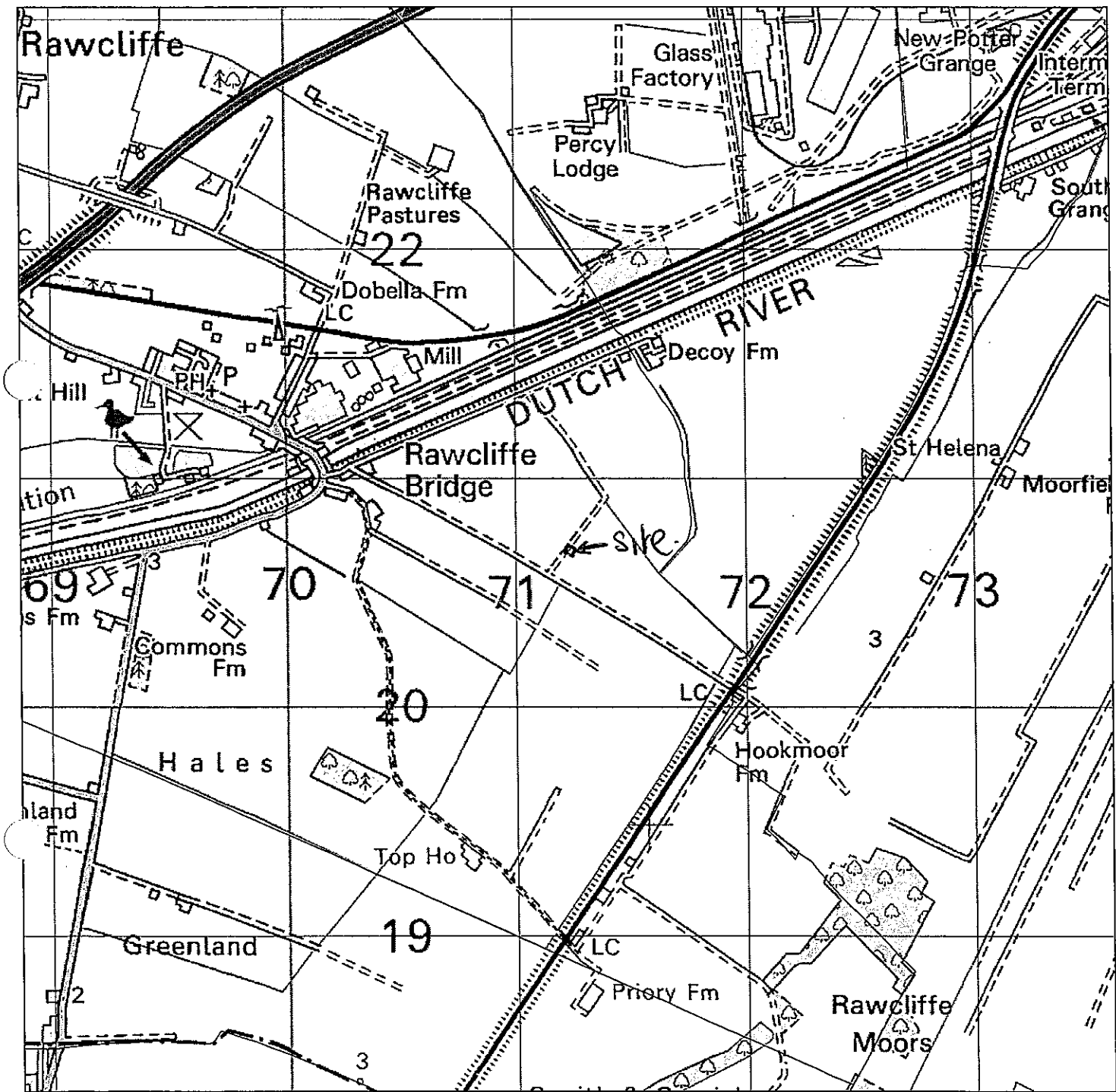
Alan Menzies
Director of Planning and Economic Regeneration.

Contact Officer

Mr Simon Johnson

Background Papers

Committee Plan



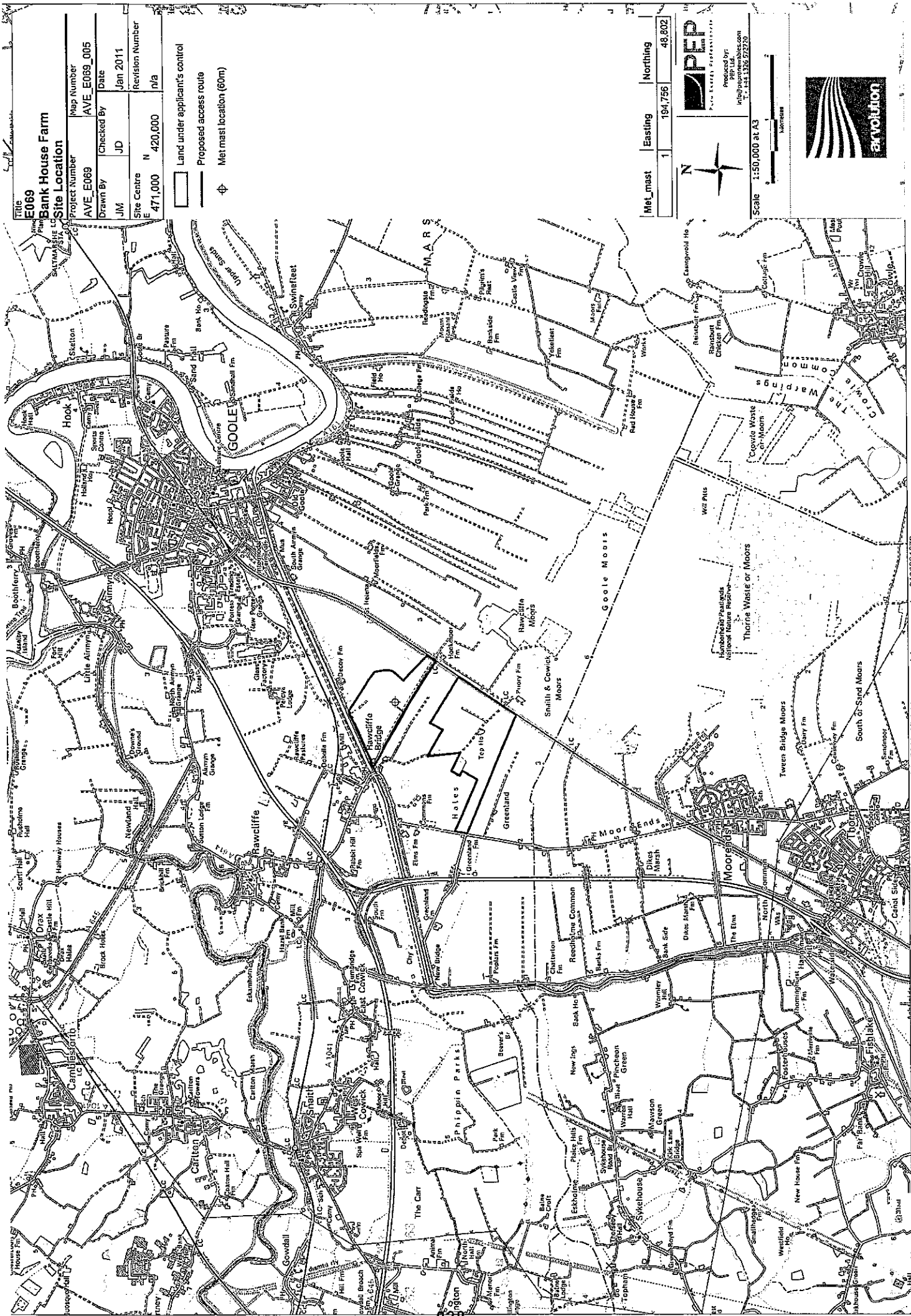
Scale : 1:25000



EAST RIDING
OF YORKSHIRE COUNCIL

© Crown copyright. All rights reserved
East Riding of Yorkshire Council
Licence: LA09056L

Organisation	Not Set
Department	Not Set
Application	
Date	30 August 2012
SLA Number	Not Set



Title		Map Number	
E069		AVE_E069_005	
Bank House Farm		Date	
Site Location		Jan 2011	
Project Number		Revision Number	
AVE_E069		n/a	
Drawn By		Checked By	
JM		JD	
Site Centre		N	
E 471,000		420,000	

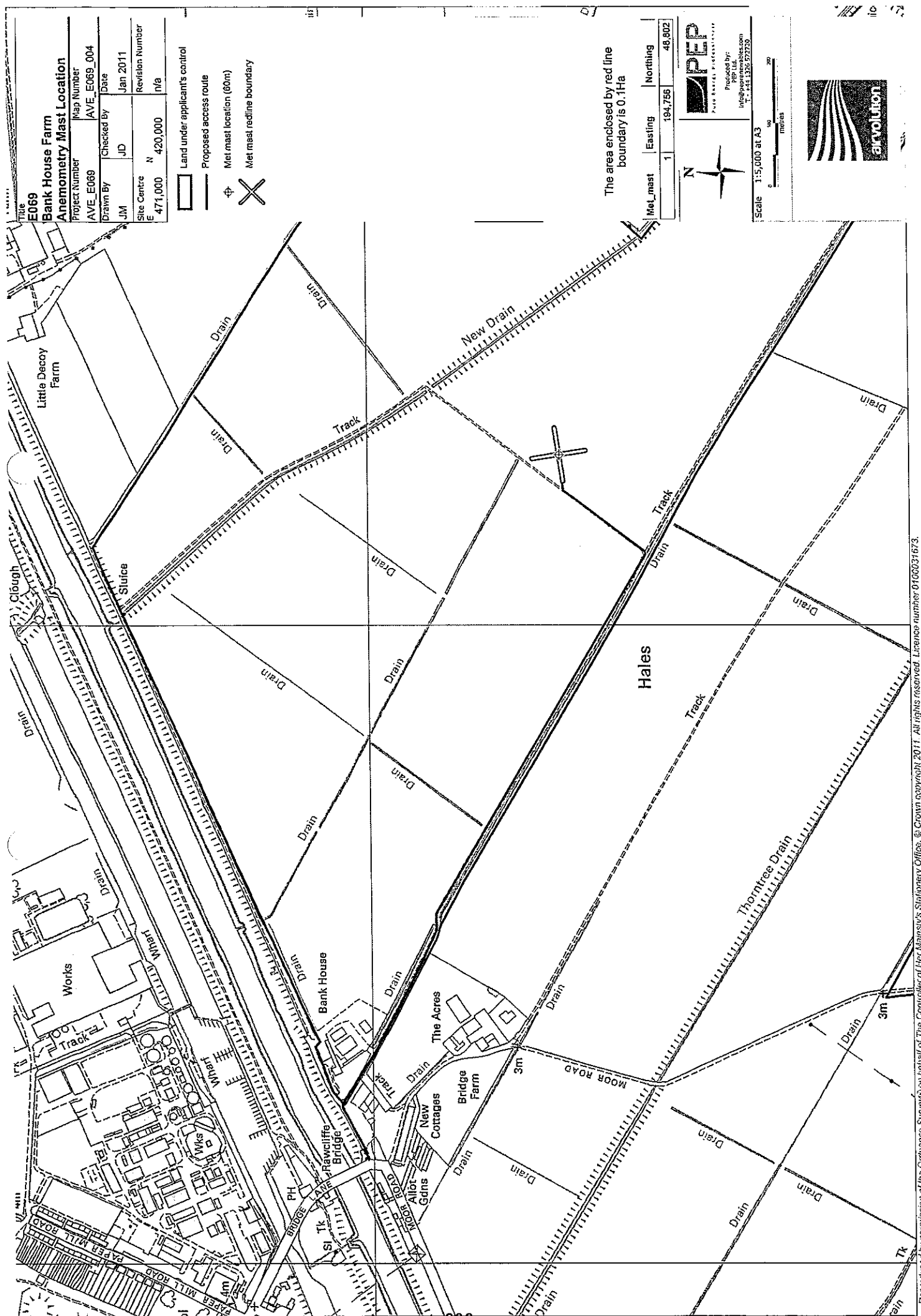
- Land under applicant's control
- Proposed access route
- Met mast location (60m)

Met_mast	Eastings	Northings
1	194,756	48,802

PEP
Produced by:
info@pepprojects.com
T: +44 1234 572720

Scale 1:150,000 at A3





The area enclosed by red line boundary is 0.1Ha

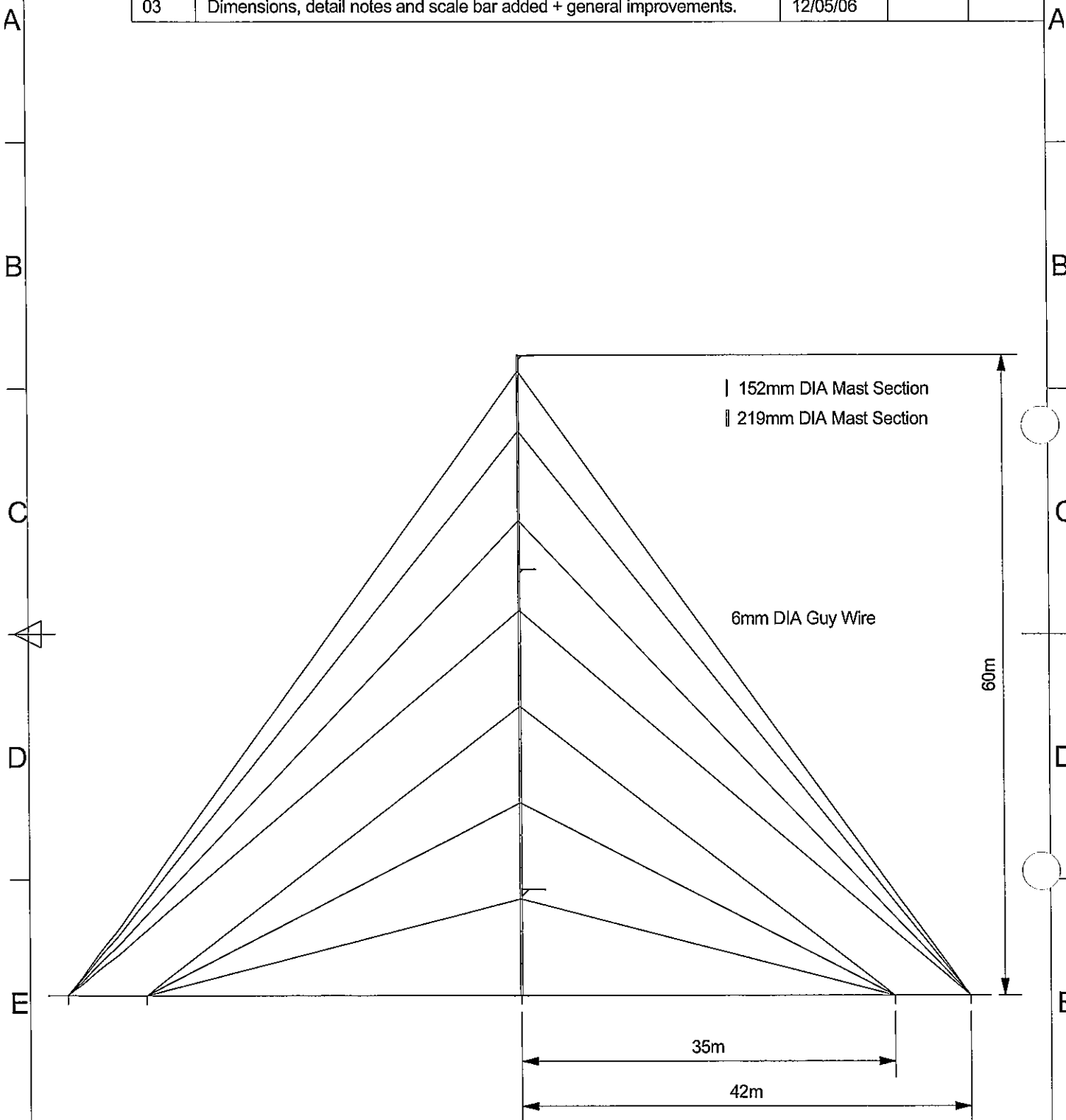
Met_mast	Eastings	Northing
1	194,756	48,802

PEP
 Paul E. P. Engineering
 Produced by:
 PEP Ltd.
 info@pepltd.co.uk
 1-441 135 22230

Scale 1:5,000 at A3



RevNo	Revision note	Date	Signature	Checked
01	Issue of drawing.	31/8/05		
02	Updated to Nexgen.	27/9/05		
03	Dimensions, detail notes and scale bar added + general improvements.	12/05/06		



0 5 10 15 20 25

All dimensions in metres unless stated otherwise.

IF IN DOUBT - ASK!

Designed by Ben Morris	Checked by	Approved by - date	Filename 60mastelev5.cad	Date 31/8/05	Scale 1:500
Unit 1, Wallbridge Industrial Estate, Stroud, Glos. GL5 3JU Tel: 01453 759408 Fax: 01453 759416			Title 60m ELEVATION 1:500		
			Ref. 1-60HMC1 (60m Hi-Mast)	Edition 01	Sheet 1 of 1



EAST RIDING OF YORKSHIRE COUNCIL

Report to: Planning Committee
13 September 2012

WARDS: East Wolds And Coastal

Application for Erection of 50m meteorological mast for a temporary period of up-to 12 months

At Proposed Site Of Meteorological Mast North Cotes Road Wold Newton East Riding Of Yorkshire by Empirica Investments Limited

Application Number: 12/02196/STPLF

Report of the Director of Planning and Economic Regeneration

A. Executive Summary

Application reference 12/02196/STPLF is referred to the Committee for decision.

B. Corporate Priorities

Valuing our environment
Local problem solving
Retaining the East Riding character
A Well Managed Authority

C. Application Type

Strategic - Full Planning Permission

D. Parish

Wold Newton Parish Council

E. Applicant

Empirica Investments Limited

F. Target Date

29 June 2012

G. Environmental Impact Assessment

Before this application was submitted it was considered within the context of The Town and Country Planning (Environmental Impact Assessment Regulations) 2011 with a view to determining whether an Environmental Impact Assessment was required. Taking into account the requirements of the Regulations and the guidance contained in Circular 02/99 it was determined that an Environmental Impact Assessment was not required in this case.

H. Recommendation

That the application be APPROVED as detailed in section 12 of this report.

1. INTRODUCTION

- 1.1 The site is located in an agricultural field, approximately 750m to the north of Wold Newton. The Hamlet of Fordon is located approximately 1.2km to the north; other settlements in the area are all located over 2km from the proposal site.
- 1.2 The proposal is for the erection of a 50m anemometer mast to test wind speeds and directions. Testing would occur through small devices at the heights of 25m, 40m and 50m. The mast would be secured to the ground by 6 guy wires. The anemometer mast is required to ascertain whether the area is suitable for future wind energy proposals. The mast is proposed for a maximum period of 12 months, after which the land would be returned to its previous state. The site is located in open countryside within the East Yorkshire Borough Wide Local Plan Area.

2. PLANS AND ILLUSTRATIONS

Appendix 1 - Site Location Plan.

Appendix 2 - Site Layout Plan.

Appendix 3 - Elevations

3. KEY PLANNING POLICIES

The Development Plan for the area comprises the Regional Spatial Strategy, Joint Structure Plan, and the East Yorkshire Wide Local Plan.

Regional Spatial Strategy

ENV5	Energy
ENV10	Landscape

The Localism Act 2011 gives the Secretary of State power to revoke Regional Spatial Strategies in whole or in part. The Government's stated intention to revoke can be treated as a material planning consideration with weight to be attached to this intention being left to the decision maker in each case.

Joint Structure Plan

SP5 Design of new Development

East Yorkshire Borough Wide Local Plan 1997

EN2 Open Countryside

EN25 Renewable Energy

EN9 National Conservation Sites

National Planning Policy

National Planning Policy Framework - Section 10 (meeting the challenge of climate change, flooding and coastal change)

Other Documents

East Riding of Yorkshire, Landscape Assessment (2005)

Interim Planning Document on renewable energy developments (2010)

4. RELEVANT PLANNING HISTORY

No relevant planning history.

5. CONSULTATION REPLIES

Wold Newton Parish Council	Recommend refusal due to the positioning of the mast and the visual impact it would have on the village.
----------------------------	--

Trees and Landscape Section	No objections raised.
-----------------------------	-----------------------

Natural England	No objections raised.
-----------------	-----------------------

Nature Conservation Officer (Biodiversity)	No objection subject to conditions.
--	-------------------------------------

Ministry of Defence	No objections however request conditions regarding aviation lighting.
---------------------	---

NERL Safeguarding Officer	No safeguarding objections raised.
---------------------------	------------------------------------

CAA - Airspace Policy (Tall Bldgs, Flares, Nuclear)	Standard advice, no safeguarding objections raised.
---	---

Landscape + Visual No objection.
Impact Assessment

6. PUBLICITY

Neighbours/ No neighbour responses received.
Publicity

7. CASE ON BEHALF OF THE APPLICANT

The agent has submitted a design and access statement which puts forward a case for the applicant. Plans were also included in the supporting documentation of the proposal.

8. KEY ISSUES

- Principle of Development
- Impact on the landscape character
- Residential Amenity
- Safety

9. OFFICER COMMENTS

9.1 Applications are to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration which must be taken into account in planning decisions. If the NPPF contains policy guidance that is relevant to this application the report below will explain this, and consider the extent to which development plan policy is consistent with the NPPF and the weight to be given to that policy. For 12 months full weight may still be given to relevant development plan policies adopted since 2004. In other cases due weight should be given to relevant policies according to their degree of consistency with the NPPF.

9.2 Principle of Development

9.2.1 The proposal is for the erection of an anemometer mast to test wind speeds and directions at vary heights, testing would occur at the heights of 25m 40m and 50m. The anemometer mast is to measure the area is suitable for future wind energy proposals. The mast is proposed for a maximum period of 12 months, after which the land would be returned to its previous state. Any loss of agricultural land would thus be temporary under this application.

9.2.2 Section 10 of the National Planning Policy Framework deals with meeting the challenge of climate change, flooding and coastal change and its Paragraph 97 sets out the responsibility on all communities to contribute to energy generation from low carbon sources. Policy ENV5 of the Regional Spatial Strategy also states that: The region will maximise improvements to energy efficiency and greenhouse gas reduction. Both policies

fully support developments in relation to renewable energy and encourage such developments to proceed in order to support the provision of renewable energy installations. Policy EN25 of The East Yorkshire Borough Wide Local Plan generally supports wind energy proposals provided that they accord with environmental and other policies within the Local Plan.

- 9.2.3 The purpose of the mast is to collect and record data to analyse the potential wind resources available in this area. In principle, the development accords with the above policy considerations; as the proposal is necessary to establish whether the site would be suitable for the efficient use of wind energy generation.

9.3 Impact on the Landscape Character

- 9.3.1 The proposal site is located within Landscape Character Type 13E: Bempton Grindale and Wold Newton Farmland, as defined within the East Riding Landscape Character Assessment (2005). The character assessment discusses the important wildlife and SSSI features of the area and does not mention visual characteristics. The proposal site is undulating in topography and as such the mast would be situated on land approximately 125m AOD. The land around the site (within 1km) ranges between 60m and 140m AOD.

- 9.3.2 The Landscape Character Assessment identifies the area as having a high sensitivity in terms of wind energy proposals due to the varying land levels and the wide ranging views. The guide suggests that wind turbines and infrastructure which is prominent should be avoided. However in view of the scale of the proposal particularly its slim construction although it would be visible it is considered that proposal would not be prominent in this landscape. This proposal is for a 50m anemometer mast, which whilst high does not exceed 150mm in diameter. The proposal would be unlikely to intrude on the landscape character due to its temporary nature and slender design.

9.4 Residential Amenity

- 9.4.1 The site is located within an established agricultural area and the mast would be located a substantial distance from the nearest residential properties not connected to the site. The nearest residential properties are Westfield Farm (750m to the south-west), Too Hoots Cottage and Holme View (750m to the south-east) and Westfield Lodge/house (approximately 1.4km south-west of the proposal site). It is therefore considered that due to the distances and topography involved and the slim nature of the proposal, any impact visually on residential amenity would be limited and temporary.

9.5 Safety

- 9.5.1 In relation to aviation issues, the Ministry of Defence, Civil Aviation Authority and the National Air Traffic Safeguarding unit have all indicated that there are no safeguarding objections to the mast however, the Ministry of Defence have indicated the need for aviation lighting at the tip of the mast. This would be in the form of a small flashing red light or infrared lighting. It is therefore considered acceptable in terms of aviation safety

provided lighting conditions are met.

- 9.5.2 The development would result in very limited highways movements, the majority of which would be during construction. Access to the site would be via the existing highway network and no further access roads improvements would be required. The development is considered acceptable in highway terms.

10. CONCLUSION

- 10.1 The proposed anemometer mast consists of a steel pole installed from sections; with a maximum diameter of 15cm. Guy wires would support the 50m structure. The landscape impact of the development would be minimal due to its slim nature and the temporary period of 12 months for which the consent is sought. The nearest residential properties are a significant distance from the development (all over 750m from the proposal) and views from the surrounding settlements of Wold Newton, Fordon and Foxholes would not be adversely affected by the proposal due to the slender nature of the pole and guy wires in this open and varying landscape.

11. HUMAN RIGHTS

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

12. RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. The structure hereby permitted shall remain on site for a limited period only and shall be removed and the land restored to its former condition on or before 1st November 2013.

This condition is imposed in the interests of visual amenities in the area.

2. The proposed mast shall not be erected until details of bird deflectors, including their means of attachment to the guy wires and arrangements for monitoring their continuing presence and replacement where necessary have been submitted to and approved in writing by the local planning authority. The deflectors shall be fitted in accordance with the approved scheme on erection of the mast and they shall be retained, or replaced as necessary, in accordance with the approved measures.

This condition is imposed in order to minimise the impact on wildlife.

3. Prior to erection the proposed mast shall be fitted with 25 candela omni-directional red lighting or infra-red lighting at the highest practicable point and shall remain in place throughout the term of the permission, any variation from this shall first be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development

This condition is imposed in the interests of aviation safety.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Numbers:

RW/VS/146AL	Proposed Site Plan	received 04/05/12
FastMast Drawing for 50m mast Rev 2	Proposed Elevations	received 04/05/12

This condition is imposed for the avoidance of doubt and to ensure that the development hereby permitted is carried out in accordance with the approved details in the interests of the character and amenity of the area and the provisions of the development plan.

5. Prior to the commencement of development the agent/applicant must notify UK Digital Vertical Obstruction File and Powerlines at the Defence Geographic Centre with the following information:
 - a. Precise location of development
 - b. Dates of commencement and completion of development
 - c. The height above ground level of the tallest part of the development
 - d. The maximum extension height of any construction equipment
 - e. Details of aviation warning lighting fitted to the structure

Relevant Planning Policies

The Development Plan for the area comprises the Humber and Yorkshire Plan - Regional Spatial Strategy to 2026 (2008), Joint Structure Plan for Kingston Upon Hull and the East Riding of Yorkshire (2005), and the East Yorkshire Borough Wide Local Plan (1997).

Regional Spatial Strategy

ENV5 Energy

ENV10 Landscape

Joint Structure Plan

SP5 Design of new Development

East Yorkshire Borough Wide Local Plan

EN2 Open Countryside

EN9 National conservation sites

EN25 Renewable Energy

National Planning Policy

National Planning Policy Framework - Section 10 (meeting the challenge of climate change, flooding and coastal change)

Other Documents

East Riding of Yorkshire, Landscape Assessment (2005)

Interim Planning Document on renewable energy developments (2010)

Reason for Decision

The proposed anemometer mast consists of a steel pole installed from sections; with a maximum diameter of 15cm. Guy wires would support the 50m structure. The landscape impact of the development would be minimal due to its slim nature and the temporary period of 12 months for which the consent is sought. The nearest residential properties are a significant distance from the development (all over 750m from the proposal) and views from the surrounding settlements of Wold Newton, Fordon and Foxholes would not appear to be adversely affected by the proposal due to the slender size of the pole and guy wires in this open and varying landscape.

The application has been considered against all the above relevant policies and it is therefore considered that the application would not have a detrimental impact on the area, the surrounding settlements nearby residents nor have an overbearing impact on the character of the local landscape.

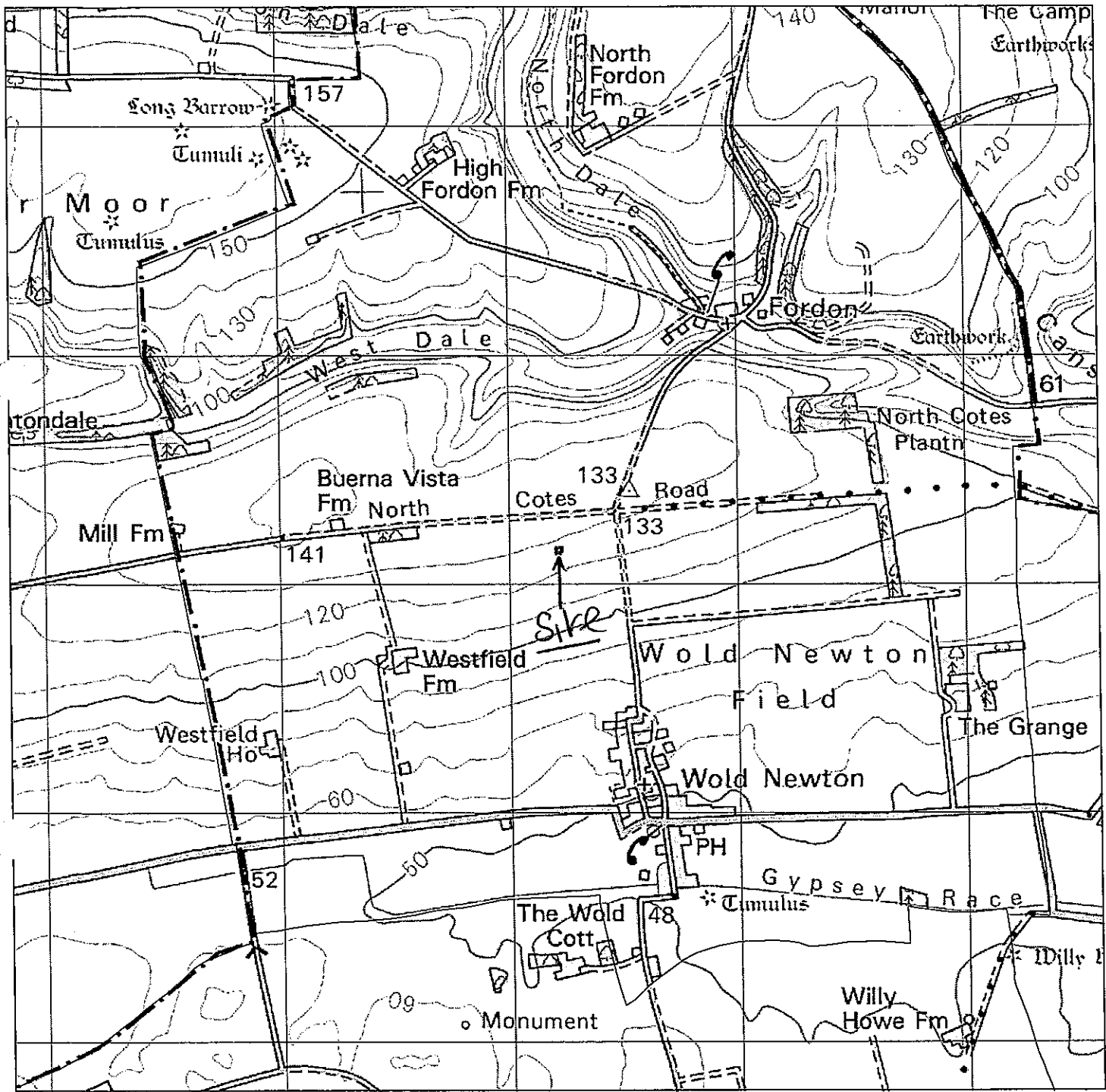
Alan Menzies
Director of Planning and Economic Regeneration.

Contact Officer

Mr Simon Johnson

Background Papers

Committee Plan



Scale : 1:25000



EAST RIDING
OF YORKSHIRE COUNCIL

© Crown copyright. All rights reserved
East Riding of Yorkshire Council
Licence: LA09056L

Organisation	Not Set
Department	Not Set
Application	
Date	30 August 2012
SLA Number	Not Set

Site Location Plan



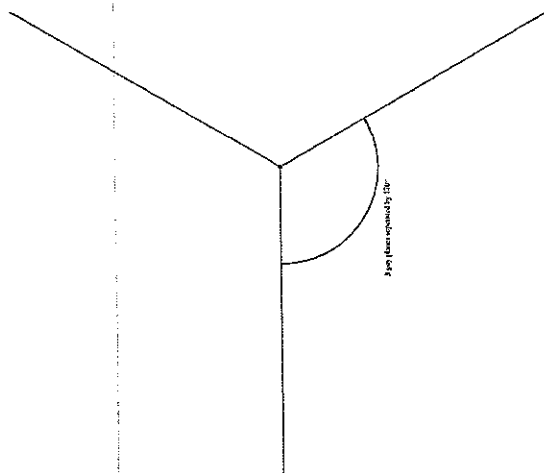
P. J. B. R.
DEVELOPMENT CONTROL
REC'D 04 MAY 2012
CHECK ENCLOSED

RW/VS/146AL

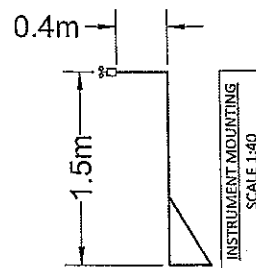
Copyright © 2012 All rights reserved. Information: 01628 507 1200



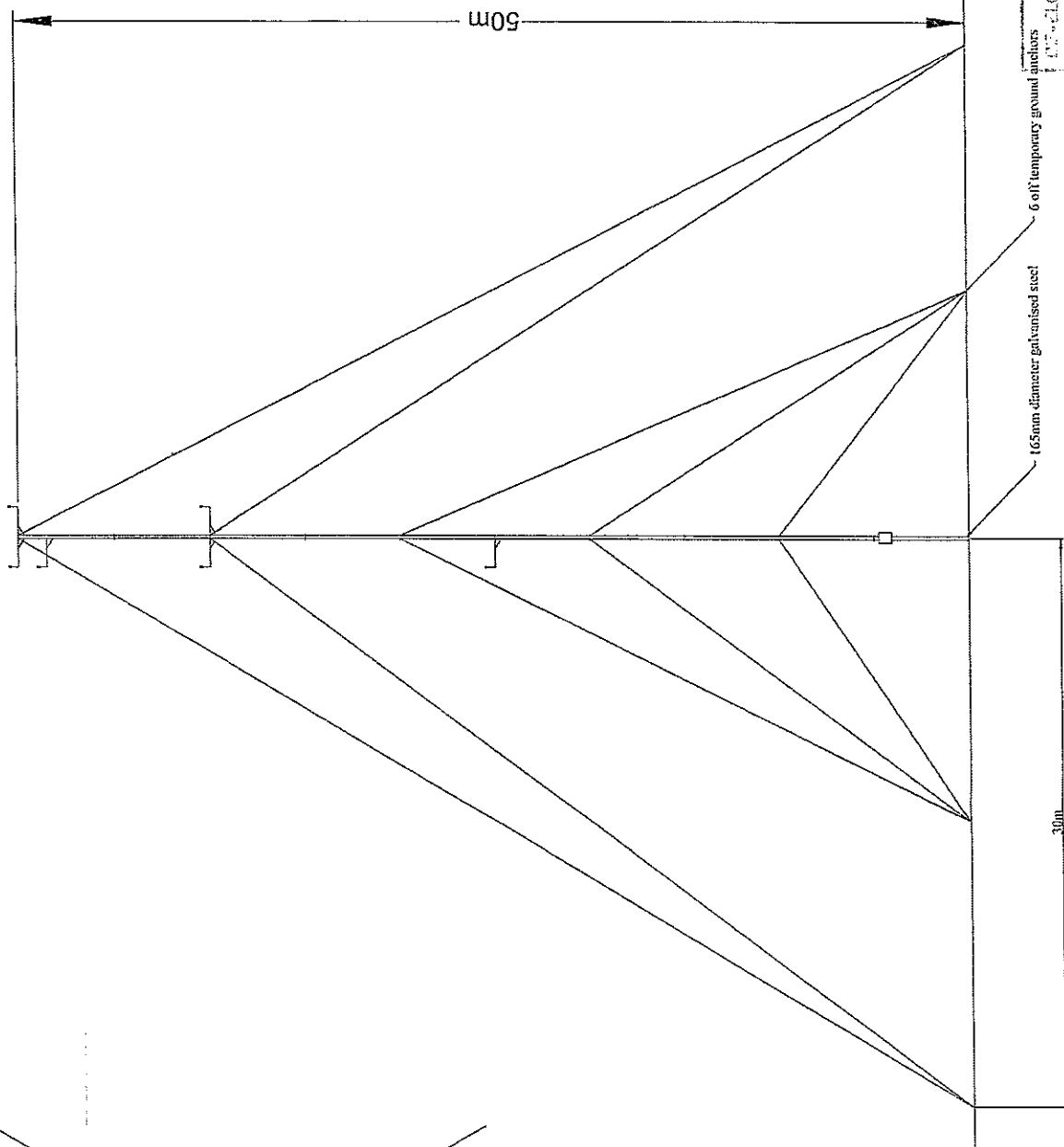
50m Meteorological Mast		Scale 1:250	FastMast
© Fast Mast Ltd 2012	Drawn SW	19 th Jan 2012	
		REVISION 2	



PLAN VIEW
SCALE 1:500
Instruments not shown



INSTRUMENT MOUNTING
SCALE 1:40



SIDE ELEVATION

DESIGNED BY
P. J. B. B. B. B.
CHECKED BY
P. J. B. B. B. B.
DATE
04 MAY 2012

CHECKED BY



EAST RIDING OF YORKSHIRE COUNCIL

Report to: Planning Committee
13 September 2012

WARDS: East Wolds And Coastal

Application for Erection of 1 no. wind turbine (50m to hub and 77m to tip) and associated infrastructure

At Land North West Of Grange Farm, Wold Road, Nafferton, East Riding Of Yorkshire by Nafferton Wold Farms Ltd

Application Number: 12/02385/STPLF

Report of the Director of Planning and Economic Regeneration

A. Executive Summary

Application reference 12/02385/STPLF is referred to the Committee for decision.

B. Corporate Priorities

Valuing our environment
Retaining the East Riding character
A Well Managed Authority

C. Application Type

Strategic - Full Planning Permission

D. Parish

Nafferton Parish Council

E. Applicant

Nafferton Wold Farms Ltd

F. Target Date

17 August 2012

G. Environmental Impact Assessment

Before this application was submitted it was considered within the context of The Town and Country Planning (Environmental Impact Assessment Regulations) 2011 with a view to determining whether an Environmental Impact Assessment was required. Taking into account the requirements of the Regulations and the guidance contained in Circular 02/99 it was determined that an Environmental Impact Assessment was not required in this case.

H. Recommendation

That the application be **REFUSED** as detailed in section 12 of this report.

1. INTRODUCTION

1.1 This application seeks full planning consent for a single turbine wind energy at Nafferton Grange Wind Turbine on agricultural land located at the north of Nafferton and northeast of Driffild in East Riding of Yorkshire. The site location can be seen in Appendix 1.

1.2 The Development will comprise of the following:

- The erection of a single 3 bladed wind turbine which will have a maximum hub height of 50m and rotor diameter of 54m giving an overall height to blade tip of up to 77m. The Development will have an output power capacity of up to approximately 500 kilowatt (kw).
- Other associated infrastructure comprises of an external compact housing (approximately 2 metres(m) x 3m x 2m) containing the turbine transformer, low voltage distribution system and medium voltage switchgear assembly with underground cabling from the wind turbine and;
- A construction of new 5m wide access to the turbine with a distance of 325m and comprising of a geotextile base with crushed stone on top with a running surface of higher quality finer graded stone

1.2 The electricity generated by the turbine would be exported onto the National Grid to offset the farming group's consumption. The life span will be for 25 years after which it will be decommissioned subject to the approval of such details by the Local Planning Authority, in order to protect and safeguard the amenities of the area.

2. PLANS AND ILLUSTRATIONS

Appendix 1 - Site Location Plan.

Appendix 2 - Site Layout Plan.

Appendix 3 - Elevations

Appendix 4 - location of adjacent turbine

3. KEY PLANNING POLICIES

The Development Plan for the area comprises the, Regional Spatial Strategy to 2026 (2008), Joint Structure Plan for Hull and East Riding of Yorkshire Borough Wide Local Plan (1997).

Regional Spatial Strategy

YH1 Overall Approach and Key Spatial Priorities
YH2 Climate Change and Resource Use
ENV1 Development and Flood Risk
ENV5 Energy
ENV6 Forestry, Trees and Woodlands
YH7 Location of development
ENV8 Biodiversity
ENV9 Historic Environment
ENV10 Landscape

The Localism Act 2011 gives the Secretary of State power to revoke Regional Spatial Strategy in whole or in part. The Government stated intention to revoke can be treated as a material planning consideration with weight to be attached to this intention being left to the decision maker in each case.

Joint Structure Plan

DS7 Development Infrastructure
SP1 Settlement Character
SP4 Landscape Character
SP5 Design of New Development
ENV3 Species Protection
ENV6 Built and Historic Assets
ENV7 Archaeological remaining

East Yorkshire Borough Wide Local Plan

EN2 Development in the Open Countryside
EN3 Wolds Area of Landscape Protection
EN11 Species Protection
EN20 Listed Buildings
EN25 Renewable Energy
TM Development and the Transport System

East Riding of Yorkshire Supplementary Planning Guidance

Interim Planning Document on Renewable Energy (2009)
East Riding of Yorkshire Landscape Character Assessment (2005)

National Planning Policy

National Planning Policy Framework (NPPF) (2012)

Technical Guidance to the National Planning Policy Framework (2012) Flood Risk

PPS22 Renewable Energy - companion Guide) -2004

4. RELEVANT PLANNING HISTORY

4.1 Land West of the Bungalow Wold Road, Nafferton

11/02075/STPLF Erection of a 67m high to tip wind turbine with associated crane hardstanding transformer station and construction of vehicular track. Approved 28 July 2011. It is currently being implemented. (Note: *Whilst the application is not in the same planning unit, it is important for reference purposes because it is not far away from the current proposed development. It will assist to understand any likely cumulative effect the present application might have on local protected Wold Landscape area*).

5. CONSULTATION REPLIES

Parish Council Comments awaited.

Highway Control No objection. The revised plan received on 4 July 2012 showing the Swept Path Analysis, Traffic Management Plan and Construction Methods are considered acceptable, because it will not generate an unacceptable increase in the level of vehicle turning movements and on-street parking on the adjacent public highway network. The existing vehicular access will be temporarily widened and improved at the junction with C132, Wold Road in order to accommodate the turning manoeuvres of the heavy goods vehicles that will deliver the wind turbine components. Visibility for the drivers of emerging vehicles is compatible with the traffic flows and the vehicle speeds that can be expected at this location. Parking, loading, off-loading and manoeuvring facilities will be provided within the site curtilage. There have been no recorded injury accidents on the adjacent public highway within the period 2007 - 2011.

Public Protection
Division No objection subject to conditions.

The noise desk top assessment has been reviewed.

The assessment predicts noise levels using noise control plots based on the manufacturer's maximum noise emission levels up to 10m/s using the methodology described in ISO 9163 2:1996. It states that no Noise Sensitive Receptors (NSR) are predicted to experience noise levels greater than 35dB(A) LA90,10min.

The noise assessment also takes into account the cumulative effect of other turbines/windfarms which are operational, under construction or at the application stage within 5km of the development ie Kesters Farm, Pockthorpe Hall, Little Pockthorpe Hall, Denby House, Danesdale, Middledale Heights, Great Kendale, Nafferton Wold and Thornholme Fields. The assessment states that there are no NSR within the cumulative area.

The Assessment and Rating of Noise from Wind Farms' ETSU-R-97, ("ETSU") published by the UK's Department of Trade and Industry (DTI) is the appropriate standard for turbines of this size. ETSU recommends controlling wind turbine noise by the application of noise limits at the nearest noise-sensitive properties.

ETSU states that:

"For single turbines or windfarms with very large separation distances between the turbines and the nearest properties a simplified noise condition may be suitable. We are of the opinion that, if the noise is limited to an $L_{A90, 10 \text{ min}}$ of 35 dB(A) up to wind speeds of 10m/s at 10 height, then this condition alone would offer sufficient protection of amenity, and background noise surveys would be unnecessary."

It also recommends a fixed limit of 43 dB(A) for night-time.

The Public Protection Officers are unable to object to this application on the ground of noise so long as the noise levels are within the ETSU guidelines and, therefore, Public Protection Officers are only able to express their concerns that there may be a loss of amenity and/or possible nuisance.

Trees and Landscape
Section No objection.

Public Rights of Way The proposed development will not have any effect on the nearest public rights of way.

Conservation Officer No objection.

The proposed site is close to the one for the already approved turbine (11/02075/STPLF). Like the other one, this turbine will neither have a direct impact on the fabric of a Listed Building nor will it be located within a Conservation Area. The scheme will however have some impact on the setting of designated heritage assets. Looking at the Listed Buildings in the area and their setting

and the nearby Conservation Areas, I feel that the scheme's impact will not be substantial enough to justify an objection.

Although, viewing two turbines or parts of them from within the curtilage of Listed Buildings or from within Conservation Areas might have more impact than viewing just one, the additional impact is not detrimentally harm the ability to appreciate and enjoy the heritage assets in the area

English Heritage The application should be determined in accordance with local and national policy guidance, and on the basis of your specialist conservation advice.

Natural England No objection.

Nature Conservation Officer (Biodiversity) The application is supported by an Ecological Appraisal. The assessment has followed appropriate guidance and current best practice to evaluate the ecological effects associated with the proposed scheme. On the basis of the information provided within the report, it can be determined that the immediate area of the development is of limited ecological value with few habitats or species of note and it is unlikely that the proposed development will cause significant harm to any protected species. The recommended mitigation measures in the report shall be implemented to minimise or avoid negative ecological impacts. A condition is recommended to ensure that the development takes place strictly in accordance with the measures set out the applicants Ecological Mitigation strategy.

CAA - Wind
Turbines (Anywhere) No comments received.

Ministry Of Defence Ministry of Defence objects to the proposal. The turbine will be 16.9km from, in line of sight to, and will cause unacceptable interference to the Air Defence (AD) radar at Staxton Wold. Trials carried out in 2005 concluded that wind turbines can have detrimental effects on the operation of radar which include the desensitisation of radar in the vicinity of the turbines, and the creation of "false" aircraft returns. The probability of the radar detecting aircraft flying over or in the vicinity of the turbines would be reduced, and the Royal Air Force (RAF) would be unable to provide a full air surveillance service in the area of the proposed wind farm.

If the developer is able to overcome the issues stated above, the MoD will request that all turbines be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the

highest practicable point.

NERL Safeguarding Officer	No objection.
Humber Archaeology Partnership	The site lies within an area of archaeological interest. Recommend a condition requiring a written scheme of investigation.
SPECTRUM (Ofcom)	No comments received.
Royal Society For The Protection Of Birds	No comments received.
Landscape + Visual Impact Assessment	No objection to the proposed development. National Policy Statement for Renewable Energy Infrastructure (EN-3) outlines how the potential harm of renewable energy development should be minimised through careful design, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by reasonable mitigation. Although there will undoubtedly be a level of landscape and visual effects resulting from this proposal, the scale of the structure, its close relationship with a consented turbine of similar size and its association with an existing large agricultural holding of Nafferton Grange, mean that such effects will be generally mitigated by existing built and natural features already present within the immediate and wider landscape.

It is clear that there are a significant number of small and medium sized, single and two turbine developments in this landscape and whilst these can not be described as being dominant in the wider landscape or as having a re-characterising effect, they do have a smaller-scale, localised, close-proximity impact on landscape character. However, there are only a limited number of locations where a number of these existing turbines can be viewed collectively in the same visual 'envelope' and even fewer examples where their cumulative effects have the potential to become of overriding significance. Instead, the main cumulative effects of this development will be to add to an expanding 'successive visibility' in this landscape, where a number of turbines come into view in a succession of visual 'envelopes' as the receptor 'travels' across the landscape, rather than being visible as a collective in the same view. Whilst there is an impact from such 'successive visibility', the effect of this at present is not regarded to be unacceptable in the wider context of landscape character and the visual resource of the area.

Cable And Wireless Worldwide	No objection.
IUS Connections	No comments received.
Racal Vodaphone	No comments received.
British Telecom	No comments received.
National Telecommunications Limited	No comments received.
Humberside Airport	No objection from aerodrome safeguarding criteria.
Animal Health (DEFRA)	No comments received.
Home Office	No comments received.
YEDL	No comments received.
Telefonica (formerly O2)	No comments received.
Radio Communications Agency	No comments received.
Virgin Mobile	No comments received.
Humberside Police - Operations	(18/06/12)
Kingston Communications (Hull) Plc	No comments received.
Orange Personal Communications Services	No comments received.
Joint Radio Company Ltd	No objection.
BAE Systems	No comments received.

Northern Powergrid No objections raised

ERYC Drainage No objections.

Department of Trade and Industry No comments received.

6. PUBLICITY

6.1 The application was advertised using site notices, press notice and neighbour notification letters.

Neighbours/
Publicity

Six letters of objection have been received raising the following points:

- The scramble for feed in tariff through the erection of wind farm turbine is destroying the Yorkshire Wolds
- The proposal contribute to the cumulative impact on the Wold Landscape character
- Its size and position on a highly visible area of the Yorkshire Wolds. And its impact on the landscape would be detrimental to the Yorkshire Wolds Landscape. The areas of the East Riding around Driffield is already awash with turbines, and the cumulative effect of yet another one especially of such a scale, would further marr the landscape.
- All wind turbines higher than a house should not be imposed upon the landscape. Wind turbines of the type and size described in the application produce a negative carbon footprint. The environmental cost of producing, transporting and erecting these monsters can never be recovered in the small amount of energy they may or not produce if the wind blows.
- Wind turbines do not produce economically viable power.
- I fully acknowledge the need for renewable energy but I feel the rural area around Driffield is becoming awash with wind turbines which are having detrimental effect to the aesthetic of the surrounding area. The proposed turbine scale will have a huge effect not only on the immediate area but also further afield.
- I believe the threshold of wind turbines in the area has been reached and any future applications being approved will have a negative impact on the character and appearance of the Yorkshire Wolds and would be unacceptable, therefore I must object.

Two letters of support from nearby residents;

- Wind energy is providing a valuable renewable energy source and reducing the pressure on none renewable resource. Paragraph 97 of the National Planning Policy Framework provide clear support for renewable energy projects encouraging local authorities to have a positive strategy to promote renewable energy sources and design policies to maximise renewable energy development.
- The landscape of the Wolds is vast, and can easily accommodate larger numbers of small and medium scale wind turbines without any cumulative impact.

7. CASE ON BEHALF OF THE APPLICANT

7.1 The applicant has submitted a Design and Access Statement and a Supporting Statement which provides information and evaluation of the following details: Landscape and Visual Impact, Ecology and ornithology, Noise Assessment, Cultural Heritage, Hydrology/Flood Risk, Residential Amenity, Public Rights of way, Access, Aviation, Highway, Climate Change, Noise, and Settlement considerations.

7.2 The benefits of this proposed single wind turbine includes the following:

- The turbine will make a significant contribution to further reducing the business risk of future energy price hikes and the wind turbine will help to support the future prosperity of the pig rearing industry.
- The turbine will help to support the business that employs up to 70 local people.
- The turbine will help in achieving both the European and UK's green energy policy and target including meeting the objectives of the Climate Change Act 2008.

8. KEY ISSUES

- Principle of Development and Planning Context
- Landscape and Visual Impact
- Ecology and Ornithology
- Cultural and Archaeological Asset
- Hydrology/Floodrisk
- Impact on Archaeological Assets
- Residential Amenity (Noise)
- Shadow Flicker
- Television
- Highway Issues
- Radar Communication and Aviation
- Connection to the National Grid
- Decommissioning

9. OFFICER COMMENTS

9.1 Applications are to be determined in accordance with the Development Plan unless there

are material considerations which indicate otherwise.

The National Planning Policy Framework (NPPF) is a material consideration which must be taken into account in planning decisions. If the NPPF contains policy guidance that is relevant to this application, the report below will explain this, and consider the extent to which development plan policy is consistent with the NPPF and the weight to be given to that policy. For 12 months **full** weight may still be given to relevant development plan policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The RSS falls into this category. For policies in the JSP and the existing Local Plans **due** weight should be given according to their degree of consistency with the NPPF.

9.2.1 It is the Government's clear policy intention to revoke the Regional Spatial Strategy subject to the outcome of the environmental assessments that are currently being undertaken. Until it is abolished the RSS remains part of the development plan although the intention to abolish the RSS can be treated as a material planning consideration with the weight to be attached to this intention being a matter for the decision maker.

9.2.2 The three dimensions of sustainable development are economic, social and environmental and the NPPF stresses that these roles should not be undertaken in isolation. To achieve sustainable development, all three should be sought jointly, and simultaneously through the planning system.

9.3 Principle of Development and Planning Policy Context

9.3.1 The benefits of developing the use of renewable resources as an increasing proportion of total energy consumption are reflected in the objectives of European Union and National Planning Policy Framework 2012, the UK Government Climate Change Programme, the Energy White paper 2007, the Climate Change Act 2008 and the renewable Energy Strategy 2009. It is accepted that the current proposal would contribute to the national objectives of promoting renewable energy technologies.

9.3.2 Paragraph 93 of National Planning Policy Framework (NPPF) states that "Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development". The Renewable Energy Strategy 2009 represents the latest development of UK energy policy. The UK has a binding target to meet 15% of its total energy consumption from renewable sources by 2020. The proportion of the electricity supply that will need to come from renewable in order to meet this target is projected in the Renewable Energy Strategy to be 30% or more by 2020, and the indicative target is for onshore wind to supply some 29% of the electricity from renewable resources.

9.3.3 The high priority placed by Government on the achievement of sustainable sources of energy supply through the planning system is reflected in Government Advice .

- 9.3.4 The Regional Spatial Strategy for Yorkshire and the Humber Policy ENV5 Sets local targets for contributing to renewable energy capacity, although recent planning appeal decisions within the East Riding have demonstrated that such regional targets are considered to be indicative and its weight against national and regional need for renewable energy development. These appeal decisions have held the requirement to help meet the binding of national targets as a material consideration in the decision making process.
- 9.3.5 The East Yorkshire Borough Wide Local Plan Policy EN25 refers to renewable energy proposals and states that they will be permitted providing that they will not unduly harm the appearance of the landscape, nature conservation interests, residential amenity or sites of archaeological interest. It accepts that wind energy installations are most likely to require prominent locations where they will benefit from high wind speeds.
- 9.3.6 In conclusion, it is considered on balance, the principle of the proposed scheme would be in accordance with paragraph 93 of National Planning Policy Framework 2012 and Local Development Plan Policy relating to the provision of renewable energy through the development of wind turbine, and it would make a valuable contribution towards meeting the national need for renewable energy as established in Government Policy. The remaining sections of this report assess the likely harm or impact the proposed single wind turbine will have on landscape character, Heritage Assets, residential amenity, ecology, highways, radar, communication and aviation safety.

9.4 Landscape and Visual Impacts

- 9.4.1 There is a need for renewable energy development to meet UK targets. However, it is recognised in Local Plan policy EN25 that wind turbines are likely to have the greatest visual and landscape effects and as such the need for renewable energy must be balanced against the visual impact of a development may have. The RSS policy ENV10 seeks to safeguard and enhance the landscapes which contribute to the distinctive character of the region which includes the Yorkshire Wolds. At a more local level, policy SP1 of the Joint Structure Plan protects the character and distinctiveness of settlements and their settings and Local Plan Policy EN3 relates to the Wolds Area of Landscape Protection, within proposals which are otherwise acceptable in the open countryside will only be permitted where they would not harm the quality of the landscape.
- 9.4.2 The application area is characterised by elevated, rolling farmland that has a regular, large-scale field pattern which is indicative of the dominance of intensive arable agriculture in this area. Woodland cover is generally low and that which is present tends to be typical of the Wolds with shelterbelts associated with farm holdings and plantation woodlands interspersed across the area.
- 9.4.3 The site occupies an elevated location and as such would be clearly visible from the south and west and to a lesser extent from the east. The landscape and visual impact assessment officer has not raised any objection to the proposal. Whilst not characteristic of this area, some vertical development is nevertheless already present in the landscape,

notably overhead electricity transfer and telecommunications infrastructure, larger-scale agriculture-related buildings and the range of dispersed small and medium wind turbine developments. There are also some natural/semi-natural forms of visual intervention present in this landscape and this includes some significant areas of woodland, a substantial roadside hedgerow network and the rolling undulations in the topography of the area. Such features, be they man-made or natural, create a landscape that appears capable of accommodating this type of development without creating a magnitude of change that will be unacceptable for key visual receptors in the area. This is demonstrated by other existing wind turbines present in the landscape which, whilst occasionally locally-dominant features when viewed from close proximity, are seldom overriding aspects of the wider landscape character. In this location and at this height the turbine would be visible and would to an extent change the appreciation of the site within its surrounding rural context. The most significant effects of the development on the visual resource of the area are likely to be those experienced from limited edge of settlement perspectives and more isolated properties, road users travelling along the along the B1249, the A164 and other minor routes in the area as they pass in close proximity to the site and also users of the local public right of way network. In acknowledging that due to its elevated, open nature, this landscape will provide some often long-distance perspectives of the development, as experienced by these sensitive receptor groups, the impact on many key views will be limited, due to the aforementioned built and natural visual interventions present in the landscape. In light of the relationship between such visual interventions and the potential effects of this development, the proposed location is in close proximity to the large agricultural holding at Nafferton Grange, including the farm buildings, pig unit, quarry site and so on, and this ensures that there is a level of visual 'attachment' between the features, thus giving the proposal greater contextual resonance with its location. Similarly, by siting the proposed turbine close to the nearby consented turbine (which is on higher ground), this allows for it to be 'read' as part of a two-turbine cluster rather than as two individual, discrete features, as perceived from a range of visual perspectives experienced from across the landscape. On balance the overall the change to the area character is not considered unacceptable considering the distance of those consented turbines and the ones currently being implemented. Given the nature of a turbine with a narrow tower and the nature of the blades, which will allow views through as they rotate, the openness of the landscape is unlikely to be adversely affected.

- 9.4.4 A further cumulative view analysis has also been carried out by the officer from several viewpoints to illustrate the development in conjunction with other operational, consented and undetermined wind energy development found within a radius of 15km of the proposed turbine. A turbine has been approved in the field directly to the north of the site which is to have a blade tip height of 67m. The main cumulative effects of the turbine would be to add to an expanding 'successive visibility' in this landscape, where a number of turbines come into view in a succession of visual 'envelopes' as the receptor 'travels' across the landscape, rather than being visible as a collective in the same view. Whilst there is an impact from such 'successive visibility', the effect of this at present is not regarded to be unacceptable in the wider context of landscape character and the visual resource of the area. It is concluded that the proposed turbine would not adversely spoil the visual character of the landscape.

- 9.4.5 The assessment of the visual landscape impact and the cumulative impact of the operational, consented and current proposed single turbine identifies that it will have some visual impact as they will be easily seen from a distant country lane. However given the nature of the undulated landscape topography, the design of the single turbine and its position behind an existing piggery buildings, overall it would not adversely spoil the visual local designated landscape character of the area. Hence, in conserving and enhancing the natural environment such as this local designated landscape, the proposed single wind turbine with associated infrastructure will not be contrary to paragraphs 109 and 115 of NPPF.

9.5 Ecology and Ornithology

- 9.5.1 Policy EN11 affirms that “proposals likely to affect a specially protected wildlife species will only be permitted where and potential harm can be avoided by the use of planning conditions or legal agreement which will facilitate the survival in situ of all individual members of the species; or provide adequate alternative habitats to sustain at least current levels of population; and minimise disturbance to the species during any construction phase and subsequent occupation”. The ecological appraisal that has been submitted followed appropriate guidance and current best practice to evaluate the ecological effects associated with the proposed development. On the basis of the information provided within the report, it can be determined that the habitat survey area and its surroundings are of limited ecological value. In order to protect any other likelihood of any ecological features, the turbine is located more than 50m (to blade tip) from the surrounding hedges or woodland.. The Council’s Nature Conservation Officer has raised no objection to the scheme. The Development is therefore in accordance with requirement of paragraphs 109 and 113 in the NPPF, Policy ENV8 of the RSS, Policy ENV3 of the Structure Plan and Policy EN11 of the Local Plan.

9.6 Cultural/Archaeological Asset

- 9.6.1 The closest cultural heritage to the application site are the Medieval Settlement of Pockthorpe at Pockthorpe Hall, 2 km to the north of the proposed turbine location and Nether Hall Moated site and Fishpond 3km to the southeast of the site. Other important cultural heritage features within 5km include Grade I Listed Churches at Kilham, Harpham, Skerne, Nafferton, Driffild and Garton on the Wolds. There are 3 Grade I Listed Buildings at Burton Agnes, a Hall Manor House and Church plus 3 Grade II Listed Churches within 5km. all of these are a significant distance from the proposed turbine.
- 9.6.2 The site lies within an extremely sensitive archaeological landscape, one which containing heritage assets dating of the prehistoric period. Given that part of the scheme will involve some depth of below ground disturbance, it is likely therefore the proposed Development would potentially impact upon the surviving archaeological remains within the site area. The mitigation measures to safeguard the remains of any archaeological findings in your officer’s opinion would be through appropriate planning

- 9.6.3 Given the scale, inter visibility, vistas, location and nature of the development, planning conditions will be used to protect and safeguard any archaeological remains that might be discovered through the guidance of the Archaeological Officer. It is considered that the proposed development will not have any adverse impact to any of the above Heritage Assets, hence the proposal is in accordance with Policy EN20 of the Local Plan (1997), Policy ENV7 of the Joint Structure Plan (2005) and paragraph 135 in the NPPF.

9.7 Hydrology/Flood Risk

- 9.7.1 The closest surface water feature is a small stream that is located approximately 2.5km east of the proposed turbine. A review of the Environment Agency Flood Risk maps for the site confirms that the site is not located within a designated flood risk zone. The Development site lies outside all three Environment Agency groundwater source protection zones. In conclusion, there are no significant hydrological effects predicted as a result of this proposal. The development therefore is in accordance with policies YH1, YH2, ENV1 and ENV2 of the RSS and policies EN17 and EN18 of the Local Plan including paragraph 99 of NPPF.

9.8 Residential Amenity (Noise)

- 9.8.1 Policy EN3 states that development will only be permitted where amongst other criteria they will not give rise to noise levels likely to harm the quiet character or nature conservation interest of the area and Policy EN25 affirms that proposals for renewable energy generators and ancillary infrastructure will be permitted providing that they not unduly harm residential amenity. The proposed turbine will be located approximately 580m from the nearest residential property Nafferton Grange and Nafferton Heights and 680m from the bungalow all of which are within the control of the applicant. Other properties outside the applicant's control are Great Houndsdale at 1,400m and Kesters at 1,300m. (The property marked as Mowthorpe on the plan is not a residential property).
- 9.8.2 The applicants have submitted a noise assessment with the application which takes into account the cumulative effect of other turbines within 5km of the site. The report states that no noise sensitive receptors are likely to experience noise levels greater than 35 dB(A) LA90,10min, the figure state as being acceptable within Government Guidance (ETSU-R-97). The Council's Public Protection Officers have not objected to the scheme.. Whilst it is appreciated that there will be some noise generated by the proposal given that the predicted noise is to be within acceptable levels the noise impact assessment is considered top be in accordance with the requirement of the Companion Guide of PPS22 and paragraph 123 of NPPF.
- 9.8.3 In terms of visual amenity, the proposed turbine would be located over 1km from any residential property outside the applicant's control which is considered sufficient distance to prevent the turbine appearing unduly overbearing.

9.9 Shadow Flicker

- 9.9.1 Flicker can only occur within 130 degrees either side of north, relative to the turbine. It

only occurs within 10 rotor diameter of a turbine. The rotor diameter of the proposed single wind turbine is 54m giving a separation distance of 540m. Hence, the proposed single wind turbine location meets this requirement with the closest dwelling being 580m distant. On the basis of this assessment following the Companion Guidance, no further flicker assessment is required and shadow flicker effects are not considered to be an issue in this proposed single wind turbine. Hence, it is in accord with paragraph 123 of NPPF.

9.10 Highway issues

- 9.12.1 Access is to be gained via an extension to the existing track which runs past Nafferton Grange and Nafferton Heights from Wold Road.
- 9.12.2 In order to protect and safeguard the use of other road users within the vicinity the Highway Control Officer has advised that the proposed road should be temporarily widened and improved at the junction with the C132 Wold Road. Subject to this measure, overall it is considered that the proposed scheme would not have an adverse effect on highway safety. .

9.13 Radar Communication and Aviation

- 9.13.1 The NPPF paragraph 164 refers to the need for Local Planning Authorities to work with the MOD to ensure they take into account the most up-to-date information about defence and security needs in the area. EN1 Section 5.4 specifically refers to effects on aviation. Paragraph 5.4.12 requires proposals to be designed to minimise adverse impacts on the operation and safety of aerodromes and that reasonable mitigation is carried out. If it is considered that the development would significantly impede or compromise the safe and effective use of defence assets then consent should not be granted. Emerging East Riding Local Plan (Preferred Approach Core Strategy 2010) policy HQE7 refers to proposals for renewable energy development and specifically states at B2 that developments should take into account the effects of the development on navigation and radar.
- 9.13.2 The MOD have objected to the proposal The turbine will cause unacceptable interference to Air Defence radar at Staxton Wold. The probability of the radar detecting aircraft flying over or in the vicinity of the turbines would be reduced, and the Royal Air Force (RAF) would be unable to provide a full air surveillance service in the area of the proposed wind farm. The turbine will cause unacceptable interference to Air Defence radar at Staxton Wold. The proposal does not therefore meet the policy requirements of paragraph 164 of the NPPF.
- 9.13.3 No objections have been received with regard to the impact upon civilian air traffic control service or the operation of Humberside Airport. .

9.14 Connection to the National Grid

- 9.14.1 Cabling on the site from the single turbine to the proposed substation would be via underground cables. The underground cables would also be used to connect from the

substation to the nearest grid connection point.

9.15 Decommissioning

- 9.15.1 The life span for the proposed single wind turbine and other associated infrastructure is 25 years after which it would be decommissioned subject to the approval of the Local Planning Authority and to ensure that the site is reinstated to its original condition.

10. **CONCLUSION**

- 10.1 The principle of providing a wind turbine in this location is considered to be acceptable. The assessment of the visual landscape impact and the cumulative impact of the operational, consented and current proposed single turbine identifies that it will have some visual impact as they will be easily seen from a distant country lane, but given the nature of the undulated landscape topography, the design of the single turbine and its position behind an existing piggery buildings, overall it would not adversely spoil the visual, local designated landscape character of the area. Hence, in conserving and enhancing the natural environment such as this local designated landscape, the proposed single wind turbine with associated infrastructure will not be contrary to paragraphs 109 and 115 of NPPF.
- 10.2 The proximity of the proposed single wind turbine to residential dwellings has been carefully assessed in order to ensure that it will not adversely affect the amenity of the nearby residents. The Noise Report has also been assessed in line with established guidelines. The proposed Development will not adversely affect the amenity of the nearest residents that are located 580m away from the turbine..
- 10.2 The proposed development will not have any adverse impact on any habitat feature. Hence, the proposed development complies with Natural England guidance in relation to the protection of bats from wind turbine development. There is no ecological reason to refuse this application.
- 10.3 However the proposal will cause unacceptable levels of interference to the MOD radar station at Staxton Wold by adversely affecting the effectiveness of this facility. As such this is contrary to Paragraph 164 of NPPF. For these reasons it is not considered that the national imperative to provide renewable energy should outweigh these objections

11. **HUMAN RIGHTS**

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

12. **RECOMMENDATION**

That the application be **REFUSED** on the following grounds:

1. The proposed turbine would cause unacceptable interference to the radar at RAF Staxton

Wold. The Ministry of Defence (MoD) have objected on the basis that the probability of the radar detecting aircraft flying over or in the vicinity of the turbine would be reduced and the RAF would be unable to provide a full air surveillance service. The proposed turbine in this location would be in conflict with paragraph 164 of the National Planning Policy Framework. The benefits of generating green energy does not outweigh the significant harm the proposed wind turbine in this location would have in securing a safe RAF Air Defence radar at Staxton Wold.

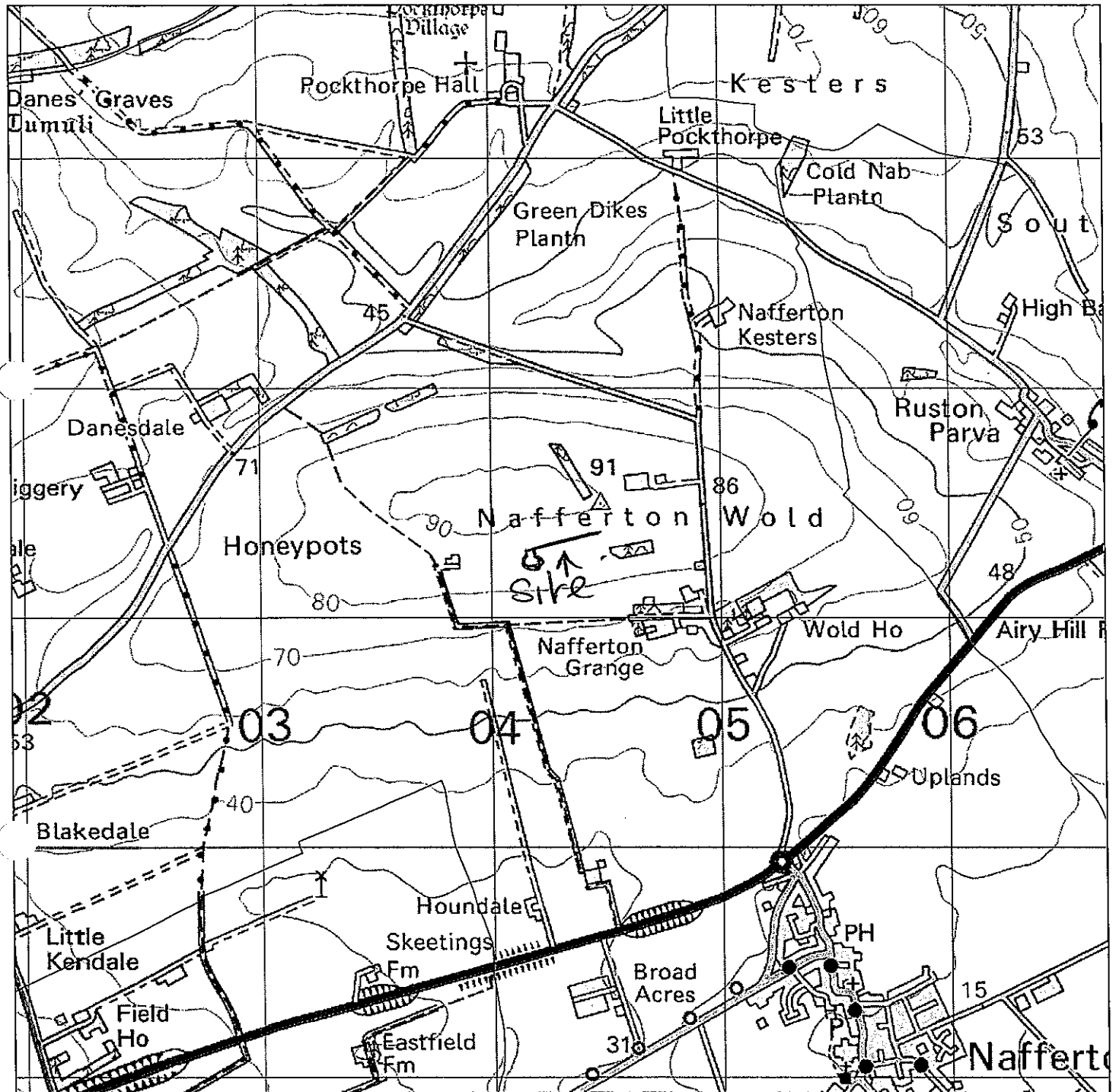
Alan Menzies
Director of Planning and Economic Regeneration.

Contact Officer

Mr Emmanuel Allanah

Background Papers

Committee Plan



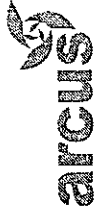
Scale : 1:25000



EAST RIDING
OF YORKSHIRE COUNCIL

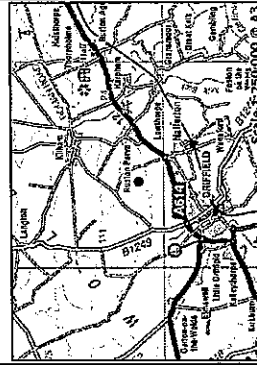
© Crown copyright. All rights reserved
East Riding of Yorkshire Council
Licence: LA09056L

Organisation	Not Set
Department	Not Set
Application	
Date	30 August 2012
SLA Number	Not Set



- ⊕ Proposed Turbine Location
- ▭ Application Boundary
- ▭ Land Ownership Boundary
- ▭ New Access Track
- ▭ Existing Road
- ▭ Not Requiring Upgrading
- ▭ Crane Hardstanding
- ▭ Transformer Building

Turbine 1 Easting 504177 Northing 461236

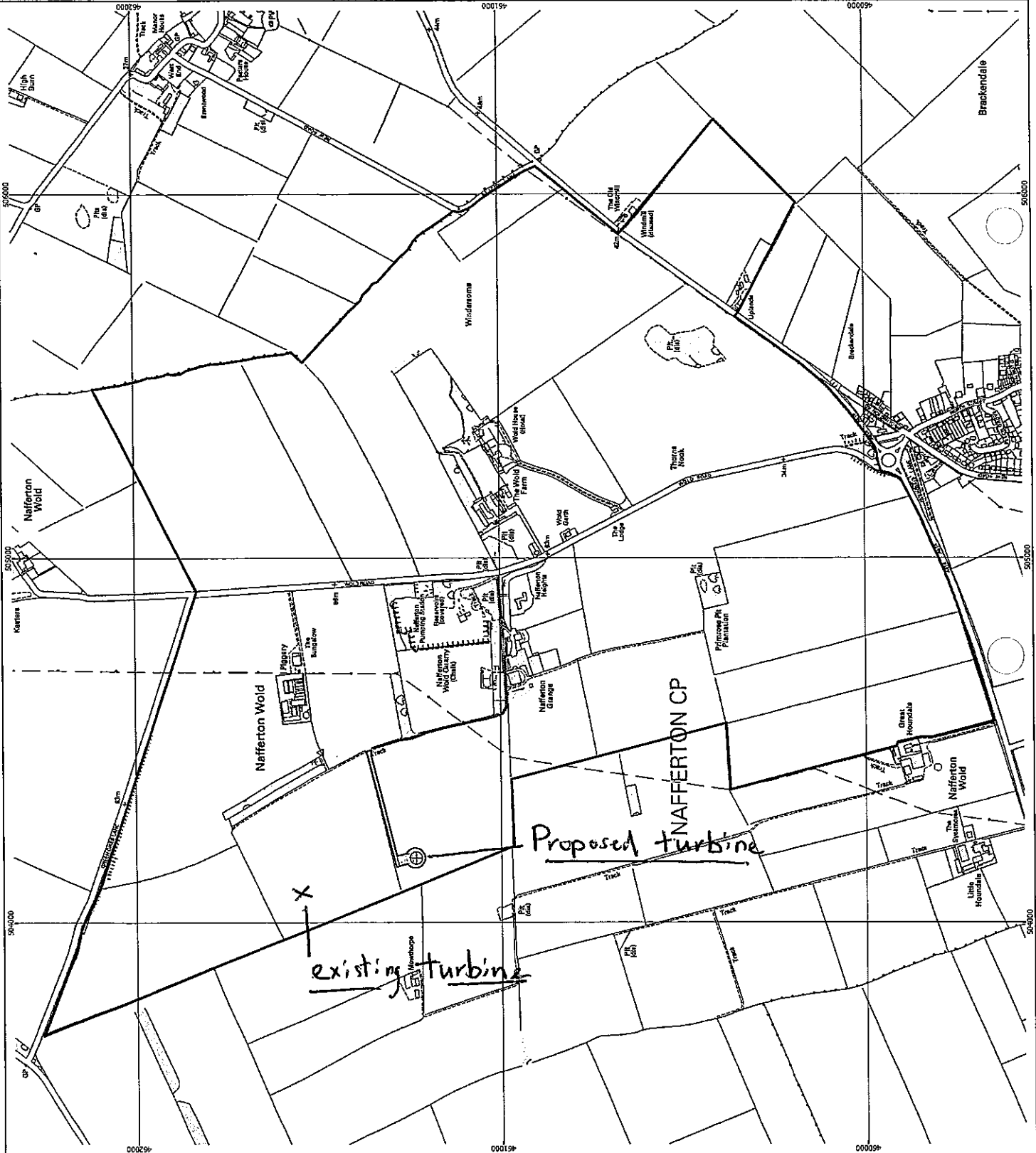


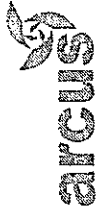
1:10,000 Scale @ A3
0 250 500 m

Produced: VM
Reviewed: SC
Approved: ANW
Ref: 949/ENV/001
Date: 12/04/2012
Revision: A

Site Location
Drawing 001

Nafferton Grange
Planning Application





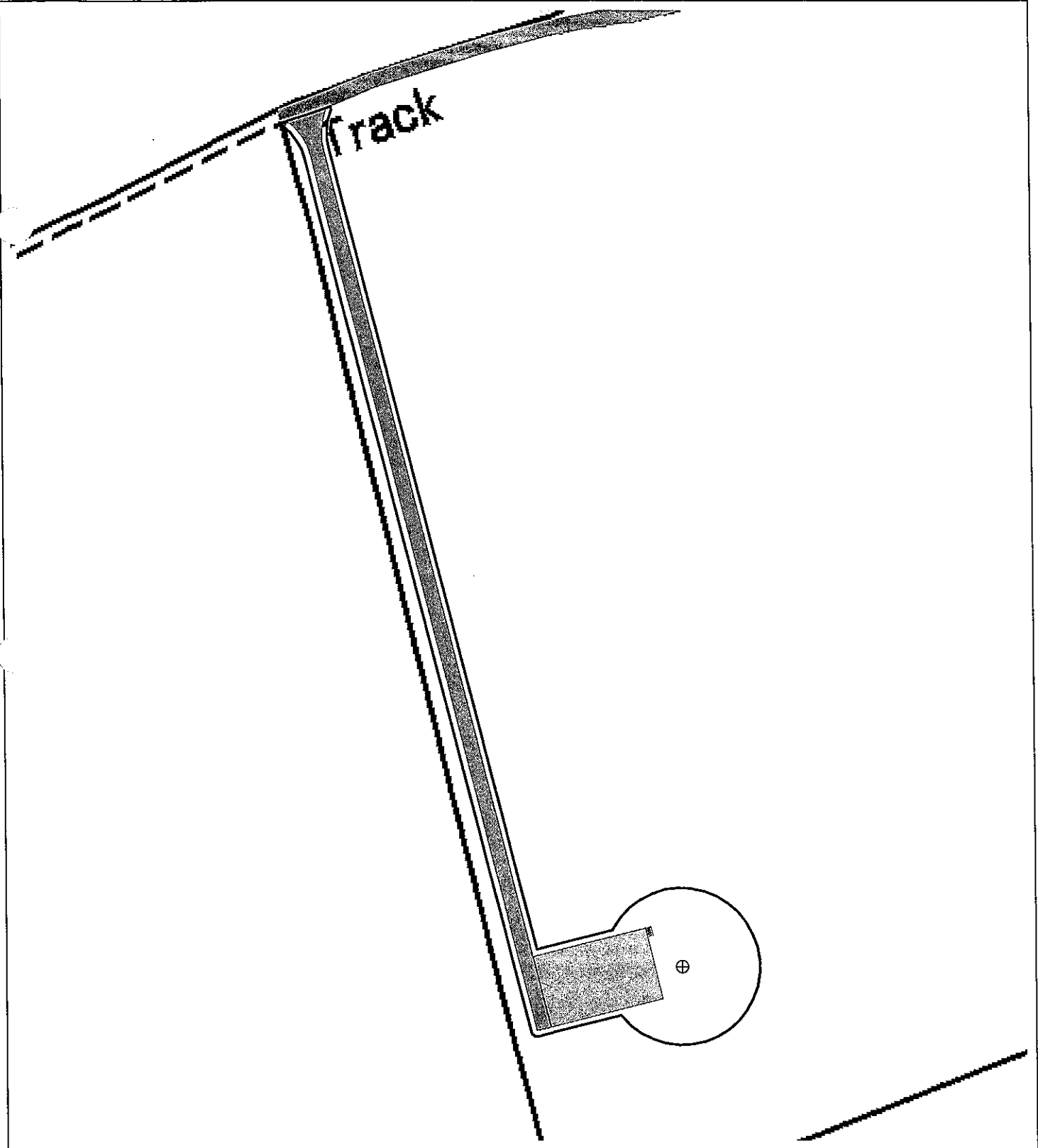
- ⊕ Proposed Turbine Location
- Application Boundary
- ▨ New Access Track
- ▨ Existing Road
- ▨ Not Requiring Upgrading
- ▨ Crane Hardstanding
- ▨ Transformer Building

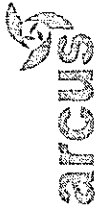
1:1,250 Scale @ A3
0 25 50 m
N

Produced: WM
Reviewed: SC
Approved: ANM
Ref: 949/ENV/002
Revision: A
Date: 12/04/2012

Block Plan
Drawing 002

Nafferton Grange
Planning Application





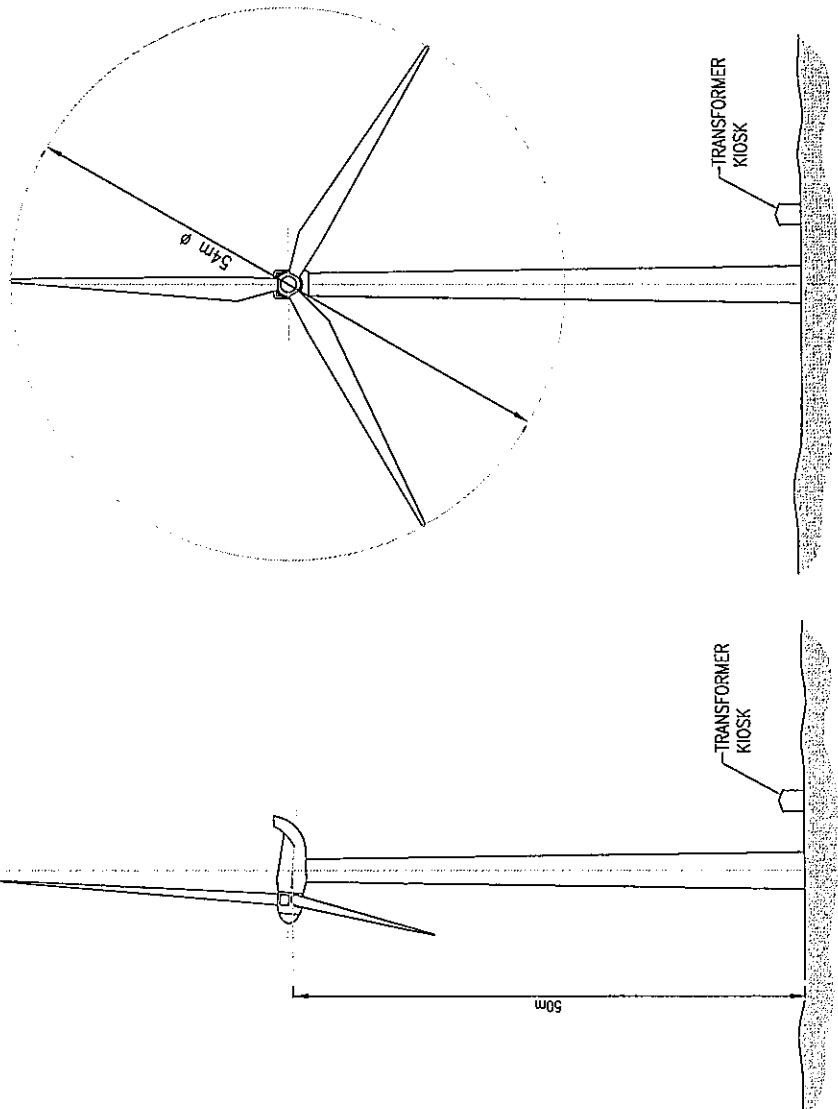
NOTES:

NOT FOR CONSTRUCTION

Produced By: VM
Reviewed By: SC
Approved By: ANM
Ref: 949/PA/003
Date: 04/04/2012
Revision: A

Typical Turbine Elevation
Drawing 003

Nafferton Grange
Planning Application





EAST RIDING OF YORKSHIRE COUNCIL

Report to: Planning Committee
13 September 2012

WARDS: East Wolds And Coastal

**Application for Erection of 1 no. wind turbine (50 metres to hub and 67 metres to tip) and associated infrastructure (Resubmission of 11/04963/STPLF)
At Land East Of New House Farm, Main Street, Cottam, East Riding Of Yorkshire by FW, G & MG Ulllyott
Application Number: 12/02401/STPLF**

Report of the Director of Planning and Economic Regeneration

A. Executive Summary

Application reference 12/02401/STPLF is referred to the Committee for decision.

B. Corporate Priorities

Valuing our environment
Local problem solving
Retaining the East Riding character
A Well Managed Authority

C. Application Type

Strategic - Full Planning Permission

D. Parish

Cottam Parish Council

E. Applicant

FW, G & MG Ulllyott

F. Target Date

21 August 2012

G. Environmental Impact Assessment

Before this application was submitted it was considered within the context of The Town and Country Planning (Environmental Impact Assessment Regulations) 2011 with a view to determining whether an Environmental Impact Assessment was required. Taking into account the requirements of the Regulations and the guidance contained in Circular 02/99 it was determined that an Environmental Impact Assessment was not required in this case.

H. Recommendation

That the application be **REFUSED** as detailed in section 12.1 of this report.

1. INTRODUCTION

- 1.1 This application is identical to the planning application registered as (11/04963/STPLF) which was withdrawn by the applicant in December 2012
- 1.2 The current application seeks full planning consent for the erection of a single 330kw wind turbine measuring 67m to the tip east of New House Farm, Main Street, Cottam. The site is in an undulating agricultural field that is part of the applicant's agricultural holding, located 2km southwest of the village of Langtoft and 850m east of the deserted medieval village of Cottam. The closest major road to the site is the B1249 to the east, which is approximately 6.5km away. The proposed turbine is bounded to the west by a public footpath approximately 670m away, and a bridleway 980m away. The wind turbine will be installed on agricultural land adjacent to the poultry units at New House Farm to supply energy for the farm business.
- 1.3 The turbine mast will be galvanised steel, with the colour to be agreed with the local Planning Authority. The turbine is three bladed and the blades are glass fibre/epoxy resin. The proposal consists of:
 - The erection of the single three bladed wind turbine (330kw) with a hub height of 50m and rotor diameter of 34m, giving a maximum height to blade tip of 67m.
 - A permanent area of reinforced concrete to support the wind turbine approximately 10m x 10m will be set below the finished soil level in order to minimise the land take on the agricultural land use.
 - A permanent crane hard-standing/turning area to be used by crane during construction of the turbine and for the turning of large delivery vehicles within the site. The crane pad will be constructed out of the compressed hardcore, this would remain in place after construction of the turbine for maintenance purpose.

2. PLANS AND ILLUSTRATIONS

Appendix 1 - Site Location Plan.
Appendix 2 - Site Layout Plan.
Appendix 3 - Elevations

3. KEY PLANNING POLICIES

The Development Plan for the area comprises the Regional Spatial Strategy (Yorkshire and Humber Plan 2008) Joint Structure Plan for Hull and East Riding of Yorkshire (2005), the East Yorkshire Borough Wide Local Plan (1997) and the National Planning Policy Framework (NPPF) (2012).

Regional Spatial Strategy

YH1 Overall Approach and Key Spatial Priorities
YH2 Climate Change and Resource Use
ENV1 Development and Flood Risk
ENV5 Energy
ENV6 Forestry, Trees and Woodlands
YH7 Location of development
ENV8 Biodiversity
ENV9 Historic Environment
ENV10 Landscape
E6 Sustainable tourism

The Localism Act 2011 gives the Secretary of State power to revoke Regional Spatial Strategy in whole or in part. The Government's stated intention to revoke can be treated as a material planning consideration with weight to be attached to this intention being left to the decision maker in each case.

Joint Structure Plan

DS7 Development Infrastructure
SP1 Settlement Character
SP4 Landscape Character
SP5 Design of New Development
SP5 Design of New Development
ENV3 Species Protection
ENV6 Built and Historic Assets
ENV7 Archaeological remaining

East Yorkshire Borough Wide Local Plan

EN2 Development in the Open Countryside
EN3 Wolds Area of Landscape Protection
EN11 Species Protection
EN19 Conservation Areas
EN20 Listed Buildings
EN25 Renewable Energy
TM Development and the Transport System

East Riding of Yorkshire Supplementary Planning Guidance

Interim Planning Document on Renewable Energy (2009)

East Riding of Yorkshire Landscape Character Assessment (2005)

National Planning Policy

National Planning Policy Framework (NPPF) (2012)

Technical Guidance to the National Planning Policy Framework (2012) Flood Risk

PPS22 Renewable Energy companion Guide)-2004

Section 66 of Planning (Listed Buildings and Conservation Areas) Act 1990, places a duty on Local Authorities to have regard to the desirability of preserving listed buildings and settings.

4. RELEVANT PLANNING HISTORY

- 4.1 (11/04963/STPLF) Application for the erection of 1no. wind turbine (50 metres to hub and 67 metres to tip) and associated infrastructure at a land east of New House Farm Main Street Cottam East Riding of Yorkshire. Withdrawn - December 2012.

5. CONSULTATION REPLIES

Langtoft Parish Council	Object. The size of the proposed structure would have a detrimental impact on the landscape of the Wolds which is an area of outstanding natural beauty.
SPECTRUM (Ofcom)	No objection.
Highway Control	No objection. Subject to conditions to protect and safeguard traffic in the vicinity.
Public Protection Division	No objection. Subject to conditions regarding the construction and operational phases.
Conservation Officer	No objection
Trees and Landscape	No objection.

Section

	There are no arboricultural concerns arising from this proposal. Impact on the local landscape character is an important consideration and this has been appropriately assessed in the supporting documents.
Yorkshire Water Services Limited	No comments.
English Heritage	No comments. But recommend the application be determined in accordance with national and local policy guidance, and on the basis of internal conservation advice.
NERL Safeguarding Officer	No safeguarding objection.
Ministry of Defence	Objection. The turbine will cause unacceptable interference to Air Defence radar at Staxton Wold. The probability of the radar detecting aircraft flying over or in the vicinity of the turbines would be reduced, and the Royal Air Force (RAF) would be unable to provide a full air surveillance service in the area of the proposed wind farm. If the developer is able to overcome the issues stated above, the MoD will request that the turbine is fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flashes pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.
Royal Society For The Protection Of Birds	No comments received.
Cable And Wireless Worldwide	No objection.
IUS Connections	No comments received.
Landscape + Visual Impact Assessment	Objection. This proposal has the potential to have a significant effect on both landscape character and the visual resource of the area. The relationship between the scale and location of the current proposal appear incongruous to the landscape. More acceptable wind turbine

development in this location would be smaller in scale and with a greater level of direct relationship with a settlement or farm holding, thus allowing the development to be better 'read' and perceived from a range of visual perspectives experienced from across the landscape.

Racal Vodaphone	It shows that the nearest Vodafone link is approximately 380m away from your proposal which does not pose a threat to the VF ATP microwave network.
British Telecom	No comments received.
BBC Research Department	No comments received.
Animal Health (DEFRA)	No comments received.
Home Office	No comments received.
Humberside Fire Brigade - DC only	No comments received.
YEDL	No comments received.
T-Mobile	No comments received.
Telefonica (formerly O2)	No comments received.
Radio Communications Agency	No comments received.
Orange Personal Communications Services	No comments received.
Virgin Mobile	No comments received.
Humberside Police - Operations	No comments received.
Kingston Communications (Hull) Plc	No comments received.

Joint Radio Company Ltd No comment received

BAE Systems No comments received.

National Grid Plant Protection No comments received.

Department of Trade and Industry No comments received.

CAA - Wind Turbines (Anywhere) No objection subject to consultation with MoD.

Humber Archaeology Partnership No objection.

The site lies within an extremely rich archaeological landscape that contains significant heritage assets dating to the prehistoric period. Recommend a condition requiring a written scheme investigation.

Ryedale District Council No comments received.

6. PUBLICITY

6.1 The application was advertised using site notices, press notice and neighbour notification letters.

Neighbours/
Publicity

Sixteen letters of objection have been received. The main points of concern are:-

- Detrimental impact for the Yorkshire Wolds Landscape.
- The turbine complete with flashing red aviation safety can hardly be described as a 'low level development'.
- The proposal will impact on red Kites Active in the area. Yorkshire Wildlife Trust has confirmed hard evidence of collision impact deaths with raptors which include the Highly Protected Red Kite.
- The turbine will dominate the landscape in this area.
- Highway safety concerns as people driving along the B1249 this turbine could become a distraction
- Tourists are very highly weighted preceptors of Landscape Quality and Visual Amenity.
- The site is as far away as possible from the 'financially benefiting farmstead' yet just 400m from neighbouring property.
- Despite significant opposition to the original application, the

applicant has failed to take into consideration any of these issues. He has made no attempt to modify his plans in order to minimize the detrimental affects on the Wolds landscape nor upon that of his immediate neighbour.

- The occupants of Little Westfield that would suffer from the noise and sheer size of the turbine.
- The turbine would be visible from several locations including, Sledmere Monument, Octon Roundabout, Kilham Playing Fields, the site of Medieval village at Cottam and from the B1249 north of Drifffield at the top of Wold Hill from where nearby residents would see it.
- Within the last year, the installation of Commercial Turbine has changed the landscape of The Wolds and East Yorkshire quit significantly, if it continues at this pace The Landscape will be a total silhouette of Commercial Turbines in a once beautiful rural area.
- We strongly feel that if full planning permission was to be given tall structure of this scale only 400 metres from our farmland, it would adversely affect our homes and work environment on daily basis, and have a serious detrimental effect on the surrounding landscape.
- Given Mrs Justice Lang determined 28 May 2012, in a High Court ruling, that Villagers rights to preserve their landscape was more important than the Government's renewable energy targets.
- The proximity of this turbine to nearby premises, footpath and residential boundary it would give rise to concerns relating to safety, noise generation and its impact on wildlife including owls and bats.
- The proposal will obstruct the views of Holderness and on a clear day as far as the Humber Bridge and North Lincolnshire, it would seem likely that a turbine of such a height as that proposed would be viewed from some considerable distance.
- cumulative affects upon the landscape resulting from the increase in the numbers of permitted wind turbines within the locality of the proposed development,
- 400m from the nearest house, which is unacceptable close to one of this industrial size. There are major concerns of noise nuisance and shadow flicker.

Fourteen letters of support from nearby residents. The main point of support are:-

- Support the applicant's for their foresight into wanting to invest in green renewable energy. Having seen the plans and location of this proposed development, I understand the importance of the landscape and the Yorkshire Wolds, however, as a keen

landscape and wildlife photographer and regular visitor to the area, I feel that this would have little detrimental visual impact on the surrounding area”.

- Farmers diversifying and the fact that they are at the same time providing their own energy and adding to the government target for reaching 15% renewable energy by 2020 can only be a positive thing.
- As a horse owner/rider I enjoy the countryside and have ridden where there are single turbine and do not feel that they spoil it or are detrimental to the area. I have not had any negative comments from fellow riders or walkers in the area.
- The proposal will be of benefit to the area.
- I think they are an ideal alternative green energy and are far better than other forms. i.e. nuclear energy
- visual impact of the wind turbines does not impede on the natural landscape.
- The Wolds are sparsely populated area with incoming tourist and I do not imagine that the addition of wind turbine will have a detrimental effect on either.
- I see this as a positive venture in the area and one that will support Rural Business and employment, something that is much needed in this current climate.
- I am, a neighbouring property located approximately half a mile to the north of the proposed development. I wish the application every success in planning.
- We live in the neighbouring village of Langtoft and see no reason why this application should not be agreed. We already have several turbines within the Wolds as far as I am concerned, they have no negative impact on the landscape at all. Over time, I feel they actually become part of the landscape, just as they have done in other European countries.

7. CASE ON BEHALF OF THE APPLICANT

7.1 The application is supported by a Landscape and Visual Impact Assessment, Ecological Impact Assessment, Transport Assessment, Shadow Flicker and Noise Assessment. These reports state that the application provides no significant concerns beyond acceptable thresholds in terms of identified criteria. The main points of support from the applicants proposal are as follows:-

- The substitution of electricity from fossil fuels with green renewable electricity, saving in excess of 418 tonnes of CO₂ per year assuming 6m/s average wind speed;
- Contribute to the aims and objectives of the business, by producing their own green sustainable energy;
- Buffers the farm business from projected increases in energy costs in forthcoming years;
- Contributes to the target set out in the Government's Renewable Energy Strategy of

generating 15% of all the UK's energy from renewable by 2020, which equates to 34-45% of electricity from renewable resources. The focus on the strategy is production from the UK's wind resources;

- The proposal also seeks to take advantage of the recently introduced Feed in Tariff (FIT), which came into force on 1st April 2010;
- Any excess electricity will be sold to the grid, providing small additional revenues to the farming business. This will help diversify and buffer the farming income from increasingly volatile commodity markets; and
- Secures employment through diversified source of income and provision of energy to enable the business to become more competitive in the market place.

8. KEY ISSUES

- Principle of Development and Planning Policy Context
- Landscape and Visual Impact
- Heritage Assets
- Ecology
- Highway Issues
- Radar, Communication and Aviation Safety
- Tourism and Leisure Impact
- Decommissioning

9. OFFICER COMMENTS

- 9.1 Applications are to be determined in accordance with the Development Plan unless there are material considerations which indicate otherwise.

The National Planning Policy Framework (NPPF) is a material consideration which must be taken into account in planning decisions. If the NPPF contains policy guidance that is relevant to this application, the report below will explain this, and consider the extent to which development plan policy is consistent with the NPPF and the weight to be given to that policy. For 12 months **full** weight may still be given to relevant development plan policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The RSS falls into this category. For policies in the JSP and the existing Local Plans **due** weight should be given according to their degree of consistency with the NPPF.

9.2 Principle of Development and Planning Policy Context

- 9.2.1 The proposal would contribute to the national objectives of promoting renewable energy technologies. The UK has a binding target to meet 15% of its total energy consumption from renewable sources by 2020. The proportion of the electricity supply that will need to come from renewable in order to meet this target is projected in the Renewable Energy Strategy to be 30% or more by 2020, and the indicative target is for onshore wind to supply some 29% of the electricity from renewable resources.
- 9.2.2 The high priority placed by Government on the achievement of sustainable sources of

energy supply through the planning system is reflected in particular in para.93 of the National Planning Policy Framework which states that “ Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impact of Climate Change and supporting the delivery of renewable and low carbon energy and associated infrastructure”.

- 9.2.4 The Regional Spatial Strategy for Yorkshire and the Humber Policy ENV5 Sets local targets for contributing to renewable energy capacity, although recent planning appeal decisions within the East Riding have demonstrated that such regional targets are considered to be indicative and its weight against national and regional need for renewable energy development. These appeal decisions have held the requirement to help meet the binding of national targets as a material consideration in the decision making process.
- 9.2.5 The East Yorkshire Borough Wide Local Plan Policy EN25 refers to renewable energy proposals and states that they will be permitted providing that they will not unduly harm the appearance of the landscape, nature conservation interests, residential amenity or sites of archaeological interest. It accepts that wind energy installations are most likely to require prominent locations where they will benefit from high wind speeds, which will probably quality such as the Wolds.

9.3 Landscape and Visual Impact

- 9.2.1 It is recognised at both a national and a local planning policy level that wind turbines are likely to have great visual and landscape effects. Policy EN25 of the Local Plan reflects this view and specifically Policy EN3 seeks to protect the Wolds Area of Landscape Protection against development that would harm the quality of the landscape both individually and cumulatively.
- 9.2.2 The East Riding of Yorkshire Landscape Character Assessment (LCA) indicates that the application site is located on the boundary of landscape Character Areas 14C: Cottam Dale and Wold Farmland and Character Area 14D: Langtoft Dale Wold Farmlands, but is sited in the latter. The Landscape quality of this character type is assessed to be high due to the condition of, and diversity of characteristics that contribute to character. Specifically in relation to wind turbines, it states that the landscape is highly sensitive to development that would alter views and characteristics of the landscape and the introduction of wind turbines as a feature of the landscape would adversely impact on the featureless and open characteristics.
- 9.2.3 The LCA goes onto states that “small scale single turbines that relate to existing settlement or isolated farmstead may be accommodated in some locations. Individual detailed assessment would be required for each proposal. The potential cumulative impact of single turbine development needs to be considered.”
- 9.2.5 This is an elevated, rolling landscape with a large-scale, regular field pattern. A network of steep-sided dry dales intersperse this part of the Wolds and help to create a clear local

character. Settlements are sparsely and scattered across the landscape whilst large farm holdings often form notable landscape features. Woodland cover is moderate and that which is present is often in the form of shelterbelts and farm woodland plantations. Hedgerows are present in the landscape, notably adjacent to highways although the network is to some extent fragmented across the area. All of these elements contribute towards the creation of high quality landscape.

- 9.2.6 The Landscape officer has objected to the proposal on the grounds that it could have a significant effect on both landscape character and the visual resource of the area. Specifically, it is argued that the relationship between the scale and location of the current proposal appear incongruous to the landscape. More acceptable wind turbine development in this location would be smaller in scale and with a greater level of direct relationship with a settlement or farm holding, thus allowing the development to be better 'read' and perceived from a range of visual perspectives experienced from across the landscape. A revised proposal that reflected this advice could potentially be acceptable and meet the policy requirements and reflect the advice in the LCA.

9.5 Heritage Assets

- 9.5.1 Paragraph 129 of the National Planning Policy Framework states that "*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal*". Policy ENV6 goes on to set out that developers need to provide adequate information in order for the impact on the proposal on the significance of any heritage asset to be understood.

- 9.5.2 The cultural heritage and archaeological statement has been submitted with the application which assess the impact of the proposed wind turbine on the significance and setting of scheduled monuments, Listed Building, Conservation Areas and any other assets in the vicinity of the proposed development. The Conservation officer is satisfied that the proposal would have some impact on the setting of the Grade II Listed Cottam House that lies to the immediate west of the site, but this would not be severe. The house will be protected visually by a tree belt which will partially screen the turbine.

- 9.5.3 The site lies in a rich archaeological landscape including a Scheduled Monument to the west (deserted) village of Cottam whose setting should be considered in accordance with Local Plan policy EN13. The Humber Archaeology Partnership have not raised any objection to the proposal subject to conditions. The proposal is acceptable from an archaeological perspective. It is therefore in accord with paragraph 129 of NPPF.

9.8 Residential Amenity (Noise, Visual Amenity and Shadow Flicker)

- 9.8.3 A noise survey has been submitted as part of the application to establish the noise levels at the nearest noise sensitive receptor due the operation of the proposed turbine and to assess the impact of these noise levels against the requirements of ETSU-R97,

"The Assessment and Rating of Noise from Wind Farms". For the nearest Noise Sensitive Receptor the calculated turbine noise level is below the day time and night time noise criteria recommended by ETSU. Taking into consideration that the nearest neighbours outside of the site are located to the east at Littler Westfield (approximately 400m away), a detached two storey farmhouse, the Public Protection officer has not raised any objections subject to conditions.

- 9.8.4 Given the distance of the nearest neighbour, it is considered that there is potential for views of the proposed turbine from both the ground and first floor window of the detached two storey farmhouse. It is considered that these potential views of the turbine are obscured primarily by the tree belt to the west, between the turbine and dwelling but lying much closer to the dwelling. However at a distance of 400m, and taking into account that the fact that the proposal is for a single turbine only, whilst the views from the property would change, the degree of harm to be caused is not considered to be so significant as to render this property an intolerable place to live. The presence of the turbine would be undeniable, but it would be overbearing.
- 9.8.5 Shadow flicker has the potential to occur up to a distance to 10 rotor diameters, which in this case equates to a distance of up to 340m. The nearest residential property to the south-east of the turbine is Little Westfield which is 60m outside this distance therefore it is not anticipated that shadow flicker will occur.
- 9.8.6 On balance it is considered that the proposed development would not generate adverse noise or shadow flicker to the nearby properties. The proposal therefore meets the requirements of paragraph 123 of NPPF.

9.9 Ecology

- 9.9.1 In order to assess the ecological impact of this proposed development, an Ecological Impact Assessment has been submitted to demonstrate if this proposed development would adversely affect the ecological features within the site area. On the basis of the information provided within the report, it can be determined that the immediate area of the development is of low ecological value and it is unlikely that the proposed development will cause significant harm to any protected species. Furthermore the proposed turbine is sited so that the edge of the rotor swept area is more than 50m from the nearest part of any habitat feature. This complies with Natural England Technical Information Note on bats and onshore wind turbines. Recommendations are made in the report in relation to programming the works to avoid key periods for breeding birds. Conditions are recommended to ensure the implementation of appropriate mitigation measures, as identified with the submitted documentation. Hence, the proposed development is not in conflict with paragraph 117 of the NPPF.

9.10 Highways issues

- 9.10.1 The assessment of the proposed new access track that would be used to service indicates that the proposed development would not adversely affect traffic and other road users within the vicinity. The Council's Highways Highway Officers have confirmed that they

do not raise objection to this proposed development because it will not generate an unacceptable increase in the level of traffic movements and on-street parking on the adjacent public highway network. A Traffic Management Plan will be required that includes details of construction vehicle routing. These highway details could be conditioned following any approval of this application. In order to protect and safeguard traffic and other road users in the vicinity in accord with paragraphs 32 and 41 of NPPF.

9.11 Radar, Communication and Aviation

9.11.1 The NPPF paragraph 164 refers to the need for Local Planning Authorities to work with the MOD to ensure they take into account the most up-to-date information about defence and security needs in the area. EN1 Section 5.4 specifically refers to effects on aviation. Paragraph 5.4.12 requires proposals to be designed to minimise adverse impacts on the operation and safety of aerodromes and that reasonable mitigation is carried out. If it is considered that the development would significantly impede or compromise the safe and effective use of defence assets, then consent should not be granted. .

9.11.12 The MOD have objected to the proposal on the basis that the turbine will cause unacceptable interference to Air Defence radar at Staxton Wold. The probability of the radar detecting aircraft flying over or in the vicinity of the turbines would be reduced, and the Royal Air Force (RAF) would be unable to provide a full air surveillance service in the area of the proposed wind farm. The proposal does not therefore meet the policy requirements of paragraph 164 of the NPPF.

9.12 Connection to the National Grid

9.12.1 Cabling on the site from the turbines to the on site substation would be via underground cables. Underground cables would also be used to connect from the substation to the nearest grid connection point. The opening up of the open farm land can affect the visual external appearance of the Wolds Landscape Area, hence a planning condition could be used wherever appropriate to safeguard and protect the character of this landscape area.

9.13 Tourism and Leisure Impact

9.13.1 There is no substantive evidence that suggests wind turbines have a detrimental effect on tourism. West of the turbine there is a public footpath approximately 670m away, and a bridleway is 980m away from the site. The distance is considered to accord with the advice from the British Horse Society in meeting the requirement of a minimum separation of 3-4 times the overall height between the turbine and a horse riding route. This distance is sufficient that no blades will oversail the footpath.

9.14 Decommissioning

9.14.1 The decommissioning of the turbines will involve a similar number of vehicular trips to the construction site phase. The movements will be timed to occur outside of peak

periods so that the impact of these movements on the local network will be reduced. The design of the wind turbine and the choice of location have been consciously made to facilitate ease of the dismantling of the equipment at the end of its useful life- usually 25 years. Annual maintenance will be required and measures will be taken to ensure that this is carried out in accordance with health and safety requirements and to protect the safety requirements and to protect the safety and security of the public.

10. CONCLUSION

- 10.1 Whilst this proposal to provide a renewable energy resource would be acceptable in principle as it accords with National and Development Plan Policy, each application has to be assessed on its own merits taking into account the wider provisions of the development plan particularly relating to the impact of the development on residential amenity and the wider environment. In this case whilst there are no objections to residential amenity on grounds of either noise or shadow flicker or from a highway safety perspective, the proposal would nevertheless have a significant negative visual impact on the wider environment due to its siting in this prominent part of the Yorkshire Wolds landscape. Additionally, an objection has been received from the MOD about the impact of the proposal on the nearby RAF Staxton Wold radar. For these reasons it is not considered that the national imperative to provide renewable energy should outweigh these objections.

11. HUMAN RIGHTS

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

12. RECOMMENDATION

That the application be **REFUSED** for the following reason(S).

1. The proposed turbine would cause unacceptable interference to the radar at RAF Staxton Wold. The Ministry of Defence (MoD) have objected on the basis that the probability of the radar detecting aircraft flying over or in the vicinity of the turbine would be reduced and the RAF would be unable to provide a full air surveillance service. The proposed turbine in this location would be in conflict with paragraph 164 of the National Planning Policy Framework. The benefits of generating green energy does not outweigh the significant harm the proposed wind turbine in this location would have in securing a safe RAF Air Defence radar at Staxton Wold.
2. The proposed turbine would introduce an uncharacteristic vertical structure into the landscape which would be incongruous and visually damaging to the character of this open rural area. The area is designated as the Wolds Area of Landscape Value in the East Yorkshire Borough Wide Local Plan. The proposal conflicts with Policy EN3 which seeks to resist proposals that would not be prominent in or harm the quality of the landscape and Policy EN25 which states that renewable energy proposals will be permitted providing that they do not unduly harm the appearance of the landscape.

The East Riding of Yorkshire Landscape Character Assessment (LCA) (Landscape Character Areas 14c and 14d) recognises that the landscape, which is assessed to be high, is highly sensitive to development that would alter views and characteristics of the landscape and the introduction of wind turbines as a feature of the landscape would adversely impact on the featureless and open characteristics. The LCA also states that "small scale single turbines that relate to existing settlement or isolated farmstead may be accommodated in some locations. Individual detailed assessment would be required for each proposal". The proposed turbine is not well related to adjacent built development. It would dominate this sensitive landscape which is identified as being sensitive to wind turbines. Benefits relating to the provision of renewable energy would not outweigh the adverse landscape and visual impact.

The proposal does not accord with the NPPF paragraph 10, Regional Spatial Strategy (Yorkshire and Humber Plan) policy ENV10, Joint Structure Plan for Hull and the East Riding of Yorkshire policy SP4 (a), and East Yorkshire Borough Wide Local Plan policies EN3 and EN25.

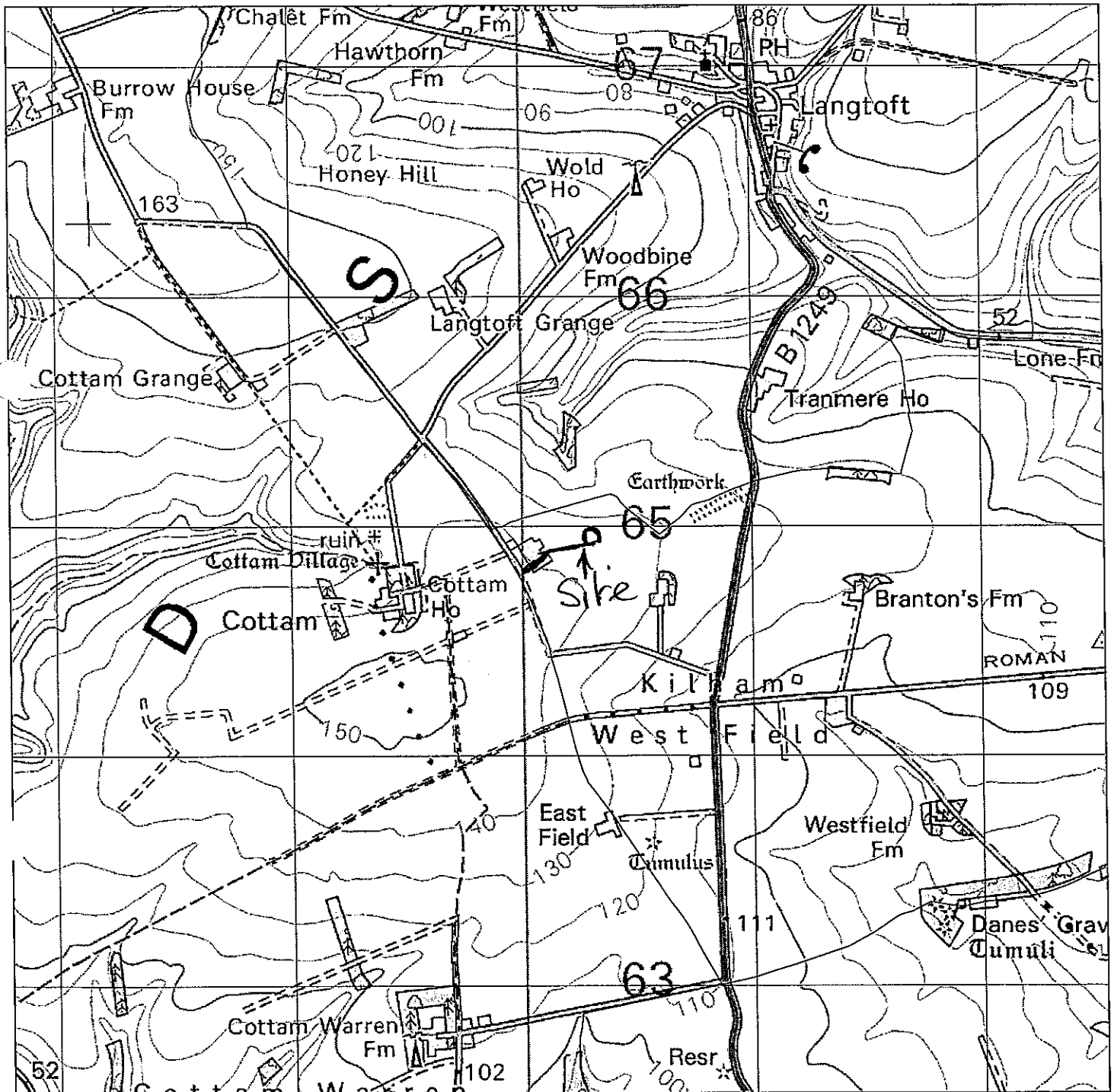
Alan Menzies
Director of Planning and Economic Regeneration.

Contact Officer

Mr Emmanuel Allanah

Background Papers

Committee Plan



Scale : 1:25000

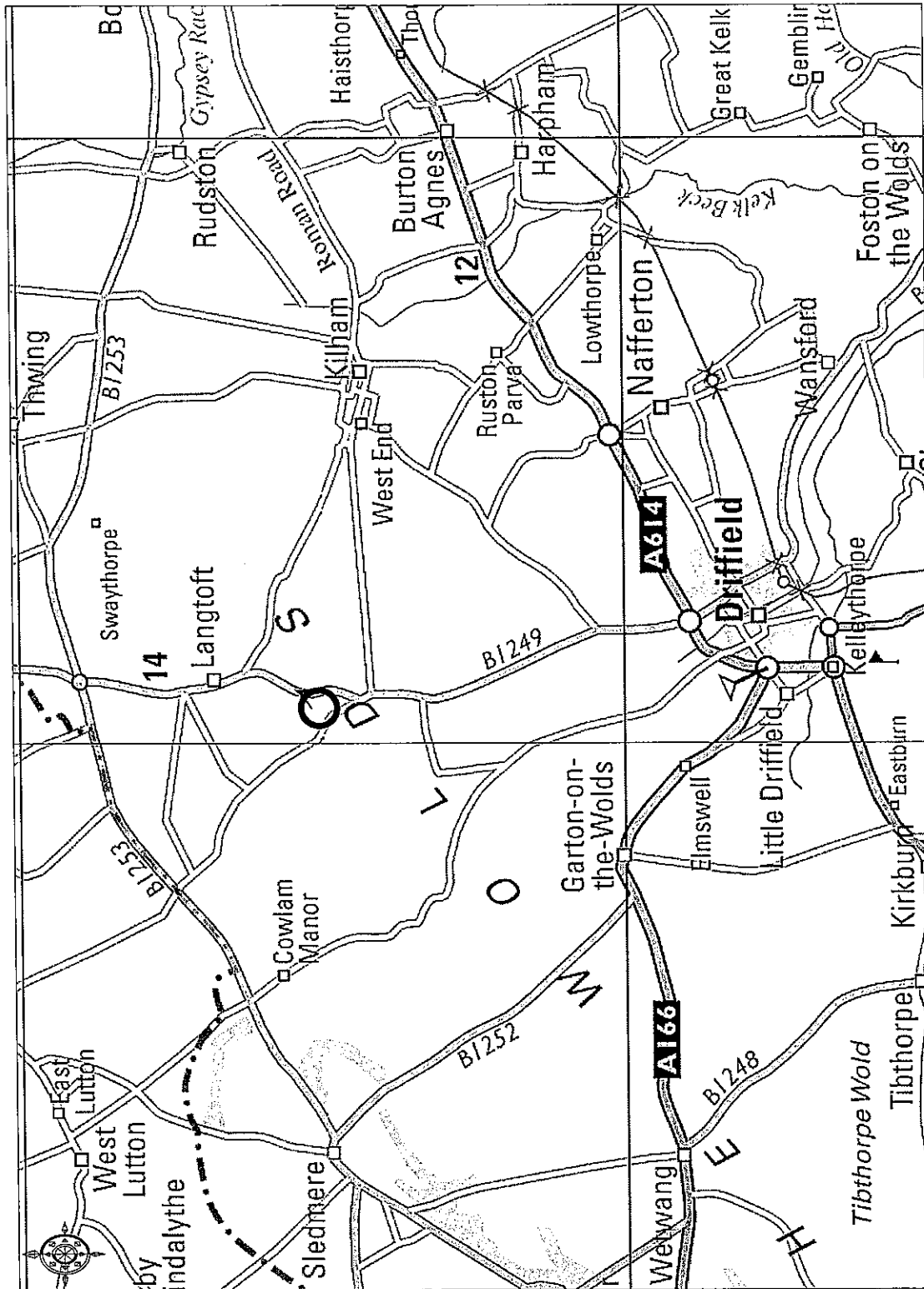


EAST RIDING
OF YORKSHIRE COUNCIL

© Crown copyright. All rights reserved
East Riding of Yorkshire Council
Licence: LA09056L

Organisation	Not Set
Department	Not Set
Application	
Date	30 August 2012
SLA Number	Not Set

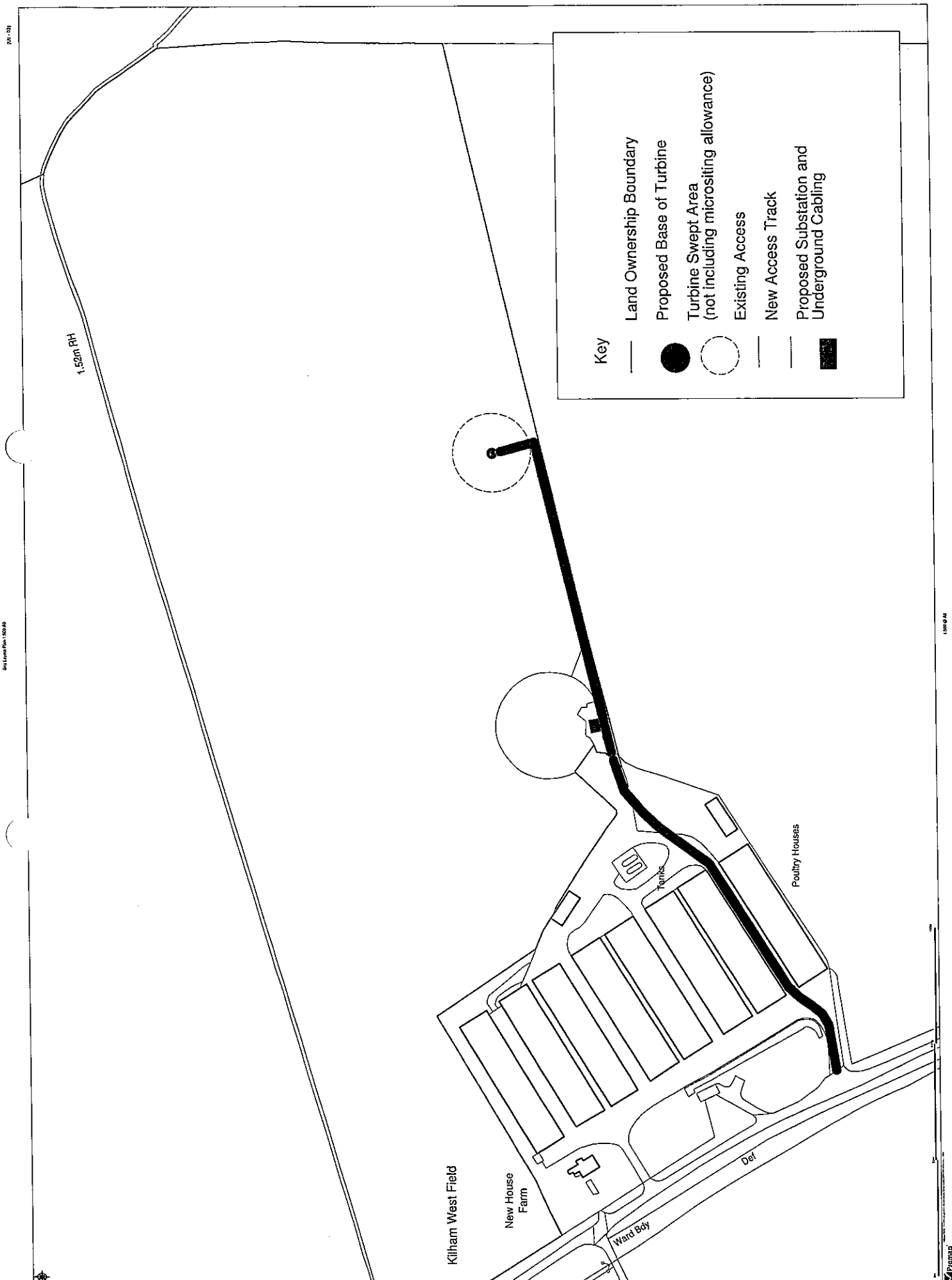
Location Plan

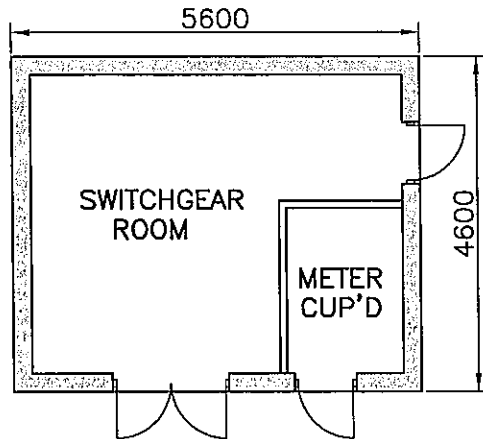


© Collins Bartholomew Limited 2011. All rights reserved. Printed Scale - 1:100000



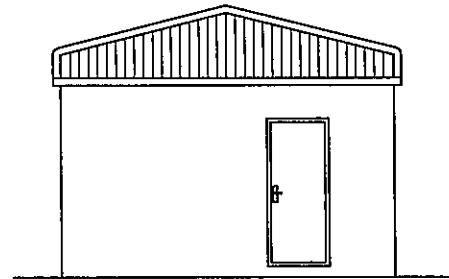
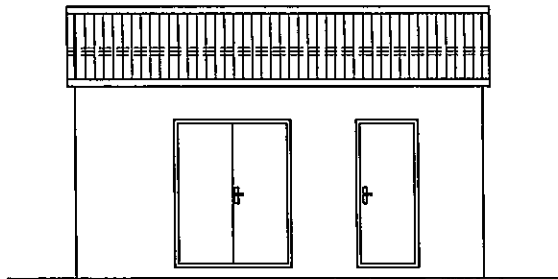
1:100000 @ A4



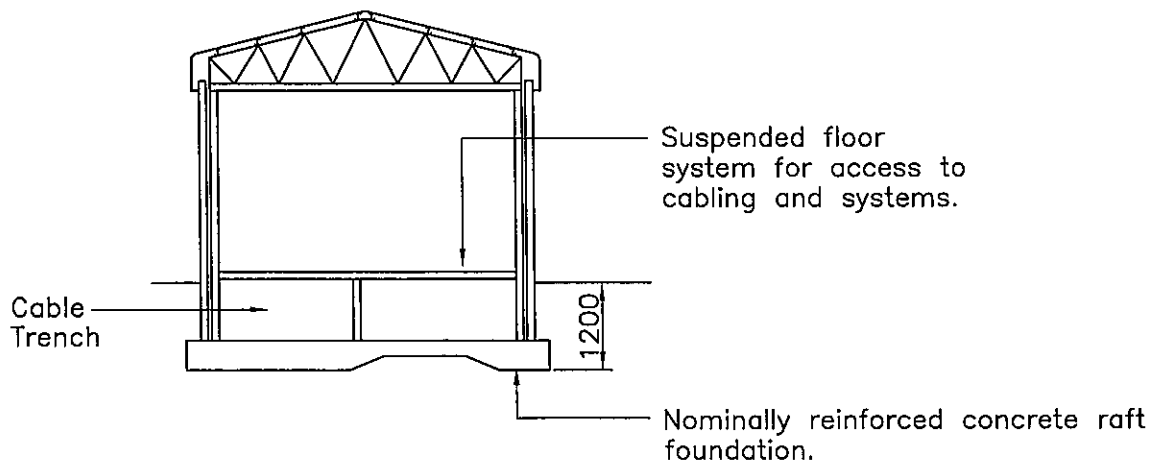


Cavity wall construction of blockwork inner leaf and external leaf finished appropriate to the local vernacular

PLAN



ELEVATIONS



TYPICAL CROSS SECTION

PLANNING APPROVAL!

Drawings and Planning Applications Prepared and Submitted for:

Home Improvements ♦ Extensions ♦ Conservatories

Kris Burnett
Building Surveyor

17 Percy Street, Amble, Northumberland, NE65 0AG
Tel (01665) 711 336 Email kbsurveying@aol.com

Title

TYPICAL SUBSTATION DETAIL

Drawn

KB

Scale

1:100 @ A4

Date

02.03.11

Drawing No.

2208/002

höchste Blattposition
Highest position of blade

Windrichtung
Wind Direction

Option ① ②

Ø 33.4 m

49.00 m

Nabenhöhe 50.09 m

Hub Height

Oberkante Gondel 51.65 m

TOP Nacelle

Gesamthöhe 66.79 m

Overall Height

GOK

FOK

0.15 m

0.05 m

FOK: Fundamentoberkante / TOP Foundation
GOK: Geländeoberkante / Ground Level

Drehrichtung
Rotating Direction

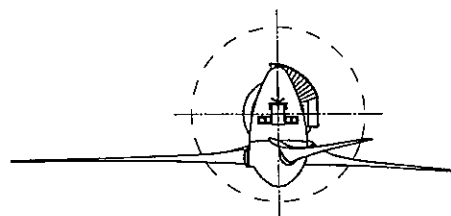
Option ② 52.13 m

Option ① 51.70 m

Ø 1.11 m

Ø 2.55 m

+0.00 m



ENERCON GmbH
Zentrum Aachen
Germany

Abgabedatum
General Release
DN 50 002

Zeichnung
Drawing
3104.200

Ansicht Stahlturm
View Steel Tower
E-33/S149/2K102

30.00.096 - 0
DE 1



① Nachkennzeichnung / Nighttime Marking:
W - Rot / W - Red

② Tageskennzeichnung / Daytime Marking:
weißes Blitzlicht mit Sichtlinienreduzierung
White flashlight with visibility reduction

③ Projekt / Project:
Geländehöhe über NN /
Ground Height Above Sea Level:
Gesamthöhe über NN /
Total Height Above Sea Level:
Optionen / Options:

④ Projektbezogene Angaben /
Project Specific Data

⑤ Projekt / Project:
Geländehöhe über NN /
Ground Height Above Sea Level:
Gesamthöhe über NN /
Total Height Above Sea Level:
Optionen / Options:

⑥ Projektbezogene Angaben /
Project Specific Data

⑦ Projekt / Project:
Geländehöhe über NN /
Ground Height Above Sea Level:
Gesamthöhe über NN /
Total Height Above Sea Level:
Optionen / Options:

⑧ Projektbezogene Angaben /
Project Specific Data

⑨ Projekt / Project:
Geländehöhe über NN /
Ground Height Above Sea Level:
Gesamthöhe über NN /
Total Height Above Sea Level:
Optionen / Options:

⑩ Projektbezogene Angaben /
Project Specific Data

⑪ Projekt / Project:
Geländehöhe über NN /
Ground Height Above Sea Level:
Gesamthöhe über NN /
Total Height Above Sea Level:
Optionen / Options:

⑫ Projektbezogene Angaben /
Project Specific Data

⑬ Projekt / Project:
Geländehöhe über NN /
Ground Height Above Sea Level:
Gesamthöhe über NN /
Total Height Above Sea Level:
Optionen / Options:

⑭ Projektbezogene Angaben /
Project Specific Data

⑮ Projekt / Project:
Geländehöhe über NN /
Ground Height Above Sea Level:
Gesamthöhe über NN /
Total Height Above Sea Level:
Optionen / Options:

⑯ Projektbezogene Angaben /
Project Specific Data

⑰ Projekt / Project:
Geländehöhe über NN /
Ground Height Above Sea Level:
Gesamthöhe über NN /
Total Height Above Sea Level:
Optionen / Options:

EAST RIDING OF YORKSHIRE COUNCIL

Report to: Planning Committee
13 September 2012

WARDS: East Wolds And Coastal

**Application for Erection of a 60m meteorological wind monitoring mast for a period of 24 months
At Land North East Of Waste Water Treatment Works, Out Gates, Gembling
East Riding Of Yorkshire by Mr Stuart Barber
Application Number: 12/02716/STPLF**

Report of the Director of Planning and Economic Regeneration

A. Executive Summary

Application reference 12/02716/STPLF is referred to the Committee for decision.

B. Corporate Priorities

Valuing our environment
Retaining the East Riding character
A Well Managed Authority

C. Application Type

Strategic - Full Planning Permission

D. Parish

Foston Parish Council

E. Applicant

Mr Stuart Barber

F. Target Date

8 August 2012

G. Environmental Impact Assessment

Before this application was submitted it was considered within the context of The Town and Country Planning (Environmental Impact Assessment Regulations) 2011 with a view to determining whether an Environmental Impact Assessment was required. Taking into account the requirements of the Regulations and the guidance contained in Circular 02/99 it was determined that an Environmental Impact Assessment was not required in this case.

H. Recommendation

That the application be **APPROVED** as detailed in section 12 of this report.

1. INTRODUCTION

1.1 The site is located in an agricultural field, approximately 350m to the east of Gembling. The village of Great Kelk is located 1.5km to the north-west of the proposal site. Other settlements of Lissett (to the east) and Foston-on-the-Wolds are located more than 2km away from the proposal site. There is an operational wind farm at Lissett (located approximately 1.2km to the east). The area is surrounded by generally flat arable farmland which extends in all directions, but there is some tree cover close to where the development is proposed.

1.2 The proposal is for the erection of a 60m anemometer mast to test wind speeds and directions. Testing would occur through small devices at the heights of 30m, 40m, 50m and 60m. The mast would be secured to the ground by 7 guy wires. The anemometer mast is to ascertain whether the area is suitable for future wind energy proposals. The mast is proposed for a maximum period of 24 months, after which the land would be returned to its previous state. The site is located in open countryside within the East Yorkshire Borough Wide Local Plan Area.

2. PLANS AND ILLUSTRATIONS

Appendix 1 - Site Location Plan.

Appendix 2 - Site Layout Plan.

Appendix 3 - Elevations

3. KEY PLANNING POLICIES

The Development Plan for the area comprises the Regional Spatial Strategy, Joint Structure Plan, and the East Yorkshire Wide Local Plan.

Regional Spatial Strategy

ENV5 Energy

ENV10 Landscape

The Localism Act 2011 gives the Secretary of State power to revoke Regional Spatial Strategies in whole or in part. The Government's stated intention to revoke can be

treated as a material planning consideration with weight to be attached to this intention being left to the decision maker in each case.

Joint Structure Plan

SP5 Design of new Development

East Yorkshire Borough Wide Local Plan 1997

EN2 Open Countryside

EN25 Renewable Energy

National Planning Policy

National Planning Policy Framework - Section 10 (meeting the challenge of climate change, flooding and coastal change)

Other Documents

East Riding of Yorkshire, Landscape Assessment (2005)

Interim Planning Document on renewable energy developments (2010)

4. RELEVANT PLANNING HISTORY

None.

5. CONSULTATION REPLIES

Parish Council Objection to wind turbine development in this area.

Highway Control No objection.

Nature Conservation Officer (Biodiversity) No objection subject to condition.

Ministry of Defence No objection subject to condition.

NERL Safeguarding Officer No safeguarding objections.

Landscape + Visual Impact Assessment No objections.

CAA - Airspace Policy (Tall Bldgs, Flares, Nuclear) No objections.

6. PUBLICITY

No correspondence received

7. CASE ON BEHALF OF THE APPLICANT

The agent has submitted a design and access statement which puts forward a case for the applicant. Plans were also included in the supporting documentation of the proposal.

8. KEY ISSUES

- Principle of Development
- Impact on the landscape character
- Residential Amenity
- Safety

9. OFFICER COMMENTS

9.1 Applications are to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration which must be taken into account in planning decisions. If the NPPF contains policy guidance that is relevant to this application the report below will explain this, and consider the extent to which development plan policy is consistent with the NPPF and the weight to be given to that policy. For 12 months full weight may still be given to relevant development plan policies adopted since 2004. In other cases due weight should be given to relevant policies according to their degree of consistency with the NPPF.

9.2 Principle of Development

9.2.1 The proposal is for the erection of an anemometer mast to collect and record data on wind speeds and directions at variable heights. Testing would occur at the heights of 30m, 40m, 50m and 60m. The anemometer mast is to measure whether the area is suitable for future wind energy proposals. The mast is proposed for a maximum period of 24 months, after which the land would be returned to its previous state. Any loss of agricultural land would thus be temporary under this application.

9.2.2 Section 10 of the National Planning Policy Framework deals with meeting the challenge of climate change, flooding and coastal change and its Paragraph 97 sets out the responsibility on all communities to contribute to energy generation from low carbon sources. Policy ENV5 of the Regional Spatial Strategy also states that: The region will maximise improvements to energy efficiency and greenhouse gas reduction. Both policies fully support developments in relation to renewable energy and encourage such developments to proceed in order to support the provision of renewable energy installations. Policy EN25 of The East Yorkshire Borough Wide Local Plan generally supports wind energy proposals provided that they accord with environmental and other policies within the Local Plan.

- 9.2.3 In principle, the development accords with the above policy considerations; as the proposal is necessary to establish whether the site would be suitable for the efficient use of wind energy generation.

9.3 Impact on the Landscape Character

- 9.3.1 The proposal site is located within Landscape Character Type 19C: North Holderness Open Farmland, as defined within the East Riding Landscape Character Assessment (2005). The application site does portray some of the outlined characteristics of this zone, in that the site is set within a large open landscape and is arable farmland. The Landscape Character Assessment identifies the area as having medium sensitivity in terms of wind energy proposals, and that the scale of development should reflect the scale of the landscape and landscape pattern. This proposal is for a 60m anemometer mast, which whilst high does not exceed 150mm in diameter. It would therefore be unlikely to intrude on the landscape character, nor would it be dominant in scale to the surrounding landscape due to its slim form and temporary nature.
- 9.3.2 Due to the close proximity of this proposal to an existing windfarm (at Lissett), it is important to consider the cumulative impacts which may or may not arise from the proposed development. The existing windfarm consists of 12, 125m high turbines and a permanent 80m high Anemometer mast to the most western part of the wind farm. Any impact of this single proposed mast would be lessened when viewed in context of the wind farm due to the mass and extent of vertical structures associated with the wind farm. The mast would appear as part of the wind farm from some views, but any further impact on views is considered negligible due to the slim nature of the proposal when viewed in context of the large wind turbines and latticed meteorological mast. In addition the presence of the proposal would be for a temporary period only and would be removed after 24 months.

9.4 Residential Amenity

- 9.4.1 The site is located within an established agricultural area and the mast would be located over 300m from the nearest residential properties not connected to the site. The nearest residential properties are Manor House (350m to the west) and Gembling House (350m to the south-west). Although there would be temporary views of the proposal in the landscape, it is not considered that this would have an adverse impact on the residential amenity of these dwellings. It is therefore considered that due to the slim nature of the proposal and its temporary siting, any impact on residential amenity would be limited.

9.5 Safety

- 9.5.1 In relation to aviation issues, the Ministry of Defence, Civil Aviation Authority and the National Air Traffic Safeguarding unit have all indicated that there are no safeguarding objections to the mast, but the Ministry of Defence have indicated the need for aviation lighting at the tip of the mast. This would be in the form of a small flashing red light or infrared lighting. It is therefore considered acceptable in terms of aviation safety provided

lighting conditions are met.

- 9.5.2 The development would result in very limited highways movements, the majority of which would be during construction. Access to the site would be via the existing farm access track. The components would be delivered in a trailer towed by an agricultural vehicle and there would not be any need for further improvements. The development is considered acceptable in highway terms.

10. CONCLUSION

- 10.1 The proposed anemometer mast consists of a steel pole installed from sections; with a maximum diameter of 15cm. Guy wires would support the 60m structure. The landscape impact of the development would be minimal due to its slim nature and the temporary period of 24 months after which the land would be restored to its previous state. Impact on residential amenity is considered negligible due to the lack of moving parts, the slender size of the pole and guy wires in this open landscape, where larger more intrusive structures are present.

11. HUMAN RIGHTS

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

12. RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. The structure hereby permitted shall remain on site for a limited period only and shall be removed and the land restored to its former condition on or before 1st November 2014.

This condition is imposed in the interests of visual amenities in the area.

2. The proposed mast shall not be erected until details of bird deflectors, including their means of attachment to the guy wires and arrangements for monitoring their continuing presence and replacement where necessary have been submitted to and approved in writing by the local planning authority. The deflectors shall be fitted in accordance with the approved scheme on erection of the mast and they shall be retained, or replaced as necessary, in accordance with the approved measures.

This condition is imposed in order to minimise the impact on wildlife.

3. Prior to erection the proposed mast shall be fitted with 25 candela omni-directional red lighting or infra-red lighting at the highest practicable point and shall remain in place throughout the term of the permission, any variation from this shall first be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development

This condition is imposed in the interests of aviation safety.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Numbers:

Gembling Meteorological mast site plan	Proposed Site Plan	received 08/06/12
E013-015-001	Proposed Elevations	received 08/06/12

This condition is imposed for the avoidance of doubt and to ensure that the development hereby permitted is carried out in accordance with the approved details in the interests of the character and amenity of the area and the provisions of the development plan.

5. Prior to the commencement of development the agent/applicant must notify UK Digital Vertical Obstruction File and Powerlines at the Defence Geographic Centre with the following information:
 - a. Precise location of development
 - b. Dates of commencement and completion of development
 - c. The height above ground level of the tallest part of the development
 - d. The maximum extension height of any construction equipment
 - e. Details of aviation warning lighting fitted to the structure

Relevant Planning Policies

The Development Plan for the area comprises the Humber and Yorkshire Plan - Regional Spatial Strategy to 2026 (2008), Joint Structure Plan for Kingston Upon Hull and the East Riding of Yorkshire (2005), and the East Yorkshire Borough Wide Local Plan (1997).

Regional Spatial Strategy
ENV5 Energy
ENV10 Landscape

Joint Structure Plan
SP5 Design of new Development

East Yorkshire Borough Wide Local Plan
EN2 Open Countryside
EN25 Renewable Energy

National Planning Policy
National Planning Policy Framework - Section 10 (meeting the challenge of climate change, flooding and coastal change)

Other Documents

East Riding of Yorkshire, Landscape Assessment (2005)

Interim Planning Document on renewable energy developments (2010)

Reason for Decision

The proposed anemometer mast consists of a steel pole installed from sections; with a maximum diameter of 15cm. Guy wires would support the 60m structure. The landscape impact of the development would be minimal due to its slim nature and the temporary period of 24 months after which the land would be restored to its previous state. Impact on residential amenity is considered negligible due to the lack of moving parts the slender size of the pole and guy wires in this open landscape, where larger more intrusive structures are present.

The application has been considered against all the above relevant policies and it is therefore considered that the application would not have a detrimental impact on the area, the surrounding settlements nearby residents nor have an overbearing impact on the character of the local landscape.

Alan Menzies

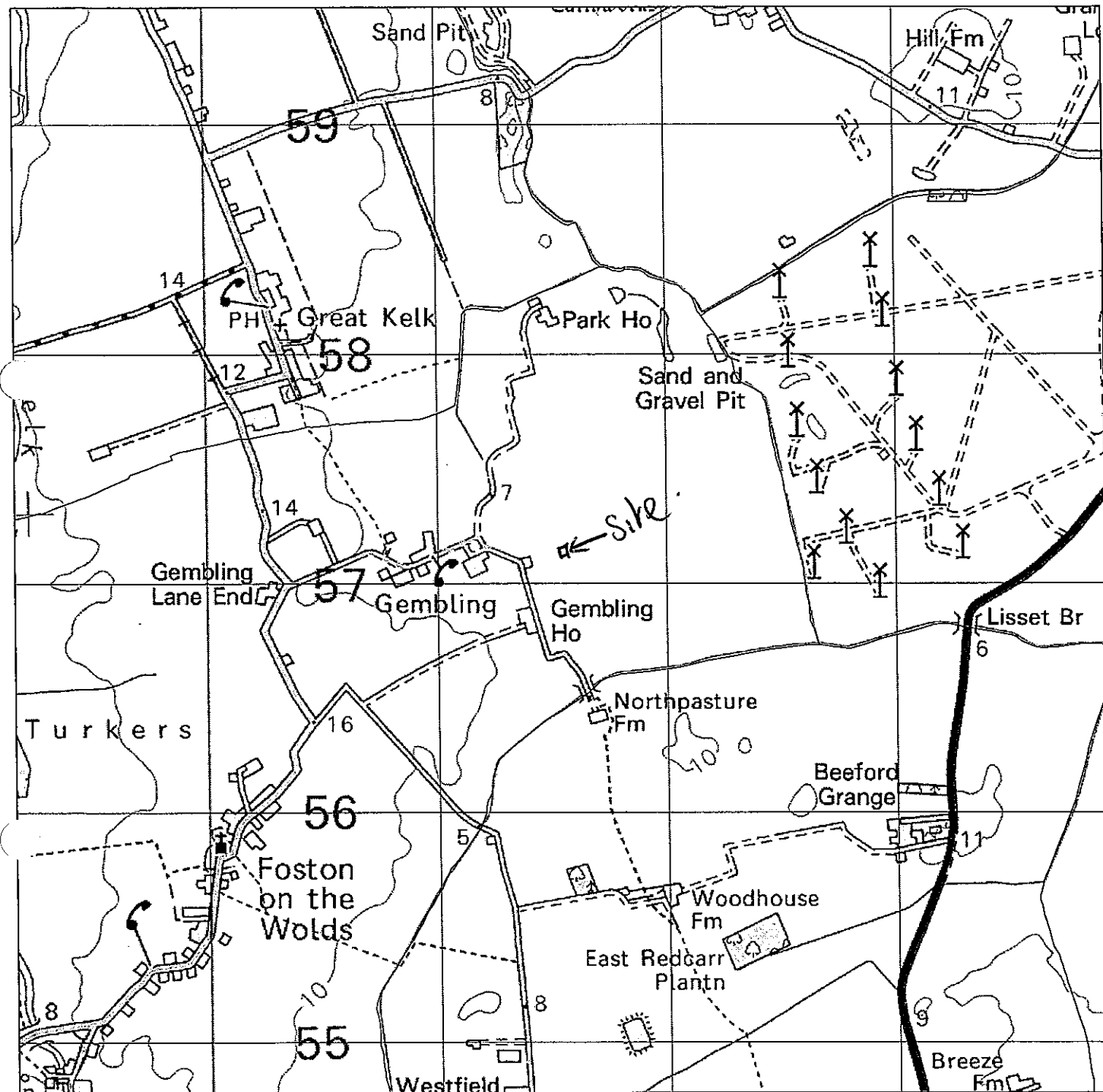
Director of Planning and Economic Regeneration.

Contact Officer

Mr Simon Johnson

Background Papers

Committee Plan



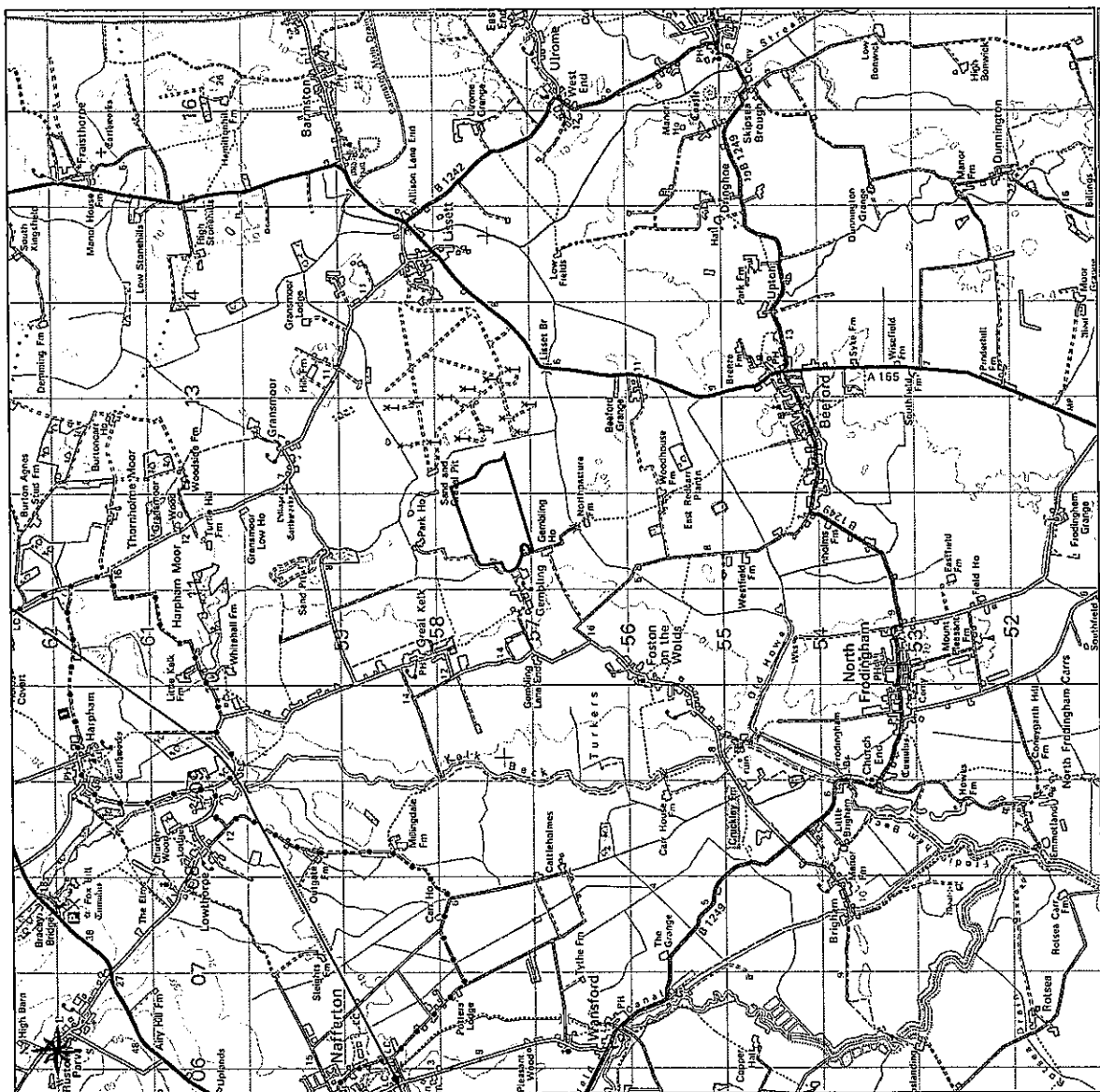
Scale : 1:25000



EAST RIDING
OF YORKSHIRE COUNCIL

© Crown copyright. All rights reserved
East Riding of Yorkshire Council
Licence: LA09056L

Organisation	Not Set
Department	Not Set
Application	
Date	30 August 2012
SLA Number	Not Set

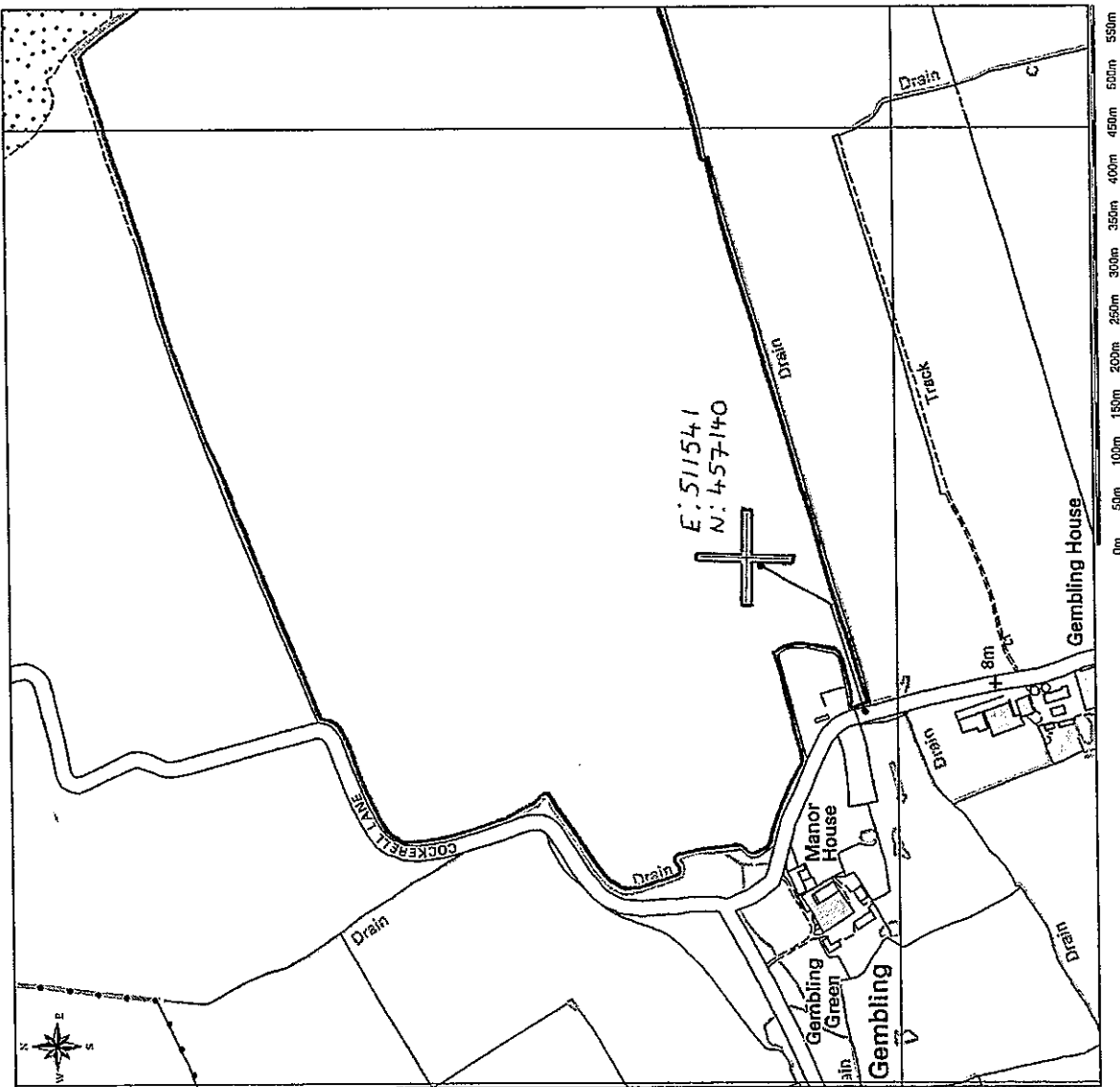


This Plan includes the following Licensed Data: Plans Ahead PDF Printed Plan 50K by the Ordnance Survey National Geographic Database and incorporating surveyed revision available at the date of production. Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary. © Crown copyright, All rights reserved 2011. Licence number 0100031673

plans ahead by emapsite™

Prepared by: Stuart Barber, 02-11-2011

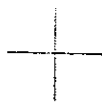
Scale: 1:50000, paper size: A3



Gembling Meteorological mast site plan

Date: 17.05.12

Key:

-  Position of mast
-  Site area
-  Access route
-  Additional land ownership

This Plan includes the following Licensed Data: Plans Ahead PDF Printed Plan 10M by the Ordnance Survey National Geographic Database and incorporating surveyed revision available at the date of production. Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary. © Crown copyright. All rights reserved 2012. Licence number 0100031073

Scale: 1:5000, paper size: A3

plans ahead by **emapsite**

Prepared by: Stuart Barber, 17-05-2012

Agenda Item No.

EAST RIDING OF YORKSHIRE COUNCIL

Report to: Planning Committee
13 September 2012

WARDS: Beverley Rural

Application for Erection of 1 no. wind turbine (44m to hub and 62m to tip),
construction of access track and associated infrastructure
At Land East Of Furrows Farm, York Road, Cherry Burton, East Riding Of
Yorkshire by Windberry Energy Operations Ltd
Application Number: 12/02805/STPLF

Report of the Director of Planning and Economic Regeneration

A. Executive Summary

Application reference 12/02805/STPLF is referred to the Committee for decision.

B. Corporate Priorities

Valuing our environment
Retaining the East Riding character
A Well Managed Authority

C. Application Type

Strategic - Full Planning Permission

D. Parish

Cherry Burton Parish Council

E. Applicant

Windberry Energy Operations Ltd

F. Target Date

12 September 2012

G. Environmental Impact Assessment

Before this application was submitted it was considered within the context of The Town and Country Planning (Environmental Impact Assessment Regulations) 2011 with a view to determining whether an Environmental Impact Assessment was required. Taking into account the requirements of the Regulations and the guidance contained in Circular 02/99 it was determined that an Environmental Impact Assessment was not required in this case.

H. Recommendation

That the application be **REFUSED** as detailed in section 12 of this report.

1. INTRODUCTION

- 1.1 The application site is known as Furrows Farm and it consist of an open field in arable farming use located within an area of high landscape value as defined by Policy E10 of Beverley Borough Local Plan. It is bordered in part by a mature high hedge running along the north, north east and west boundaries. It is bounded on the south by an existing mature woodland and shelterbelts.
- 1.2 The turbine is to be located 70m south of the A1079, which runs in a north west to south east direction from York to Hull via the village of Bishop Burton. The nearest settlement is Bishop Burton which is approximately 2.5km east and the nearest property is the Furrows Farm (landowner's property) which is approximately 380m to the east.
- 1.3 Planning permission is sought to erect a single 3 bladed wind turbine with a hub height of 44.28m and maximum blade tip height of up to 62 metres and associated infrastructure including:
 - The provision of a new access track from the A1079 approximately 105m in length);
 - A crane pad measuring 20m x 16m;
 - 2 no temporary lay down areas, one adjacent to the crane pad measuring 20m x 6m, and one to the south measuring 20m x 4m; and
 - An equipment house.
- 1.4 The wind turbine would generate a 330kW electricity capacity, which is estimated would supply enough electricity for the equivalent of approximately 185 households, based on a 30% capacity factor and annual average consumption of 4,700 kilowatt hours (kWh).

2. PLANS AND ILLUSTRATIONS

Appendix 1 - Site Location Plan.

Appendix 2 - Site Layout Plan.

Appendix 3 - Elevations

3. KEY PLANNING POLICIES

The Development Plan for the area comprises of the National Planning Policy

Framework (2012), Yorkshire and Humber Plan – Regional Spatial Strategy to 2026 (2008), Joint Structure Plan for Hull and East Riding of Yorkshire (2005), and the Beverley Borough Local Plan (1996).

National Planning Policy Framework (NPPF) (2012).

East Riding of Yorkshire Supplementary Planning Guidance

Interim Planning Document on Renewable Energy (2009)

East Riding of Yorkshire Landscape Character Assessment (2005)

Regional Spatial Strategy

YH1 Overall Approach and Key Spatial Priorities

YH2 Climate Change and Resource Use

YH7 Location of development

HE1 Humber Estuary Sub Area Policy

ENV1 Development and Flood Risk

ENV5 Energy

ENV6 Forestry, Trees and Woodlands

ENV8 Biodiversity

ENV9 Historic Environment

ENV10 Landscape

The Localism Act 2011 gives the Secretary of State power to revoke Regional Spatial Strategy in whole or in part. The Government stated intention to revoke can be treated as a material planning consideration with weight to be attached to this intention being left to the decision maker in each case.

Joint Structure Plan

DS7 Development Infrastructure

SP1 Settlement Character

SP4 Landscape Character

SP5 Design of New Development

ENV3 Species Protection

ENV6 Built and Historic Assets

ENV7 Archaeological remains

Beverley Borough Local Plan

P2 Protecting Environment

E3 Development in the Countryside

E6 Development proposals within those area of amenity

E10 The Area of High Landscape Value

EE14 Sites of Nature Conservation Landscape

IN13 Renewable Energy

E35 Archaeology

4. RELEVANT PLANNING HISTORY

4.1 None.

5. CONSULTATION REPLIES

The application has been advertised by site notices, press notice and direct notification to neighbours.

Parish Council Comments awaited.

Highway Control This application is acceptable as the proposed development will not generate an unacceptable increase in the level of vehicle turning movements on the adjacent public highway network. The proposed vehicular access serving the development will need to be wide enough to accommodate the turning manoeuvres of the heavy goods vehicles that will deliver the wind turbine components at the junction with the A1079, York Road. Swept Path Analysis drawings will need to be submitted detailing all the features located in the adjacent highway verge and showing the turning manoeuvres of delivery vehicles both entering and leaving the site. Visibility for the drivers of emerging vehicles should be compatible with the traffic flows and the vehicle speeds that can be expected at this location. Development shall not begin on site until details of any temporary or permanent improvements to the adjacent public highway network have been submitted and approved in writing by the Local Planning Authority. Parking, loading, off-loading and manoeuvring facilities will be provided within the site curtilage to accommodate the storage of heavy duty plant and equipment, including car parking facilities for construction site operatives and visitors. There have been two recorded injury accidents on the adjacent public highway within the period 2007 - 2011.

Public Protection
Division Comments awaited.

Nature Conservation
Officer No objection.

A comprehensive series of ecological surveys have been undertaken on this site.

The assessments have followed appropriate guidance and current best practice to evaluate the ecological effects associated with the proposed scheme. An appraisal of the composite report determines that it contains enough detail to demonstrate that the surveys have

been carried out satisfactorily and that they provide an appropriate level of information about the environmental characteristics of the site. On the basis of the information provided within the report, it can be determined that the immediate area of the development is of limited ecological value and it is unlikely that the proposed development will cause significant harm to any protected species.

Trees and Landscape Section	There are no arboricultural concerns arising from this proposal. Impact on the local landscape character is an important consideration and this has been appropriately assessed in the supporting documents.
Yorkshire Water Services Limited	No objections raised.
English Heritage	The application should be determined in accordance with local and national policy guidance, and on the basis of your specialist conservation advice.
CAA - Wind Turbines	No objection.
Ministry Of Defence	MOD objects to the proposal. The turbine will be 37.7km from, in line of sight to, and will cause unacceptable interference to the AD radar at Staxton Wold. Trials carried out in 2005 concluded that wind turbines can have detrimental effects on the operation of radar which include the desensitization of radar in the vicinity of the turbines, and the creation of "false" aircraft returns. The probability of the radar detecting aircraft flying over or in the vicinity of the turbines would be reduced, and RAF would be unable to provide a full air surveillance service in the area of the proposed wind farm. If the developer is able to overcome the issues stated above, the MoD will request that all turbines be fitted with 200 candela omnidirectional red lighting at the highest practicable point.
NERL Safeguarding Officer	No objection.
Humber Archaeology Partnership	The site lies within an extremely sensitive archaeological landscape, containing heritage assets dating to the prehistoric period. Recommend a condition requiring a written scheme investigation.
SPECTRUM (Ofcom)	No objection.

Royal Society For
The Protection Of
Birds

No comments received.

Landscape + Visual
Impact Assessment

Whilst not objecting to the principle of wind turbine development at this site, this proposal, as submitted, will have a level of effect on landscape character and also the visual resource of the area which could be reduced by re-locating the turbine. A key principle outlined in National Policy Statement for Renewable Energy Infrastructure (EN-3) outlines how the potential harm of renewable energy development should be minimised through careful design, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by reasonable mitigation. In accepting that the most significant effects of this proposal will be experienced at their greatest when in close proximity to the development and reduce as the distance between receptor point and development increases, there appears to be scope to further reduce such impacts. More acceptable wind turbine development in this location could be set further back from the A1079 and with a greater level of direct contextual relationship with the farm holding at Furrows Farm, thus allowing the development to be better 'read' and perceived from a range of visual perspectives experienced from across the landscape.

Cable And Wireless
Worldwide

No objection.

IUS Connections

No comments received.

Racal Vodaphone

No objection.

British Telecom

No objection.

National
Telecommunications
Limited

No objection.

Humberside Airport

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

Animal Health
(DEFRA)

No objection.

Home Office No comments received.

YEDL No comments received.

Telefonica (formerly
O2) No comments received.

Radio
Communications
Agency No objection.

Virgin Mobile No comments received.

Humberside Police -
Operations No comments received.

Julie Harvey
Kingston
Communications
(Hull) Plc No comments received.

Orange Personal
Communications
Services No objection.

Joint Radio Company
Ltd No objection.

BAE Systems No comments received.

National Grid Plant
Protection No objection.

Mr M Ball - Civil
Engineering No comments received.

Department of Trade
and Industry No comments received.

BBC Research
Department No objection.

Atkins-Ofcom No objection.

6. PUBLICITY

Neighbours/ Ten letters of support received with the following points:

Publicity

- I think we should try and encourage the development of renewable energy sources. Projects which are appropriately sited such as this one deserve our full support.
- I believe the proposals for a wind farm in this area should be supported because the site is in a good location and the developers have obviously tried hard to minimise the impact it will have on the surrounding countryside. If we don't begin to switch to cleaner forms of energy, our countryside will definitely suffer –there is no point in putting our heads in the sand or coming up with numerous reasons why “this isn't the right place” for a wind farm. We must begin to combat global warming now and stop placing obstacles in the way of those seeking to develop our sustainable energy production sector.
- Generally I am support of this type of scheme because it protects the environment and helps to conserve dwindling natural resources like coal. I like the idea of supplying our energy needs by natural power and it is important that projects like this get approved so that we can learn how to produce energy more and more efficiently using these new technologies.
- I strongly support this particular application, as it will be located in an area that is not highly populated. I urge the council members responsible for planning to take the necessary action to approve this application.
- There is no way of producing energy that does not have some kind of disadvantage but wind power must surely be one of the most environmentally friendly ways of doing so.
- We need to produce less greenhouse gas and carbon emissions and stop burning fossil fuels.
- We need to decrease our reliance on fossil fuels which in future will need to come from politically unstable countries. There are many positives when it comes to wind turbine power. It is clean source of power, generating no carbon dioxide emissions and leaving no pollutants behind for future generations to clear up; it is safe technology, especially when you think of the problems with nuclear waste and the potential for terrorist attack; wind turbine in Britain is abundant and quite reliable.
- This project has undergone rigorous Environmental Impact Assessment and I believe that the countryside here can accommodate the proposed turbine without negatively affecting surrounding community.
- Wind power is a clean and environmentally friendly way of meeting our energy needs. The planned location is to be recommended as it is quite remote and local residents will not be disturbed.

7. CASE ON BEHALF OF THE APPLICANT

- 7.1 The applicant has submitted a Design and Access Statement, and a Supporting Statement which provides information on the following details: landscape and visual impact, ecology, noise assessment, shadow flicker safety assessment, cultural heritage and highways.
- 7.2 The statement concludes that the development site would lead to the loss of only a modest size area of agricultural land and this would not have an adverse impact on the character of the surrounding landscape. The scale of the turbine would have no direct impact on the surrounding settlements in terms of visual impact or other amenity effects. It has been demonstrated that the proposal would have no adverse impact on heritage assets and no significant amenity or noise impact effects. The vehicles required to deliver both the turbine and ancillary materials to the site would not have a detrimental impact upon the local road network or traffic levels in the area.

8. KEY ISSUES

- Principle of Development and Planning Policy Context
- Landscape and Visual Amenity Impacts including Cumulative Impact Assessment
- Impact on Residential Amenity (Noise and Shadow Flicker)
- Ecology
- Highway issues
- Radar, communication and Aviation safety
- Connection to the National grid
- Decommissioning

9. OFFICER COMMENTS

The National Planning Policy Framework (NPPF) is a material consideration which must be taken into account in planning decisions. If the NPPF contains policy guidance that is relevant to this application, the report below will explain this, and consider the extent to which development plan policy is consistent with the NPPF and the weight to be given to that policy. For 12 months **full** weight may still be given to relevant development plan policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The RSS falls into this category. For policies in the JSP and the existing Local Plans **due** weight should be given according to their degree of consistency with the NPPF.

It is the Government's clear policy intention to revoke the Regional Spatial Strategy subject to the outcome of the environmental assessments that are currently being undertaken. Until it is abolished the RSS remains part of the development plan although the intention to abolish the RSS can be treated as a material planning consideration with the weight to be attached to this intention being a matter for the decision maker

9.1 Principle of Development in Planning Policy Context

- 9.1.1 Paragraph 93 of National Planning Policy Framework (NPPF) affirms that “Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development”. The benefits of developing the use of renewable resources as an increasing proportion of total energy consumption are reflected in the objectives of the European Union and UK law and policy such as the UK Government Climate Change Programme, the Climate Change Act 2008 and the Renewable Energy Strategy 2009. It is therefore accepted that the current proposal would contribute to the national objectives of promoting renewable energy technologies.
- 9.1.2 The Renewable Energy Strategy 2009 represents the latest development of UK energy policy. The UK has a binding target to meet 15% of its total energy consumption from renewable source 2020. The proportion of the electricity supply that will need to come from renewables in order to meet this target is projected in the Renewable Energy Strategy to be 30% or more by 2020, and the indicative target is for onshore wind to supply some 29% of the electricity from renewable resources. In addition, to the headline target of 2020, the European Union Directives requires each member country to submit details of its performance to target s against indicative levels that need to be met in order to achieve the 2020 figure. In these circumstances and having regard to the increase in the headline target from 20% to 30% by 2020, it is considered that significant weight must be placed on the need for the provision of new sources of renewable electricity of which onshore wind is an important element.
- 9.1.3 The Climate Change Act 2008 creates a new legal framework for the UK to reduce, through domestic and international action, greenhouse gas emissions to at least 80% below the 1990 level by 2050. The UK is required to set five-year carbon budgets, which place binding limits on greenhouse gas emissions and define the trajectory towards the 2050 target.
- 9.1.4 The Regional Spatial Strategy for Yorkshire and the Humber Policy ENV5 sets local targets for contributing to renewable energy capacity, although recent planning appeal decisions within the East Riding have demonstrated that such regional targets are considered to be indicative and its weight against national and regional need for renewable energy development. These Policy ENV5 targets are considered to be indicative only and should be considered as a floor rather than a ceiling. The requirement to assist in meeting national targets is a material consideration in decision making.
- 9.6 In conclusion, it is considered that in principle the application would accord with national guidance and local Development policy relating to the provision of renewable energy through the development of wind turbine, and that it would make a valuable contribution towards meeting the national need for renewable energy as established in Government Policy, subject to the evaluation of its impact on the planning issues of landscape character, residential amenity, ecology, highways, radar, communication and aviation safety.

9.2 Landscape and Visual Amenity Impacts including Cumulative Impact Assessment

9.2.1 Regional Spatial Strategy policy ENV10 seeks to safeguard and enhance the landscapes which contribute to the distinctive character of the region. At a local level, policy SP1 of the Joint Structure Plan protects the character and distinctiveness of settlements and their settings. The site lies within Area of High Landscape Value wherein Policy E10 affirms that "Development proposal within an area will only be approved if they are of an appropriately high standard and will not adversely affect to any material extent the special character, appearance or nature conservation value of the landscape".

9.2.2 Policy In13 of the Beverley Borough Local Plan states that "proposals for renewable energy development will be allowed provided the development will meet all of the following criteria.

- it will not significantly detract from the character, appearance or amenity of the area
- it will not conflict with neighbouring land uses
- it will not significantly affect an area of nature conservation or archaeological importance
- it will not cause significant adverse effect on electro-magnetic communication systems
- Account will be taken of any mitigating measures included as part of the proposed development".

In consideration with the above policies, the landscape and visual amenities impacts will be assessed in terms of their impacts on the following:

- Changes to individual landscape elements
- Changes to landscape character
- Changes to designated landscapes and settings and;
- Changes to views and visual amenity of receptors.
- Plus the cumulative impact assessment in terms of the impacts of operational windfarms, wind turbines under construction, approved wind turbine and the submitted application under consideration.

9.2.3 The application includes an assessment of the landscape and visual effects of the wind turbine on the existing landscape within 5km of the proposed site in respect of landscape character and 10km for visual amenity. A Zone of Theoretical Visibility (ZTV) diagram was prepared to help predict those areas which could, in principle, view the wind turbine. Other supporting visual aids included photomontages and wireline drawings to visualise the impact of the wind turbine from selected public vantage points. (These details had been agreed in advance with the Planning Officer during pre-application enquiry stage).

9.2.4 The proposed development's impact on landscape character and its visual prominence are important considerations when determining a proposed wind turbine within an open countryside or arable farm land.

Visual Impact

- 9.2.5 The most significant visual impacts of the development are likely to be those experienced by some isolated properties, road users on the A1079 and the minor lanes that run in close proximity to the site and users of the public right of way network in the area, including the High Hunsley Circuit and to a lesser extent the Wolds Way. These receptor groups are a mix of medium and high sensitivity receptors and this makes the consideration of the visual impacts of this development essential.
- 9.2.6 In light of its elevated, open nature, this landscape facilitates often long-distance perspectives, yet views of the proposed development site will be limited, mainly due to the nature and scale of visual interventions present in the landscape. Whilst this landscape is relatively free from notable visual detractors, features such as electricity pylons, overhead electricity/telecommunications transfer infrastructure and larger-scale farm buildings have an influence on the visual resource of the area. There are also more natural forms of visual intervention present in the immediate landscape and these include significant areas of woodland, a network of hedgerows and notable undulations in the topography of the area. Accordingly, these features help to create a landscape that has a level of capacity to accommodate smaller, appropriately positioned wind turbine development without creating unacceptable effects on the visual resource of the area, nor create a magnitude of change that will be unacceptable for key visual receptors in the area.
- 9.2.7 The Council's Landscape and Visual Impact (LVIA) Officer notes although single turbine development could be accommodated in this location, the effects could be further minimised by locating it further away from the A1079 and in a position that provides it with a greater level of visual relationship with Furrows Farm when viewed from across the local landscape by sensitive receptors. The agent has responded stating that any further set back from the A1079 would increase the length of track and would also locate the turbine closer to Furrows Farm where it could cause nuisance from noise or shadow flicker.
- 9.2.8 The comments raised by both the Council's LVIA officer and the agent are noted. It is acknowledged that moving the turbine closer to Furrows Farm could reduce the local impact of this turbine, but the wider impact would not be significant and this would need to be weighed against any potential impact upon Furrows Farm. Whilst this property does have a financial interest, albeit not the applicant, the amenities enjoyed by residents are a material consideration. (The turbine at present is 400m from the farmhouse).
- 9.2.9 The turbine is located 70m from the A1079 and therefore would be visible from the A1079. Traffic using roads and vehicles passing through an area are however considered to be low sensitivity receptors. The users of the High Hunsley circuit footpath are considered to be medium sensitivity receptors, but it is located over 1km to the south of the site and therefore the proposal would not have any direct impact upon the use of this footpath. Given its close proximity to the road, the turbine would have a significant local impact. The wider landscape impact would be less significant as the landscape would be able to accommodate a single turbine of this proportion without having a significant adverse impact as a result of the undulating landform and other visual interventions and

trees belts. The suggested repositioning of the turbine would potentially improve the visual impact for the low sensitivity receptors driving along the A1079 but this would be at the expense of the amenity of residents of Furrows Farm. On balance, the suggested relocation would not therefore be reasonable and, overall, the scheme is considered to be acceptable in visual terms.

Cumulative Impacts

- 9.2.10 There are two consented windfarms at Sancton Hill and Sober Hill, as well as a series of small-medium single turbine proposals within the wider area, which will, when constructed, impact on the wider character and quality of the landscape. It is therefore important to reflect upon the likely cumulative impacts of this proposal in the context of other such operational or consented development. Cumulative assessment is based on an assessment of the extent to which the development, in combination with other windfarm and turbine development may change the landscape character through either incremental effect on characteristic elements, landscape patterns and quality, or by the cumulative addition of new features.
- 9.2.11 The main cumulative impact of this development will be to add to an expanding 'sequential visibility' in this landscape, where a number of turbines come into view in a sequence of visual 'envelopes' as the receptor 'travels' across the landscape, rather than being visible as a collective in the same view. This is particularly the case along the A1079 with a range of constructed and consented windfarms and single turbines being visible along this route. However, whilst there is an impact from such 'sequential visibility', the effect of this at present is not regarded to be unacceptable in the wider context of landscape character and the visual resource of the area.

9.3 Impact on residential amenity (Noise and Shadow Flicker)

- 9.3.1 Noise - Paragraph 123 of NPPS affirms that " Planning policies and decisions should aim to:
- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new Development;
 - Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new Development, including through the use of conditions.

A noise assessment has been submitted and states that turbine noise levels will not exceed the relevant ETSU noise levels at any local receptor. The comments of the Council's Public Protection officers are awaited and Members will be updated at the Committee Meeting.

- 9.3.2 Shadow Flicker -. Flicker can only occur within 130 degrees either side of north, relative to the turbine and only occurs within 10 rotor diameters of a turbine, in this case 330m. The nearest dwelling to the proposed single turbine is 380m to east (land owner property, Furrows Farm) and the nearest settlement is Bishop Burton which is 2.4km to the east, and therefore both are outside the shadow flicker area.

9.3.4 Visual Amenity - The turbine would be visible to the occupiers of Furrow Farm property (the land owner that is financially involved) at a distance of approximately 380m. Lings Farm to the south is separated by a mature plantation and is situated 850m from the turbine. High Gardham Farm is over 1.3km to the west of the turbine. Grange Farm is located 800m to the north of the turbine across the A1079. Other settlements are more than 2.5km away from the east, and given such distance and existing tree belt, woodland and topography of the immediate surrounding area would assist to screen and limit any likely visual impact. Overall, it is considered that the proposed turbine would not have an unacceptable visual impact upon the enjoyment of these nearby residential properties.

9.4 Ecology

9.4.1 Paragraph 109 of NPPF affirms that “the planning system should contribute to and enhance the natural and local environment by; protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures....”. The application site does not form part of any statutory or non-statutory site of nature conservation. Policy E14 affirms that “All development proposals will be expected to ensure that their effects upon wildlife, natural history, geomorphological and geological features and resources are taken fully into account....”

9.4.2 Ecological Impact Assessment has been submitted focusing on the likely presence of protected species at or near the application site. The survey area consisted of arable fields with rape and wheat crops bounded by deep cut ditches with scattered hawthorn bushes, within the south of the 500m radius a small pool was recorded. The buildings within Furrow Farm were considered, but no obvious bat roost or barn owl potential was observed during survey work. In summary, the survey area is dominated by arable farmland bordered by species poor hedgerows of low ecological value and limited diversity. The habitat is considered to be generally fragmented by defunct hedgerows, but some connectivity exists, due to the presence of mature plantation woodland to the south.

9.4.3 The erection of the turbine will affect breeding and foraging birds during the construction phase as a result of the disturbance caused by an increase in traffic and workers on site and after construction there will be a small loss of habitat and there will also be a residual remote risk of collision of birds with the wind turbine. Other mitigation measures in place include locating the wind turbine in appropriate location to ensure that the edge of the rotor swept area is more than 50m from the nearest part of any habitat feature. This complies with the Natural England Technical Information Note T1N051-Bats and onshore wind turbines.

9.4.4 No objection has been received from the Council’s Nature Conservation and Ecology Officer, and the potential impacts on ecology are considered to be acceptable.

9.5 Highway Issues

- 9.5.1 The planning, design and access statement have been submitted including details of the appropriate delivery route for the wind turbine components.
- 9.5.2 The proposal will involve the creation of a new access road, although using an existing access point from the A1079. The creation of new access can create a significant visual impact within an open countryside or farm land. In order to reduce such visual impact consideration will be given to the type of surfacing materials that will be used and steps taken to reinstate verges and reduce width once construction is completed. Such steps and measures will be condition and this is in accord with PPS22 Companion Guide (Annex). It is also important to note that new access can be of value to farmers and landowners for future management of their farm land, but the steps taken to protect the visual amenity of the landscape area on balance is considered more appropriate.
- 9.5.3 It is considered that the application for the single wind turbine in traffic terms is acceptable as the proposed development will not generate an unacceptable increase in the level of vehicular turning movements on the adjacent public highway network. In order to safeguard traffic in the area, the Highways officers have requested that the proposed vehicular access serving the development is widened in order to accommodate the turning manoeuvres of the heavy goods vehicles that will be delivering the wind turbine components at the junction with the A1079, York Road. These details and other recommended traffic safeguards will be condition in order to ensure that the local planning authority is satisfied with the traffic management of the site application and its surroundings.
- 9.5.4 The turbine is to be located 70m from the A1079. This distance is greater than the 'fall over' distance plus 10% which the PPS22 Companion Guide suggests is an acceptable safe separation distance. In terms of the visual impact upon car drivers, the guide states that 'Drivers are faced with a number of varied and competing distractions during any normal journey, including advertising hoardings, which are deliberately designed to attract attention. At all times drivers are required to take reasonable care to ensure their own and others' safety. Wind turbines should therefore not be treated any differently from other distractions a driver must face and should not be considered particularly hazardous. There are now a large number of wind farms adjoining or close to road networks and there has been no history of accidents at any of them.

9.6 Radar, communication and Aviation Safety

- 9.6.1 The NPPF paragraph 164 refers to the need for Local Planning Authorities to work with the MOD to ensure they take into account the most up-to-date information about defence and security needs in the area. EN1 Section 5.4 specifically refers to effects on aviation. Paragraph 5.4.12 requires proposals to be designed to minimise adverse impacts on the operation and safety of aerodromes and that reasonable mitigation is carried out. If it is considered that the development would significantly impede or compromise the safe and effective use of defence assets then consent should not be

granted.

- 9.6.2 The MOD have objected to the proposal as the turbine will cause unacceptable interference to Air Defence radar at Staxton Wold. The probability of the radar detecting aircraft flying over or in the vicinity of the turbines would be reduced, and the Royal Air Force (RAF) would be unable to provide a full air surveillance service in the area of the proposed turbine. The turbine will cause unacceptable interference to Air Defence radar at Staxton Wold. The probability of the radar detecting aircraft flying over or in the vicinity of the turbines would be reduced, and the Royal Air Force (RAF) would be unable to provide a full air surveillance service in the area of the proposed turbine. The proposal does not therefore meet the policy requirements of paragraph 164 of the NPPF.

9.7 Connection to the National Grid

- 9.7.1 Cabling on the site from the turbines to the existing on-site substation would be via underground cables. Underground cables would also be used to connect from the substation to the nearest grid connection point.

9.8 Decommissioning

- 9.8.1 The decommissioning of the turbine will involve a similar number of vehicular trips to the construction phase. The movements will be timed to occur outside of peak periods so that the impact of these movements on the local network will be reduced. The design of the wind turbine and the choice of location have been consciously made to facilitate ease of the dismantling of the equipment at the end of its useful life - usually 25 years. Annual maintenance will be required and measures will be taken to ensure that this is carried out in accordance with health and safety requirements and to protect the safety and security of the public in accord with paragraph 123 of NPPF.

10. CONCLUSION

- 10.1 It is considered that the proposed development in principle would accord with paragraph 93 of NPPF and the relevant policies of Beverley Borough Local Plan relating to the provision of renewable energy subject to the evaluation of its impact on all relevant planning issues identified in this report.
- 10.2 The turbine would form a feature within the local landscape which is designated in the Local Plan as part of the area of high landscape value, but this is not a national statutory designation. Given the existing topography of the landscape area, the proposed wind turbine would introduce a vertical element into a medium scale landscape. On balance it is considered the turbine would not have a significant adverse effect on either the wider or local landscape.
- 10.3 The proposed turbine is considered not to have an adverse effect on the amenities enjoyed by nearby residents in terms of noise, appearance or shadow flicker.
- 10.4 An objection has been received from the MOD on the basis that development will cause

unacceptable interference to the Air Defence radar at Staxton, and the Royal Air Force (RAF) would be unable to provide a full air surveillance service in the area. The benefit of the proposed wind turbine in generating renewable energy did not outweigh the benefit of the RAF being able to provide a full air surveillance service in the area of the proposed wind turbine. Hence, the application is conflict with paragraphs 18, 19 , 93 and 163 of NPPF. .

11. HUMAN RIGHTS

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

12. RECOMMENDATION

That the application be **REFUSED** due to following reason.

1. The proposed turbine would cause unacceptable interference to the radar at RAF Staxton Wold. The Ministry of Defence (MoD) have objected on the basis that the probability of the radar detecting aircraft flying over or in the vicinity of the turbine would be reduced and the RAF would be unable to provide a full air surveillance service. The proposed turbine in this location would be in conflict with paragraph 164 of the National Planning Policy Framework. The benefits of generating green energy does not outweigh the significant harm the proposed wind turbine in this location would have in securing a safe RAF Air Defence radar at Staxton Wold

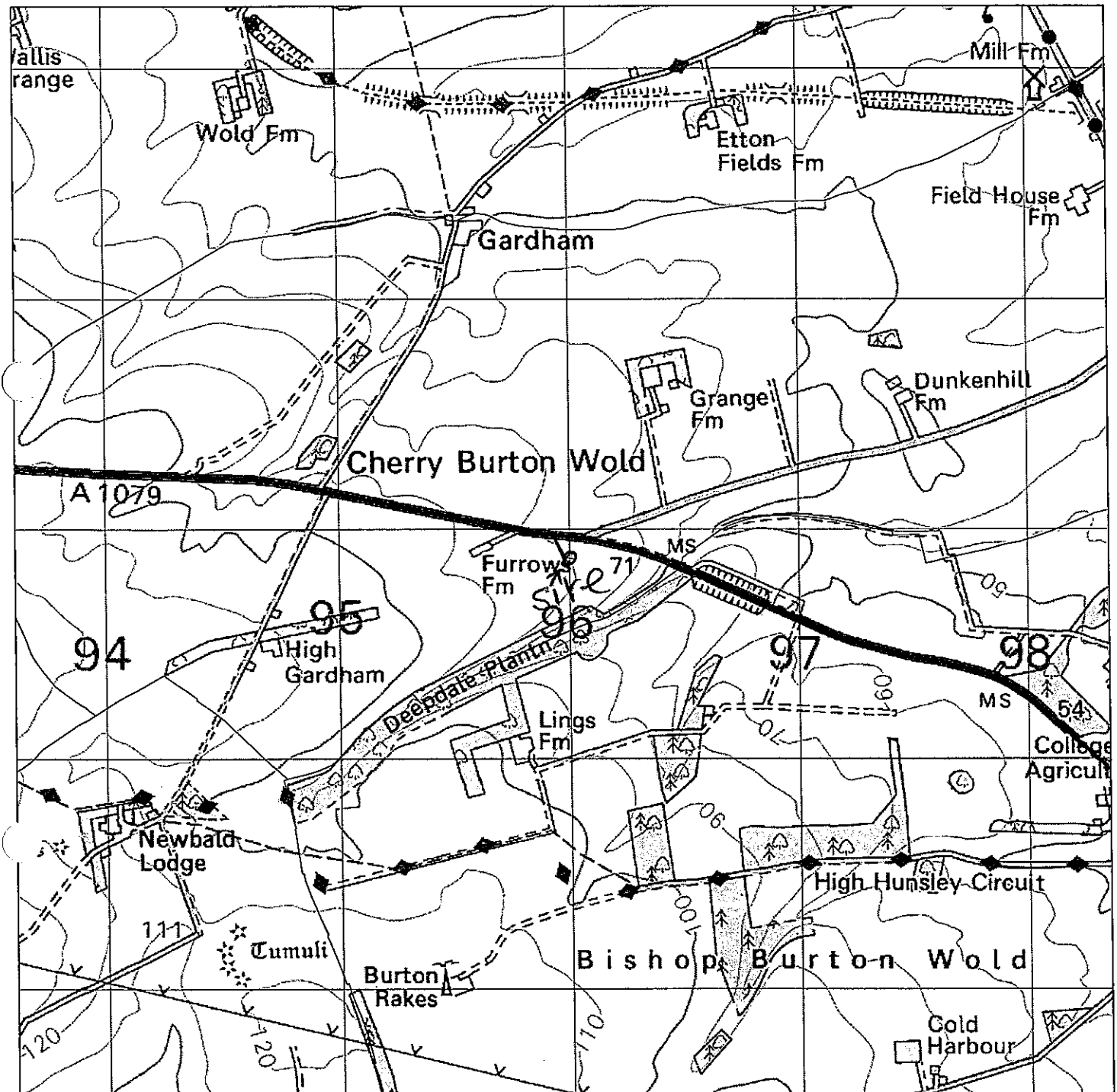
Alan Menzies
Director of Planning and Economic Regeneration.

Contact Officer

Mr Emmanuel Allanah

Background Papers

Committee Plan



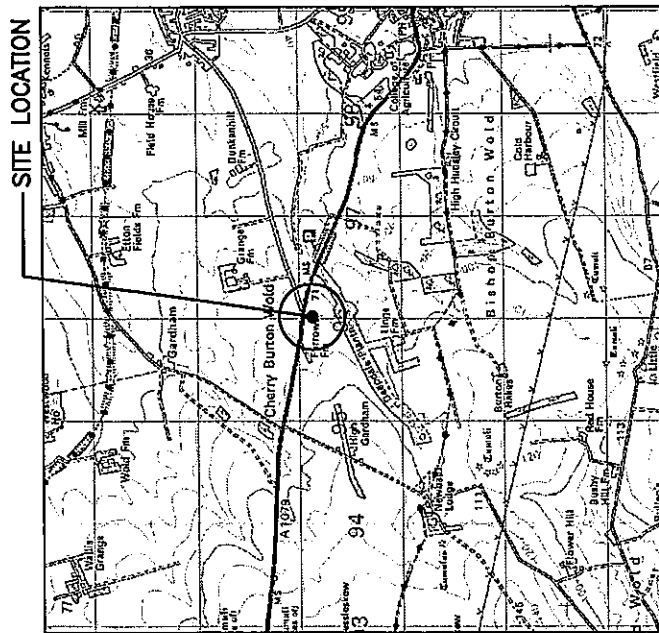
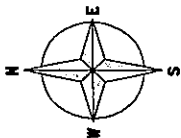
Scale : 1:25000



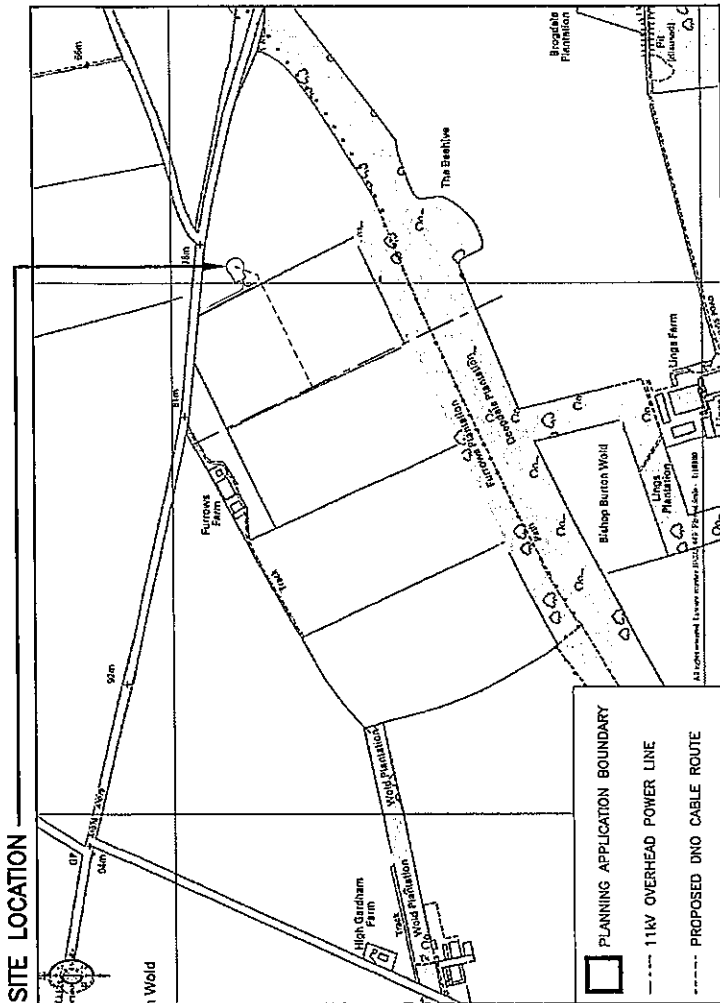
EAST RIDING
OF YORKSHIRE COUNCIL

© Crown copyright. All rights reserved
East Riding of Yorkshire Council
Licence: LA09056L

Organisation	Not Set
Department	Not Set
Application	
Date	30 August 2012
SLA Number	Not Set



SITE LOCATION
(Scale 1:50000)



DETAILED SITE LOCATION
(Scale 1:10000)

NOTE - Reproduced from the Ordnance Survey Map with the permission of the Controller of H.M. Stationary Office. (c) Crown copyright licence number 100024244 Savills (L&P) Ltd. NOTE - Published for the purpose of identification only and although believed to be correct its accuracy is not guaranteed.

SITE NGR:
496035 E / 440872 N

MSV: DATE: 01/09/11 BY: NC

Wessex House,
Wimborne,
Dorset,
BH21 1PB
Tel: (01202) 856800
Fax: (01202) 856801

savills

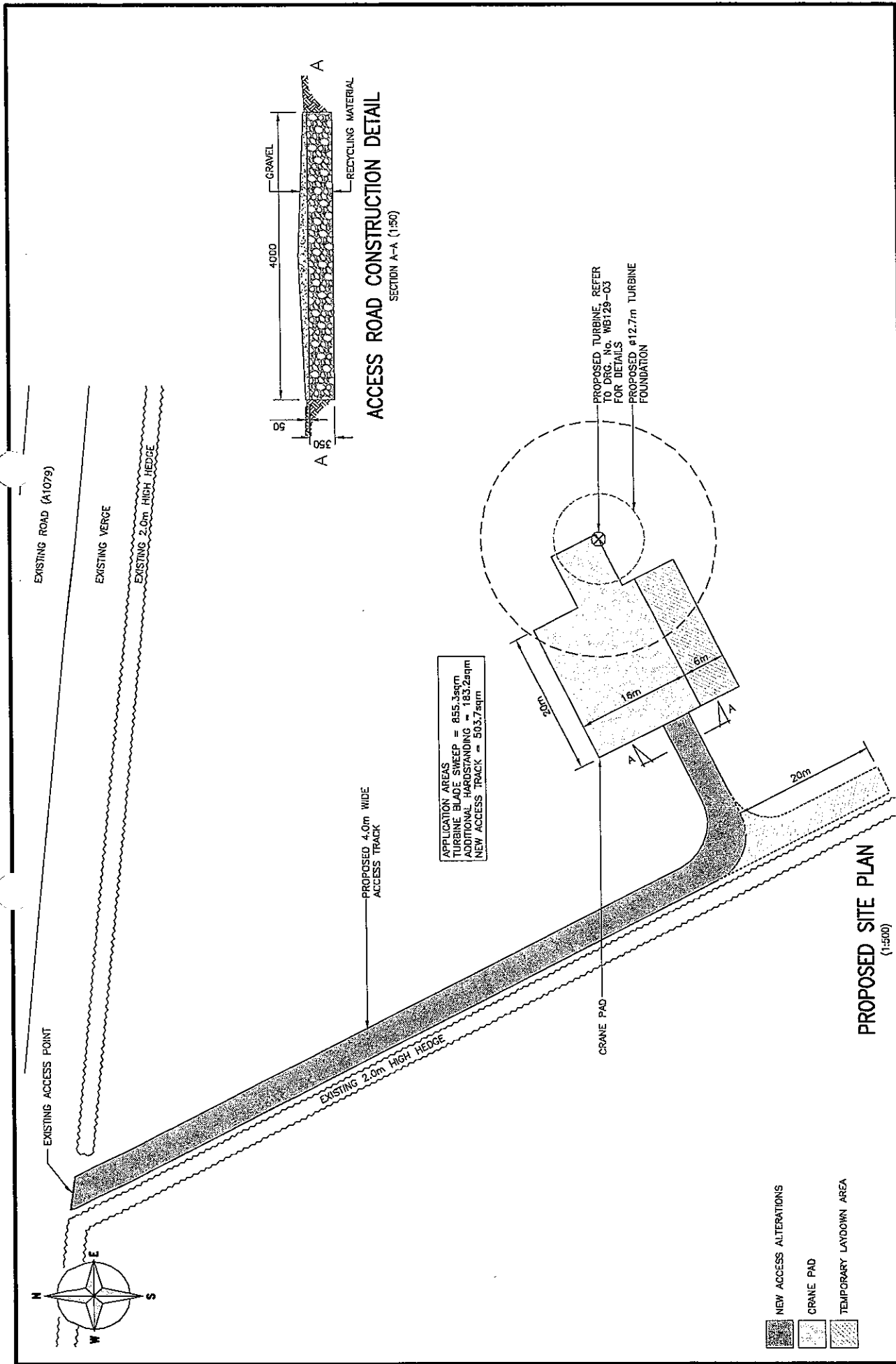
SITE ADDRESS:
FURROWS FARM
BEVERLEY
EAST YORKSHIRE
HU17 7RU

**FURROWS FARM
SITE LOCATION MAPS**

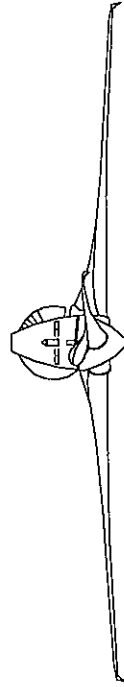
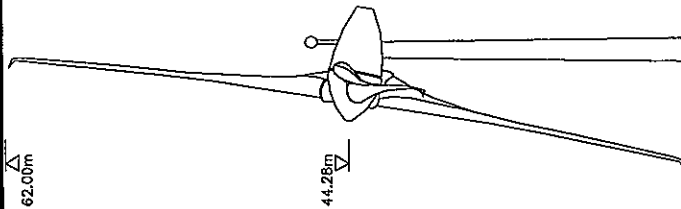
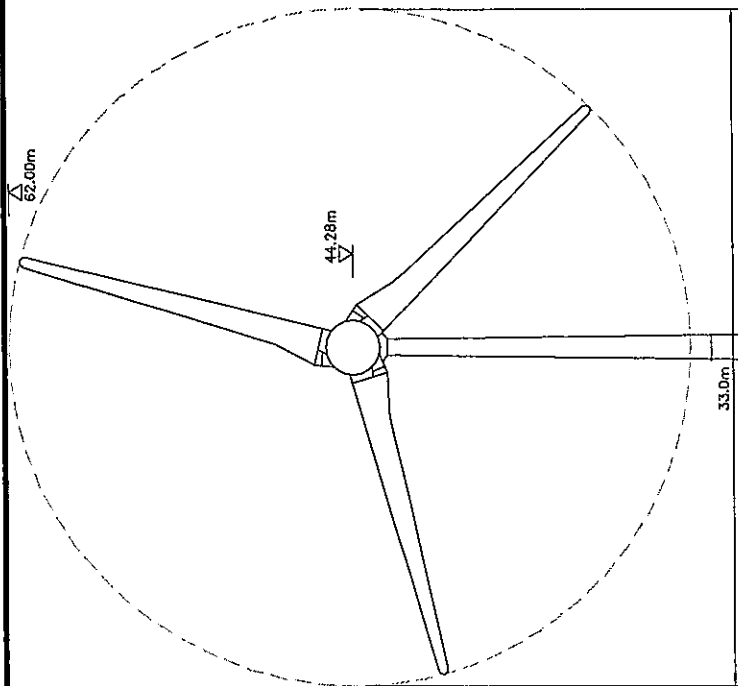
REV	DATE	DESCRIPTION	BY	CHK
A	05/09/11	FOR INFORMATION	BB	NC
B	02/05/12	REVISED TO PLANNERS COMMENTS	BB	NC

**FURROWS FARM
BEVERLEY
EAST YORKSHIRE
HU17 7RU**

SCALE	AS SHOWN	DRAWING STATUS	Site No.	Org No.	REV
		INFORMATION	WB129/01		B



Wessox House, Wirdborne, Dorset, BH21 1PB Tel: (01202) 856800 Fax: (01202) 856601		FURROWS FARM BEVERLEY EAST YORKSHIRE HU17 7RU		REV		DATE		DESCRIPTION		BY		CHK	
				A		05/09/11		FOR INFORMATION		BB		NC	
savills				B		02/05/12		REVISED TO PLANNERS COMMENTS		BB		NC	



PLAN VIEW
(1:250)

FRONT ELEVATION
(1:250)

SIDE ELEVATION
(1:250)

PROPOSED EQUIPMENT
HOUSING

GROUND LEVEL

PROPOSED EQUIPMENT
HOUSING

GROUND LEVEL

Wessex House, Wimborne, Dorset, BH21 1PB Tel: (01202) 856800 Fax: (01202) 856801		FURROWS FARM BEVERLEY EAST YORKSHIRE HU17 7R				REV		DATE		DESCRIPTION		BY		CHK		FURROWS FARM TURBINE DETAILS		Site No. WB129/03		REV B	
						A		05/09/11		FOR INFORMATION		BB		NC							
						B		02/05/12		REVISED TO PLANNERS COMMENTS		BB		NC							
		</																			

EAST RIDING OF YORKSHIRE COUNCIL

Report to: Planning Committee
13 September 2012

WARDS: Beverley Rural

Application for Construction of a temporary drilling site with associated access, to drill an appraisal borehole for the purposes of mineral exploration (petroleum)
At Land South West Of Crawberry Hill, Walkington Heads, Walkington, East Riding Of Yorkshire by Rathlin Energy (UK) Limited
Application Number: 12/02945/STPLF

Report of the Director of Planning and Economic Regeneration

A. **Executive Summary**

Application reference 12/02945/STPLF is referred to the Committee for decision.

B. **Corporate Priorities**

Valuing our environment
Local problem solving
Retaining the East Riding character

C. **Application Type**

Strategic - Full Planning Permission

D. **Parish**

Bishop Burton Parish Council

E. **Applicant**

Rathlin Energy (UK) Limited

F. **Target Date**

25 September 2012

G. **Environmental Impact Assessment**

Before this application was submitted it was considered within the context of The Town and Country Planning (Environmental Impact Assessment Regulations) 2011 with a view

to determining whether an Environmental Impact Assessment was required. Taking into account the requirements of the Regulations and the guidance contained in Circular 02/99 it was determined that an Environmental Impact Assessment was not required in this case.

H. Recommendation

That the application be APPROVED subject to the conditions set out in Section 12 of this report.

1. INTRODUCTION

- 1.1 The site lies in open countryside within an agricultural field, separated from the Walkington Heads road by a hedgerow boundary. The site measures 0.99ha, and gradually slopes down from Walkington Heads to the Flowery Dale to the north. The site is located approximately 1.5km to the north west of Walkington and 2km south west of Bishop Burton. The nearest residential properties to the site are Cold Harbour Farm located approximately 850m to the north, Walkington Wold Farm around .97km to the southwest and Westfield Farm located approximately 1.07km to the south east, towards Walkington. A line of National Grid electricity pylons runs immediately northwest to southwest, adjacent to the northern field boundary. The site is in the Wolds Area of High Landscape Value under the Beverley Borough Local Plan and in a Groundwater Protection Zone.
- 1.2 The Applicant received planning approval for a temporary well site at Crawberry Hill in January 2012, application reference 11/04441/STPLF. Following receipt of this permission, the applicant was not able to agree commercial terms to lease the land on the approved site. This application is for a new well site, but proposes the same development as previously approved. The proposal is similar in every respect to the previous application, except the new location is approximately 280m to the west of the original site location. The proposed site covers an area of approximately 80m x 120m.
- 1.3 The proposed development is for a temporary well site for the purposes of testing for petroleum. The proposal involves drilling up to two conventional exploratory petroleum wells, which, if successful, would be followed by a short period of testing. The construction phase is anticipated to take five weeks involving the removal of topsoil and associated vegetation, and then the levelling of the site. It would require the delivery of up to 200 lorry loads of hardcore to site to form the hardstanding and both vehicular crossing (within the public highway) and access within the site leading to the public highway constructed/surfaced with bituminous material to reduce the possibility of detritus being deposited on the highway by vehicles exiting the site.
- 1.4 Heavy Goods Vehicles accessing the site will travel from the A1079 along Killingwoldgraves Lane/ Coppleflat Lane and along the C13, Walkington Heads to the site. This would involve the excavation of material nearest the Walkington Heads boundary of the site and its re-use on the lower levels of the site to form a platform and topsoil bund.
- 1.5 Within the site, it is proposed the topsoil and subsoil will be removed and stored within

the site in separate bunds, the site levelled and hard standing formed of imported hard core to accommodate the drilling works, plant etc and parking area and accommodation for site personnel. An access point to the field from Walkington Heads would be widened to allow access for vehicles. This would involve the removal of a section of hedgerow.

- 1.6 A lined perimeter drainage ditch would be formed to collect surface water, for off site disposal. The site would be lined with an impermeable membrane, and sand and hardcore would be placed on top of the membrane. The access track would be constructed 10m into the site and be constructed of tarmac.
- 1.7 The well head area would be constructed in the middle of the site. This would consist of an exploratory well, involving the drilling of vertical boreholes through a concrete ringed containment area. The drilling would take place down to a distance of 2500m to the potential petroleum reservoir. Air, lubricant and water would be used to aid the drilling operation. The drilling rig itself is a 49m high lattice mast structure.
- 1.8 There would be also be number of temporary tanks, pipe work, generators, demountable buildings and staff facilities, including car parking and a perimeter fence. Another 60 deliveries associated with erection of the drilling rig and equipment will be required. After the site becomes operational the average number of vehicle movements to the site per day will be 15 cars and 4 HGVs.
- 1.9 The drilling operations itself would continue 24 hours a day once started and would carry on over a period of five to ten weeks. If the preliminary testing proves successful, the applicant may wish to drill a second well on the site for a further period of five to ten weeks. If petroleum is established, the applicant may then wish to undertake an extended 90 day test.
- 1.10 On completion of the drilling/testing, the drilling rig is to be removed and restoration works carried out. The rig will take approximately one week to remove from the site. The site will then be restored back to its existing condition over five weeks.
- 1.11 Whilst not forming part of this application, the applicant has indicated that if commercial quantities of petroleum are present, the applicant would suspend the well's operation pending the decision on a further planning application for the production of petroleum.

2. PLANS AND ILLUSTRATIONS

Appendix 1 - Site Location Plan.

Appendix 2 - Drilling Rig Layout Plan.

Appendix 3 - Drilling Cross Section

Appendix 4 - Topographical Cross Section

3. KEY PLANNING POLICIES

The Development Plan for the area comprises the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 (2008), Joint Structure Plan for Kingston Upon Hull

and the East Riding of Yorkshire (2005), Joint Minerals Plan for Kingston Upon Hull and the East Riding of Yorkshire (2004) and the Beverley Borough Local Plan (1996).

Regional Spatial Strategy

The Localism Act 2011 gives the Secretary of State power to revoke Regional Spatial Strategies in whole or in part. The Government's stated intention to revoke can be treated as a material planning consideration with weight to be attached to this intention being left to the decision maker in each case

YH1 Overall Approach and Key Spatial Priorities

YH2 Climate Change and Resource Use

HE1 Humber Estuary sub area policy

ENV3 Water Quality

ENV4 Minerals

ENV7 Agricultural Land

ENV8 Biodiversity

ENV9 Historic Environment

ENV10 Landscape

Joint Structure Plan

SP4 Landscape Character

ENV7 Archaeological Remains

Joint Minerals Plan

DC1 Development Control Criteria

DC4 Ground Water and Surface Water Resources

DC5 Hazardous Installations

DC7 Areas of Landscape Quality

DC8 Trees, Hedgerows and Woodlands

DC12(a) Archaeological Sites

DC19 Traffic Movements

DC21 Schemes of Working and Restoration

DC23 Aftercare

EM2 Appraisal Boreholes

Beverley Borough Local Plan

P1 Approach to Development on Sites with no Specific Notation

E3 Development in the Open Countryside

E10 Areas of High Landscape Value

E15 Protection of LNRs and SNCIs

E19 Protection of water environment

D19 Ground Water Resources

National Planning Policy

National Planning Policy Framework

Para. 33. - provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards.

Para. 118 - conserve and enhance biodiversity

Para. 147 - planning for on-shore oil and gas development, including unconventional hydrocarbons

Para. 143 - recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction

Technical Guidance to the NPPF

Para. 20 - ensure no unacceptable adverse effect on the natural or historic environment or human health

Para. 21 - potential impacts on the local community over the expected duration

Para. 29 - noise emissions assessment should identify all sources of noise

Other Relevant Documents

East Riding of Yorkshire Landscape Character Assessment (November 2005)

4. RELEVANT PLANNING HISTORY

11/04441/STPLF Construction of a temporary drilling site with associated access, to drill an appraisal borehole for the purposes of mineral exploration (petroleum). Approved 16.01.2012.

5. CONSULTATION REPLIES

Bishop Burton Parish Council No objection to site or application but would like to raise the following points:-

a) No site traffic through village or along Finchcroft Lane and Dalegate

b) Suggest 40mph speed limit from Wold Road to the junction with Dalegate

c) The road from the site towards Killingwoldgraves roundabout is dangerous around the bends on Walkington Heads and there are many accidents in this area at the junction with Finchcroft Lane, especially during winter months. Gritting should be carried out as and when needed rather than periodically as at present

d) It is understood the site is to be screened but we would like the existing hedge on the south side of the site to be maintained

Walkington Parish Council Object.

The primary objections relating to this proposal are:

- There are continuing concerns at the need to ensure that no 'fracking' of any type will take place, and if approved there

should be a condition clearly preventing such activity.

- Concerns regarding damage to the aquifer. It is understood that the applicants had previously indicated that they would install a third core of concrete to the drill casing as there were doubts as to whether a twin core would be adequate for the safety of the aquifer. It is suggested that if approved it should be a condition that a third core is provided.
- The need to protect the aquifer from chloroform (a carcinogenic substance) as a result of the reaction of methane with chloroform during the drilling process
- Obnoxious gaseous emissions from the site. At a presentation event on the previous application Rathlin's representatives had acknowledged that there will be a problem with hydrogen sulphide emissions on the site (bad eggs smell) which can be harmful and which would be blown by the wind across the neighbouring villages.
- The storage and treatment of contaminated effluent on the site. The drilling will produce some effluent of water and muds that will be highly contaminated and highly toxic and residents have previously expressed concern that there is a danger of this getting into the water system.
- Whether the planning officers have sufficient technical expertise to properly advise Members on this application without first obtaining independent advice from consultants in the drilling industry as to the practical issues involved with this type of drilling i.e. other than just environmental advice from agencies such as the Environment Agency and Yorkshire Water.
- If the test goes ahead and the company wishes to proceed to extract any oil or similar on the site it should be clearly stated that a further new planning application will be necessary and that a full consultation will take place involving Walkington Parish Council.

Other comments:

The Parish Council remains concerned that works traffic particularly those delivering stone to the site will, in avoiding the village of Walkington use Wold Road and Newbald Road which it is felt are not capable of taking the weight of the loads that will be carried and are likely to require strengthening. The Parish Council would strongly request that serious consideration is given to introducing a temporary speed limit along the route to be used by works traffic.

Market Weighton Town Council	Response Awaited (due 25.07.2012)
Ministry of Defence	This application relates to a site outside of Ministry of Defence safeguarding areas. We therefore confirm that the Ministry of Defence has no safeguarding objections to this proposal. Whilst we have no safeguarding objections to this application, the height of the development will necessitate that aeronautical charts and mapping records are amended. DIO therefore requests that, as a condition of any planning permission granted, the developer must notify UK DVOF & Powerlines at the Defence Geographic Centre with the following information prior to development commencing: - Precise location of development. - Date of commencement of construction. - Date of completion of construction. - The height above ground level of the tallest structure. - The maximum extension height of any construction equipment. - Details of any aviation warning lighting fitted to the structure(s)
NERL Safeguarding Officer	No safeguarding objections.
CAA - Safeguarding (Non Wind Turbines)	No comment other than that any statutory consultation required under the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002 should be carried out.
Humber Archaeology Partnership	Recommend condition as site lies in an archaeologically sensitive area
Highway Control	No objection as the proposed development will not generate an unacceptable increase in the level of vehicle turning movements or on-street parking on the adjacent public highway network. HGVs accessing the site will travel from the A1079 along Killingwoldgraves Lane/Coppleflat Lane and along the C13, Walkington Heads to the site. Walkington Heads is subject to a 7.5 tonne weight limit for vehicles using the road as a through route (i.e. <u>not</u> specifically delivering/servicing existing sites/farms etc) and was recently subject to improvement works by the Council's Streetscene Services. In the vicinity of the site the carriageway of Walkington Heads is approximately 5.9m wide and is subject to the national speed limit. The existing vehicular serving the development will be widened and improved to accommodate to accommodate two-way traffic

movements and the turning requirements of service vehicles at the junction with the C13, Walkington Heads.

Visibility for the drivers of emerging vehicles should comply with the requirements of the Highways Agency's 'Design Manual for Roads and Bridges' for the traffic flows and the vehicle speeds that can be expected at this location (as detailed in the Vehicle Speed Survey dated 23rd July 2012).

There have been no recorded injury accidents on Walkington Heads in the vicinity of the proposed vehicular access within the period 2007 - 2011. However a number are recorded for the same period in the vicinity of Walkington Heads junctions with Finchcroft Lane and Killingwoldgraves Lane. Accordingly appropriate temporary signage will be required advising motorists of the works in progress for the duration of the construction/operation.

Any permission issued should include conditions to ensure the recommendations are met.

Public Protection
Division

No objection, having liaised with the applicant's noise consultant from an early stage and agreed on assessment criteria and methodology including monitoring locations. I have studied the noise report and have also carried out my own night-time and daytime noise measurements. The noise report concludes that construction works and drilling should not create more than a minor adverse and temporary impact on residential impact of the area.

Trees and Landscape
Section

No objection in principle, subject to the implementation of landscape works to assist in obscuring views of the drill site in the landscape and full site restoration works following removal of the drill rig.

There are no arboricultural implications from this development. Landscape and Visual impacts have been considered in connection with the Crawberry Well Head site and the development was considered to 'acceptable in landscape terms, subject to a temporary consent and full restoration of the site'. As this proposal is a temporary and reversible development, the short term impact on the landscape will not be harmful.

Yorkshire Water
Services Limited

If planning permission is to be granted, the conditions should be attached in order to protect the local aquatic environment and YW infrastructure:

- implementation of mitigation measures designed to protect groundwater
- liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank/largest combined volume of connected tanks during construction

Ground Water Protection observations:

Yorkshire Water has reviewed the submitted Hydro-geological Risk Assessment (URS, May 2012) in support of the application. The report represents a comprehensive assessment of the risks posed by the drilling development to groundwater and the public water abstraction boreholes at North Newbald, Cottingham and Dunswell. Therefore, Yorkshire Water agrees that the revised report gives adequate consideration to the potential impacts of the proposed drilling on groundwater and identifies adequate mitigation measures. Provided that all the proposed mitigation measures are put in place as stated, and that all the recommendations of the HRA are followed, risks to the public water supply should be minimised.

Environment Agency
(Planning Liaison)

No objection to the proposal subject to the following comments:

Groundwater and Contaminated Land

The developer must submit a Notice to the Environment Agency of intention to construct or extend a boring for the purpose of searching for or extracting minerals using Form WR - 11 under the Water Resources Act 1991 (Section 199(1)). A drilling method statement and a site specific hydrogeological risk assessment should be submitted alongside the Form WR - 11. Drilling should be carried out to an approved drilling method statement.

The outcrop geology at the site is the Burnham Chalk, which forms part of the Upper Cretaceous Chalk Group. The Chalk is classed as a principal aquifer, and is highly vulnerable to any potentially polluting activity. At greater depth is the Corallian Group, Sherwood Sandstone and Magnesian Limestone which are also classed as principal aquifers.

It is vital that the proposed development does not adversely affect the quality of water within the underlying Chalk Group aquifer, therefore conditions are recommended to ensure this.

Natural England

Protected species

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice on BAP and protected species and their consideration in the planning system. Natural England Standing Advice is available on our website to help local planning authorities better understand the impact of this particular development on protected or BAP species should they be identified

as an issue at particular developments. This also sets out when, following receipt of survey information, the authority should undertake further consultation with Natural England.

Local wildlife sites

If the proposal site could result in an impact on a Local Site, Local Nature Reserve (LNR) or priority habitat the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application, ensuring that it does so in conformity with the wording of paragraph 168 of the National Planning Policy Framework.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application in accordance with Para. 118 of the NPPF. Additionally, we draw your attention to Section 40(3) of the Natural Environment and Rural Communities Act (2006) which states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

Local Landscape

This proposal does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals however should complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework.

Nature Conservation
Officer (Biodiversity)

The application is supported by the findings of an Extended Phase 1 Habitat Survey that has been undertaken by URS Scott Wilson Ltd. The assessment has followed appropriate guidance and current best practice to evaluate the ecological effects associated with the proposed scheme. On the basis of the information provided within the report, it can be determined that the immediate area of the development is of limited ecological value with few habitats or species of note and it is unlikely that the proposed development will cause significant harm to any protected species

Nevertheless recommendations are made in the report for the implementation of mitigation measures to minimise or avoid negative ecological impacts. I advise that these recommendations

should be imposed as a condition of any planning approval.

National Grid Plant
Protection

Response Awaited (due 25.07.2012)

Landscape + Visual
Impact Assessment

No objection to this proposed development on landscape and visual impact grounds, given its short-term, temporary nature.

The development site is located in a high quality landscape on the southern dip slope of the Wolds. It is an elevated, rolling landscape dominated by the influence of intensive agriculture and this gives it an open nature with large, regular field systems and a scattered settlement pattern. These characteristics form a landscape that offers often long-distance, open views and, accordingly, this landscape is undoubtedly sensitive to change, especially that which results from the introduction of uncharacteristic development.

This development will introduce such an uncharacteristic tall, vertical structure into this landscape. However, the temporary nature of its operation (i.e. a maximum of 5/10-10/20 weeks) means that its impacts will be limited to a specific period of time and not become a permanent feature of this landscape. The short term influence of the drill unit on the landscape will have a significant visual effect but this will be limited to some extent by the visual intervention provided by the nature of the local topography and the presence of some natural screening (i.e. woodland, roadside hedgerows etc), as well as the presence of existing tall, vertical man-made features that detract from the quality of the local landscape here, notably the tall electricity pylon infrastructure in immediate proximity to the development site.

The associated bunding to be provided to screen the site along the northern boundary will help to reduce the immediate impact of the development and whilst this may be useful in terms of limiting the visual effects of the ground infrastructure of the site, the bund will add another uncharacteristic feature into the landscape. Whilst the temporary nature of the bunding means that its impacts will be short-term, it will be important to ensure that its presence in the landscape is limited to an appropriate time-period that is practical and suitable to the operation of the site but which does not allow the bunding to become a feature that is created and then left over an unpredictable period of time to await the availability of the drill unit.

The LVIA document prepared to support this development is clear and concise and appears to draw sound and reasonable conclusions regarding the likely landscape and visual impacts of this development. The range of viewpoints selected is appropriate to this form of temporary development and the 5km zone of study is of suitable extent. For more permanently structures, a wider

geographical range of assessment of landscape impacts would be appropriate to help demonstrate and understand the potential re-characterising affects and also cumulative impacts that a proposal of this height may have. However, given the temporary nature of this operation, assessing the wider implications of the development in this context are regarded to be of less importance and instead, it is recognised that more immediate, localised affects will need to be considered, especially in terms of understanding the impacts for key high sensitivity receptor groups in closer proximity to site, for example local residents, walkers, horse riders etc. Whilst it is acknowledged that there will inevitably be a level of visual impact incurred by such receptors, the short-term nature of the change reduces its significance to a low level that will be experienced only during a specific, limited time-period.

6. PUBLICITY

Neighbours/ Publicity

The application has been advertised by letters sent to those who wrote in about the last application, by site notices and by a press notice in the Hull Daily Mail. The expiry date was 1 August 2012.

Letters of objection have been received from four residents on the grounds of:

- Significant risk of the aquifer (water source) being polluted by activities from hydrocarbon exploratory wells however regulated the activity.
- Drilling and subsequent production activities will require the use of toxic chemicals to aid extraction.
- Noise, dust and airborne pollutants from the well and the associated vehicle movements will have an adverse impact on the local environment and its residents, potentially 24hrs a day.
- Gases emitted could cause odour in the area. Flaring, mentioned in the proposal as a possibility, further increases air emissions.
- 24hr industrial working close to villages would unreasonably interfere with residents rights to have quiet and peaceful enjoyment of their dwellings during at night
- The potential short-term benefits of petroleum exploitation should be weighed against long-term risk. Are the parties concerned prepared to fully indemnify the owners and consumers of the water supply against potential pollution?
- If pollution only manifests itself after ten years, who would be liable? Our water supply is a vital self renewing resource.
- In the US a fracking operation pumped gallons of diesel oil into the ground, in violation of local water regulations.
- Little prospect of significant local benefit, even if fossil fuels are found, as apart from the landowner, the main potential beneficiaries will be remote from this region
- This country needs clean water more than oil in the short, medium and long term.
- Inadequate road infrastructure - local roads are unsuitable for regular use by HGVs.
- The use of the rural highways giving access to the site by a significant number of HGVs would create a serious road safety hazard.
- In particular, increased traffic at the Killingwoldgraves Lane/Walkington Heads crossroads as the sightlines are restricted at that junction, and vehicles can travel up

to 60mph and HGVs turning at the crossroads would present a serious hazard; there has recently been a fatal road traffic accident at those crossroads.

- Need independent expert advice for a specialised and heavily technical area of industry and not a routine planning matter. It has potentially very significant long-term effects for the community.
- Protection of the rural landscape is being compromised for economic gain.
- No consideration given to the routing of traffic and what communities it would affect. If the exploration is successful and development implemented, how many vehicles will there be and what dangerous fluids and other cargo might they carry?
- The risk of water contamination might be minimised simply by drilling the borehole outside the seasonal boundary of the aquifer as shown in Rathlin's hydro-geological survey as oil wells do not need to go straight downwards.
- As a water consumer, Rathlin offers nothing but the risk of a more expensive water supply as any future costs for water treatment arising from groundwater pollution will simply be passed on by Yorkshire Water to their customers. Potentially those extra costs would place the whole of East Yorkshire at a disadvantage when future investments are being considered.

Objections that relate to subsequent potential development;

- Further environmental problems if the testing is successful and petroleum is extracted
- The significant risk of the aquifer being polluted by activities from possible subsequent production/extraction
- Granting planning would set a precedent; Rathlin will already be of the view that, should oil or gas be found, granting permission for a permanent site or any other temporary or permanent drilling site would be a formality.
- It is wrong to deal with the issue on the basis of the exploratory work only, without examining the potential long-term consequences of approving this application.
- If the borehole successfully locates an exploitable petroleum field, this application will be used as a precedent, and each time another well is drilled, our water supply will again be exposed to pollution risk.

7. CASE ON BEHALF OF THE APPLICANT

- 7.1 Connaught Oil and Gas Limited is an international petroleum exploration, development and production company with operations in Western Canada and the United Kingdom. The United Kingdom operations are conducted through Rathlin Energy Limited. The applicant is engaged in the exploration and production of onshore petroleum in the United Kingdom and holds a 100% interest in Petroleum Exploration and Development Licence covering 241,000 acres, which was granted by the Secretary of State for the Department of Energy and Climate Change.
- 7.2 The UK is heavily dependant on obtaining energy from fossil fuels and this will continue for a number of years. The North Sea oil fields are gradually depleting, having peaked in 1999. It is imperative this supply is maintained and additional reserves of oil and gas are found. It is becoming significantly more viable for the exploration and development of onshore prospects.
- 7.3 The company has recently completed a seismic survey, which allowed them to further

refine and identify subsurface target. The applicant is now proposing to construct a temporary well site at Crawberry Hill, Walkington Heads and drill two conventional exploratory petroleum wells which if successful will be followed by a short period of testing.

- 7.4 If no petroleum is found, the site will be restored to its existing condition. A period of aftercare will be carried out to ensure successful restoration. If however, commercial quantities of petroleum are present, then the applicant will suspend the well pending the outcome of a decision on a subsequent planning application for the production of petroleum.
- 7.5 If planning permission is granted, the applicant intends to drill the wells as soon as possible. However, the applicant requests that a period of three years is allowed to undertake and complete the proposed operations, primarily due to rig availability.
- 7.6 In respect of issues raised during the previous planning application:-
- This temporary development is required to know for certain whether petroleum is present.
 - The majority of wells do not find commercial levels of petroleum. If it does, then will necessitate a new planning application for extraction.
 - Confirm that fracking is not proposed. The applicant is targeting conventional oil and gas reservoirs, similar to those in Lincolnshire.
 - Mitigation measures are proposed protect groundwater, in relation to the site liner, drilling cellar, surface conductor (surface casing for drilling down to 90m), drilling itself including details of the casing and water based drilling mud, extended well test, the plugging of the site in the event the site does not contain petroleum, restoration, disposal of fluids, welfare facilities and preventing spills. Casing around the drilled well will be set to a depth of 1000m to prevent leakage
 - Raised concerns originally that Yorkshire Water had requested a planning condition to complete a hydrogeological assessment. Have now retracted those concerns, and are happy for the condition to remain.
 - The transport route would be via the A1079 then along Killingwoldgraves Lane and onto Walkington Heads. A traffic management plan condition is proposed. HGV movement assessments have been based on the construction of similar sites.
 - Noise survey at the two nearest residential properties was submitted with the application. Predicted noise levels during construction will be less than daytime background noise levels at these properties, and that noise from the drilling operations will be at low level, which complies with minerals planning guidance.
 - Consider the form and temporary length of construction will reduce the visual impact on the landscape. Also in the commercial interests of the applicant to have the drilling rig on site for the least amount of time. Highlight the proximity to National Grid Pylons and limited views from local residences.

8. KEY ISSUES

- Principle of the Development and Planning Policy
- Landscape and Visual Amenity
- Groundwater Protection and Drainage

- Highways Considerations
- Residential Amenity
- Historic Assets
- Ecology
- Technical Explanation of the Development

9. OFFICER COMMENTS

9.1 Applications are to be determined in accordance with the Development Plan unless there are material considerations which indicate otherwise.

9.2 Principle of the Development and Planning Policy

9.2.1 This is an application to allow operations for mineral exploration in search for petroleum (oil and gas) reserves at depths of up to 2500m underground, within the strata of various geological rock types under the site.

9.2.2 Central Government policy recognises and is highly supportive of the role of renewable energy in increasing its contribution to the UK's energy requirements. It also acknowledges the role that fossil fuels will continue to play in meeting the UK's energy requirements. The 2007 Energy White Paper highlighted significant demands for oil and gas, and how this will meet the UK's energy requirements in part into the future. The White Paper highlighted fossil fuels are to be supported by appropriate Government policies to ensure a continuous supply and to maintain competitiveness. The Department of Energy and Climate Change (DECC) reported in 2011 that oil and gas is still supplying approximately 60% of the UK's energy needs (DECC, 2011, Oil and Gas).

9.2.3 National Planning Policy Framework (NPPF) deals specifically with minerals development in England, including oil and gas. It states that *'minerals are essential to support sustainable economic growth and our quality of life'*. The NPPF reiterates the Government's commitment to minerals development by setting out the following aim - *to give great weight to the benefits of the mineral extraction, including to the economy*

9.2.4 The NPPF recognises that minerals are-essential to support sustainable economic growth and our quality of life. Whilst this application is for exploration over a relatively short period, it will create 20 jobs for that period. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation. The NPPF emphasises that as a key aspect of minerals exploration, minerals can only be worked where they are found, rather than other sites potentially being available to accommodate the development, unlike most other land uses. The NPPF also sets out planning permission might be granted for wells that are environmentally acceptable and subject to satisfactory safeguards. Paragraph 147 states *"Minerals planning authorities should also when planning for on-shore oil and gas development, including unconventional hydrocarbons, clearly distinguish between the three phases of development (exploration, appraisal and production) and address constraints on production and processing within areas that are licensed for oil and gas exploration or production"*.

9.2.5 The NPPF offers advice regarding noise from minerals developments in paragraph 143 of the NPPF which states *"when developing noise limits, recognise that some noisy short-term*

activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction". Paragraph 20 of the Technical Guidance to the NPPF states "minerals planning authorities are expected to ensure that plan proposals do not have an unacceptable adverse effect on the natural or historic environment or human health. Residents living close to mineral workings may be exposed to a number of environmental effects and particular care should be taken in respect of any conditions they attach to a grant of permission for working in proximity to communities." Paragraph 21 of the Technical Guidance to the NPPF states "A programme of work should be agreed which takes account, as far as is practicable, of the potential impacts on the local community over the expected duration of operations. The programme of work and/or the location of plant within the mineral working should take account of the proximity to occupied properties, as well as legitimate operational considerations."

9.2.6 The Minerals Local Plan is similarly supportive of such wells for oil and gas, subject to the protection of the environment, through policy EM2. The Minerals Local Plan also provides a number of detailed environmental policies on matters such as landscape, groundwater, restoration, archaeology and restoration, as well as general 'Development Control' policy, DC1. Relevant detailed considerations are assessed in the sections below. The Joint Structure Plan, Regional Spatial Strategy and Beverley Borough Local Plan do not provide specific guidance about this type of development, though they are generally supportive of minerals exploration subject to environmental standards not being compromised.

9.2.7 In summary, it can be concluded that national and local policy supports this type of development that enables energy and mineral resources to be investigated, subject to environmental standards not being compromised by the specific operations concerned.

9.3 Landscape and Visual Amenity

9.3.1 The site lies within the Wolds Area of High Landscape Value under Beverley Borough Local Plan policy E10, which warrants protection as a local (non-statutory) landscape designation. Development in such areas under policy E10 is only to be approved where it is of a high standard and will not adversely affect to any material extent the special character, appearance of nature conservation value of the landscape. The Minerals Local Plan provides further guidance under policy DC7 stating that minerals development will not be permitted unless it can be clearly demonstrated that any adverse effect on the character and quality of the defined landscape can be minimised to an acceptable degree. It does state in its supporting text that it would not be realistic to prevent all mineral working in such areas. Policies DC21 and DC23 set out to ensure appropriate restoration and aftercare.

9.3.2 The site lies within Countryside Character Area Yorkshire Wolds and Landscape Character Type 13: Open High Rolling Farmland under the East Riding of Yorkshire Landscape Character Assessment (2005). In particular, it lies within Character Area 13C: South Wolds Rolling Landscape, which covers the southern dip slope of the Wolds before it reaches the flatter lands next to the Humber Estuary. The overall strategy for Character Type 13 is to conserve and enhance the open rolling landscape and avoid infrastructure that adds vertical features that will be prominent. In recognising the potential landscape sensitivity of the development, in particular the height of the drilling rig at 49m, the applicant has submitted a Landscape and Visual Impact Assessment with

the application, including a number of photomontages.

- 9.3.3 The development site is located in a high quality landscape on the southern dip slope of the Wolds. It is an elevated, rolling landscape dominated by the influence of intensive agriculture and this gives it an open nature with large, regular field systems and a scattered settlement pattern. These characteristics form a landscape that offers often long-distance, open views and, accordingly, this landscape is undoubtedly sensitive to change, especially that which results from the introduction of uncharacteristic development. This development will introduce such an uncharacteristic tall, vertical structure into this landscape. However, the temporary nature of its operation (i.e. a maximum of 20 weeks) means that its impacts will be limited to a specific period of time and not become a permanent feature of this landscape. The short term influence of the drill unit on the landscape will have a significant visual effect but this will be limited to some extent by the visual intervention provided by the nature of the local topography and the presence of some natural screening (i.e. woodland, roadside hedgerows etc), as well as the presence of existing tall, vertical man-made features that detract from the quality of the local landscape here, notably the tall electricity pylon infrastructure in immediate proximity to the development site. The drilling phase, in particular the 49m high drilling rig and would be highly prominent, and would include generally uncharacteristic tall, vertical and industrial structure into this landscape. However, the drilling rig would be situated in close proximity to existing National Grid pylons of similar height which are sited immediately next to the site.
- 9.3.4 The drilling phase would also be for limited period, a maximum of five to ten weeks, to be repeated if a second well is drilled. Whilst there would be undoubtedly harm caused to the landscape qualities of the area, this would only be for a short period of time. The site preparation phase would be likely to have limited impact on the landscape, given the temporary nature of the development. Much of this phase of development would also be screened to the south and west by existing hedgerows, and to the north by the proposed temporary bunding. The site would be more open to east, but viewpoints from this direction would be from some distance away. The most prominent aspect of the site preparation phase would be the tarmac access onto the Walkington Heads road. However, there would still be substantial hedgerow screening on either side of the access. Perimeter fencing would mainly be screened by hedgerows or the bund.
- 9.3.5 The impact on the visual amenities of the nearest residential properties would be likely to be limited. Properties associated with Cold Harbour Farm to the north are directly orientated towards the drilling site, but a significant distance of 870m. These properties are also orientated in the same direction to the line of National Grid Pylons and would also only their visual amenities disrupted for a temporary period. The nearest property to the south east, Westfield Farm would also be located a significant distance way at 1.07km and would be substantially screened by the existing woodland, as would the village of Walkington beyond Westfield Farm at a distance at 1.5km. There would also be very limited views of the drilling site from Bishop Burton due to the distance (2km) and because most of the residential properties in the village are situated in a dip. Views from beyond these nearest villages would also be limited, with Beverley screened from the development by woodlands between the Westwood and the site.
- 9.3.6 In order that the harm caused to the landscape qualities and visual amenity is only

temporary, a condition is proposed limiting the whole site operation to 24 months. Whilst the applicant has requested 36 months, due to the potential availability of the drilling rig, given the location of the site in the Area of High Landscape Value, 24 months is considered a more reasonable length of time. This would allow the development to proceed without allowing a longer potential time gap between the site preparation and the drilling. The drilling rig would be on site itself a considerably shorter time than 24 months, a maximum of five to ten weeks, to be repeated once if a second well is drilled.

- 9.3.7 The associated bunding to be provided to screen the site along the northern boundary will help to reduce the immediate impact of the development and whilst this may be useful in terms of limiting the visual effects of the ground infrastructure of the site, the bund will add another uncharacteristic feature into the landscape. Whilst the temporary nature of the bunding means that its impacts will be short-term, it will be important to ensure that its presence in the landscape is limited to an appropriate time-period that is practical and suitable to the operation of the site but which does not allow the bunding to become a feature that is created and then left over an unpredictable period of time to await the availability of the drill unit.
- 9.3.8 The LVIA document prepared to support this development is clear and concise and appears to draw sound and reasonable conclusions regarding the likely landscape and visual impacts of this development. The range of viewpoints selected is appropriate to this form of temporary development and the 5km zone of study is of suitable extent. For more permanently structures, a wider geographical range of assessment of landscape impacts would be appropriate to help demonstrate and understand the potential re-characterising affects and also cumulative impacts that a proposal of this height may have. However, given the temporary nature of this operation, assessing the wider implications of the development in this context are regarded to be of less importance and instead, it is recognised that more immediate, localised affects will need to be considered, especially in terms of understanding the impacts for key high sensitivity receptor groups in closer proximity to site, for example local residents, walkers, horse riders etc. Whilst it is acknowledged that there will inevitably be a level of visual impact incurred by such receptors, the short-term nature of the change reduces its significance to a low level that will be experienced only during a specific, limited time-period.
- 9.3.9 Conditions are also imposed to provide details of lighting and for the full restoration of the site, including the removal of the temporary bunding which is uncharacteristic of this landscape. Subject to the imposition of these conditions, the development is considered acceptable in relation to landscape and visual amenity.

9.4 Groundwater Protection and Drainage

- 9.4.1 Policy D19 of the Beverley Local Plan, policy DC4 of the Minerals Local Plan and national planning guidance in the NPPF all aim to ensure that ground and surface water resources are not adversely affected by development. In this case, as drilling operations and site preparation works are proposed, there is potential for impacts on the groundwater protection zone, which is a catchment area for a chalk aquifer
- 9.4.2 It is understood that discussions took place with the Environment Agency on this

important consideration before the application was submitted. The initial section of the well will be drilled to a depth of 100m with particular drilling muds to protect the aquifer. This section will be subsequently cased and cemented to further protect the aquifer. At ground level, the site will be lined with an impermeable membrane to protect against pollution passing into the groundwater from ground level. Yorkshire Water have requested more information by planning condition in respect of the submission of more information in respect of the protection of the aquifer by way of the hydrogeological risk assessment, prior to development taking place. The applicant did query the need for a hydrogeological risk assessment by condition, and Yorkshire Water did withdraw their requirement for such a condition whilst recommending that detailed information was required to be submitted in respect of the remaining groundwater protection (condition 5). However, in the light of the sensitivity of this issue, the applicant is now agreeable for the hydrogeological risk assessment condition to remain. This condition (no. 11) therefore remains part of the recommendation.

- 9.4.3 Subject to planning conditions detailing methods of drilling, borehole construction, notifications, no discharge of foul or contaminated drainage and impervious storage of oils, fuels and chemicals, the development is considered to accord with national and local planning policy which aim to protect the groundwater resource. In relation to surface water from the site, this will drain into lined perimeter ditches, which will then be disposed to a licensed waste facility. Therefore there will be no impact on the local surface water drainage system.

9.5 Highways Considerations

- 9.5.1 Policy DC19 of the Minerals Local Plan states that for minerals development to be allowed, traffic movements must be able to be safely accommodated on the local road network. Concerns raised by Walkington Parish Councils and by a local resident relate to highways considerations around works traffic and the routes the traffic may use. During the five week site construction period, an estimated 7 HGV movements per day would occur, principally to deliver hardcore to the site (200 movements in total). The drilling rig will require a further 44 movements in total, together with a further 16 vehicle loads delivering portable office accommodation, etc. A 100 and 80 tonne cranes are also required to construct the rig. Similar levels of vehicle movements would be likely to be generated during site restoration. Staff vehicle movements, predominantly by car, would be in addition to this.
- 9.5.2 The route it is proposed the HGVs would take would be from the A1079 Killingwoldgraves roundabout (between Bishop Burton and Beverley), then taking Killingwoldgraves Lane towards Walkington traffic lights before turning towards Walkington Heads to the site. Walkington Heads is the road between Beverley and Newbald, and is relatively wide and in good condition at this point. This route avoids narrow roads in Walkington and Burton Bishop villages. The route itself is capable of accommodating HGV traffic, thus avoiding local narrow roads and lanes. Walkington Heads is subject to a 7.5 tonne weight limit for vehicles using the road as a through route (i.e. not specifically delivering/servicing existing sites/farms etc) and was recently subject to improvement works by the Council's Streetscene Services. In the vicinity of the site the carriageway of Walkington Heads is approximately 6m wide and is subject to the national speed limit. The existing vehicular serving the development will be widened and

improved to accommodate to accommodate two-way traffic movements and the turning requirements of service vehicles at the junction with the C13, Walkington Heads.

9.5.3 An on site vehicle parking area is proposed, to prevent parking on Walkington Heads itself. Within the site it is proposed the topsoil and subsoil will be removed and stored within the site in separate bunds, the site levelled and hard standing formed of imported hard core to accommodate the drilling works, plant etc and parking area and accommodation for site personnel. The construction phase is programmed to take 5 weeks including the delivery of up to 200 lorry loads of hard core to site to form the hard standing and both vehicular crossing (within the public highway) and access within the site leading to the public highway constructed/surfaced with bituminous material to reduce the possibility of detritus being deposited on the highway by vehicles exiting the site. Another 60 deliveries associated with erection of the drilling rig and equipment will be required. After the site becomes operational the average number of vehicle movements to the site per day will be 15 cars and 4 HGVs. On completion of the drilling/testing, the drilling rig is to be removed and restoration works carried out. The proposed development will not generate an unacceptable increase in the level of vehicle turning movements and on-street parking on the adjacent public highway network.

9.5.4 There have been no recorded injury accidents on Walkington Heads in the vicinity of the proposed vehicular access within 2007 - 2011, however a number are recorded for the same period in the vicinity of Walkington Heads junctions with Finchcroft Lane and Killingwoldgraves Lane. Accordingly appropriate temporary signage will be required advising motorists of the works in progress for the duration of the construction/operation. A Traffic Management Plan is proposed through condition to in part confirm the route and any associated signage that might be required to ensure vehicles use the route. Subject to this, and Highways Control comments, the development is considered to be acceptable in highways terms. Any permission issued should include conditions to ensure the above recommendations.

9.6 Residential Amenity

9.6.1 The main residential amenity issue that may arise from the development relates to noise in the construction and drilling periods. In line with paragraph 29 of the Technical Guidance to the NPPF which states "*Those making development proposals should carry out a noise emissions assessment, which should identify all sources of noise and, for each source, consider the proposed operating locations, procedures, schedules and duration of work for the life of the operation*", the applicant has submitted a noise survey with application, measured from the nearest three residential properties to the site, given the potential noise sensitivity arising from the development. The predicted noise levels during both construction and drilling would meet accepted noise levels acceptability standards for impacts on the nearest residential properties, subject to condition. In part, this is due to the relatively isolated nature of the site compared to the nearest residential properties. Construction hours will also be limited to 07:30 to 18:00 Monday to Saturday, with no work on Sunday and Bank Holidays. Drilling operations are required to be 24 hours a day to ensure well stability and permit safe operations, though noise levels during drilling will be significantly less than during construction. The impact on residential amenity caused by traffic generation is similarly likely to be modest; isolated properties further along on Walkington Heads towards Killingwoldgraves Lane are set back from the road with intervening screening.

Residential properties are unlikely to be affected by dust and debris, especially as the access into the site will be tarmac to prevent debris being carried beyond the site. The impact of noise on residential amenity is likely to be modest, and will only be for the temporary period.

- 9.6.2 Safety aspects from the development are dealt with through further approvals from the licensing agency, DECC, and from the Health and Safety Executive. The development is considered overall to have an acceptable impact on residential amenity.

9.7 Historic Assets

- 9.7.1 The development is located a substantial distance from the nearest conservation areas or listed buildings, and raises no particular issues as regards these aspects of the historic environment. However, the proposed site is located within a major archaeological landscape, with heritage assets dating to the prehistoric period identified close to the proposal site. To the south-east of the site lies a "ladder settlement", a characteristic form of settlement within East Yorkshire during the period from the 1st century BC until the 4th or early 5th century AD, and comprises an arrangement of small rectilinear enclosures (often containing roundhouses) closely associated with a double-ditched track-ways. Additional crop-marks have been identified within the area around the proposal site; these include linear ditches, ring ditches and track-ways. A cluster of ring ditches to the east are likely to represent either round barrows or round houses of the Bronze Age, therefore meaning there is continued occupation of this landscape from at least 2500BC through to the Romano-British period. A geophysical survey was carried out on the proposed site in May 2012, which revealed the presence of a number of potential pits in the north-west corner of the current site, along with a number of ephemeral linear anomalies, which clearly pre-date the present pattern of field boundaries - the archaeological contractor suggests that these may represent either an older pattern of field boundaries, or early ditches. There are clearly some significant archaeological features here, and their precise form and nature would be determined by subsequent excavation.

- 9.7.2 It is thus highly likely that any development in this area will encounter previously unknown heritage assets, and their form suggests that these date to the later prehistoric or Romano-British periods. In view of the potential significance of this site, it is important that the archaeological implications are treated as a material consideration when determining this application. An archaeological evaluation should be undertaken which is best achieved by a topsoil strip and detailed cleaning and recording of the exposed surfaces, followed by targeted excavation, the results of which will provide detailed information to enable an informed and reasonable planning decision to be taken. If the evaluation shows that there are significant archaeological deposits which will be affected by the proposed development, mitigation measures, where feasible, should be explored to ensure their preservation. This should be conditioned on any permission that may be granted, in line with policy DC12(a) of the Minerals Local Plan, which requires archaeological assessments and where necessary field evaluations in sites with known archaeological importance. Subject to a planning condition requiring a programme of archaeological work, the development is considered be acceptable in archaeological terms.

9.8 Ecology

9.8.1 There are no statutory designated sites either on the site or in the surroundings of the site. There is a non statutory 'Local Wildlife Site' located 100m north of the site, Crawberry Hill, and area of mature and semi mature trees. The nearest statutory designation lies some 3km to the north east of the site, Burton Bushes SSSI. The development would have little, if any, impact on either of these designations. The applicant has submitted a phase 1 ecological survey with application. This concludes the site is of low ecological value, with the hedgerows bordering the site having the potential be used by breeding birds or bats. Part of one of the hedgerows would be removed to improve access, though the vast majority of the hedgerows would be retained.

9.8.2 Officers concur with the conclusions of the survey, in that the site is of limited ecological value. A planning condition is proposed so that the development is carried out in accordance with the measures in the ecological survey, including avoidance of disturbance to nesting birds and retaining active nests. Subject to this condition, the development is acceptable from an ecology viewpoint.

9.9 Technical Explanation of the Development

9.9.1 Ownership of petroleum resources is vested in the Crown and the right to explore for and produce petroleum is controlled by the Department of Energy and Climate Change (DECC) under a licensing agreement. Rathlin Energy was awarded such a licence by DECC, which gives exclusive rights to licensees, for much of the East Riding, including around Beverley and Holderness. Members may recall applications reported to Committee approximately two years ago by Composite Energy, for coal bed methane test drilling, where such a licence was granted for areas around Gilberdyke and Holme on Spalding Moor. This is the same licensing procedure.

9.9.2 If planning permission is granted, Rathlin Energy will then be required to seek further approvals from DECC and the Health and Safety Executive (HSE). This includes the submission of a Petroleum Operations Notice to DECC detailing the proposed notifications and notification to the HSE.

9.9.3 In January 2011, Rathlin Energy conducted a seismic survey in the Walkington area to gauge the underlying geology in respect of petroleum resources. The survey identified up to six potential reservoirs between a depth of 1100m-2500m. The primary target area is a 'Caedby Carbonate Reef' at a depth of 1260m-1401m, which may provide in effect a geological 'trap' for petroleum. It is also understood that test drilling has previously occurred in the area in 1972, approximately 4km south east of the proposed site.

9.9.4 This well will be drilled to total depth of 2500m. This will begin with the setting of a steel conductor from the surface to a depth of 198m. The rig will then drill and set a casing round the borehole produced down to a depth of 1000m, followed by further drilling and casing down to 1401m. This is beyond the depth of the rock which holds the groundwater. The remaining section, to total depth, will remain as an open hole, to allow testing of the mineral. The drilling allows for samples of rock to be evaluated for the potential for petroleum.

9.9.5 The drilling proposed is of a 'conventional' nature in that it involves drilling down to potential reservoir(s) of petroleum. 'Fracking', involving the use of hydraulic fracturing

of rock to obtain the mineral, is not involved.

9.10 Restoration

- 9.10.1 Paragraph 33. of the NPPF states *“The National Planning Policy Framework requires that planning authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards. This should include through provision of a landscape strategy, restoration conditions and aftercare schemes as appropriate. For the purposes of the Framework and this technical guide: restoration means operations associated with the winning and working of minerals and which are designed to return the area to an acceptable environmental condition, whether for the resumption of former land use or a new use; and aftercare means the use that land, used for minerals working, is put to after restoration”*. The applicant has addressed restoration in their restoration plan, which can be conditioned to ensure that it occurs as detailed in their application, i.e. the aim of the restoration scheme is to return the site to agriculture in a condition as close as practically possible to its original state.

10. CONCLUSION

- 10.1 This development proposes a temporary well site for the purposes of testing for petroleum, including both site preparation work including site levelling and a site access, and drilling including the use of a 49m high drilling tower. National and local planning policy supports this type of development that enables energy and mineral resources to be investigated, subject to environmental standards not being compromised by the specific operations concerned.
- 10.2 The site lies in the Wolds Area of High Landscape Value under the Beverley Borough Local Plan. Whilst this is a local (non statutory) designation, this area does have particular attractive landscape qualities identified under the East Riding of Yorkshire Landscape Character Assessment in relation to its open farmland landscape. The drilling rig in particular would introduce a feature generally uncharacteristic to this landscape. However National Grid pylons of similar height lie directly adjacent to the site, and the drilling rig would only be on site for a relatively short period of time. It is also accepted that such a rig is required to drill for mineral exploration of this nature. The development is considered acceptable in landscape terms, subject a temporary consent and full restoration of the site. The relative isolation of the site also reduces any potential impact on the visual amenities of the nearest properties, and its relative isolation also assist with the impact on these properties in relation to noise.
- 10.3 The site lies in an area of groundwater protection. However, subject to a detailed condition to protect the integrity of the groundwater and ensure no pollution of it, this is considered acceptable. The development will result in traffic generation during both site preparation and drilling stages. However, the proposed access routes are considered to be able to accommodate resultant traffic, and the proposed access arrangements would afford good visibility into the site with vehicle parking provided on site. The development is also considered acceptable from archaeology and ecology considerations, subject to condition.

11. HUMAN RIGHTS

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

12. RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

This condition is imposed in order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The site preparation and construction, drilling and testing activities approved by this permission shall be carried out for a limited period of 24 months and commencement of such period shall be notified to the Local Planning Authority in writing. Such notification to be received by the Local Planning Authority a minimum of 14 days prior to the commencement of activities on site. The drilling rig shall only remain on site for a maximum of two periods of ten weeks unless otherwise agreed in writing with the Local Planning Authority. The Local Planning Authority shall be notified in writing within one week of the drilling rig arriving on site. At the end of the 24 month period, all drilling and test activities shall have ceased and all equipment, access, structures and buildings shall have been removed from the site, the borehole shall have been plugged and abandoned, the bunding and perimeter fences and ditches removed, the site levels regraded and the site shall have been restored to agriculture in accordance with the details set out in Section 5.4 Restoration and Aftercare of the Planning Application document received June 2012 to the satisfaction of the Local Planning Authority.

This condition is imposed because this is a temporary permission to allow a period of exploration and testing in the search for hydrocarbons to take place. At the end of the period the site needs to have been restored to its former use in the interests of protecting the Wolds Area of High Landscape Value and visual amenities of the area.

3. Unless otherwise agreed in writing with the Local Planning Authority or as specifically required by a condition of this permission this site shall be developed, operated, decommissioned and restored in accordance with the details proposed in the Planning application document received June 2012.

This condition is imposed because the supporting statement proposes a form of development that is acceptable and departures from that programme could give rise to unacceptable effects that have not been considered by this application.

4. Details of any external lighting, including details of measures to reduce light pollution beyond the application site boundary shall be submitted to and agreed with the Local Planning Authority prior to the installation of the external lighting. The external lighting shall be installed only in accordance with these agreed details.

This condition is imposed to reduce the likelihood of light pollution in the open countryside and protecting the Wolds Area of High Landscape Value and visual

amenities of the area.

5. The development hereby approved shall only be commenced in accordance with the following points 1-10.

1)a) No oil-based drilling methods should be used in strata shallower than, and including, the Chalk Group aquifer.

1)b) No oil-based drilling methods should be used in strata deeper than the Chalk Group aquifer unless all shallower strata are cased off and pressure tested to ensure no loss of drilling fluid into the shallower strata.

1)c) Details of the drilling muds must be agreed with the Environment Agency on submission of the drilling method statement and WR - 11 form.

2) No potentially contaminating substances should be allowed to enter groundwater in strata shallower than, and including, the Chalk Group aquifer.

3) If during development dewatering is found to be required, the Agency must be consulted prior to any dewatering taking place.

4) The borehole should be constructed in such a way so as to cause no contamination between, and including, any overlying drift deposits and Chalk Group aquifer. The borehole should be steel-cased through these deposits.

5) The borehole should be constructed in such a way so as to cause no contamination between, and including, the Chalk Group aquifer and any underlying deposits.

6) Decommissioning of the borehole should be undertaken following Environment Agency guidelines in 'Decommissioning Redundant Boreholes and Wells.

7) Under Section 198 of the Water Resources Act 1991, British Geological Survey (Maclean Building, Crowmarsh Gifford, Wallingford, OX10 9BB) shall be informed of the intention to sink a well or borehole, and be sent a copy of all details of drilling logs

8) Under The Borehole Sites and Operations Regulations 1995 HSE must be notified when drilling boreholes more than 30 metres deep into used or disused mining areas. The regulations define mining area as land within one kilometre in a horizontal or other direction of workings in a mine, or where a licence to mine for minerals has been granted.

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

10) Any facilities, above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund.

11) The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Such facilities shall be constructed and completed in accordance with plans approved by the Local Planning Authority.

This condition is imposed to ensure the proposed development does not adversely affect the quality of water within the underlying Chalk Group aquifer

6. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority (Circular 11/95, Model Clause 55). The Scheme shall include an assessment of significance and research questions; and:

- i) The programme and methodology of site investigation and recording; this would provide for the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area.
- ii) an assessment of the impact of the proposed development on the archaeological remains
- iii) proposals for the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible.
- iv) The programme for post investigation assessment of the results of the on-site evaluation.
- v) Provision to be made for analysis of the site investigation and recording, following the post-excavation assessment, where the results justify this (as required under Para 141 of the NPPF).
- vi) Provision to be made for publication and dissemination of the analysis and records of the site investigation, where the results justify this (as required under Para 141 of the NPPF).
- vii) Full provision to be made for archive deposition of the analysis and records of the site investigation (as required under Para 141 of the NPPF).
- viii) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. Sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and
- ix) notification in writing to the Curatorial Officer of the Humber Archaeology Partnership of the commencement of archaeological works and the opportunity to monitor such works.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition no. 6. In particular, no grubbing out of the foundations shall take place without a nominated archaeologist being present during these works; should archaeological deposits be exposed during the course

of these works, they should be properly recorded.

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition no. 6, and the provision made for analysis, publication and dissemination of results and archive deposition, has been secured.

This condition is imposed as the site lies within a major Wolds landscape. Aerial photographs show the presence of crop-marks of ladder settlements, trackways and early field systems immediately adjoining the application site. Subsequent geophysical survey has demonstrated that a series of anomalies of probable archaeological origin are present within the application area, and form part of this larger landscape: the form of these anomalies is consistent with a later prehistoric or Romano-British date, and it is clear that these would need to be evaluated to determine their nature, extent, and quality of survival, and to identify a suitable mitigation strategy. The request for this condition is in line with Para 141 of the NPPF.

7. The development hereby permitted shall be implemented in strict accordance with the avoidance and mitigation measures set out in Section 9 of the Ecological Report (Land South West of Crawberry Hill, URS Scott Wilson Ltd, May 2012) as submitted with the application. Any variation thereto shall be agreed in writing by the local planning authority before such change is made.

In accordance with the recommendations of the Protected Species Survey forming part of the application, to make appropriate provision for natural habitat within the approved development and to ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010.

8. The development shall be carried out only in accordance with the following approved plans submitted with the planning application:

MDC/REUK/CH1/PA/001 Rev: 1 Red Line Boundary Plan
MDC/REUK/CH1/PA/002 Rev: 1 Site Construction Layout
MDC/REUK/CH1/PA/003 Rev: 1 Drilling Rig Layout
MDC/REUK/CH1/PA/004 Rev: 1 Well Testing Layout
MDC/REUK/CH1/PA/005 Rev: 1 Access layout
MDC/REUK/CH1/PA/006 Rev: 0 Site Location Plan
MDC/REUK/CH1/PA/007 Rev: 0 Topographical Cross Section
MDC/REUK/CH1/PA/008 Rev: 0 Drilling Cross Section North to South
MDC/REUK/CH1/PA/009 Rev: 0 Drilling Cross Section West to East
MDC/REUK/CH1/PA/010 Rev: 0 Extended Well Test Cross Section - North to South

This condition is imposed for the purposes of clarity and to ensure the development is acceptable and departures from those plans could give rise to unacceptable effects that have not been considered by this application.

9. The development shall be constructed and operated in accordance with the details approved by the Local Planning Authority, including implementation of mitigation measures designed to protect groundwater, and these details shall not be altered in any way without the prior written approval of the Local Planning Authority.

This condition is imposed in order to protect groundwater from risk of contamination arising from development on this site).

10. During the construction phase of the development, any liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.

This condition is imposed to ensure that there are no polluting discharges to the groundwater resource.

11. The level of noise resulting from the drilling operations shall not exceed 42dBALeq (1 hour) between the hours of 23.00 and 06.00 the following day. This noise level relates to assessments at the following properties; Cold Harbour Farm, Westfield Farm and Walkington Wold Farm.

This condition is imposed to protect the residential amenity of the area.

12. No development shall take place until a Traffic Management and Road Safety Plan, including highway condition survey, has been submitted to and approved in writing by the Local Planning Authority. The Traffic Management and Road Safety Plan shall include details of construction vehicle and abnormal loads routing, management of junctions to and crossings of the public highway and other rights of way, schedule of timing of movements, details of escorts for abnormal loads (if any), temporary warning signing, and banksman/escort details, arrangements for dealing with monitoring, damage to the highway, urgent repairs to the highway construction and rectification of any defects at the end of delivery operations on the highway. Development shall be carried out in accordance with approved Traffic Management Plan.

This condition is imposed to secure a safe and adequate means of access and routing for vehicles to the development and to establish a monitoring and repair process as a consequence of any damage to the publicly maintainable highway.

13. No part of the development shall be brought into use until the vehicular access to it and the vehicle parking, loading, off-loading and manoeuvring facilities serving it have all been constructed in accordance with the submitted details and the vehicle parking, loading, off-loading and manoeuvring facilities shall thereafter be so retained for the duration of the works.

This condition is imposed in order to ensure that the demand for vehicle parking and servicing can be met within the site as vehicles having to park, load or un-load or manoeuvre on the public highway would adversely affect the safety of other highway users.

14. Nothing shall at any time, whether permitted by the Town & Country Planning (General Permitted Development) Order 1995 or not be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway within the area identified on the proposed visibility splay drawing no. LTP/1291/01/001/01 included within Appendix 2 of the Vehicle Speed Survey submitted by Local Transport Projects dated 23rd July 2012.

This condition is imposed in order to ensure that nothing adversely affects the safety of vehicles leaving the site, and accordingly, persons using the main public highway due to visibility at the junction being restricted.

15. The development shall be constructed and operated in accordance with the details approved by the Local Planning Authority, including implementation of mitigation measures designed to protect groundwater, and these details shall not be altered in any way without the prior written approval of the Local Planning Authority.

This condition is imposed in order to protect groundwater from risk of contamination arising from development on this site.

16. During the construction phase of the development, any liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.

This condition is imposed in to ensure that there are no polluting discharges to the groundwater resource.

Notes to the Applicant/Agent

- By reference to the details relating to the size of vehicles etc in connection with the transportation of the drilling rig some of the vehicles may be classified as abnormal loads. Accordingly the applicant/agent should contact/liase with the Council's abnormal loads officer, Mr Kirk Lister (tel. 01482 395676) regarding the movement of such loads.
- The Applicant/Agent must contact the East Riding of Yorkshire Council's Streetscene Services (Highways) at The Highways Building, Grovehill Depot, Annie Reed Road, off Grovehill Road, Beverley, HU17 0LF (tel: 08456-001666) regarding the construction specification of the vehicular access before any works are commenced in the public highway. It is noted the existing field access falls away from the carriageway towards the site. The applicant/agent is reminded the proposed vehicular crossing within the public highway must be suitably constructed to prevent surface water run off from the public highway discharging to the adjacent field and must agree a suitable arrangement/construction with Streetscene Services.
- The Traffic Management Act in terms of access to the Public Highway, requires formal notification to be given by any parties intending to carry out any works within the Public Highway. The Applicant/Agent must comply with these requirements of the Act and the necessary periods of such notification may significantly impact on an intended start date/programme if this matter is not dealt with at an early stage. Further advice on this

requirement is available from Lester Burton, Streetscene Services (Maintenance Operations) at Grovehill Depot, Annie Reed Road (tel: 08456-001666).

- A photographic dilapidation survey of the proposed haul route is required along Walkington Heads from its junction with Killingwoldgraves Lane/Coppleflat Lane to the site prior to works commencing. Accordingly the applicant/agent must inform Streetscene Services when the survey is to be undertaken (5 working days required) to enable the survey to be witnessed. Similarly the applicant/agent should contact Streetscene Services should they have any queries regarding the temporary signage required along the route.
- The developer must submit a Notice to the Environment Agency of intention to construct or extend a boring for the purpose of searching for or extracting minerals using Form WR - 11 under the Water Resources Act 1991 (Section 199(1)). A drilling method statement should be submitted alongside the Form WR - 11. Drilling should be carried out to an approved drilling method statement.
- The outcrop geology at the site is the Burnham Chalk, which forms part of the Upper Cretaceous Chalk Group. The Chalk is classed as a principal aquifer, and is highly vulnerable to any potentially polluting activity. At greater depth is the Corallian Group, Sherwood Sandstone and Magnesian Limestone which are also classed as principal aquifers.
- Yorkshire Water has reviewed the submitted Hydrogeological Risk Assessment (URS, May 2012) in support of the application. The report represents a comprehensive assessment of the risks posed by the drilling development to groundwater and the public water abstraction boreholes at North Newbald, Cottingham and Dunswell. Therefore, Yorkshire Water agrees that the revised report gives adequate consideration to the potential impacts of the proposed drilling on groundwater and identifies adequate mitigation measures. Provided that all the proposed mitigation measures are put in place as stated, and that all the recommendations of the HRA are followed, risks to the public water supply should be minimised.
- No oil based drilling muds can be utilised during the drilling process until an appropriate depth below the aquifer has been reached and the section has been cased and tested.
- No discharges of foul or contaminated drainage can be made to either surface or groundwaters. Any spillages of liquids/materials likely to cause pollution of the environment need to be dealt with to prevent losses offsite or to ground. Any wastes generated need to be removed and disposed of at an appropriately permitted site.
- If water from the local environment is to be utilised for on site operational needs an abstraction licence will need to be applied for from the Environment Agency, if the amount is in excess of 20 cubic metres per day. A licence may be granted if the local resource is available and the abstraction does not derogate the rights of existing users. Further measures to protect the environment may be included in the terms of the licence if granted.
- As indicated in the Planning Statement, if the applicant intends to use a private water supply for the drilling requirements and potable water on-site, they should be advised to contact the Environment Agency directly as it is likely that an abstraction licence will be required (to abstract from a surface water source such as a river, or from groundwater via a borehole).

Relevant Planning Policies

Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 (2008):

- YH1 Overall Approach and Key Spatial Priorities
- YH2 Climate Change and Resource Use
- HE1 Humber Estuary sub area policy
- ENV3 Water Quality
- ENV4 Minerals
- ENV7 Agricultural Land
- ENV8 Biodiversity
- ENV9 Historic Environment
- ENV10 Landscape

Joint Structure Plan for Kingston Upon Hull and the East Riding of Yorkshire (2005):

- SP4 Landscape Character
- ENV7 Archaeological Remains

Joint Minerals Plan for Kingston Upon Hull and the East Riding of Yorkshire (2004):

- DC1 Development Control Criteria
- DC4 Ground Water and Surface Water Resources
- DC7 Areas of Landscape Quality
- DC8 Trees, Hedgerows and Woodlands
- DC12(a) Archaeological Sites
- DC19 Traffic Movements
- DC21 Schemes of Working and Restoration
- DC23 Aftercare
- EM2 Appraisal Boreholes

Beverley Borough Local Plan (1996):

- P1 Approach to Development on Sites with no Specific Notation
- E3 Development in the Open Countryside
- E10 Areas of High Landscape Value
- E15 Protection of LNRs and SNCIs
- D19 Ground Water Resources

National Planning Policy:

National Planning Policy Framework

Para. 33. - provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards.

Para. 118 - conserve and enhance biodiversity

Para. 147 - planning for on-shore oil and gas development, including unconventional hydrocarbons

Para. 143 - recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction

Technical Guidance to the NPPF

Para. 20 - ensure no unacceptable adverse effect on the natural or historic environment or

human health

Para. 21 - potential impacts on the local community over the expected duration

Para. 29 - noise emissions assessment should identify all sources of noise

Reason for Decision

This development proposes a temporary well site for the purposes of testing for petroleum, including both site preparation work including site levelling and a site access, and drilling including the use of a 49m high drilling tower. National and local planning policy supports this type of development that enables energy and mineral resources to be investigated, subject to environmental standards not being compromised by the specific operations concerned.

The site lies in the Wolds Area of High Landscape Value under the Beverley Borough Local Plan. Whilst this is a local (non statutory) designation, this area does have particular attractive landscape qualities identified under the East Riding of Yorkshire Landscape Character Assessment in relation to its open farmland landscape. The drilling rig in particular would introduce a feature generally uncharacteristic to this landscape. However National Grid pylons of similar height lie directly adjacent to the site, and the drilling rig would only be on site for a relatively short period of time. It is also accepted that such a rig is required to drill for mineral exploration of this nature. The development is considered acceptable in landscape terms, subject to a temporary consent and full restoration of the site. The relative isolation of the site also reduces any potential impact on the visual amenities of the nearest properties, and its relative isolation also assist with the impact on these properties in relation to noise.

The site lies in an area of groundwater protection. However, subject to a detailed condition to protect the integrity of the groundwater and ensure no pollution of it, this is considered acceptable. The development will result in traffic generation during both site preparation and drilling stages. However, the proposed access routes are considered to be able to accommodate resultant traffic, and the proposed access arrangements would afford good visibility into the site with vehicle parking provided on site. The development is also considered acceptable from archaeology and ecology considerations, subject to condition.

Alan Menzies

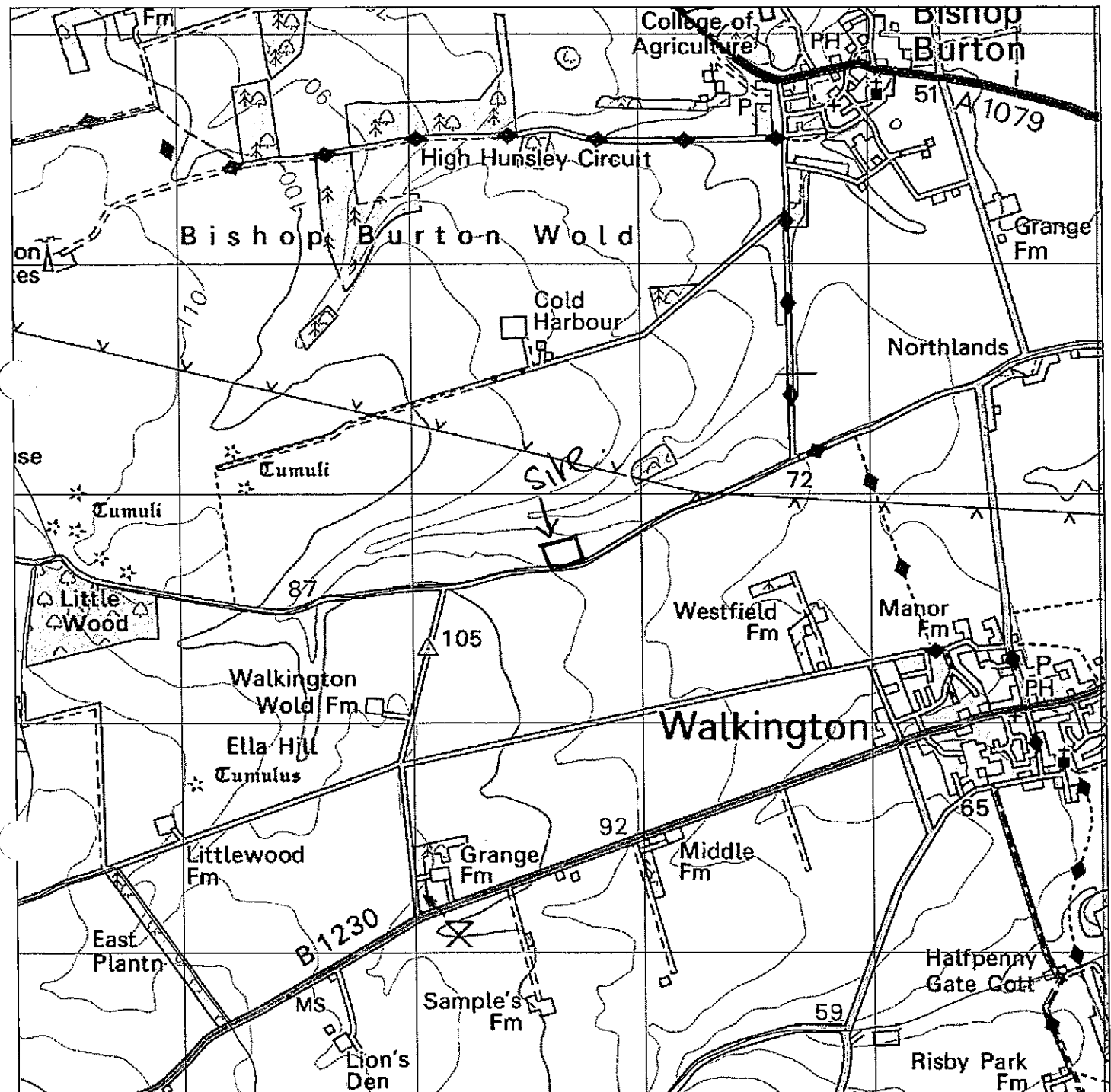
Director of Planning and Economic Regeneration.

Contact Officer

Mrs Shirley Ross

Principal Planning Officer

Committee Plan



Scale : 1:25000

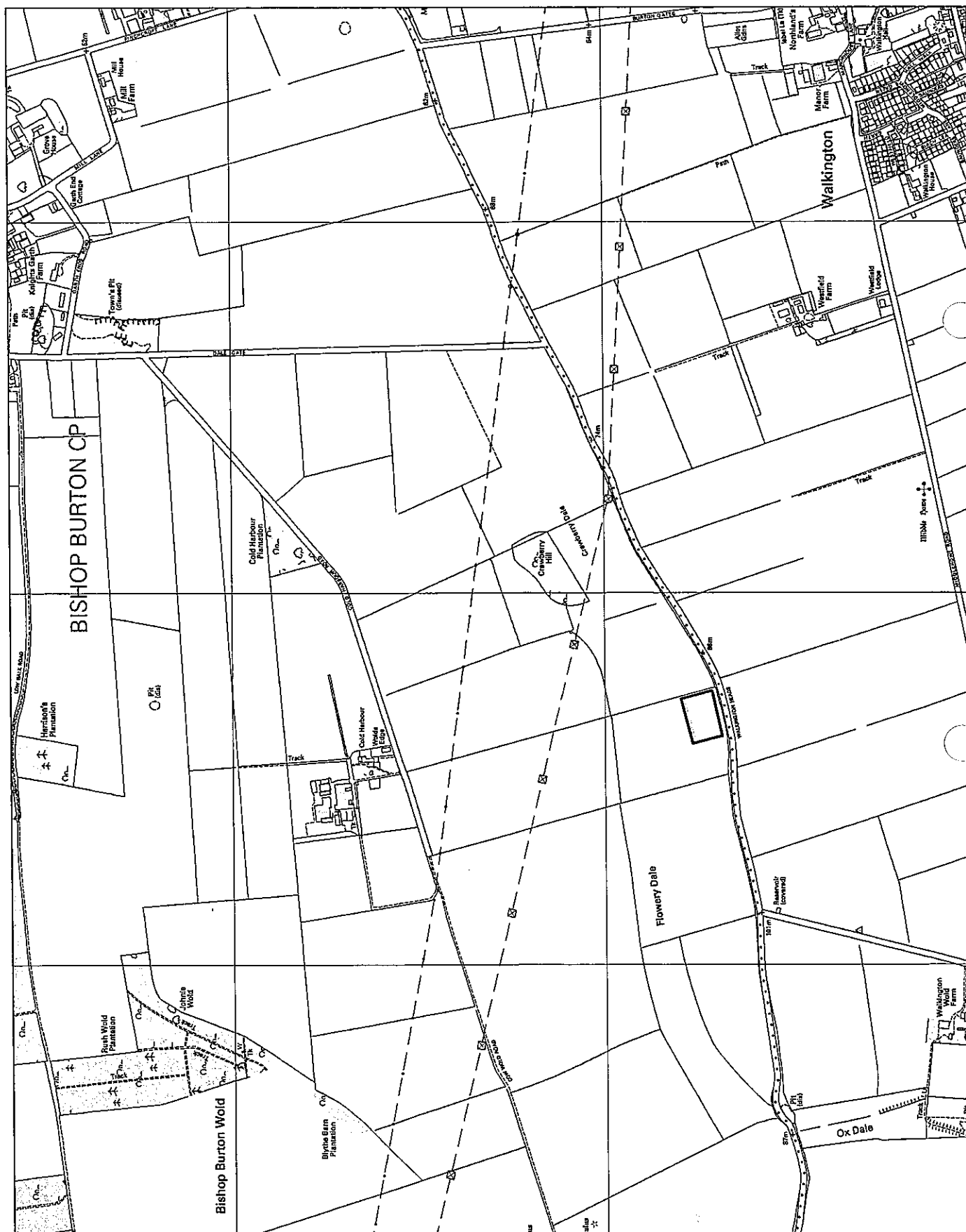


EAST RIDING
OF YORKSHIRE COUNCIL

© Crown copyright. All rights reserved
East Riding of Yorkshire Council
Licence: LA09056L

Organisation	Not Set
Department	Not Set
Application	
Date	30 August 2012
SLA Number	Not Set

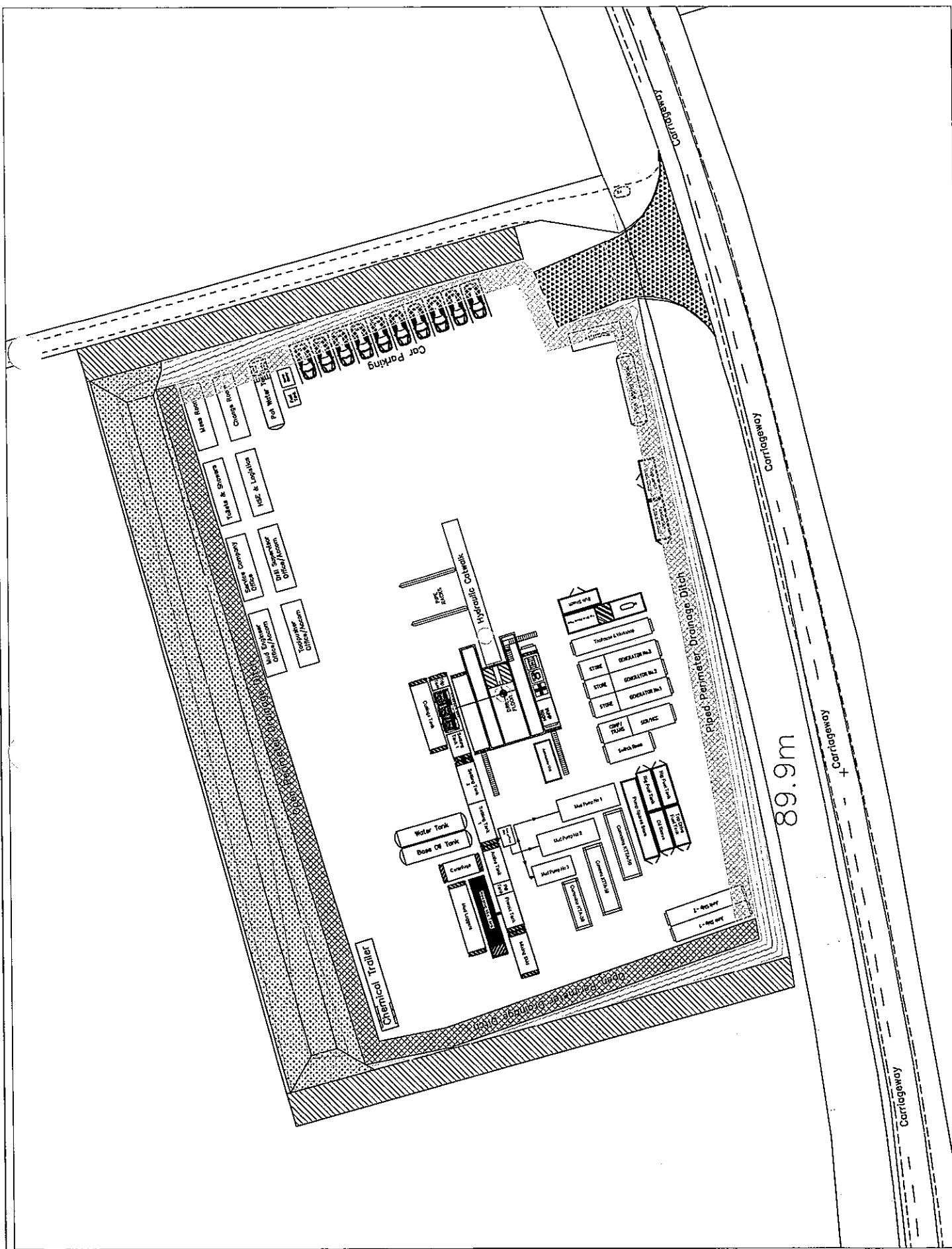
Key:		Client: Rathlin Energy (UK) Ltd
Site Location		Project: Moorhouse D & C Bessingby Way Ind Est Bridlington YO16 4SJ
		Project: Crawberry Hill Exploration Wellsite
		Drawing Title: Site Location Plan
		Scale: 1:10,000
		Date: 24/05/2012
		Drawn By: Jonathan Foster
		Drawing No: MDC/REUK/CH1/PA/006
		Rev: 0

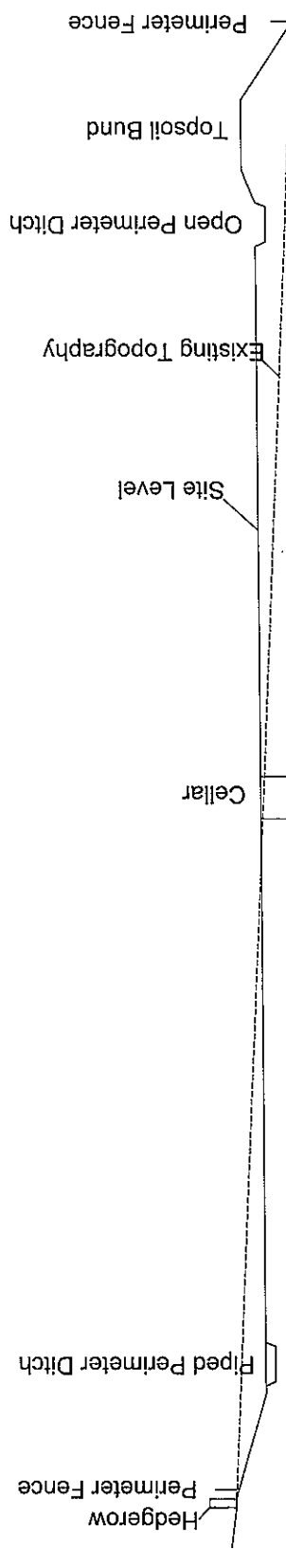
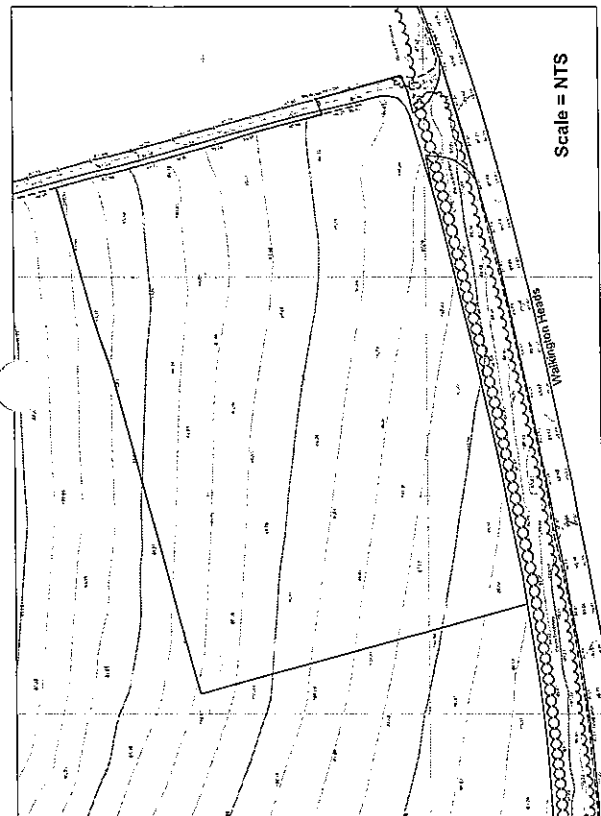




	Blank Application
	Red Line Boundary
	Topsoil Screening Band
	5m Wide Strip Set-Aside for Additional Leachate (Drilling Proves Successful)
	Open Perimeter Drainage Ditch
	Piped Perimeter Drainage Ditch
	Tarmac Surfacing
	Cut and Fill Bluffs

Moorhouse Drilling & Completions
Moorhouse Bessingby Way Bessingby Ind Est Brindlington YO16 4SJ
Client: Rathlin Energy (UK) Limited
Project: Crawberry Hill Exploration Well-site
Drawing Title: Drilling Rig Layout
Scale: 1:500 (Print A3)
Drawn By: Jonathan Foster
Date Drawn: 29/05/2012
Approved By: Jonathan Foster
Date Approved: 29/05/2012
Drawing No: MDC/REUK/CH/PA/003
Rev: 1





Section Through Site North to South

1:100

Key:	
Moorhouse Drilling & Completions	
Moorhouse Bessingby Way Bessingby Ind Est Brindlington YO16 4SJ	
Client: Ratlin Energy (UK) Limited	
Project: Crawberry Hill Exploration Wellsite	
Drawing Title: Topographical Cross Section	
Scale: 1:100 (Printed A0)	
Drawn By: Jonathan Foster	
Date Drawn: 25/05/2012	
Approved By: Jonathan Foster	
Date Approved: 25/05/2012	
Drawing No: MDC/REUK/CH1/PA007	
Rev: 0	

EAST RIDING OF YORKSHIRE COUNCIL

Report to: Planning Committee
13 September 2012

WARDS: Beverley Rural

**Application for Erection of 1 no. wind turbine (60m to hub and 90m to blade tip), control building and associated infrastructure
At Landfill Site Catwick Grange Hornsea Road Leven East Riding Of Yorkshire
by FCC Environmental
Application Number: 12/02987/STPLF**

Report of the Director of Planning and Economic Regeneration

A. Executive Summary

Application reference 12/02987/STPLF is referred to the Committee for decision.

B. Corporate Priorities

Valuing our environment
Retaining the East Riding character
A Well Managed Authority

C. Application Type

Strategic - Full Planning Permission

D. Parish

Leven Parish Council

E. Applicant

FCC Environmental

F. Target Date

25 September 2012

G. Environmental Impact Assessment

Before this application was submitted it was considered within the context of The Town and Country Planning (Environmental Impact Assessment Regulations) 2011 with a view to determining whether an Environmental Impact Assessment was required. Taking into account the requirements of the Regulations and the guidance contained in Circular 02/99 it was determined that an Environmental Impact Assessment was not required in this case.

H. Recommendation

That the application be REFUSED as detailed in section 12 of this report.

1. INTRODUCTION

1.1 The application seeks full planning permission for the erection of a single turbine with a hub height of 60 metres and a tip height of 90 metres with associated infrastructure. The proposed location of the wind turbine is on land associated with Catwick Grange Landfill, which is accessible off Hornsea Road. There is an existing compound to the south east of the Landfill which is accessed from the existing access road; the proposed Wind Turbine Control Building will be sited adjacent to this existing compound.

1.2 The proposal consists of:

- The erection of a single wind turbine with a maximum height to hub of 60 metres and to blade tip of 90 metres;
- Underground cables used to link the transformer to the grid connection points in an existing farm building and to the power lines within this field;
- Wind Turbine Control Building;
- Temporary Construction Compound;
- An area of hardstanding adjacent to the wind turbine (known as a crane pad) to be used by cranes during the construction of the turbine. The pad will consist of compacted stone to a depth of approximately 600mm dependant upon ground conditions and will remain in place after the construction of the turbine to allow for maintenance access. The proposed access track will be removed in its entirety as part of the decommissioning of the turbine.

1.3 The nearest permanent residential property to the proposed wind turbine is Catwick Grange to the east of the site at a distance of 540 metres. The nearest property on Starcarr Lane to the west is located 600 metre from the proposed turbine. The nearest property to the south on Hornsea Road is located 767 metres from the proposed turbine. The nearest property to the north on New Road is located 983 metres from the proposed turbine.

1.4 The proposed wind turbine will generate renewable energy which will be fed back into the national grid. The wind turbine proposed has an expected output capacity of 850kW.

1.5 The expected operational life of the proposed development is 25 years.

- 1.6 Access to the site is provided along the existing access to the Landfill from Hornsea Road. This access road is a tarmac track which currently terminates shortly after passing the existing landfill gas monitoring compound. Beyond the existing compound access to the landfill is restricted and movement around the landfill is provided along existing compacted tracks. The access to the turbine location will be improved within the site to provide a suitable base for the delivery of wind turbine components and the erection of the wind turbine.

2. PLANS AND ILLUSTRATIONS

Appendix 1 - Site Location Plan.

Appendix 2 - Site Layout Plan.

Appendix 3 - Elevations

3. KEY PLANNING POLICIES

- 3.1 The Development Plan for the area comprises the Regional Spatial Strategy, Joint Structure Plan, and the Beverley Borough Local Plan (June 1996).

Regional Spatial Strategy

YH1	Overall approach and key spatial priorities
YH2	Climate Change and Resource Use
YH7	Location of Development
HE1	Humber Estuary Sub Area Policy
ENV5	Energy
ENV8	Biodiversity
ENV9	Historic Environment
ENV10	Landscape
E7	Rural Economy

The Localism Act 2011 gives the Secretary of State power to revoke Regional Spatial Strategies in whole or in part. The Governments stated intention to revoke can be treated as a material planning consideration with weight to be attached to this intention being left to the decision maker in each case.

Joint Structure Plan for Kingston upon Hull and East Riding of Yorkshire

ENV3	Species Protection
ENV6	Built and Historic Assets
ENV7	Archaeological Remains
SP1	Settlement Character
SP4	Distinctive Landscape Character Area

Beverley Borough Local Plan

E3	Development Limits and Open Countryside
----	---

E14	Sites of Nature Conservation Importance
E18	Sites of Nature Conservation Importance
E19	Water Environment
D18	Drainage/Water Provisions
D24	Noise
IN13	Renewable Energy
L11a	Mainstream and Specialist Sports Facilities

Other Relevant Documents

Interim Planning Document on Renewable Energy (2009)
East Riding of Yorkshire Landscape Character Assessment (2005)

National Planning Policy

National Planning Policy Framework – Section 10 (Meeting the challenge of climate change, flooding and coastal change) is of particular relevance
Planning Policy Statement 22 Companion Guide 'Planning for Renewable Energy'

National Guidance

The Energy White Paper 2007
The Climate Change Act 2008
The Renewable Energy Strategy 2009
National Policy Statement for Renewable Energy Infrastructure (EN-1)
National Policy Statement for Renewable Energy Infrastructure (EN-3)
Planning for Renewable Energy: A companion guide to PPS22 2004

4. RELEVANT PLANNING HISTORY

- | | |
|----------------|---|
| 3/303-143C/90 | Planning permission was granted on the 16 th November 1990 for Sand and Gravel Extraction. This planning permission was granted for a temporary period of time and was subject to a condition requiring the restoration of the site once Sand and Gravel Extraction operations had ceased. |
| 04/07784/STPLF | Planning permission was granted on the 17 th January 2005 for the construction of a landfill gas utilisation compound. This compound has been constructed on the site and remains operational. |

5. CONSULTATION REPLIES

- | | |
|----------------------|---|
| Leven Parish Council | <ul style="list-style-type: none"> • Not an appropriate location • Close proximity to residential properties and communities • Adverse impact on residential amenity • Enclosure of Leven by wind farms |
|----------------------|---|

	• Devalue properties • Disturbing effect of noise on nearby properties • Negative impact on airfield, will make it virtually impossible to operate • Adverse impact on ecology especially bat and bird species • Abnormal load route through the village is unacceptable • No clarity with regards who will decommission this structure • Recommend the development of a solar park on the site
Brandesburton Parish Council	• Out of scale for rural location and would dominate village • No benefits to the local community only the landowner • Will produce an insignificant amount of energy • Will reduce house prices • Is likely to impact upon the tourist trade in the area
Catwick Parish Council	Comments will be provided on Wednesday 5 th September following a public meeting.
Highway Control	Acceptable subject to conditions.
Public Protection Division	Awaited.
Conservation Officer	No objection.
Trees and Landscape Section	No comment.
Public Rights of Way	No objection.
English Heritage	No objections raised, application should be determined in accordance with policy.
Nature Conservation Officer (Biodiversity)	No objection subject to conditions.
Beverley And North Holderness Drainage Board	No objections subject to conditions.
CAA - Wind Turbines (Anywhere)	Unable to comment at this time but refers to statutory list of consultees.
Ministry Of Defence	Objects due to interference with radar at Staxton Wold.
NERL Safeguarding Officer	Impact deemed to be acceptable.

Humber Archaeology Partnership	Decision should be deferred until details regarding archaeological deposits are known. If the application cannot be deferred then a condition can be imposed and a suitable condition has been recommended.
Royal Society For The Protection Of Birds	(07/08/12)
Landscape + Visual Impact Assessment	No objection. National Policy Statement for Renewable Energy Infrastructure (EN-3) outlines how the potential harm of renewable energy development should be minimised through careful design, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by reasonable mitigation. There will inevitably be a level of landscape and visual effects as a result of this development, but the single turbine nature of the proposal and its location on a former landfill site mean that any such effects will be largely mitigated by existing built and natural features present in the immediate and wider landscape.
Cable And Wireless Worldwide	No objection.
National Telecommunications Limited	Not received
Robin Hood Airport Doncaster Sheffield	No objection, condition recommended.
Humberside Airport	Not received
Animal Health (DEFRA)	Not received
Animal Health Veterinary Laboratories Agency	Does not contravene any AHVLA policies.
YEDL	Not received
T-Mobile	Not received
Telefonica (formerly O2)	Not received

Radio Communications Agency	Not received.
Cable And Wireless Worldwide	Not received.
Virgin Mobile	Not received.
Humberside Police - Operations	Not received.
Kingston Communications (Hull) Plc	No plant or proposed plant in the vicinity of the site therefore no objection.
Orange Personal Communications Services	One medium wave link which may be affected by the proposed development.
Joint Radio Company Ltd	Holding letter received stating large number of co-ordinates being received.
BAE Systems	Not received
National Grid Plant Protection	No objection.
ERYC - Drainage	No Objection.
Department of Trade and Industry	Not received
BBC Research Department	No objection.
Arqiva Services Ltd	No objection.
Environment Agency (Planning Liaison)	No objection.
Natural England	No objection.
Hull Aero Club - Linley Hill Airfield	Objects as some planes will not be able to climb quickly enough to clear the turbine by the required 500 feet and therefore pilots will be forced over Brandesburton or Leven.

SPECTRUM
(Ofcom)

No objection

6. PUBLICITY

Neighbours/
Publicity

64 letters of representation from local residents and businesses with regards this planning application, 63 of which OBJECT to the proposed development.

The following objections have been raised:

- The turbine will blight the landscape
- The public consultation for this development has been unsatisfactory
- The preferred route for abnormal loads is not suitable
- Wind turbines are not an efficient source of energy
- The proposed turbine development is too close to surrounding built up areas
- There is little foliage to mask the turbine.
- The view from the nearby caravan and log cabin site will be damaged
- Close to holiday camp at Dacre Lake
- The turbine will distract drivers who use the surrounding road network.
- Will discourage house purchasers
- The proposed development will affect the value of nearby properties
- The turbine will result in an unacceptable level of noise
- The turbine will interfere with resident's radio and TV signals
- Residents already have to put up with the smell from the landfill site where this turbine is proposed to be built
- There is an excessive amount of wind turbines in the East Riding in comparison with neighbouring counties
- The turbine will be the tallest structure in the surrounding area and due to the open countryside that surrounds the proposed location, it will be seen for miles around
- The proposed development will not generate anything positive for the local economy
- The turbine will have an adverse effect on wildlife in the area, especially bats and migrating, roosting and feeding birds
- Aircraft from neighbouring Leven Linley airfield will be affected by the turbine
- Physical threat to aircraft
- This turbine will produce only 0.1% of the UK's existing capacity and 0.005% of the countries needs
- No local jobs created

- Will dominate the skyline and views
- Negative impact on tourism and leisure
- Flicker effect may cause mental disturbance
- Not an application by a local farmer but from an absent landowner trying to make a profit
- Higher CO2 emissions generated when power stations are run as back up
- The power generated by a single turbine does not compensate for the numerous environmental disadvantages
- No-one benefits but the developer unlike at Lisset and others where financial schemes have been established
- No aesthetic or material value to the surroundings
- Applicants deserve to seek revenue from renewable energy but not by this means
- East Riding already exceeds renewable energy targets
- Photovoltaic cells preferable
- Jobs will be lost
- Expansion of Lisset would be less obtrusive as are developments in the North Sea
- Risk to RAF fast jets
- Grossly out of scale, should be a smaller turbine
- Each village will be dominated by this massive structure

1 response of SUPPORT for the proposed development. This support is general for all renewable energy projects with no other reasons given.

7. CASE ON BEHALF OF THE APPLICANT

- 7.1 Renewable energy is widely recognised as a key contributor in the drive to reduce the impacts of man-made climate change. Renewable energy production increases national security of energy supply and reduces the depletion of non-renewable fuels. The government has highlighted the importance of wind power in meeting the countries renewable energy needs. This importance is stated in the July 2009 White Paper 'Planning our electric future: A White Paper for secure, affordable and low-carbon electricity', the Climate Change Act 2008 and the Energy Act 2008, as well as other publicised guidance and advisory documents.
- 7.2 A Landscape and Visual Impact Assessment concludes that there will be no significant impact on the surrounding landscape. The Archaeology and Cultural Heritage Assessment summarises that the development will not directly impact upon cultural heritage assets nor is any impact likely to materialise with regards unrecorded cultural heritage assets due to the small footprint of the turbine and the landfill undertaken on large parts of the site. A Programme of Archaeological Works is to be agreed with Humber Archaeology Partnership. There are no significant impacts likely to arise with regards flooding and drainage.

7.3 A variety of bird and bat species have been identified within the site boundaries and in close proximity to the location of the proposed wind turbine. Mitigating measures are proposed in both instances. Great Crested Newts, Otters, Water Voles and Reptiles were all surveyed and reports compiled. Some species were identified in the locality but the development was not considered to harm their existence or habitats.

7.4 The proposed development is in compliance with policies contained within the development plan and it is considered that the wider benefits of the proposal, including wider benefits to the economy and environment, outweigh any localised impacts.

8. KEY ISSUES

- Policy Context
- Landscape and Visual Impact
- Impact upon Cultural Heritage
- Radar, Communications and Aviation Safety
- Residential Amenity inc. Noise and Shadow Flicker
- Highways Issues
- Connection to the National Grid
- Impact upon Protected Species and other wildlife
- Public Rights of Way

9. OFFICER COMMENTS

9.1 Applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

9.2 The National Planning Policy Framework (NPPF) is a material consideration which must be taken into account in planning decisions. If the NPPF contains policy guidance that is relevant to this application, the report below will explain this, and consider the extent to which development plan policy is consistent with the NPPF and the weight to be given to that policy. For 12 months full weight may still be given to relevant development plan policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The RSS falls into this category. For policies in the JSP and the existing Local Plans due weight should be given according to their degree of consistency with the NPPF.

9.3 It is the Government's clear policy intention to revoke the Regional Spatial Strategy subject to the outcome of the environmental assessments that are currently being undertaken. Until it is abolished the RSS remains part of the development plan although the intention to abolish the RSS can be treated as a material planning consideration with the weight to be attached to this intention being a matter for the decision maker.

9.4 Policy Context

9.4.1 The benefits of developing the use of renewable resources as an increasing proportion of total energy consumption are reflected in the objectives of European Union and UK

law and policy. This framework of law, policy and guidance is set out in the UK Government Climate Change Programme, the Energy White Paper 2007, the Climate Change Act 2008 and the Renewable Energy Strategy 2009. It is accepted that the current proposal would contribute to the national objective of promoting renewable energy technologies.

- 9.4.2 The Renewable Energy Strategy 2009 represents the latest development of UK energy policy. The UK has a binding target to meet 15% of its total energy consumption from renewable sources by 2020. The proportion of the electricity supply that will need to come from renewable in order to meet this target is projected in the Renewable Energy Strategy to be 30% or more by 2020, and the indicative target is for onshore wind to supply some 29% of the electricity from renewable resources. Consumption of renewable energy will need to rise by 17% per annum to meet the 2020 goal.
- 9.4.3 The UK is required by EU Directive to submit details of its target performance in order to meet the 2020 figure. The UK is already behind the 2010 target of just 10% of electricity from renewable sources. In these circumstances and having regard to a potential increase in the headline target from 20% to 30% by 2020, it is considered significant weight must be placed on the need for the provision of new sources of renewable energy of which onshore wind is an important element. The proposed development would contribute to international and national objectives of promoting renewable energy technologies.
- 9.4.4 Policy ENV5 of the Regional Spatial Strategy for Yorkshire and the Humber sets local targets for contributing to renewable energy capacity, and it is the position that the East Riding has reached 43MW of installed capacity; the 2010 target was for 41MW to have been installed. The regional East Riding target of 148MW by 2021 will be met or exceeded by projects already constructed or with planning permission. A number of recent wind farm planning appeal decisions within the East Riding have demonstrated that these regional targets are considered to be indicative only, should be exceeded and can carry little weight against national and regional need for renewable energy development. These decisions have held that the requirement to help meet binding national targets is a material consideration of significant weight in the decision making process.
- 9.4.5 Local policies of relevance are found within the Joint Structure Plan and Beverley Borough Local Plan. Relevant local policies are quoted at section 3 of this report. Policy E3 of the Beverley Local Plan requires an assessment of the appropriateness of the development in a rural area and the impact of the development in terms of location, design and landscaping. Policies E14, E18 and E19 aim to prevent a decrease in local ecology and ensure there is no adverse impact upon protected species. Where harm is unavoidable conditions and obligations should be used to compensate for any loss of habitat and/or to secure the relocation and survival of a species within the site. Policies D18 and D24 respectively require satisfactory arrangements to be made for the disposal of foul and surface water discharges and to ensure noise generation is acceptable.
- 9.4.6 Policy IN13 of the Beverley Local Plan provides precise guidance on the determination

of planning applications for the development of renewable energy development. This policy requires that renewable energy development must not **significantly** detract from the character, appearance or amenity of an area, conflict with adjacent land uses, **significantly** affect an area of nature conservation or archaeological importance or cause **significant** adverse effect on electro magnetic communications systems.

- 9.4.7 Policy L11a is a site specific policy which promotes the use of the site for recreational uses, the acceptability of such uses is dependant upon whether they would give rise to adverse effects on the amenity of residents within Leven and wildlife and nature conservation interests.
- 9.4.8 Policy SP1 of the Joint Structure Plan aims to protect the settings of settlements with special consideration given to historic street and development patterns, important skylines and views, open space within settlements and the setting of settlements. Policy SP4 highlights the distinctive character areas within the district and requires development to protect and where possible enhance the respective character areas.
- 9.4.9 Policy ENV3 of the Joint Structure Plan reiterates guidance in policies E14 and E18 of the Local Plan. Development which has an adverse effect upon protected species will only be allowed where there is an overriding need and/or appropriate mitigating compensatory measures are provided. Policy ENV6 aims to protect the setting, character and appearance of strategically important buildings, features or areas of historic or architectural interest. These interests include Historic Battlefields, Listed Buildings and Conservation Areas.
- 9.4.10 On 27 March 2012 the National Planning Policy Framework (NPPF) became effective and replaced national planning policy and guidance, and is now a significant material consideration.
- 9.4.11 The NPPF states that the purpose of the planning system is to 'contribute to the achievement of sustainable development' of which there are three dimensions: economic, social and environmental. Of the latter, protecting and enhancing the environment by way of mitigating and adapting to climate change is a significant consideration.
- 9.4.12 The NPPF, through its core land use planning principles, seeks to enhance and improve the places people live by quality design, and ensuring a good standard of amenity for all existing and future occupants of land and buildings.
- 9.4.13 Included in the twelve core principles identified in paragraph 17, one emphasises support for the transition to a low carbon future in a changing climate, achievable by several routes including the development of renewable energy resources.
- 9.4.14 Further, inline with the Climate Change Act 2008, Local Planning Authorities are advised to adopt a proactive approach supporting energy generation from renewable or low carbon sources. When determining planning applications for energy development they should not require applicants to demonstrate the overall need for renewable or low carbon energy and should recognise that even small-scale projects provide a valuable

contribution to cutting greenhouse gas emissions. They should approve such applications if the impacts are acceptable or can be made acceptable. This stance is repeated in paragraph 98 of the NPPF.

- 9.4.15 Local Authorities are advised that any local approach to protecting landscape and townscape should not preclude the supply of any type of renewable energy other than in the most exceptional circumstances.

9.5 Landscape and Visual Impact

- 9.5.1 National Policy Statement for Renewable Energy Infrastructure (EN-3) outlines how the potential harm of renewable energy development should be minimised through careful design. This should take into account the potential environmental effects on the landscape, siting, operation and other relevant constraints, to minimise harm to the landscape, including reasonable mitigation.

Landscape Character

- 9.5.2 The Council's Landscape Character Assessment (2005) (LCA) identifies the areas of distinct landscape character within the East Riding and makes judgements about the quality, value, sensitivity and capacity for new development to be assimilated in each character area. It identifies the application site as being within Landscape Character Type 18 – Low Lying Drained Farmland. The key characteristics of this area are:

- Flat, low lying flood plain generally below 10m AOD.
- Sparse settlement in the floodplain. Farmsteads and villages concentrated on the edge of the flood plain.
- Few crossing points on the River Hull contributing to low density of development between North Frodingham and Tickton.
- Pockets of fens and reed swamps indicating a former landscape.
- Sparse tree and woodland cover.
- Rectilinear field systems with hedgerow and drainage ditch boundaries.
- Sand and gravel extraction.
- River Hull and Beverley Barmston Drain are major watercourses with embankments.
- Numerous water bodies particularly associated with gravel extraction.
- Recreation associated with water bodies and the River Hull.

- 9.5.3 The site is a former Sand and Gravel quarry which has now been filled and is now in a process of remediation. The planning permission for the Sand and Gravel extraction was conditional upon the remediation of the site and the return of the land back to agriculture as expediently as possible. It is apparent from visiting the site that a return to agriculture is not imminent and may never be possible but the site has developed a diverse ecology, especially around bodies of water and the site boundaries. The site is surrounded by three villages and is particularly close to and visible from the villages of Leven and Brandesburton. There are recreational uses in the locality, including holiday parks and golf courses, from which the proposed wind turbine will be visible.

- 9.5.4 There are features within the site boundary and close to the proposed wind turbine which are listed in the key characteristics for this landscape area. These characteristics include bodies of water which are connected by drainage ditches within the site and on the boundaries. The site is void of vegetation other than grass and low lying shrubs but the boundaries of the site are formed, in part, by hedgerows and trees. Some of the hedgerows and the bodies of water/ditches within the site host a diverse local habitat, including protected species. Any potential adverse impact upon these habitats should be mitigated.

Visual Impacts

- 9.5.5 The visual impact of proposals has been assessed in terms of;

- The sensitivity of the character of the area/visual receptor
- The magnitude of change
- The subsequent significance of the effect of the development

The sensitivity of visual receptors is dependent upon the location and context of the viewpoint, and whether these views are continuous, fragmented, or intermittent (the dynamic nature of the view gained while travelling through the area). Other issues to take into account are the importance of the views and the occupation and activity of the visual receptor. Influences such as the number of receptors affected, the popularity of views and the significance of the views in relation to the landscape also determine the importance of the view. In this respect, the receptors have been broken down into three areas of sensitivity namely:

Higher sensitivity receptors	Includes views from residential properties, users of the Public Right of Way.
Medium sensitivity receptors	Dynamic views gained by the travelling population through or past the landscape on quiet routes. People engaged in outdoor activities.
Low sensitivity receptors	Including people at their place of work whose attention may be focused on their work or activity and therefore less susceptible to changes in view. Observers travelling at speed in vehicles or people involved in indoor activities.

- 9.5.6 For the application the high sensitivity receptors would be residents of properties located within the closest proximity to the proposed turbine. These include properties to the west and north of the site on Starcarr Lane, to the north of the site on New Road and to the south of the site on Hornsea Road and East Street and the single residential properties known as Catwick Grange to the east and Northfields Farm to the south. There are a number of public footpaths and bridleways in the surrounding area, the nearest are located to the south west of the proposed turbine 391 metres away, to the

west northwest 440 metres away and to the northeast 472 metres away. Views from the local public footpath network are intermittent and the prominence of the wind turbine is reduced by the distance of the turbine from receptors. Vegetation along public footpath routes and in the wider environment ensures that views of the turbine are partially or wholly screened in many instances.

9.5.7 Medium sensitivity receptors would involve instances where views are gained from travelling through the landscape. There are two minor routes, one is formed by Hornsea Road and High Street in Leven, the second route joins Brandesburton and Leven to the west of the site (Starcarr Lane). There are a number of residential streets within Leven and Brandesburton from which the proposed turbine will be visible sporadically between buildings. The holiday parks in the locality are also considered to be medium sensitivity receptors as the occupants of these holiday parks are temporary residents, are not exposed to views on a permanent basis and are often engaged in outdoor activities. Topography, vegetative screening, distance and orientation all ensure that the prominence of the wind turbine is mitigated. Surrounding roads all provide views of the proposed turbine but these views are provided intermittently between buildings and vegetation.

9.5.8 It is recognised that the low sensitivity receptors are those of car occupants on main roads, these views are considered lower than pedestrians and from local roads crossing the countryside since it is assumed that pedestrians and country motorists will be more focussed on the landscape. The aspects to consider are the degree of visual intrusion that will occur from this route, its duration of view and its context in the landscape. It is not considered that the degree of visual intrusion experienced by passing road users will be significant in this instance as the views of the turbine will be intermittent and for a short duration as few vantage points are provided within the wider landscape.

Impact on Individual Residential Properties

9.5.9 In assessing the impact of wind turbines on residential amenity a public interest test has been applied at appeal and is considered to be the correct way to calibrate the visual impact on residents. In assessing the visual effect of these schemes in isolation or together on living conditions, the question to answer is would the proposals affect the outlook of residents to such an extent, i.e. be so unpleasant, overwhelming and oppressive, that the property would become an unacceptably unattractive place in which to live. This test has been applied to the properties listed below:

Compression House, Starcarr Lane

9.5.10 On the date of the site visit an extension was being built to the rear of this property, this extension is to contain a master bedroom at first floor level. This room would have a direct view of the proposed wind turbine from a distance of approximately 628 metres. This view would be unrestricted from the first floor level above the workshop and immature conifer hedge, but there is a mature tree in the garden which would dominate the view and there are a number of newly planted trees and conifers in the rear garden.

- 9.5.11 Although the proposed turbine would be prominent in these views it is not considered that the proposed wind turbine would be unduly dominant or oppressive, to the extent that the property would become an unacceptably unattractive place within which to live. Other wind turbines have been built in the local area, however, these will not be highly visible from this property and the cumulative impact of wind farm development in the area will not significantly affect this dwelling. Immature trees within the rear garden will continue to grow over future years and will eventually screen the majority of the proposed turbine.

Starcarr Cottages Starcarr Lane

- 9.5.12 Rear bedroom windows at the first floor level will have views of the proposed wind turbine which would only be screened by features within the respective gardens of each cottage. These views would be from a distance of approximately 622 metres. There would be a single mature tree within this view but some windows are likely to be granted unobstructed views of the proposed turbine.

- 9.5.13 Although the proposed turbine would be prominent in these views it is not considered that the proposed wind turbine would be unduly dominant or oppressive, to the extent that the property would become an unacceptably unattractive place within which to live. Other wind turbines have been built in the local area, however, these will not be highly visible from this property and the cumulative impact of wind farm development in the area will not significantly affect this dwelling.

Starcarr House, Starcarr Lane

- 9.5.14 This property has a primary elevation which faces south towards the village of Leven. There are however a number of windows on the eastern elevation of the property which face towards the proposed turbine and some of these windows appear to be primary room windows, including a large bay window. Any views from this property are at a distance of approximately 608 metres away. This property has the most direct view of the proposed turbine from Starcarr Lane but this view is afforded a significant element of screening. There is a row of large evergreen trees to the east of the property which will screen the majority of views to the wind turbine. There are also a number of agricultural outbuildings to the northeast of the property, these buildings do not screen the wind turbine but they do introduce a secondary element into views which acts to reduce the prominence of the proposed wind turbine.

Catwick Grange

- 9.5.15 This is the closest property to the proposed wind turbine at a distance of approximately 533 metres to the east of the site, across the A615. The primary elevation of this property is south facing and although there are windows on the western elevation of the property these are generally secondary windows. There is also a substantial degree of screening on the western boundary of this property which will block all views from the property and the majority of views from the garden also. There is a long driveway towards this property from the B1244, from which there will be direct views of the

proposed wind turbine, however these views are wholly screened from most locations within the property and its curtilage.

Northfields Farm

- 9.5.16 This property is located almost 500 metres from the proposed wind turbine and is set amongst mature screening, low-lying vegetation and extensive farm outbuildings. As such there are not considered to be any direct views from within the property and views from the garden, driveway and farm yard will be well screened. Given the distance from the proposed turbine and the existence of extensive screening it is not considered that the proposed wind turbine would be unduly dominant or oppressive, to the extent that the property would become an unacceptably unattractive place within which to live.

Leven (Hornsea Road, Balk Close and East Street)

- 9.5.17 There are a number of properties on Hornsea Road, Balk Close and East Street which will be afforded views of the proposed wind turbine. The closest of these views would be approximately 777 metres from properties directly to the south of the proposed site. The outlook from these properties will be afforded some screening in the form of agricultural outbuildings and vegetation; however some properties will be afforded direct views of the proposed wind turbine from first floor level. It is considered that ground floor views and rear garden areas will be afforded a significant degree of screening and most views will at least be obstructed in part.
- 9.5.18 It is not considered that the proposed wind turbine will appear unduly oppressive or dominant within views from properties on these streets by virtue of distance and screening elements which are afforded in all instances. Views from first floor levels are available but it is not considered that these views are sufficient to be unduly dominant or oppressive, to the extent that the property would become an unacceptably unattractive place within which to live.

Brandesburton (Starcarr Lane and New Road)

- 9.5.19 The closest properties in Brandesburton are located on Starcarr Lane and New Road; these two roads form the southern boundary to Brandesburton. There are a number of industrial/agricultural units to the south west of Brandesburton which screen views from properties in this locality. The closest properties in this location are approximately 770 metres from the proposed wind turbine and any views towards the turbine are blocked or in the context of industrial/agricultural buildings. There is also a significant degree of screening afforded in the form of mature vegetation when viewing the proposed turbine from this location.
- 9.5.20 Further along Starcarr Lane the road changes and is named New Road. The character of the road also changes with residential properties lining the road to the north and trees and field to the south. There are a number of properties on New Road which are orientated to the southeast and will have a view towards the proposed turbine from a minimum distance of almost 1,000 metres. These are not direct views and they are from

a significant distance. These views are also predominantly from ground floor windows as the majority of properties are bungalows and very have first floor windows. A row of mature trees on the southern boundary of New Road also provide a significant element of screening.

Catwick

- 9.5.21 The closest properties in Catwick are located 1,377 metres from the proposed wind turbine and few of these properties are afforded direct views of the site as the majority of the dwellings in the village are north/south facing onto Main Street. The turbine will be visible from some rear gardens as there is limited vegetation between the village and site, however the distance will minimise the impact of the development proposed and will not significantly impact upon the amenity of residents.
- 9.5.22 There are two small bungalows on the approach to Catwick on the B1244 which will again be afforded some views of the wind turbine proposed. These properties are located approximately 1,000 metres from the proposed turbine and views from the properties are not direct. Given that any views towards the wind turbine are not direct and are at a significant distance, the proposed development is not considered to have a detrimental impact upon the residential amenity of occupants.

Cumulative Impacts

- 9.5.23 This local landscape is capable of accommodating a single-turbine development of this scale due to the nature of the local and wider landscape, the level of visual interventions present in the area and the sensitivity of receptors likely to experience views. There is the potential for an increased significance and magnitude of visual effects when considering the cumulative impact of this proposal alongside any future wind turbine/wind farm development which may be applied for in close proximity to this site.

Landscape and Visual Impact Conclusions

- 9.5.24 For the reasons outlined above it is considered that the magnitude of change in the environment is mitigated against and is therefore acceptable. Subsequently the significance of the impact on the environment and the effect of the development is considered to be acceptable in this instance. The consultation response received from the Landscape and Visual Impact Officer supports this conclusion.
- 9.5.25 The impact of the development proposed on the landscape character of the area and upon views from identified receptors is not considered to be significant and any impact is considered to be outweighed by the national need for renewable energy generation. For the above reasons the application submitted is considered to comply with the policy requirements of the NPPF, in particular paragraph 97, and policy IN13 of the Beverley Borough Local Plan.

9.6 Impact on Heritage Assets

9.6.1 It is acknowledged the proposal would potentially be visible from some heritage assets within the area. There are a number of listed buildings within both Leven and Brandesburton, the most notable of which are the historic churches which exist in both settlements. The church in Brandesburton is Grade I listed and the church in Leven is Grade II* listed. The proposed turbine will be visible from within the tower of each church; however, it will not be greatly visible from within the church grounds or when viewing the setting of each church. Views of the turbine may be possible when walking within the respective Conservation Areas of Leven, Brandesburton and Catwick however the turbine will not appear prominent within views or dominant the skyline or important views into or out of the Conservation Areas.

9.6.2 The applicant has identified three Scheduled Ancient Monuments within the general locality, the closest of which is located approximately 2,500 metres from the application site. Views to and from these scheduled ancient monuments have been considered and the proposed turbine will not be prominent within any of these views or cause detriment to their setting.

9.6.3 The Councils Conservation Officer has not objected to the proposed wind turbine and is in general agreement with the conclusions of the applicant's submissions on this subject.

9.6.4 For the above reasons the proposed development complies with section 12 of the NPPF and policy ENV6 of the Joint Structure Plan as it conserves the historic environment.

9.7 Radar, Communications and Aviation Safety

9.7.1 Consultations with organisations interested in the effects of turbines on airport and defence radar, including the Civil Aviation Authority, National Air traffic Control, Humberside Airport and the Ministry of Defence (MoD) have resulted in one objection from the MoD. This objection has been raised due to the interference which will be caused to the Staxton Wold radar. The applicant's agent has been informed that this objection exists but the issues raised by the MoD have not been resolved. Paragraph 164 of the NPPF highlights the need for Local Planning Authorities to work with the MoD's Strategic Planning Team to ensure that an application takes into account the defence and security needs of the area.

9.7.2 Further guidance on this issue is provided at section 5.4 of the Overarching National Policy Statement for Energy (EN-1), which highlights the importance of aviation interests in the UK and the safeguarding of these interests. An official safeguarding system applies to certain military aerodromes and defence assets. It is accepted at paragraph 5.4.7 that energy infrastructure may interfere with the operation of communication, navigation and surveillance infrastructure including radar. It also states that 'wind turbines may cause false returns when built in line of sight to Primary or Secondary Surveillance radar installations'. It is these false returns which have been raised as a concern by the MoD in this instance. The refusal of this application for the reasons specified at the end of this report are fully justified by national planning policy in the NPPF and Overarching National Policy Statement for Energy (EN-1).

9.7.2 An objection has been lodged by Hull Aero Club who operates out of Linley Hill Airfield. The basis for this objection is that the proposed wind turbine is located on the climb out route from the airfield and some planes from the airfield will not be able to achieve the legal 500 feet clearance and will be forced to divert over Leven or Brandesburton. The wind turbine will be located 2,200 metres from the eastern tip of the airfield runway and as such it is outside of the Civil Aviation Authorities CAP 793 recommendation that there should be no obstacle above 150 feet in height within 2,000 metres a runway. The proposed turbine is outside of the recommended distance by only 200 metres and the turbine, at 295 feet high, is 145 feet above the minimum stated height.

9.7.3 It has been clarified by the objector that the wind turbine does not pose a danger to incoming and outgoing aircraft. The concern is that the turbine will pose a perceived danger and risk of turbulence which will result in pilots moving left or right, therefore increasing the risk of overflying one of the two villages. The distance between these two villages is approximately 1,640 metres, as the crow flies, and the proposed wind turbine will be located almost equidistant between these villages. In instances where planes cannot make the legal separation of 500 feet above the turbine any deviation to the north or south of the turbine need not cause planes to overfly either Brandesburton or Leven.

9.7.4 The relevant bodies regarding communication issues have been consulted and only Orange has responded to state that one of their links **may** be affected but have not objected. No other concerns have been raised by the relevant stakeholders with regards the potential for interference to be caused with navigational, radar, microwave, or UHF links. With regard to the objections raised with regard to television interference the BBC windfarm tool suggests that no homes would be affected for whom there is no alternative off-air service. As the development will take place after the switch over to digital television in this area, it is unlikely that the development will effect terrestrial television reception.

9.8 Residential Amenity - Noise and Shadow Flicker

9.8.1 A noise assessment was submitted in support of the application, in accordance with the guidance in the Council's Interim Planning Document 'Planning for Renewable Energy Developments'. The assessment was undertaken at four locations around the site including Dacre Lakeside Park, Fosse Hill Jetski Park, Coneygarth and Northfields Farm.

9.8.2 The noise assessment concludes that the predicted noise emission levels for the proposed development alone would meet the limits as set out in ETSU-R-97 (which is the current guidance on noise associated with the operation of wind turbines) for both quiet daytime and night time periods. The comments from the Council's Public Protection Officers are awaited and Members will be updated with their comments at the Committee Meeting.

9.8.3 The construction phase of the project will primarily involve the construction of the turbine foundation and access track infrastructure, with the turbine itself being manufactured off site and brought to the site in sections. Both construction and

decommissioning activities will inevitably lead to some degree of disturbance at locations in close proximity to the activities themselves. This is however a temporary source of noise and it is considered that planning conditions can satisfactorily control hours of work and delivery times during the construction phase, in addition to securing the agreement of and adherence to a code of good working practice.

- 9.8.4 Shadow flicker occurs at certain times of the year when a rising or setting sun shines through rotating turbine blades and the shadow produced passes in to a building through a window, with rotating turbine blades causing a rapid increase and decrease in light level. Shadow flicker effects are significant only within a distance of ten rotor diameters of a wind turbine and within approximately 130 degrees of either side of north from the turbine positions. With respect to the current proposal, ten rotor diameters is equivalent to a maximum distance of 540m. The proposed siting of the turbine means that there is only one property located within the zone which may be affected by shadow flicker, this property is Catwick Grange, which is located at the very edge of this range, approximately 540 metres to the east. Given that Catwick Grange is not within 130 degrees of north and this property is well screened by vegetation there is considered to be no risk of shadow flicker occurring.

9.9 Highways

- 9.9.1 Consultation with the Council's Highways department and the Highways Agency raised no objection to the proposal. Conditions have been requested by the Council's Highways department and these conditions can be attached to any Notice of Decision.
- 9.9.2 Concerns have been raised by the local community with regards the diverting of traffic through the village of Leven opposed to accessing the site from the A165. These concerns have been raised with the applicant's agent and the reason the site cannot be accessed from the A165 is the inability of vehicles to make a U turn into the site from Hornsea Road. The applicant's agent raised the potential to construct a temporary access straight onto the existing road from the A165 roundabout; this would have required the clearance of trees and vegetation. The short term disruption caused by bringing 10 abnormal loads through the village is considered preferable to removing established vegetation from the roundabout. Another option is considered to be to reverse the abnormal load down Hornsea Road from the A165 roundabout for a distance of approximately 150 metres before entering the site in a forward gear. Notwithstanding the alternative options which exist there has been no objection from highways consultees and therefore the access route proposed is considered to be acceptable.

9.10 Connection to the National Grid

- 9.10.1 Cabling on the site from the turbines to the existing on-site substation would be via underground cables. Underground cables would also be used to connect from the substation to the nearest grid connection point.

9.11 Impact on Wildlife

- 9.11.1 Within the locality there are a number of SSSI's which are designated due to the water environment within this locality. The closest of these designated sites is Leven Canal SSSI which is 1,500 metres to the south west. There is however a varied ecology in the localised area and the Ecological Surveys submitted by the applicant have identified protected bat and bird species on the site as well as Otters and Water Voles. This biodiversity is primarily created by the water features which exist in the local area and which include four ponds and a number of drainage channels within the site.
- 9.11.2 Within the supporting documentation Ecological Surveys, including desktop and extended surveys, have been provided. The documents give details relating to ecological receptors that could be affected and the likelihood of adverse impacts arising and mitigation measures where adverse impacts have been identified. The potential receptors which were considered are bats, birds, Great Crested Newts, Water Vole and Otters, reptiles and Badgers. The proposed development is not considered to pose a risk to Great Crested Newts, Water Vole, Otters, Badgers or reptiles subject to mitigating measures in some instances.
- 9.11.3 The proposal has followed guidance provided by Natural England which outlines turbine developments should be sited within a buffer zone of at least 50m between blade tips and any natural features such as hedgerows. The guidance note *Natural England Technical Guidance Note TIN059* has been used to assess the above and it is noted that the turbine is located on a former quarry and landfill site where natural features exist on the periphery of the site boundary and in the form of drainage ditches and ponds. The location of the proposed wind turbine places it 50 metres from the nearest natural feature west of the turbine and 60 metres from the pond to the north of the turbine. To achieve the 50 metres of separation from the blade tips, the turbine would have to be located 52.92 metres from the relevant natural feature. It is considered that the 50 metres achieved by the applicant in this instance is acceptable.
- 9.11.4 The area of micro siting proposed by the applicant is however unacceptable as this would provide the applicant with the opportunity to relocate the proposed turbine to a position only 15 metres from the western boundary of the site or 28 metres from the pond to the north.
- 9.11.5 The Council is satisfied that the submitted ecological survey work and information follows appropriate guidance and current best practice, and also that the findings of these and the conclusions reached with regards to mitigation is appropriate. Policy EN30 of the Local Plan states the LPA shall endeavour to minimise the impact of new development of valuable wildlife or physical features, whilst the surveys provided have outlined there may be a risk to some species it is considered low. This is a view which is supported by the comments made by the council's nature conservation officer. Conditions would be recommended to ensure the implementation of appropriate mitigation measures, as identified within the submitted documentation.

9.12 Public Rights Of Way

- 9.12.1 The wind turbine will be visible from a number of public footpaths in the local area, the

closest of which is located 391 metres to the south west of the site. From this footpath the wind turbine will be highly prominent given its height but this prominence is tempered over much of its length by existing hedgerows which will block views to the northeast. Although the proposed turbine will be prominent from the nearest footpaths it is a single installation predominantly over 400 metres away. At this distance the turbine will not be overly dominant and the impact is considered to be within acceptable levels.

9.13 Other Issues

9.13.1 National planning guidance in the form of the Planning Act 2008 – Guidance on pre-application consultation advises that consultation is entered into at the earliest possible opportunity. This provides relevant consultees with the opportunity to influence the decision being made and makes the application process as smooth as possible. This consultation is not a statutory requirement in this instance and any limitations which may be present in the applicant's pre application process do not justify the refusal of this application.

9.13.2 On-shore wind turbines are supported by the government as an acceptable and efficient source of renewable energy. The applicant has undertaken an assessment of the wind resource on the site and it has been considered to be suitable for the development proposed. Notwithstanding the above, paragraph 2.6.30 of the National Policy Statement for Renewable Energy Infrastructure (EN-3) states that *'the economics of the scheme are a matter for the technical and commercial judgement of the wind farm applicant'*. A condition would be attached to any planning permission granted which would require the decommissioning of the turbine if it failed to produce electricity for a 1 year period.

9.13.3 There is no evidence to prove that wind turbines and wind farms distract drivers or cause highways safety issues whilst in operation. This issue has been discussed at appeal and is embedded in case law; it is not a justifiable reason to refuse this application. Variations in house prices are not a material planning consideration which can be taken into account by officers in the determination of planning applications. No evidence been submitted to prove that the proposed turbine would reduce tourism in the area or that the locality would be economically disadvantaged by the proposed development. Dacre Lakeside Park is the closest recreational use to the site and no objections have been lodged by this facility. Finally, every planning application must be determined on its own merits and the council cannot make recommendations to the applicant with regards alternative uses of the site (e.g. Photovoltaic Cells). This is not a material planning consideration which can be taken into account by officers in the determination of planning applications.

10. CONCLUSION

10.1 It is considered that the development in principle would accord with National and Development Plan Policy relating to the provision of renewable energy through wind turbine development, and that it would make a contribution towards meeting the national need for renewable energy as established in Government Policy.

- 10.2 The turbine would form a presence within the local landscape but it is considered that the degree of change is acceptable as it would not result in the creation of a landscape character sub-type extending beyond the immediate vicinity of the application site, or significantly diminish the intrinsic character of the area. It is also considered that there would be no significant impact on the setting of any of the designated heritage assets within the locality or area of the proposed site area.
- 10.3 It is considered that other potential impacts relating to noise associated with both the construction and operational phases of the development, ecological impacts and highway impacts are acceptable and/or can be made acceptable by way of condition.
- 10.4 The application has however resulted in a formal objection from the MoD which the applicant has been unable to resolve during the formal application process. For this reason the application must be refused as the generation of renewable energy by the proposed turbine does not outweigh the potential danger caused by interference to military radar which could result from the proposed scheme. For this reason the application must be recommended for refusal.

11. HUMAN RIGHTS

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

12. RECOMMENDATION

That the application be **REFUSED** for the following reason:

1. The proposed wind turbine would cause unacceptable interference to the radar at Staxton Wold 33.1km from the site. The Ministry of Defence (MoD) have objected on the basis that the probability of the radar detecting aircraft flying over or in the vicinity of the turbine would be reduced and the RAF would be unable to provide a full air surveillance service.

The proposed wind turbine in this location would be in conflict with paragraph 164 of the National Planning Policy Framework and National Planning Policy Statement (EN1) section 5.4. The benefits of generating green energy at this location do not outweigh the significant harm the proposed wind turbine will have in securing a safe RAF Air Defence Radar Service Staxton Wold.

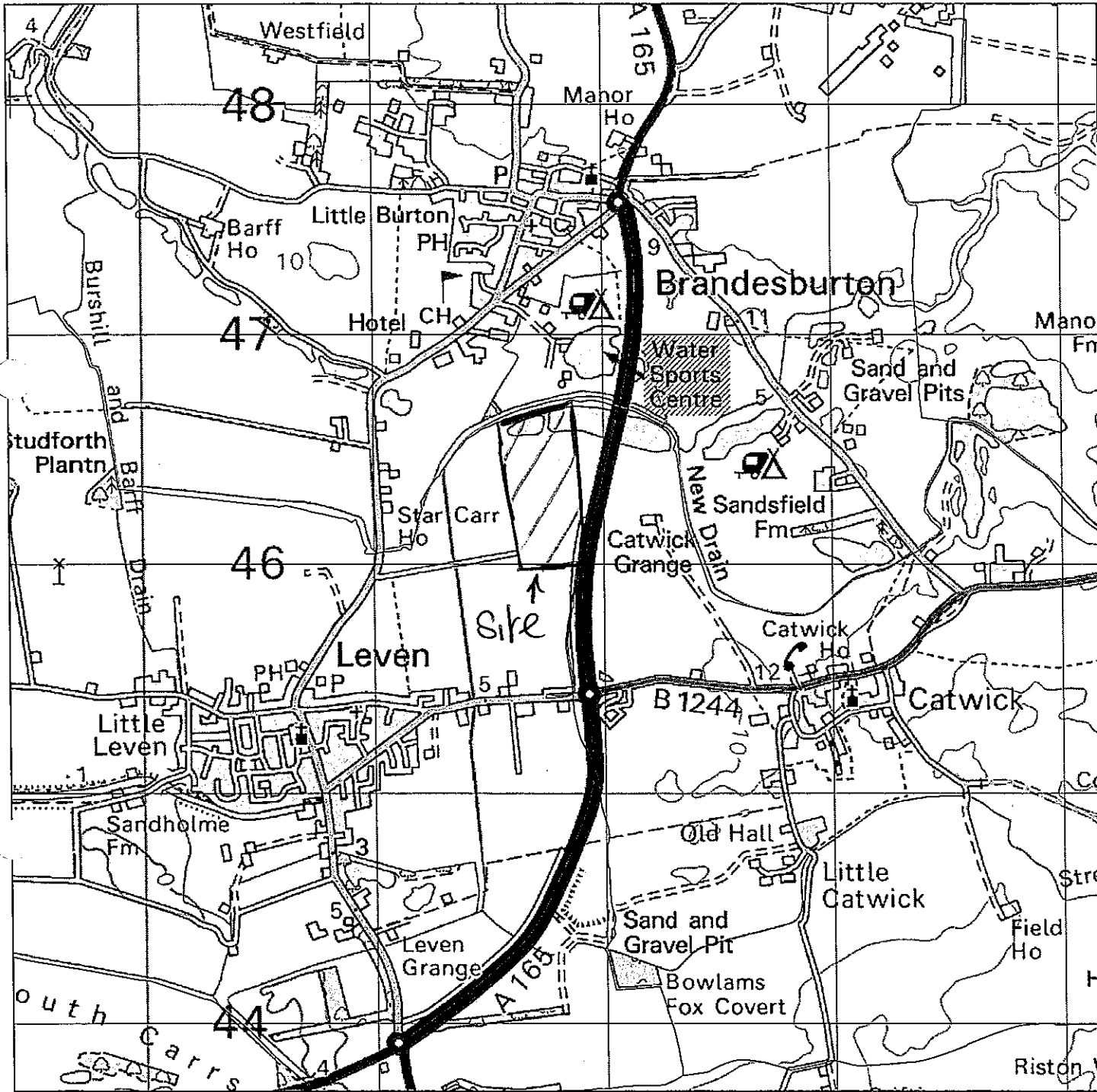
Alan Menzies
Director of Planning and Economic Regeneration.

Contact Officer

Mr Mark Beevers

Background Papers

Committee Plan



Scale : 1:25000



EAST RIDING
OF YORKSHIRE COUNCIL

© Crown copyright. All rights reserved
East Riding of Yorkshire Council
Licence: LA09056L

Organisation	Not Set
Department	Not Set
Application	
Date	30 August 2012
SLA Number	Not Set

NOTES

1. INFORMATION IN THIS PLAN, AND THE RESULTS OF ANY SURVEY, IS PROVIDED AS A SERVICE TO THE CLIENT. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF STRATUS ENVIRONMENTAL LIMITED.

KEY

— SITE BOUNDARY



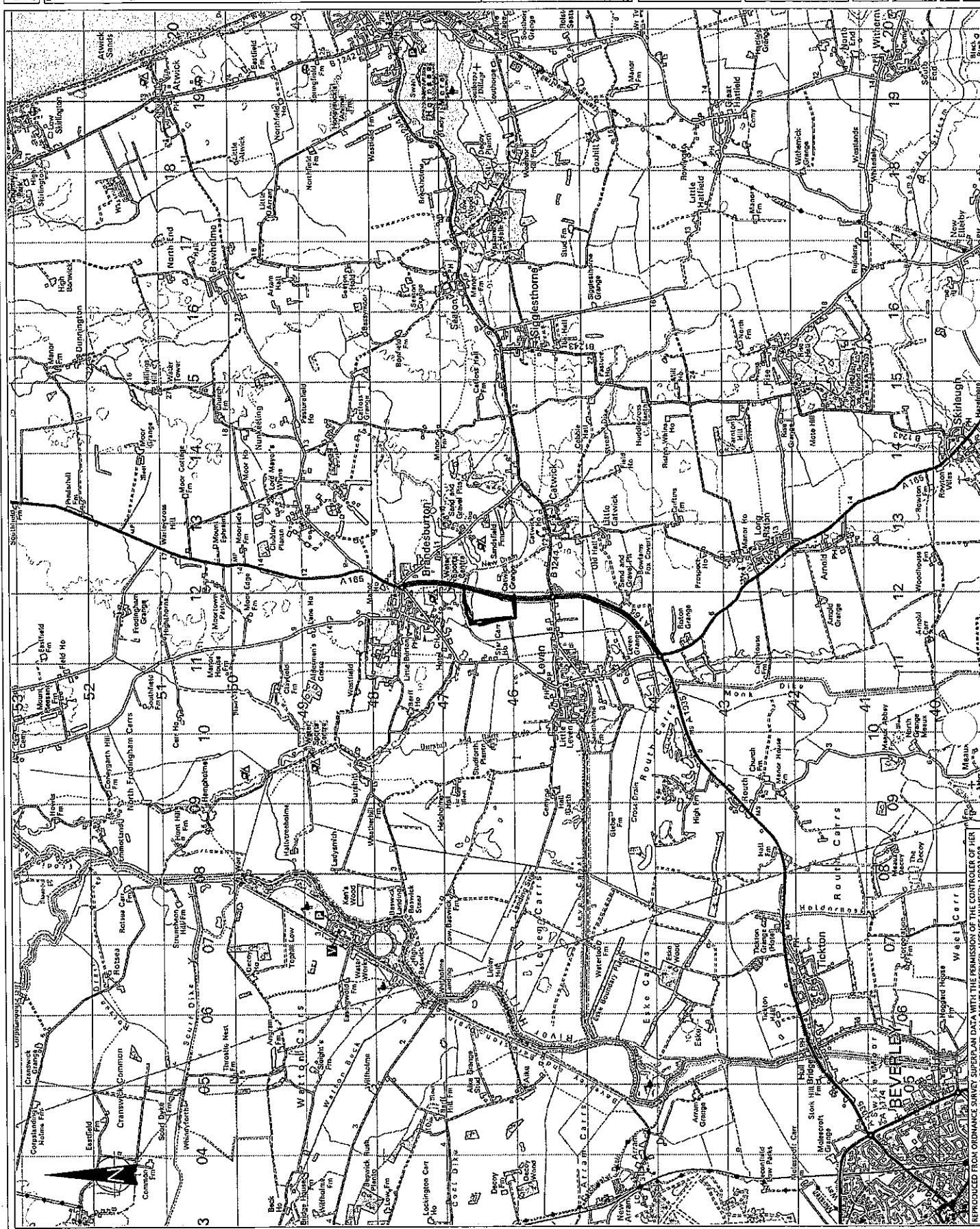
stratus
environmental

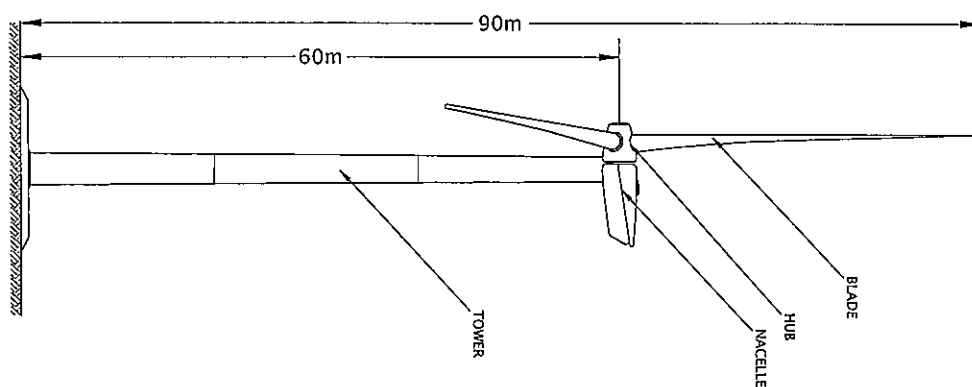
2000-2001
1000-1001
1000-1001
1000-1001

ECF Environment

1000-1001
1000-1001
1000-1001
1000-1001

FIGURE 1.1
SITE LOCATION PLAN





1. THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES ONLY.
2. DRAWING NOT TO SCALE.

FIGURE 2.2
TYPICAL WIND TURBINE

FCC Environment
FCC Environment (UK) Limited
3 Stepney Court, Water Rouse Way, Daresbury, Cheshire, CH4 5NU

—

DATE	DESCRIPTION	BY

DATE	TIME	WORKED PER
N.T.S.	A3	WR7066/08/06
		0

EAST RIDING OF YORKSHIRE COUNCIL

Report to: Planning Committee
13 September 2012

WARDS: Howdenshire

Application for Installation of 2x maximum 80 metre high meteorological masts
(mast 1 E474524 N433617 and mast 2 E474777 N433412) for a period of 14 months
At Spaldington Airfield, Wood Lane, Brind East Riding Of Yorkshire by Falck
Renewables Limited
Application Number: 12/03044/STPLF

Report of the Director of Planning and Economic Regeneration

A. Executive Summary

Application reference 12/03044/STPLF is referred to the Committee for decision.

B. Corporate Priorities

Valuing our environment
Local problem solving
Retaining the East Riding character
A Well Managed Authority

C. Application Type

Strategic - Full Planning Permission

D. Parish

Spaldington Parish Council

E. Applicant

Falck Renewables Limited

F. Target Date

3 October 2012

G. Environmental Impact Assessment

Before this application was submitted it was considered within the context of The Town and Country Planning (Environmental Impact Assessment Regulations) 2011 with a view to determining whether an Environmental Impact Assessment was required. Taking into account the requirements of the Regulations and the guidance contained in Circular 02/99 it was determined that an Environmental Impact Assessment was not required in this case.

H. Recommendation

That the application be **APPROVED** as detailed in section 12 of this report.

1. INTRODUCTION

The proposal is for 2 anemometer masts 80 metres in height to the west of the village of Spaldington. The proposal site already has current approval for a wind farm comprising 5 wind turbines and associated infrastructure. The masts are required to further analyse the area in detail with respect of wind conditions, the masts would be located where more detailed data can be collected in the locations where turbine development is approved. Due to the positioning of the proposed masts they would have to be removed prior to the construction of parts of the approved wind farm.

2. PLANS AND ILLUSTRATIONS

Appendix 1 - Site Location Plan.
Appendix 2 - Site Layout Plan.
Appendix 3 - Elevations

3. KEY PLANNING POLICIES

The Development Plan for the area comprises the Humber and Yorkshire Plan - Regional Spatial Strategy to 2026 (2008), Joint Structure Plan for Kingston Upon Hull and the East Riding of Yorkshire (2005), and the Boothferry Borough Local Plan (1999).

National Planning Policy Framework

Section 10 - Meeting the challenge of climate change, flooding and coastal change

Regional Spatial Strategy

ENV5 Energy
ENV10 Landscape

The Localism Act 2011 gives the Secretary of State power to revoke Regional Spatial Strategy in whole or in part. The Government stated intention to revoke can be treated as a material planning consideration with weight to be attached to this intention being left

to the decision maker in each case.

Joint Structure Plan

SP4 Landscape Character

Boothferry Borough Local Plan

EN7 Development in Open Countryside

Other Relevant Documents

East Riding of Yorkshire Landscape Character Assessment (2005)

4. RELEVANT PLANNING HISTORY

09/04550/STPLFE Approval for 5 turbines and an anemometer mast (appeal allowed)

5. CONSULTATION REPLIES

Spaldington Parish Council Objections raised on the following grounds: discrepancies within the documentation (relating to the positioning of apparatus on the mast), proximity to dwellings, visibility of the mast, prolonged period of structures in the area and psychological pressure on residents due to various applications since 2009.

Should the application be approved the Parish council recommend that infra-red is used rather than other visible lighting, access is from the B1228, that working hours are restricted (8am- 6pm) and that all meteorological data be supplied to Spaldington Parish Council.

Trees and Landscape Section No objections raised

Public Rights of Way No objections

Yorkshire Water Services Limited No comments

Environment Agency (Planning Liaison) Outside the scope of required consultation.

Nature Conservation Officer (Biodiversity) No objections.

Ministry of Defence No objection subject to conditions (lighting and notification of final

position and erection date).

CAA - Airspace
Policy (Tall Bldgs,
Flares, Nuclear) No objections raised.

Cable And Wireless
Worldwide No objection.

Highway Control No objections raised.

LVIA No objection.

6. PUBLICITY

Neighbours/
Publicity The Council has received 21 letters of objection on the following grounds:

Lack of need for the proposed masts.
Residential amenity and impact on the community.
Visual amenity.
Impact on tourism.
Detriment to local amenity.

One letter of objection received from Rt Hon David Davis MP

- there is no need for these. Falck claimed at the Public Inquiry that they had wind data they needed but now they say they have not. The masts will detract from the visual amenity for all nearby residents

7. CASE ON BEHALF OF THE APPLICANT

The agent has submitted a design and access statement which puts forward a case for the applicant. Plans were also included in the supporting documentation of the proposal.

The objective of installing the masts is to monitor the wind resource over the mast sites at 80m height (likely turbine tower hub height) and to allow for calibration between the two masts which in turn facilitates a robust wind energy generation monitoring scheme to be implemented during the wind farm operation

- The positioning of the masts is based on achieving suitable data in order to assess the wind resource at an already consented wind turbine location calibrated with the proposed permanent met mast location. The wind data will be used during the operation of the wind farm to verify that the wind turbines are producing the energy that accords with the turbine manufacturer's warranty

8. KEY ISSUES

- Principle of Development
- Impact on the landscape character
- Residential Amenity
- Safety

9. OFFICER COMMENTS

9.1 Applications are to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration which must be taken into account in planning decisions. If the NPPF contains policy guidance that is relevant to this application the report below will explain this, and consider the extent to which development plan policy is consistent with the NPPF and the weight to be given to that policy. For 12 months full weight may still be given to relevant development plan policies adopted since 2004. In other cases due weight should be given to relevant policies according to their degree of consistency with the NPPF.

9.2 Principle of Development

9.2.1 The proposal is for the erection of two anemometer masts to test wind speeds and directions. Testing would occur at various heights. The masts are proposed for a maximum period of 14 months, after which the land would be returned to its previous state. Any loss of agricultural land would thus be temporary under this application, but it should be noted that the placement of these temporary structures are in locations that have approval for structures associated with the approved wind farm. One of the masts would be in a turbine location and the other mast would be in the location of an anemometer mast which has permission for 25 years both of these approved structures could not be erected until the removal of the temporary masts which are being considered under this application.

9.2.2 Section 10 of the National Planning Policy Framework deals with meeting the challenge of climate change, flooding and coastal change and its Paragraph 97 sets out the responsibility on all communities to contribute to energy generation from low carbon sources. Policy ENV5 of the Regional Spatial Strategy also states that: The region will maximise improvements to energy efficiency and greenhouse gas reduction. Both policies fully support developments in relation to renewable energy and encourage such developments to proceed in order to support the provision of renewable energy installations.

9.2.3 The purpose of the mast is to measure wind speeds in locations which are consented for wind turbine development. The masts have been chosen as they represent the hub height of approved turbines (80 metres) and will enable specific wind measurements at the height and locations of the consented turbines. It is inappropriate for the LPA to require data to be supplied to the Parish Council through the planning process.

- 9.2.4 It is not considered that this proposal would have an adverse impact on tourism within the area due to the temporary nature of the development on this open landscape which already has approval for turbine development.

9.3 Impact on the Landscape Character

- 9.3.1 The proposal site is located within Landscape Character Type 5A: Howden to Bubwith Farmland, as defined within the East Riding Landscape Character Assessment (2005). The character assessment describes it as an ordinary landscape that contains several detractors. The proposal site is relatively flat with few trees and woodland in the wider landscape, but there are small plantations and wooded areas in the local area which may lessen the visual impact from wider views.
- 9.3.2 The Landscape Character Assessment identifies the area as having a medium sensitivity in terms of wind energy proposals due to the flat land levels and the wide ranging views. The guide suggests that where vertical structures are proposed e.g. wind farms mitigation, measures should be considered and layout should respect the landscape pattern and scale. However in view of the scale and temporary nature of this proposal, particularly its slim construction although it would be visible it is considered that they would not be prominent nor would they have a detrimental impact on the surrounding landscape, at the public inquiry for the previously approved wind farm the planning inspector found that the more substantial structures such as turbines were acceptable on landscape grounds. This proposal is for 2 x 80m anemometer masts, which whilst high do not exceed 150mm in diameter. The proposal would be unlikely to intrude on the landscape character due to its temporary nature and slender design.
- 9.3.3 It is not considered that there would be a cumulative impact in terms of the consented wind farm as the masts would have to be removed prior to the approved development being constructed in its entirety. The Parish Council have noted discrepancies within the supporting documentation as there are 2 different lists of where apparatus will be placed on the proposed masts, but the approved details would be those listed on the elevational drawing. However it is not considered that the detailed positioning of this apparatus would be critical to any decision taken due to their small size in context of the proposal. Other discrepancies such as the use of the word settlement are not considered intrinsic to the application process as any assessments of the impacts are made independently by the planning officer. Comments is made that there is no need for the masts. The agents have stated that the masts are required to provide additional wind monitoring data. There is no requirement on the applicant to demonstrate that there is a need for the development, the NPPF states that local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy.

9.4 Residential Amenity

- 9.4.1 The site is located within an established agricultural area and the masts would be located approximately 1km from Spaldington village. The masts would also be located a substantial distance from the nearest residential properties not connected to the site. The

nearest residential properties are The Grange (510m to the north), Drome Villa (540m to the south-west) and Mount Pleasant (610m north-east of the closest mast). It is therefore considered that due to the distances and topography involved and the slim nature of the proposal, any impact on residential amenity would be limited and temporary as a result of this proposal. It is considered that the erection, removal and possible maintenance of the proposal would be minimal. It is also considered that any impact on local residents would be negligible therefore restricting construction hours would be considered unreasonable in this instance.

9.5 Safety

9.5.1 In relation to aviation issues, the Ministry of Defence, Civil Aviation Authority and the National Air Traffic Safeguarding unit have all indicated that there are no safeguarding objections to the mast. However, the Ministry of Defence have indicated the need for aviation lighting at the tip of the mast. This would usually be in the form of a small flashing red light or infrared lighting, it is considered that infra-red lighting would be less intrusive; therefore this is what will be requested through condition in response to concerns raised by the parish council. It is therefore considered acceptable in terms of aviation safety provided lighting conditions are met.

9.5.2 The development would result in very limited highways movements, the majority of which would be during construction. Access to the site would be via the existing highway network and no further access roads improvements would be required. The development is considered acceptable in highway terms.

10. CONCLUSION

10.1 The proposed anemometer masts consist of a steel pole installed from sections; with a maximum diameter of 15cm. Guy wires would support the 80m structure. The landscape impact of the development would be minimal due to the slim nature and the temporary period of 14 months for which the consent is sought. The nearest residential properties are a significant distance from the development (all over 500m from the proposal) and views from the surrounding settlements of Spaldington and Willitoft would not be adversely affected by the proposal due to the slender nature of the pole and guy wires in this open landscape which has approval for a 5 turbine wind farm.

11. HUMAN RIGHTS

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

12. RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. The structure hereby permitted shall remain on site for a limited period only and shall be removed and the land restored to its former condition on or before 1st

December 2013.

This condition is imposed in the interests of visual amenities in the area.

2. The bird deflectors shall be fitted in accordance with the approved scheme on erection of the mast and they shall be retained, or replaced as necessary, in accordance with the approved measures.

This condition is imposed in order to minimise the impact on wildlife.

3. Prior to erection the proposed mast shall be fitted with infra-red lighting at the highest practicable point and shall remain in place throughout the term of the permission, any variation from this shall first be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

This condition is imposed in the interests of aviation safety.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Numbers:

SPA PC001	Location Plan	received 29/06/12
SPA PC002	Proposed Site Plan	received 29/06/12
SPA PC003	Aerial View	received 29/06/12
SPA PC004	Proposed Elevations	received 29/06/12

This condition is imposed for the avoidance of doubt and to ensure that the development hereby permitted is carried out in accordance with the approved details in the interests of the character and amenity of the area and the provisions of the development plan.

5. Prior to the commencement of development the agent/applicant must notify UK Digital Vertical Obstruction File and Powerlines at the Defence Geographic Centre with the following information:
 - a. Precise location of development
 - b. Dates of commencement and completion of development
 - c. The height above ground level of the tallest part of the development
 - d. The maximum extension height of any construction equipment
 - e. Details of aviation warning lighting fitted to the structure

Relevant Planning Policies

National Planning Policy Framework

Section 10 - meeting the challenge of climate change, flooding and coastal change

Joint Structure Plan for Kingston upon Hull and the East Riding of Yorkshire (2005)

SP4 Landscape Character

Boothferry Borough Local Plan (1999)

EN7 Development in the open countryside

The Humber and Yorkshire Plan - Regional Spatial Strategy to 2026 (2008)

ENV5 Energy

ENV10 Landscape

Reason for Decision

The proposed anemometer masts consist of a steel pole installed from sections; with a maximum diameter of 15cm. Guy wires would support the 80m structure. The landscape impact of the development would be minimal due to its slim nature and the temporary period of 14 months for which the consent is sought. The nearest residential properties are a significant distance from the development (all over 500m from the proposal) and views from the surrounding settlements of Spaldington and Willitofth would not be adversely affected by the proposal due to the slender nature of the pole and guy wires in this open landscape which has approval for a 5 turbine wind farm.

Alan Menzies

Director of Planning and Economic Regeneration.

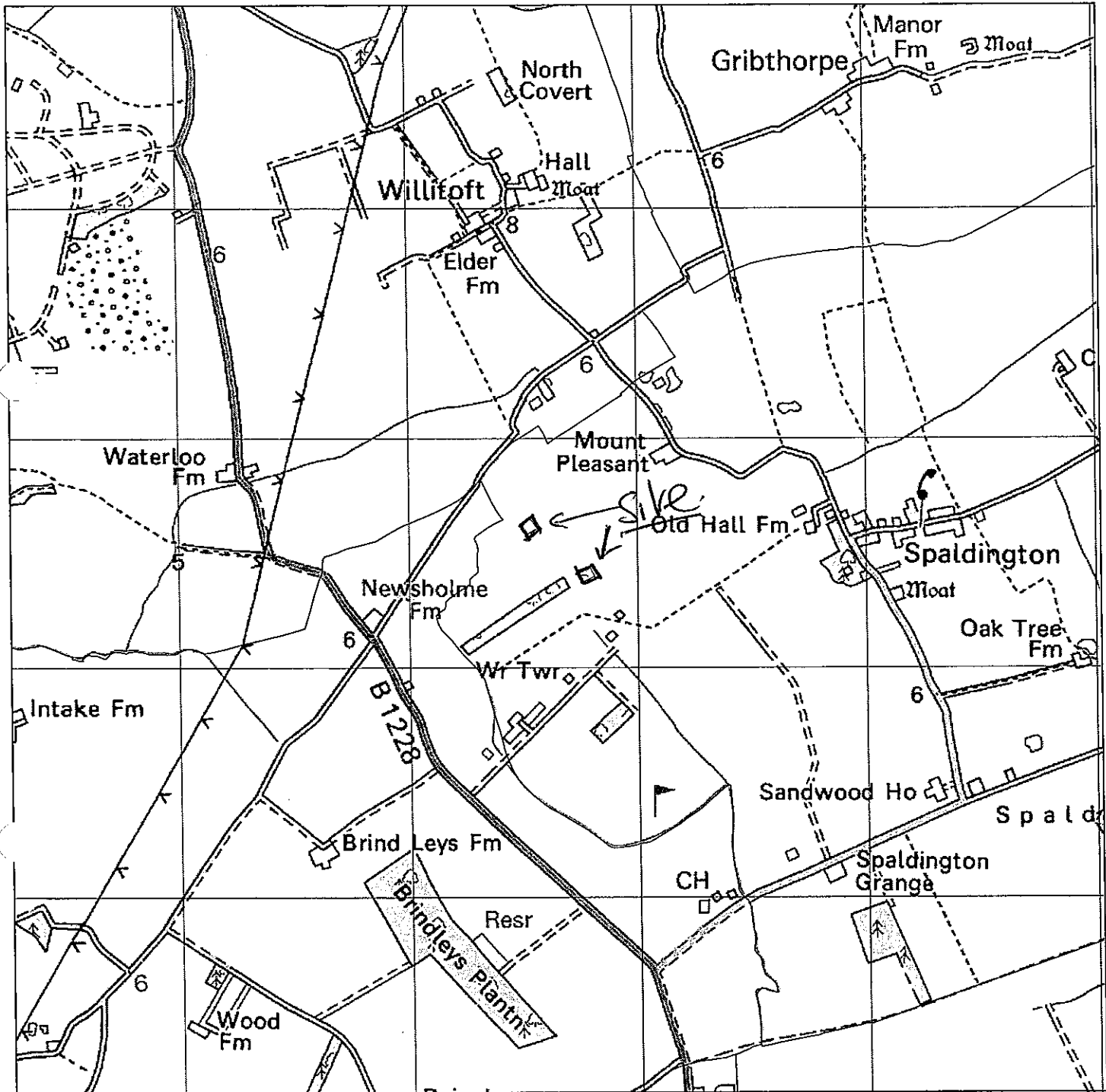
Contact Officer

Mr Simon Johnson

Background Papers



Committee Plan



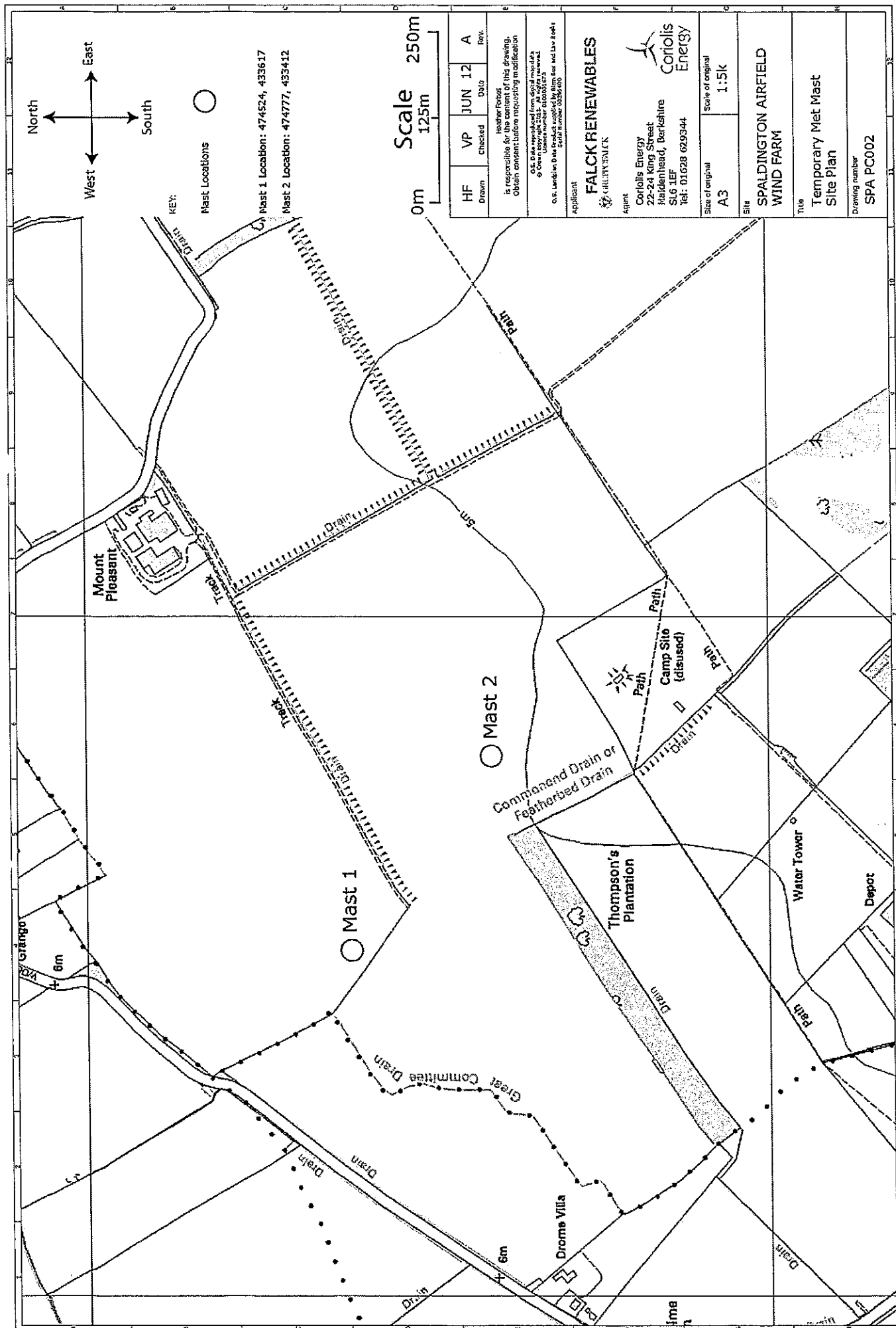
Scale : 1:25000

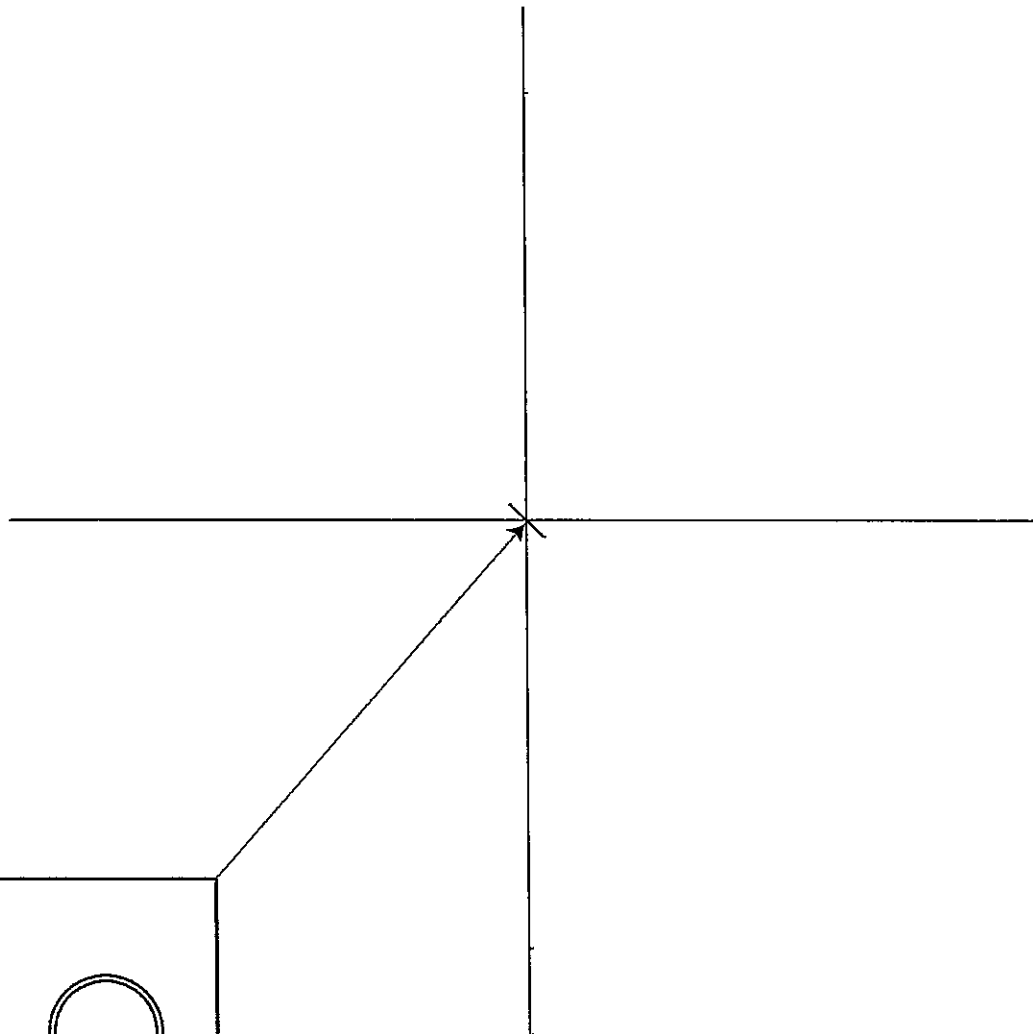
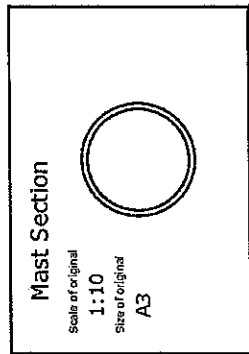


EAST RIDING
OF YORKSHIRE COUNCIL

© Crown copyright. All rights reserved
East Riding of Yorkshire Council
Licence: LA09056L

Organisation	Not Set
Department	Not Set
Application	
Date	30 August 2012
SLA Number	Not Set





Scale (in metres):

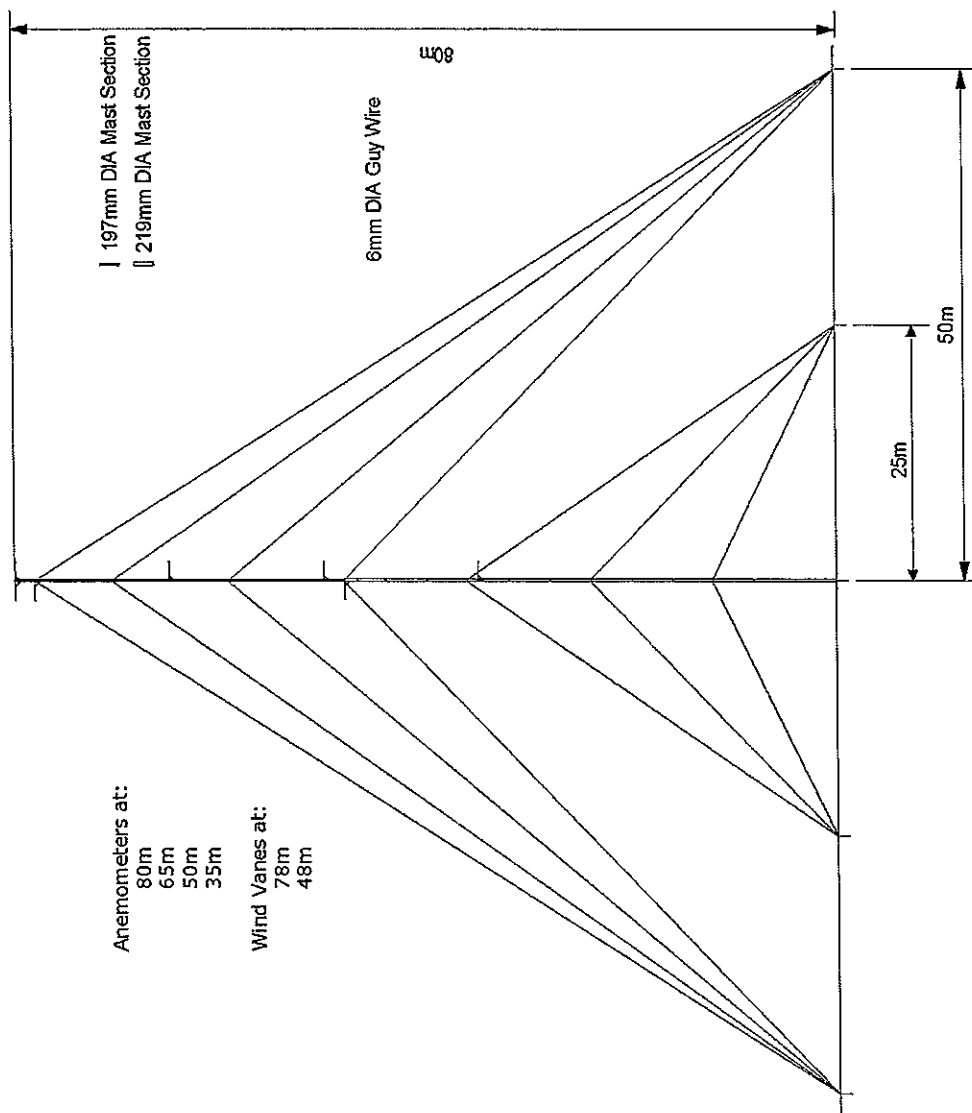
0 5 10 15 20 25

HF	VP	JUN 12	A
Drawn	Checked	Date	Rev.

Header Format:
is responsible for the content of this drawing.
Obtain consent before requesting modification

Applicant FALCK RENEWABLES 	
Agent Coriolis Energy 22-24 King Street Maidenhead, Berkshire SL6 1EP Tel: 01628 620344	
Size of original A3	Scale of original 1:500
Site Spaldington Airfield Wind Farm	
Title Temporary Met Mast 80m Aerial View	
Drawing number SPA PC003	

Scale (in metres):



HF	VP	JUN 12	A
Drawn	Checked	Date	Rev.

Is responsible for the content of this drawing, confirm content before repeating modification

Applicant
FALCK RENEWABLES
GALVATYPALCK

Agent
Coriolis Energy
22-24 King Street
Maldenhead, Berkshire
SL8 1EF
Tel: 01628 620344

Size of original
A3

Scale of original
1:500

Site
Spaldington Airfield
Wind Farm

Title
Temporary Met Mast 80m
Side Elevation

Drawing number
SPA PC004

EAST RIDING OF YORKSHIRE COUNCIL

Report to: Planning Committee
13 September 2012

WARDS: South East Holderness

Application for Erection of 1 no wind turbine (50m to hub and 67m to tip),
extension of existing access track and associated infrastructure
At Land South Of England Hill Farm, Hull Road, Withernsea, East Riding Of
Yorkshire by Windberry Energy Operations Ltd
Application Number: 12/03050/STPLF

Report of the Director of Planning and Economic Regeneration

A. Executive Summary

Application reference 12/03050/STPLF is referred to the Committee for decision.

B. Corporate Priorities

Valuing our environment
Retaining the East Riding character
A Well Managed Authority

C. Application Type

Strategic - Full Planning Permission

D. Parish

Rimswell Parish Council

E. Applicant

Windberry Energy Operations Ltd

F. Target Date

28 September 2012

G. Environmental Impact Assessment

Before this application was submitted it was considered within the context of The Town and Country Planning (Environmental Impact Assessment Regulations) 2011 with a view to determining whether an Environmental Impact Assessment was required. Taking into account the requirements of the Regulations and the guidance contained in Circular 02/99 it was determined that an Environmental Impact Assessment was not required in this case.

H. Recommendation

That the application be **REFUSED** as detailed in section 12 of this report.

1. INTRODUCTION

1.1 The application site is known as Great England Farm located south from the B1362 Hull Road, which leads into Withernsea to the east. The farmhouse and farm buildings are accessed off the B1362 with the proposed site situated to the south of Great England Farm off a new access track.

1.2 It consists of an open field in arable farming use. It is bordered in part by hedge lines and is in a relatively flat, exposed position. The site is located within a fairly level working arable landscape. The closest residential settlement is Withernsea which is approximately 1.3km east and the nearest residential property is the Great England Hill Cottage (landowner property) which is approximately 325m north.

1.3 Planning permission is sought to erect a single wind turbine with a maximum blade tip height of up to 67 metres and associated infrastructure comprising of the following:

- Extension of an existing access track approximately 140m in length with a width of 4m widening to 5m at bend;
- A crane pad measuring 20m x 16m; and
- 2 no. temporary lay down areas, one adjacent to the crane pad measuring approximately 20m x 6m, and one to the north measuring 20m x 4m;
- an equipment housing cabinet.

1.4 The wind turbine would have an output of 330Kw. The benefit include to generate enough electricity to supply equivalent of approximately 185 households, based on a 30% capacity factor and annual average consumption of 4,700 kilowatt hours (kWh).

2. PLANS AND ILLUSTRATIONS

Appendix 1 - Site Location Plan.
Appendix 2 - Site Layout Plan.
Appendix 3 - Elevations

3. KEY PLANNING POLICIES

The Development Plan for the area comprises of the Yorkshire and Humber Regional Spatial Strategy to 2006 (2008), Joint Structure Plan for Hull and East Riding of Yorkshire (2005), and the Holderness District Wide Local Plan.

Regional Spatial Strategy

YH1 Overall approach and key spatial priorities
YH2 Climate change and resource use
HY7 Location of development
ENV5 Energy
ENV8 Biodiversity
ENV9 Historic environment
ENV10 Landscaper

The Localism Act 2011 gives the Secretary of State power to revoke Regional Spatial Strategies in whole or in part. The Government's stated intention to revoke can be treated as a material planning consideration with weight to be attached to this intention being left to the decision maker in each case.

Joint Structure Plan for Kingston upon Hull and the East Riding of Yorkshire

ENV3 Species Protection
ENV6 Built and Historic Assets
SP1 Settlements Character
SP4 Distinctive Landscape Character Area

Holderness District Wide Local Plan

G3 Sustainable Environment Protection
G5 Sustainable Landscape Protection
Env2 Trees/Hedgerow
U16 Renewable Energy
U17 Details of Wind Turbines
U18 Wind Turbines Cumulative Effects
U19 Wind Turbine Benefits
U20 Wind Turbine Removal
Env17 Wildlife corridors
Env24 Conservation areas
Env28 Archaeological sites
Env33 Important Open Areas Within Adjacent to Settlements
Tr2 Environmental consideration
Tr3 Highway proposals
Tr8 Traffic Management

East Riding of Yorkshire Council Interim Planning Document (IPD)-Planning for

Renewable Energy Development April

National Planning Policy

National Planning Policy Framework (2012).

4. RELEVANT PLANNING HISTORY

None.

5. CONSULTATION REPLIES

Parish Council

Views awaited

Highway Control

The site is within a 40-mph speed limit and is served by an existing vehicular access from Hull Road (public highway). The submitted proposals include improvements to the vehicular access and access road into the site. The existing vehicular access serving the development may need to be widened and improved at the junction with the adjacent public highway in order to accommodate the turning manoeuvres of the heavy goods vehicles that will deliver the wind turbine components. There is space within the curtilage of the site for the parking, loading, unloading and manoeuvring of vehicles (including delivery vehicles) in connection with the proposals. There are no objections to the proposals from a highway point of view subject to any necessary highway access improvements and/or remedial works

Public Protection
Division

I have read the Noise Assessment dated May 2012 produced by Ion Acoustics. This assessment predicts that noise levels at all locations, other than Great England Hill Farm, will be lower than 35dB LA₉₀. It also states that Great England Hill Farm is the only property predicted to have noise levels above 35 dB LA₉₀ but this property is financially involved in the scheme and, therefore, the higher limit of 45 dB LA₉₀ (which is not exceeded) is applicable in accordance with ETSU-R-97.

We appreciate that we are unable to object to this application on the ground of noise so long as the noise levels are within the ETSU guidelines and, therefore, we are only able to express our concerns that there could be a possibility of loss of amenity and/or possible nuisance.

With this in mind, I would recommend the following conditions covering the construction phase and the hours of deliveries to the site; restriction of the hours of construction 08.00 and 18.00 Mondays to Friday and 08.00 to 13.00 on Saturday with no working

on Sundays or Bank Holidays; Operational phase -- noise conditions restricting the noise levels, complaints about noise and turbine locations.

Conservation Officer NO OBJECTION

The supporting information with the proposed application suggests that a wind turbine at 67m to tip would not appear to be significant, when viewed beyond a distance of 2km, and therefore, the agent has limited the scope radius to 2km.

There is a significant cultural heritage asset approximately 4.5km away from the proposed site area, in Patrington. The Church of St. Patrick is a significant landmark building with a large spire which is recognised in a wide landscape context. The building is highly significant, as it is grade I listed, which makes the building of exceptional national interest.

I have considered the scale and siting of the proposed turbine, and the degree of inert-visibility that the turbine would have with the church spire of St. Patrick's. From various view points on the surrounding roads and footpaths the amount of inter-visibility with the turbine would be very low. Therefore, I would say that the turbine would have no significant impact on the wider landscape setting of the Church of St. Patrick in Patrington.

I agree with the findings of the Cultural Heritage Assessment, that there would be no significant impact on designated heritage assets within a 2km radius of the site.

The most sensitive asset within 2km of the site is the lighthouse tower at Withernsea, which is grade II listed. Due to the tower's height, it has a wide zone of visual influence, which makes it's setting wider ranging. However, the most significant views of the tower when approaching the town are channelled by the roads, including the B1362, B1242 and the A1033. At all these various receptor points, where the tower becomes visible, the turbine would be out of a direct line of sight to the heritage asset. The turbine would not appear in the same visual envelope as the tower, limiting the inter-visibility, therefore, the harm caused would not be significant.

I also agree with the cultural heritage assessment that the asset's former use and significance means that views of the tower from the sea are important. Certainly from Withernsea promenade the

turbine would not be significantly visible, and to most extent would be completely hidden by the built environment of the town.

Trees and Landscape Section No objection.

Public Rights of Way No objection.

English Heritage The application should be determined in accordance with local and national policy guidance, and on the basis your specialist conservation advice.

Nature Conservation Officer (Biodiversity) Views awaited

CAA - Wind Turbines (Anywhere) No objection.

Ministry Of Defence Ministry of Defence (MoD) object to this proposal.

The turbine will be 59.6km from, in line of sight to, and will cause unacceptable interference to the Air Defence Radar at Staxton Wold. Trials carried out in 2005 concluded that wind turbines can have detrimental effects on the operation of radar which include the desensitisation of radar in the vicinity of the turbines, and the creation of "false" aircraft returns. The probability of the radar detecting aircraft flying over or in the vicinity of the turbines would be reduced, the RAF would be unable to provide a full air surveillance in the area of the proposed wind farm.

If the developer is able to overcome the issues stated above, the MoD will request that all turbines be fitted with 25 candela omnidirectional red lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practical point.

NERL Safeguarding Officer No objection.

Humber Archaeology Partnership Recommend conditions as site the lies within a major wetland archaeological landscape, which has been regular human activity and settlement for the best part of the past 8,000 years.

SPECTRUM (Ofcom) No objection.

Royal Society For The Protection Of Birds	No views received.
Landscape + Visual Impact Assessment	No views received.
Cable And Wireless Worldwide	No objection.
IUS Connections	No views received.
Racal Vodaphone	No objection.
National Telecommunications Limited	No views received.
Robin Hood Airport Doncaster Sheffield	No views received.
Humberside Airport	No objection, although recommended the following planning condition.

CONDITION

The Applicant must notify the local planning authority in consultation with Humberside Airport within 1 month, of the turbine commencing operation.

REASON

So that a record can be kept of all operational turbines to aid in the assessment of cumulative impact in the interests of air safety. The cumulative impact of wind turbine generation developments, which are in relatively close proximity, could compromise the safe control of aircraft in this area.

YEDL	No objection.
T-Mobile	No views received.
Telefonica (formerly O2)	No views received.
Radio Communications Agency	No objection.

Virgin Mobile No views received.

Humberside Police - No views received.
Operations

Kingston No views received.
Communications
(Hull) Plc

Orange Personal No objection.
Communications
Services

Joint Radio Company Object to the proposal on the following grounds:
Ltd

JRC assesses their potential to cause interference to radio systems operated by Energy Industry companies in support of their operational requirements for safety management of critical national infrastructure .

The Energy Industry considers that any wind energy development within 1km of a link operating below 3 GHz or 0.5 km of a link operating above 3 GHz, requires detailed coordination. Unfortunately, part (or all) of the proposed development is located within 1km/0.5km of a protected linksite or path managed by JRC.

The affected link(s) is(are):

460MHz~Telemetry and Telecontrol:
(link end points given with grid references deleted plus path length)

BAE Systems No views received.

Northern Powergrid No objection.

BBC Research No objection.
Department

National Grid No views received.

6. PUBLICITY

The application has been advertised by site notices, press notice and direct notification to neighbours.

Neighbours/ Four letters of support have been received , on the following

Publicity

grounds:

- The proposal would generate clean energy and support local farming economy.
- The turbine would not be prominent because it would be positioned away from surrounding residential properties.
- The turbine would not be an eyesore within the landscape.

7. CASE ON BEHALF OF THE APPLICANT

7.1 The applicant is a renewable energy project developer, owner and operator with a focus on small scale single wind turbine schemes. Projects for example; are delivered in partnership with individual local landowners. And in the case of this application, would allow the erection of a single turbine to help meet the UK's required renewable energy and carbon reduction targets. A minimal loss of agricultural land would not impede the landowners farming activities.

7.2 The benefits of the proposed single wind turbine with associated infrastructure include the generation of 330kW of electricity, it is estimated that it could supply approximately 185 households of electricity, based on a 30% capacity factor and annual average consumption of 4,700 kilowatt hours (kWh).

8. KEY ISSUES

- The principle of the proposed development in policy terms
- Landscape and Visual Impact
- Impact on Heritage
- Ecology
- Residential Amenity-Noise and shadow Flicker
- Highway Issues
- Radio transmission, Radar, Communications and Aviation Safety
- Connection to the National Grid
- Decommissioning

9. OFFICER COMMENTS

9.1 Applications are to be determined in accordance with the Development Plan unless there are material considerations which indicate otherwise.

The National Planning Policy Framework (NPPF) is a material consideration which must be taken into account in planning decisions. If the NPPF contains policy guidance that is relevant to this application, the report below will explain this, and consider the extent to which development plan policy is consistent with the NPPF and the weight to be given to that policy. For 12 months **full** weight may still be given to relevant development plan policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The RSS falls into this category. For policies in the JSP and the existing Local Plans **due** weight should be given according to their degree of consistency with the NPPF.

It is the Government's clear policy intention to revoke the Regional Spatial Strategy subject to the outcome of the environmental assessments that are currently being undertaken. Until it is abolished the RSS remains part of the development plan although the intention to abolish the RSS can be treated as a material planning consideration with the weight to be attached to this intention being a matter for the decision maker

9.2 The principle of the proposed development in policy terms

- 9.2.1 Paragraph 93 of National Planning Policy Framework (NPPF) affirms that "Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development". And the benefits of developing the use of renewable resources an increasing proportion of total energy consumption are reflected in the objectives of the European Union and UK law and policy such as the UK Government Climate Change Programme, the Climate Change Act 2008 and the Renewable Energy Strategy 2009. It is therefore accepted that the current proposal would contribute to the national objectives of promoting renewable energy technologies.
- 9.2.2 The Renewable Energy Strategy 2009 represents the latest development of UK energy policy. The UK has a binding target to meet 15% of its total energy consumption from renewable sources by 2020. The proportion of the electricity supply that will need to come from renewables in order to meet this target is projected in the Renewable Energy Strategy to be 30% or more by 2020, and the indicative target is for onshore wind to supply some 29% of the electricity from renewable resources.. In these circumstances and having regard to the increase in the headline target from 20% to 30% by 2020, it is considered that significant weight must be placed on the need for the provision of new sources of renewable electricity of which onshore wind is an important element.
- 9.2.3 The Climate Change Act 2008 creates a new legal framework for the UK to reduce, through domestic and international action, greenhouse gas emissions to at least 80% below 1990 level by 2050. The UK is required to set five-year carbon budgets, which place binding limits on greenhouse gas emissions and define the trajectory towards the 2050 target.
- 9.2.4 The Regional Spatial Strategy for Yorkshire and the Humber Policy ENV5 sets local targets for contributing to renewable energy capacity, although recent planning appeal decisions within the East Riding have demonstrated that such regional targets are considered to be indicative and its weight against national and regional need for renewable energy development. Policy ENV5 specifically, sets local targets are considered to be indicative only and should be considered as a floor rather than a ceiling. The requirement to assist in meeting national targets is a material consideration in decision making.
- 9.2.6 In conclusion, it is considered that in principle the application would accord with

national guidance and local Development policy relating to the provision of renewable energy through the development of wind turbine, and that it would make a valuable contribution towards meeting the national need for renewable energy as establish in Government Policy subject to the evaluation of its impact on the following planning issues namely: landscape character, residential amenity, ecology, highways, radar, communication and aviation safety.

9.3 Landscape and Visual Impact

- 9.3.1 The application site is located within Landscape Sensitivity Type 19 'Holderness: Open Farmland and it states; *'Wind turbines in this area may impact on views and will add uncharacteristic vertical elements. However, the quality of the landscape is assessed to be ordinary to good overall and this character type has medium sensitivity to development of wind farms generally. Detailed assessment to confirm this would be required for individual proposals. The area would be sensitive to the cumulative impacts of wind farm development and the scale of development should reflect the scale of the landscape and landscape pattern. There are several landmark buildings in the landscape type and views of these are sensitive to development that would interrupt those important views. Wind farm proposals will need to consider landscape scale and pattern and will only be acceptable in some locations in this character type. Mitigation to screen views of proposed turbines would need to be located close to the receptor to be effective.'*

The IPD states that the site has a Natural Heritage Sensitivity Recommendation Zone 3. 'within these areas, there is likely to be scope to accommodate development of an appropriate scale, siting and design and taking regard of cumulative impact'.

- 9.3.2 Paragraph. 2.9.47 of the Holderness District Wide Local Plan affirms that Holderness area has potential to contribute to renewable energy, particularly through the use of wind energy by use of wind turbine generators. And Policy U18 states that 'when considering planning applications for wind turbines the council will take into account the effects of committed turbines in order to minimise the cumulative effects of wind turbines on the landscape and nature conservation interests'.
- 9.3.5 The application includes an assessment of the landscape and visual effects of the turbine and photomontages and wire frame drawings, which attempt to demonstrate the level of visual impact associated with the proposed single wind turbine.
- 9.3.6 The landscape character of the proposed site is of a medium to large scale farmland field currently farmed for arable crops. The landform is mainly flat which is slightly rolling at a larger scale. The field has some hedgerows on the outer limits of the large field of a rectangular pattern.
- 9.3.7 The adjacent farm known as Great England Farm has a complex of farm buildings, pylons and associated facilities and is a central focus of the field. The vertical elements are farm buildings, pylons, hedgerows and anemometer. Adjacent to the site, Withernsea town lies to the east with the vertical elements of lighthouse and church towers and the urban built environment of housing.

- 9.3.9 The assessment of the landscape character shows that the addition of the single wind turbine in the field at Great England Farm would add a vertical element to the flat landform character adjacent to pylons and buildings with a low magnitude of change. Considering that the site landscape character has a medium sensitivity to wind energy developments the resulting effects would not be significant.
- 9.3.10 The proposal will nevertheless affect some short-medium range views across the local landscape, the most significant of which are likely to be those experienced from some limited edge of settlement perspectives from Withernsea and Hollym and other more isolated residential properties, and by users of the road network (notably the B1362 and Frodingham Lane) and a small number of local public right of ways in the area. However, the relationship between the visual interventions present within the landscape and potential affected views of the development means that the effects are likely to be experienced at their greatest when in close proximity to the development site, reducing as the distance between development and receptor point increases. Also important is the proposal's location in immediate proximity to the farm holding at England Hill Farm. In light of the scale of the proposed turbine, this positioning ensures that there will be a clear visual 'attachment' between the turbine and the farm holding, thus providing the development a greater level of contextual resonance with its location and surroundings. This will allow the development to be better 'read' and perceived from a range of visual perspectives when experienced from across the landscape and helps the proposal to accord favourably with the aforementioned National Policy Statement for Renewable Energy Infrastructure (EN-3) guidance.
- 9.3.12 In terms of any cumulative effects, there are a number of consented windfarms in the Roos and Burton Pidsea area and these will, once operational, impact on the wider character and quality of the landscape. It is therefore important to reflect upon the potential cumulative impacts of this single-turbine proposal in the context of other operational or consented windfarms and turbines. Cumulative assessment is based on an assessment of the extent to which the development, in combination with other windfarm and turbine development may change the landscape character through either incremental effect on characteristic elements, landscape patterns and quality, or by the cumulative addition of new features.
- 9.3.13 Having recognised that this proposal broadly accords with National Policy Statement for Renewable Energy Infrastructure (EN-3) guidance, it is regarded that the cumulative impacts of this proposal will not be of overriding significance, nor create a magnitude of cumulative change that would be unacceptable for affected visual receptors.
- 9.3.7 In conclusion, there is no doubt that the introduction of a wind turbine with a height of 67m to blade tip will have an impact on the landscape when seen from many positions, although the degree of domination would not be significant because of the distances between the location of the turbine and those travelling along B1362 Hull Road. Views from the B1362 Hull Road, which leads into Withernsea to the east, would be very much limited because it would be screened by the existing farm buildings and surrounding hedgerows. This proposal is therefore considered to be in accordance with Policy U18.

9.4 Impact on Heritage

- 9.4.1 Paragraph 128 in the NPPF affirms that “in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary”.
- 9.4.2 Wind Energy and the Historic Environment (English Heritage 2005 document) provided six key tests for assessing ecological impact settings namely:
- Visual dominance for example; the relationship other tall structures
 - Scale in terms of the number, density and layout
 - Intervisibility for example; not interposing
 - Vistas and sight lines in terms of designed settings
 - Movement, sound or light effects and
 - Unaltered setting for example in terms of upland areas
- 9.4.3 In policy terms there are no known designated cultural heritage assets located within the site application boundary.
- 9.4.4 A cultural heritage statement has been submitted with the application which assesses the impact of the proposed single wind turbine on the significance and setting of scheduled monuments, Listed Buildings, Conservation Areas and any other assets in the vicinity of the proposed development.
- 9.4.5 There is one grade II* and five grade II listed buildings within 2km radius study area in order to assess the likely impact of the proposed development on nearby heritage assets. The Council’s Conservation Officer has considered the proposals and has raised no objections considering that the proposed scheme would not have an adverse impact upon the church of St Patrick or Withernsea lighthouse, which is within 2km of the proposal.
- 9.4.6 It has been identified that the development site lies within a sensitive archaeological landscape area. There are no direct impacts on scheduled monuments, however there is potential for undesignated archaeology to be impacted on during construction. In order to safeguard and protect the likelihood of archaeological findings planning condition will be recommended as part of such mitigation measures. This will be in accordance with Policy Env29 in the Holderness District Wide Local Plan.
- 9.4.7 In conclusion, the assessment demonstrated that there will be no significant impacts on designated cultural receptors as a result of the proposed turbine. And the mitigation of any direct impact as a result of the proposed turbine and associated access track, will be achieved through the imposition of appropriate planning conditions.

9.5 Ecology

- 9.5.1 In policy terms, the application site does not form part of any statutory or non-statutory site of nature conservation. However, the erection of wind turbine can have an effect on local wildlife, for example during construction, operation and decommissioning. For this reasons the Ecological Appraisal has been submitted. This includes desk study and phase 1 Habitat Survey to assess habitats within the immediate site areas of the application site area.
- 9.5.2 The assessments have followed appropriate guidance and current best practice to evaluate the ecological effects associated with the proposed scheme. An appraisal of the report determines that it contains enough detail to demonstrate that the surveys have been carried out satisfactorily and that they provide an appropriate level of information about the environmental characteristics of the site. On the basis of the information provided within the report, it can be determined that the immediate area of the development is of limited ecological value and it is unlikely that the proposed development will cause significant harm to any protected species.

9.6 Residential Amenity - Noise and Shadow Flicker

- 9.6.1 Paragraph 123 of the NPPF affirms that 'planning policies and decisions should aim to:
- Avoid noise from giving rise to significant adverse impact on health and quality of life as a result of new development;
 - Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions...'
- 9.6.2 Policy U19 states that 'proposals for the generation of power by wind turbines, as well as any ancillary development or connecting transmission line, will be permitted provided the economic and environmental benefits, including the reduction in the emission of greenhouses gases, outweigh their environmental and visual impact. That assessment will take account of:
- the need for the development;
 - the effect of nature conservation interests, conservation areas and listed buildings;
 - the likely intrusion of development proposals in relation to the heritage coast, where permission will only be granted if there are overriding reasons in the national interest and there is no alternative;
 - the likely intrusion of development proposals in relation to the identified intrinsic visual qualities of other areas of countryside or coast and taking account of policies Env5, Env8, Env9 and Env31;
 - the effect on amenities due to noise, shadow flicker, reflected light or visual dominance;
 - the effect of any electro-magnetic disturbance caused by the development'.
- 9.6.3 The ETSU R-97 advised that noise of a wind turbine should be limited to 5dB (A) above

background levels. Daytime levels should be limited to an absolute level within 35-40dB (A); Fixed limit for night time is 43dB (A). The applicant has provided background noise level prior to the determination of this application which have been analysed and evaluated in order to ascertain the likely harm the proposed single wind turbine will have on nearby residential properties based upon the guide of ETSU R97.

9.6.4 The closest receptor (Great England Hill Farm) is approximately 325m to the north of the proposed wind turbine and the nearest third-party residential property is over 900m metre from the wind turbine. Great England Hill Farm is the only property predicted to have noise level above 35dB(A), but is financially involved in the proposed single wind turbine, therefore the higher limit of 45dB(A) is applicable in accordance with ETSU-R-97, which is not exceeded.

9.6.5 In conclusion the assessment of the likely noise that might be associated with the proposed wind turbine has been carried out in accordance with the appropriate guidelines of ETSU-R-97. It confirms that the proposed single wind turbine noise level will not exceed the relevant ETSU noise limit at any local receptor and, therefore there will be no significant noise impact from the proposed wind turbine at Great England Hill Farm. The proposed wind turbine therefore is acceptable in terms of noise.

9.6.6 Tall structures such as wind turbines cast shadows which vary in length according to sun's altitude and bearing. Shadow flicker only occurs inside buildings and for a few minutes at certain times of the year. As distance increases from turbine, effect of flicker diminishes. Flicker can only occur within 130 degrees either side of north, relative to the turbine. It only occurs within 10 rotor diameters of a turbine. The factors influencing impact of flicker include the following:

- direction of the residence relative to the turbine;
- distance from the turbine;
- turbine hub-height and rotor diameter;
- time of year;
- proportion of daylight hours the turbine operate;
- frequency of bright sunshine and cloudless skies; and
- prevailing wind direction (depending on the direction of the blades).

Flicker occurs approximately 30% of maximum potential in summer and 15% in winter. Shadow flicker is predictable where wind turbine have been proposed within 10 rotor diameter of an existing building.

9.6.8 The assessment of the proposed single wind turbine and its likely impact on residential amenity such as causing shadow flicker has been assessed by the applicant. The results indicate that the nearest residential property (ie, financially involved) which is within the 10 times the rotor diameter area surrounding the proposed turbine could potentially experience a shadow flicker effect due to its close proximity to the proposed wind turbine and hub height. The mitigation measures include shutting the turbine down. This will be achieved by installing a photocell and then programming the turbine to shut down at specified times of the year, if the photocell indicates that the sun is bright

enough to give rise to an effect. Given such circumstances, the mitigation scheme could be conditioned as part of the grant of any planning permission for this proposal.

- 9.6.9 In conclusion, the assessment of the proposed wind turbine revealed that it will potentially affect the living condition of the nearest residential property that is financially involved and the mitigation measure to reduce such impact include by shutting down the wind turbine and details of such mitigation measure could be conditioned. Hence, it can be considered that the proposed wind turbine is acceptable in shadow flicker terms provided the appropriate mitigation scheme is in place in order to protect and safeguard the amenities of the nearest residential property.

9.7 Highway Issues

- 9.7.1 The access to the location of the proposed single wind turbine and associated infrastructure will be from an existing access track from the B1362 which is currently serving the Great England Hill Farm. The width of the road is 4m, which is sufficient to accommodate HGVs, taken into consideration that the turbine components would be delivered in standard HGV vehicles.
- 9.7.2 New access road within open farmland can create a significant visual impact but can be reduced by careful selection of surfacing materials and requiring steps to be taken to reinstate verges and reduce with once construction is complete. Such surfacing details would be condition to ensure that the local planning authority is satisfied with the external appearance of the new access road in order to protect and safeguard the character of the landscape character of the immediate area.
- 9.7.3 The council's highway Officers have not raised any objection to the proposals in highway safety terms. .

9.8 Radio Transmission, Radar, Communication and Aviation Safety

- 9.8.1 The Joint Radio Communication Limited has raised an objection because wind energy development within 1km of a link operating below 3 GHz or 0.5 km of a link operating above 3 GHz, requires detailed coordination. Part or all of the proposed development is located within 1km/0.5km of protected link site. In conclusion the proposal is likely to affect radio communication transmission within the area. .
- 9.8.2 Wind turbines may have an adverse effect on two aspects of air traffic control movement and safety. Firstly they may represent a risk of collision with low lying flying aircraft, and secondly, they may interfere with the proper operation of radar by limiting the capacity to handle air traffic and aircraft instrument landing systems. Paragraph 163 of the NPPF affirms that 'Local Planning Authorities should:
- work with the Ministry of Defence's Strategic Planning Team to ensure that they have and take into account the most up-to-date information about defence and security needs in their area; and
 - work with local advisors and others to ensure that they have and take into account

the most up-to-date information about higher risk sites in their area for malicious threats and natural hazards, including steps that can be taken to reduce vulnerability and increase resilience'.

- 9.8.3 The MoD objects to the proposal on the basis that the proposed single turbine, 66.5 metres in height from ground level to blade tip and located at the grid reference 32882 Easting and 26803 Northing as stated in the planning application. The turbine will be 59.6km from, in line of sight to, and will cause unacceptable interference to the Air Defence radar at Staxton Wold. The MOD states that trials carried out in 2005 concluded that wind turbines can have detrimental effects on the operation of radar which include the de-sensitisation of radar in the vicinity of the turbines, and the creation of "false" aircraft returns. The probability of the radar detecting aircraft flying over or in the vicinity of the turbine would be reduced, and the RAF would be unable to provide a full air surveillance service in the area of the proposed wind farm. The MoD further advised that if the developer is able to overcome the issues stated above, the MoD will request that all turbines be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minutes of 200ms to 500ms duration at the highest practicable point.

9.9 Connection to the National Grid

- 9.9.1 Cabling on the site from the turbine to the existing on-site substation would be via underground cables. Underground cables would also be used to connect from the substation to the nearest grid connection point.

9.10 Decommissioning

- 9.10.1 The decommissioning of the proposed single wind turbine will involve a similar number of vehicular trips to the construction site. The movements will be timed to occur outside of peak periods so that the impact of these movements on the local network will be reduced. The design of the wind turbine and the choice of location have been consciously made to facilitate ease of the dismantling of the equipment at the end of its useful - usually 25 years. Annual maintenance will be required and measures will be taken to ensure that this is carried out in accordance with health and safety requirements and to protect the safety and security of the public. This is in accordance with paragraph 123 of the NPPF.

10. CONCLUSION

- 10.1 It is considered that the development in principle would accord with paragraph 93 National Planning Policy Framework and policy U19 of the Holderness District Wide Local Plan, and that it would make a contribution towards meeting the national need for renewable energy as established in Government Policy. Whilst the development of a wind turbine in this location would also be acceptable in terms of its impact on the wider landscape, residential amenity and there would be no significant impact on the setting of any of the designated heritage assets, there are fundamental objections to the proposal from the MOD and the JRCL. Until these matters are resolved to the satisfaction of

these consultees then the proposal is not acceptable on planning policy grounds.

11. HUMAN RIGHTS

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

12. RECOMMENDATION

That the application be **REFUSE** on the following grounds:

1. The proposed turbine would cause unacceptable interference to the radar at RAF Staxton Wold. The Ministry of Defence (MoD) have objected on the basis that the probability of the radar detecting aircraft flying over or in the vicinity of the turbine would be reduced and the RAF would be unable to provide a full air surveillance service. The proposed turbine in this location would be in conflict with paragraph 164 of the National Planning Policy Framework. The benefits of generating green energy does not outweigh the significant harm the proposed wind turbine in this location would have in securing a safe RAF Air Defence radar at Staxton Wold.
2. The proposed turbine would have an adverse effect on an existing radio communication link which serves other energy industry companies in the area. The proposal is therefore considered to be contrary to Policy U19 of the Holderness District Wide Local Plan which states:

Holderness District Wide Local Plan

Policy U19

“Proposals for the generation of power by wind turbines, as well as any ancillary development or connecting transmission line, will be permitted provided the economic and environmental benefits, including the reduction in the emission of greenhouses gases, outweigh their environmental and visual impact. That assessment will take account of:

1. the need for the development;
2. the effects on nature conservation interests (in accordance with Policies Env12 - Env17), archaeological interests (in accordance with Policies Env28 and Env29), conservation areas (in accordance with Policy Env24) and listed buildings (in accordance with Policy Env22);
3. the likely intrusion of development proposals in relation to the heritage coast, where permission will only be granted if there are overriding reasons in the national interest and there is no alternative;
4. the likely intrusion of development proposals in relation to the identified intrinsic visual qualities of other areas of countryside or coast and taking account of policies Env5, Env8, Env9 and Env31;
5. the effect on amenities due to noise, shadow flicker, reflected light or visual

6. dominance.
the effect of any electro-magnetic disturbance caused by the development.”

Alan Menzies
Director of Planning and Economic Regeneration.

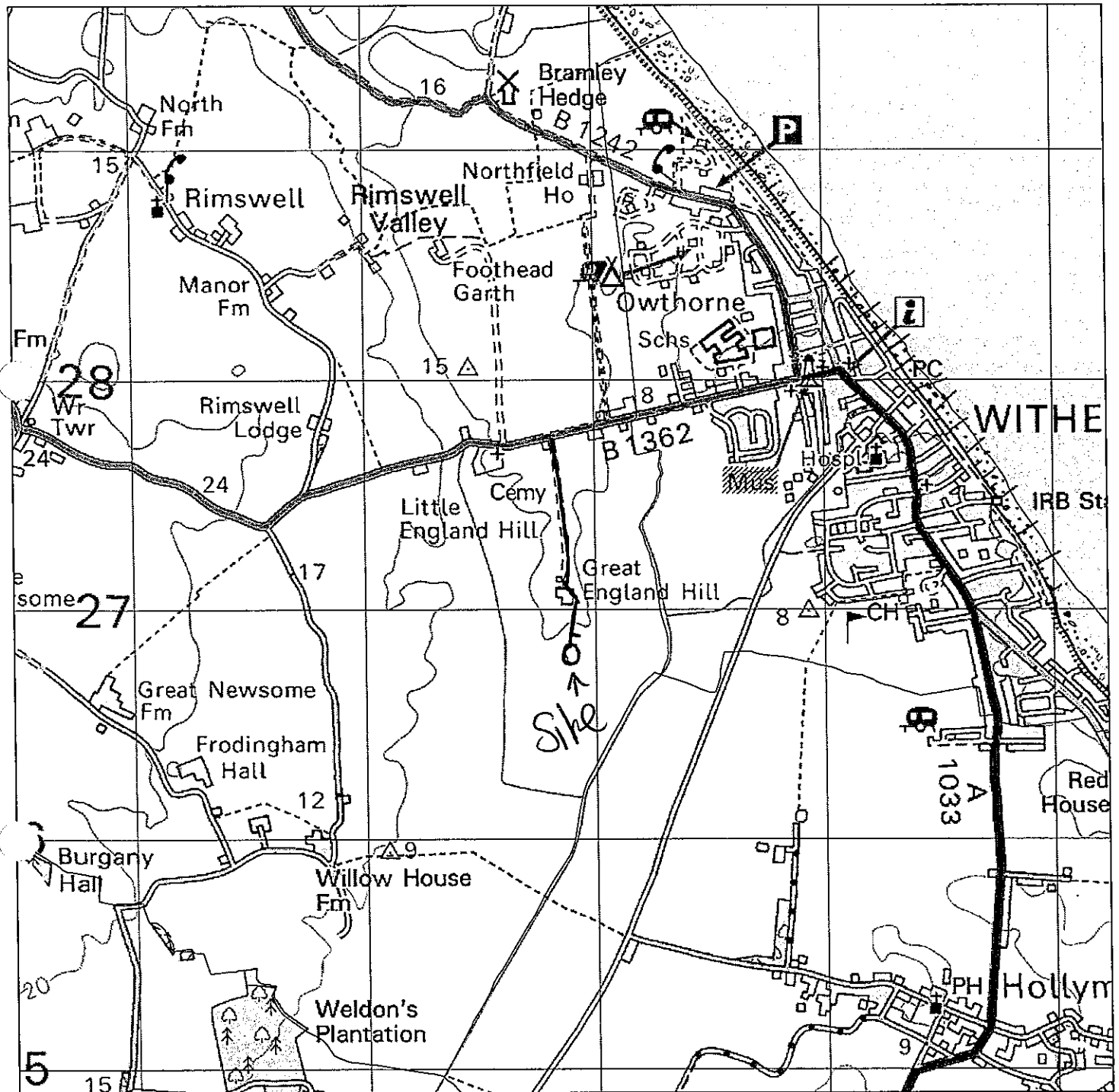
Contact Officer

Mr Emmanuel Allanah

Background Papers



Committee Plan



Scale : 1:25000



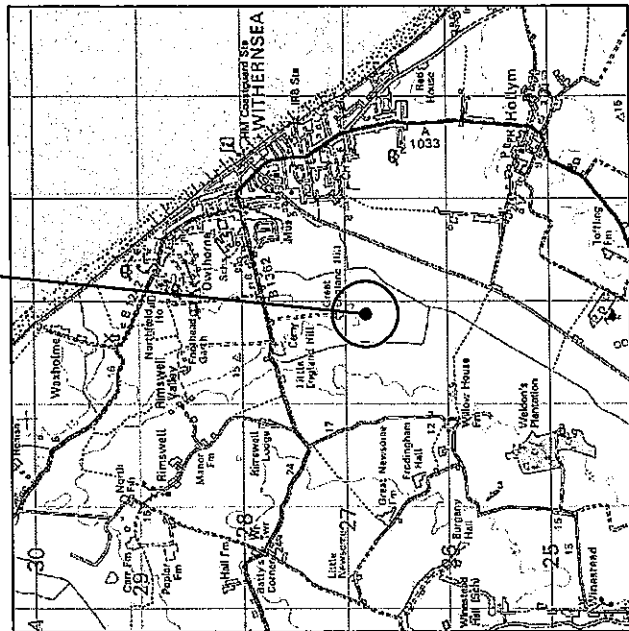
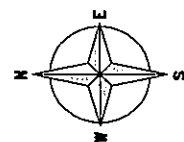
EAST RIDING
OF YORKSHIRE COUNCIL

© Crown copyright. All rights reserved
East Riding of Yorkshire Council
Licence: LA09056L

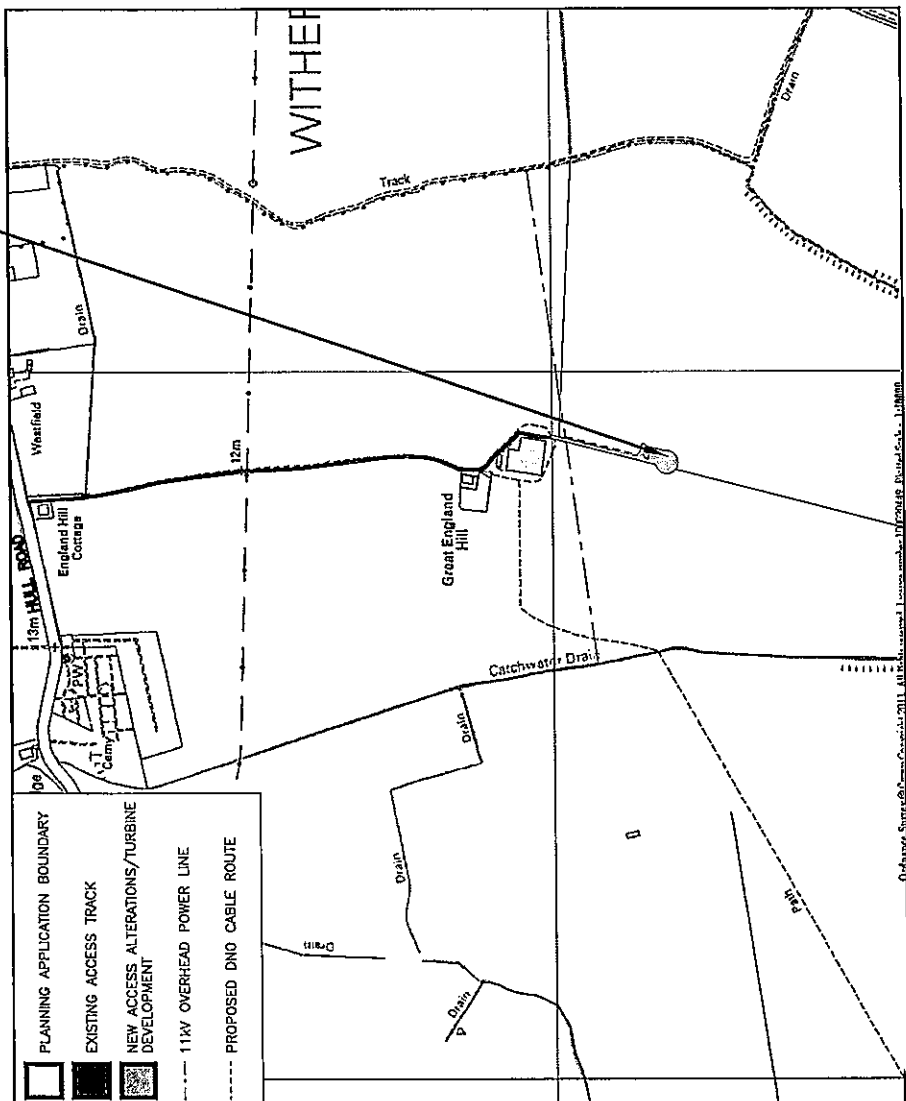
Organisation	Not Set
Department	Not Set
Application	
Date	30 August 2012
SLA Number	Not Set

SITE LOCATION

SITE LOCATION



SITE LOCATION
(Scale 1:50000)



DETAILED SITE LOCATION
(Scale 1:7500)

SITE ADDRESS: GREAT ENGLAND
WITHERNSEA
NORTH HUMBERSIDE
HU19 2DD

SITE NGR: 532882 E / 426803 N
MSV: DATE: 25/05/11 BY: NC

GREAT ENGLAND
WITHERNSEA
NORTH HUMBERSIDE
HU19 2DD

Wessex House,
Wimborne,
Dorset,
BH21 1PB
Tel: (01202) 856800
Fax: (01202) 856801

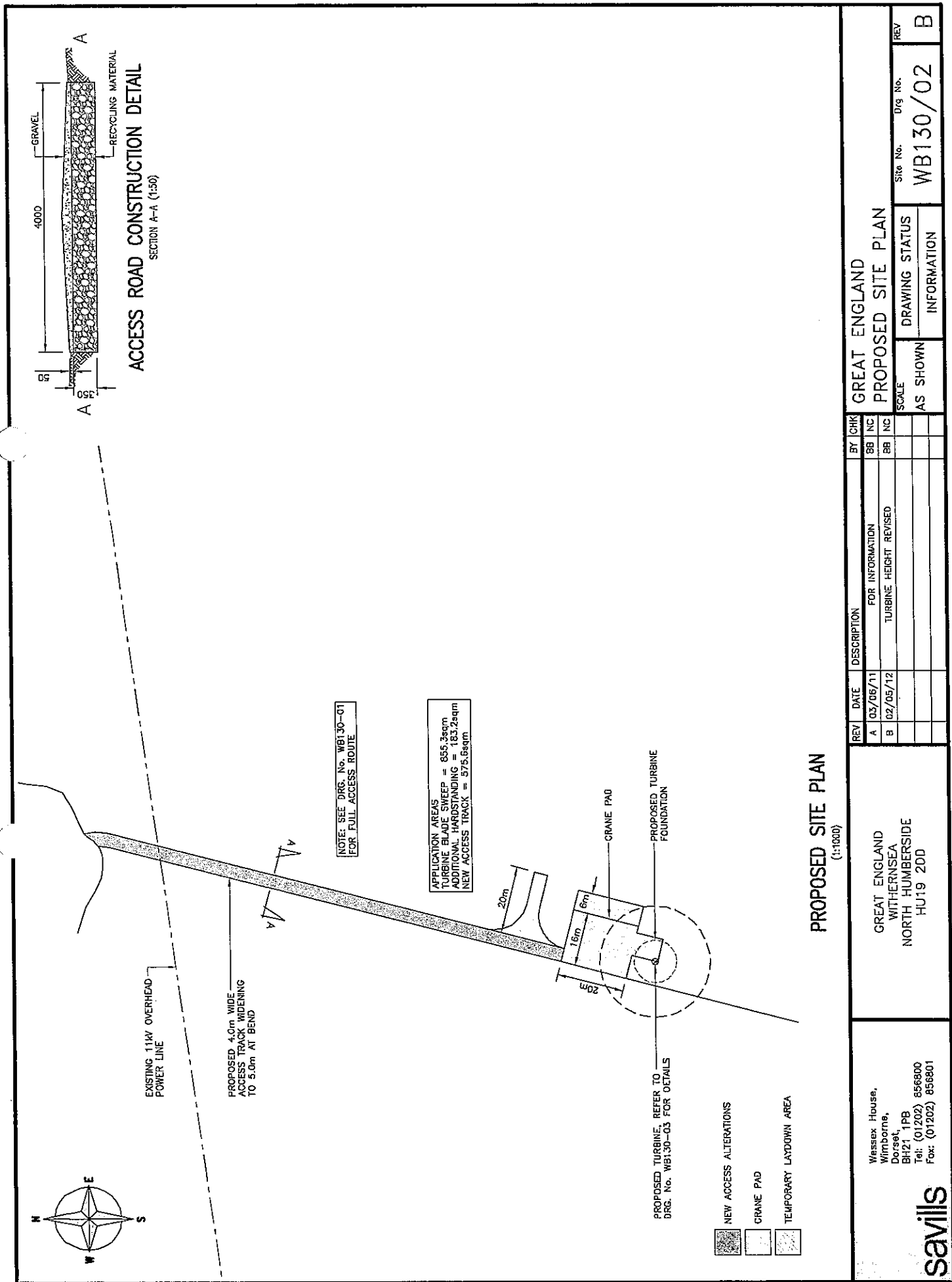


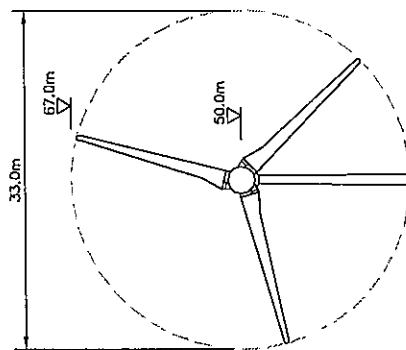
GREAT ENGLAND
SITE LOCATION MAPS
SCALE AS SHOWN
DRAWING STATUS INFORMATION

Site No. WB130/01
Org No. B
REV

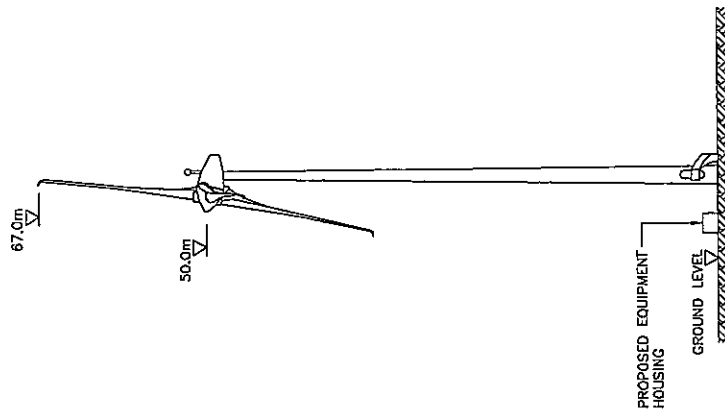
NOTE: - Reproduced from the Ordnance Survey Map with the permission of the Controller of the Ordnance Survey Office. (c) Crown copyright licence number 100024244 Savills (UK) Ltd. NOTE - Published for the purposes of identification only and although believed to be correct its accuracy is not guaranteed.

REV	DATE	DESCRIPTION	BY	CHK
A	03/05/11	FOR INFORMATION	SB	NC
B	02/05/12	TURBINE HEIGHT REVISED	BB	NC

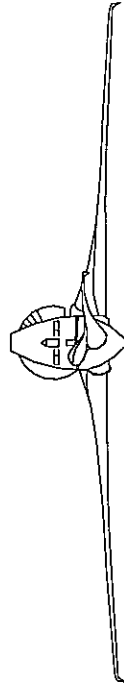




FRONT ELEVATION
(1:500)



SIDE ELEVATION
(1:500)



PLAN VIEW
(1:250)

Wessex House, Wimborne, Dorset, BH21 1PB Tel: (01202) 856800 Fax: (01202) 856801		GREAT ENGLAND WITHERNSEA NORTH HUMBERSIDE HU19 2C		GREAT ENGLAND TURBINE DETAILS		Site No. WB130/03		Org No. B	
REV		DATE		DESCRIPTION		BY		CHK	
A		03/05/11		FDR INFORMATION		BB		NC	
B		02/05/12		TURBINE HEIGHT REVISED		BB		NC	
SCALE		1:250		DRAWING STATUS		INFORMATION		REV	

EAST RIDING OF YORKSHIRE COUNCIL

Report to: Planning Committee
13 September 2012

WARDS: North Holderness

Application for Erection of a wind turbine (60 metres to hub and 86.45 metres to blade tip) [Revised scheme of 12/01782/STPLF]
At Manor Farm, Skipsea Lane, Dunnington, East Riding Of Yorkshire YO25 8EG
by Mr M G Kirkwood
Application Number: 12/03420/STPLF

Report of the Director of Planning and Economic Regeneration

A. **Executive Summary**

Application reference 12/03420/STPLF is referred to the Committee for decision.

B. **Corporate Priorities**

Valuing our environment
Retaining the East Riding character
A Well Managed Authority

C. **Application Type**

Strategic - Full Planning Permission

D. **Parish**

Bewholme Parish Council

E. **Applicant**

Mr M G Kirkwood

F. **Target Date**

26 October 2012

G. **Environmental Impact Assessment**

Before this application was submitted it was considered within the context of The Town and Country Planning (Environmental Impact Assessment Regulations) 2011 with a view to determining whether an Environmental Impact Assessment was required. Taking into account the requirements of the Regulations and the guidance contained in Circular 02/99 it was determined that an Environmental Impact Assessment was not required in this case.

H. Recommendation

That the application be **REFUSED** as detailed in section 12.1 of this report.

1. INTRODUCTION

- 1.1 The application seeks full permission for the erection of an 86.45 metre high (to tip) wind turbine, with a hub height of 60 metres. The proposed turbine would be located 0.6km to the north east of Dunnington and 2.7km north west of Beeford. The proposal would consist of the turbine itself, a crane hardstanding (measuring 35 x 15 metres), an access track, substation and underground cabling.
- 1.2 The location of the site is situated within a vacant arable field which forms a part of 314 hectares of farm land owned by the applicant. The land is used for growing crops such as wheat, barley, beans and oil seed rape.
- 1.3 The nearest un-associated residential properties to the development are: Dunnington Grange 0.6km north, Dunnington Manor 0.5km south west, Richmond House 0.6km south west and Rose Cottage 0.7km south west.
- 1.4 The expected operational life of the turbine is 25 years. At the end of this period, the turbine would be decommissioned and the site reinstated with all above ground structures removed. Alternatively, a further application would have to be made to retain, replace or modify it.
- 1.5 The application is a revised scheme of application 12/01782/STPLF, which involved a turbine height of 99.7m to tip. After concerns raised by two properties within the village and concerns by the council's Landscape and Visual Impact Assessment officer and Conservation Officer, the applicant agreed to reduce the turbine to help alleviate the visual impact of the turbine.

2. PLANS AND ILLUSTRATIONS

Appendix 1 - Site Location Plan.

Appendix 2 - Site Layout Plan.

Appendix 3 - Elevations

3. KEY PLANNING POLICIES

The Development Plan for the area comprises of the Yorkshire and Humber Regional

Spatial Strategy to 2026 (2008), Joint Structure Plan for Hull and East Riding of Yorkshire (2005), and the Holderness District Wide Local Plan (1999).

Regional Spatial Strategy

YH1	Overall Approach and Key Spatial Priorities
YH2	Climate Change and Resource Use
YH6	Local Service Centres and Rural and Coastal Areas
YH7	Location of development
HE1	Humber Estuary Sub Area Policy
ENV1	Development and Flood Risk
ENV3	Water Quality
ENV5	Energy
ENV6	Forestry, Trees and Woodlands
ENV8	Biodiversity
ENV9	Historic Environment
ENV10	Landscape

The Localism Act 2011 gives the Secretary of State power to revoke Regional Spatial Strategies in whole or in part. The Government's stated intention to revoke can be treated as a material planning consideration with weight to be attached to this intention being left to the decision maker in each case

Joint Structure Plan

DS7	Development Infrastructure
SP1	Settlement Character
SP4	Landscape Character
SP5	Design of New Development
ENV3	Species Protection
ENV6	Built and Historic Assets
ENV7	Archaeological remains

Holderness District Wide Local Plan (1999)

G3	General Environment Protection.
G4	General Protection of Sites of Nature Conservation
G5	Landscape Protection.
G6	New Development Considerations
G7	Design Considerations -- Layout
Env2	Trees & Hedgerows
Env16	Species Protection
Env22	Listed Buildings: Setting
Env24	Conservation Areas
Env35	External Lighting
R13	Safeguarding of Footpath Network
U16	Renewable Energy

U17	Details for Wind Turbines
U19	Wind Turbines - Benefits
U20	Wind Turbines - Removal

Other Relevant Documents

Interim Planning Document on Renewable Energy (2009)
East Riding of Yorkshire Landscape Character Assessment (2005)
Renewable Energy Infrastructure (EN-3) (2011)
National Planning Policy Statement (EN1)

National Planning Policy Framework
Section 10 - Meeting the challenge of climate change, flooding and coastal change.

4. RELEVANT PLANNING HISTORY

12/01782/STPLF Erection of a wind turbine (73.25 metres to hub and 99.7 metres to blade tip) - Withdrawn 24.07.2012

5. CONSULTATION REPLIES

Bewholme Parish Recommend Approval.
Council

Highway Control This application is acceptable as the proposed development will not generate an unacceptable increase in the level of traffic movements and on-street parking on the adjacent public highway network. The existing vehicular accesses serving the development are wide enough to accommodate the accessing requirements of the heavy goods vehicles that will deliver the wind turbine components at the junctions with Dunnington Lane and Billings Lane.

Public Protection The tonal audibility does not exceed 2dB so the turbine does not
Division attract a tonal penalty.

The noise assessment accompanying this application details noise from the turbine and the substation. Table 5.1 of the report predicts the noise level at the nearest Noise Sensitive Receptors (NSR) will be 35.0 dB(A) and at the Financially Interested (FI) property as 38.6dB(A), which meet the ETSU levels.

Conditions required.

Conservation Officer No objection.

I appreciate that the height of this scheme has been lowered in comparison to the previous proposal. Therefore the turbine's

impact on the setting of heritage assets (Listed Buildings and Conservation Areas) will be lower than the one the taller turbine would have caused.

As I did not recommend refusal to the taller one, I can not justify an objection to this scheme. The most significant impact will be on the views out of the Dunnington Conservation Area. Whilst I agree with the applicant's assessment that this turbine will have a significant impact, I do not feel that the harm of this single turbine will be substantial and outweigh the benefits that are associated with renewable energy schemes.

However, to make sure that the proposed substation which will be located within the Conservation Area will not cause harm to the character and appearance of the village, a condition should be imposed on its materials.

Trees and Landscape
Section

The landscaping issues can be covered by a standard landscape condition which should provide for the replacement of any trees lost to the building of the sub-station and increase the screening around the sub-station particularly in respect of views up and down the road and the immediate road frontage. This landscaping belt is important in maintaining the character of this rural area and screening the large industrial type farm buildings beyond.

A further condition should be imposed relating to location of the substation and cable route and mitigation measures required if they are to have an impact on any trees/hedgerows.

Public Rights of Way No Objection.

Yorkshire Water
Services Limited Observations from Yorkshire Water are not required.

English Heritage The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Natural England From the information provided with this application, it does not appear to fall within the scope of the consultations that Natural England would routinely comment on.

Nature Conservation
Officer (Biodiversity) It is noted that the turbine is sited in accordance with the guidance provided in the Natural England Technical Information Notes: TIN051 - Bats and onshore wind turbines and TIN059 - Bats and single large wind turbines I would therefore advise that the proposal is unlikely to have an adverse effect in respect of bat species.

Furthermore the application is supported by the findings of an Extended Phase 1 Habitat Survey. The assessment has followed appropriate guidance and current best practice to evaluate the ecological effects associated with the proposed scheme. On the basis of the information provided within the report, it can be determined that the immediate area of the development is of limited ecological value with few habitats or species of note and it is unlikely that the proposed development will cause significant harm to any protected species.

Nevertheless recommendations are made in the report for the implementation of mitigation measures to minimise or avoid negative ecological impacts. I would advise that these recommendations should be imposed as a condition of any planning approval.

NERL Safeguarding
Officer

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

SPECTRUM
(Ofcom)

Awaiting comments.

CAA - Wind
Turbines (Anywhere)

Awaiting comments.

Humber Archaeology
Partnership

The site lies within a sensitive archaeological landscape and contains heritage assets dating from prehistoric, Romano British and Medieval periods. It is likely that any ground-works in this area would encounter previously unknown heritage assets.

A condition relating to implementation of a programme of archaeological works is required.

Royal Society For
The Protection Of
Birds

Awaiting comments.

Council For The
Protection Of Rural
England

Awaiting comments.

Ministry Of Defence

MOD objects to the proposal. The assessment has been carried out on the basis that there will be 1 turbine, 86.45 metres in height from ground level to blade tip.

The turbine would be 28.5 km from, in line of sight to, and would cause unacceptable interference to the AD radar at RAF Staxton Wold. Trials carried out in 2005 concluded that wind turbines can have detrimental effects on the operation of radar which include the desensitisation of radar in the vicinity of the turbines, and the creation of "false" aircraft returns. The probability of the radar detecting aircraft flying over or in the vicinity of the turbines would be reduced, and the RAF would be unable to provide a full air surveillance service in the area of the proposed wind farm.

East Riding Council previously consulted the MOD about a planning application – ref. 12/01782 – on the 2nd May 2012 for a single 99.7m turbine located at grid ref. TA 15620 52810. MOD responded to this consultation via a letter dated 30th May 2012 which stated that it had no objection to the proposed turbine. This was an error and MOD should have objected to the application due to the unacceptable interference to the AD radar at RAF Staxton Wold.

Cable And Wireless Worldwide	Awaiting comments.
IUS Connections	Awaiting comments.
Racal Vodaphone	Awaiting comments.
British Telecom	Awaiting comments.
National Telecommunications Limited	Awaiting comments.
Robin Hood Airport Doncaster Sheffield	Awaiting comments.
Humberside Airport	Awaiting comments.
Home Office	Awaiting comments.
YEDL	Awaiting comments.
Telefonica (formerly O2)	Awaiting comments.
Radio Communications	Awaiting comments.

Agency

Orange Personal
Communications
Services

Awaiting comments.

Virgin Mobile

Awaiting comments.

Kingston
Communications
(Hull) Plc

Awaiting comments.

Joint Radio Company
Ltd

This proposal cleared with respect to radio link infrastructure operated.

BAE Systems

Awaiting comments.

The Highways
Agency

No Objection.

East Yorkshire Barn
Owl Survey And
Conservation Group

Awaiting comments.

Ramblers
Association - East
Yorkshire Group

Awaiting comments.

Yorkshire Wildlife
Trust

Awaiting comments.

Landscape + Visual
Impact Assessment

In acknowledging that the height of the turbine to be used in this application is of a reduced scale from that proposed in the original application for this site, I can confirm that there are no objections to this proposed development.

A key principle identified in National Policy Statement for Renewable Energy Infrastructure (EN-3) is that the potential harm of renewable energy development should be minimised through careful design, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by reasonable mitigation. Whilst there will be a level of landscape and visual effects as a consequence of this proposal, the reduction in the height of the turbine to be used demonstrates how the applicant has attempted to reduce such effects and take reasonable measures to make them

more acceptable than those of the original proposal for this site. In doing so, this helps the proposal to accord more favourably with the aforementioned National Policy Statement for Renewable Energy Infrastructure (EN-3) guidance regarding the need to minimise environmental effects. In light of this, the potential effects of this development are now more acceptable than the previous proposal and there is therefore no objection to this new application.

BBC Research
Department

The development is likely to affect 0 homes for which there is no alternative off-air service.

In addition, it may affect up to 0 homes for whom there may be an alternative off-air service.

East Midlands
Airport

No safeguarding objection.

6. PUBLICITY

6.1 The application has been advertised via neighbour notification letters, press notice and site notices placed around the site.

6.2 2 letters of objection have been received and the following comments have been raised:-

The turbine has only been reduced by 12.55m, adding the height of the base the application would be 108.45m above sea level.

The turbine should be relocated.

The relevance of Dunnington Conservation area has been minimized.

7. CASE ON BEHALF OF THE APPLICANT

The applicant has submitted several supporting documents to accompany the application, including a Planning Statement, Design and Access Statement and a number of Environmental Reports covering Landscape and Visual Impact, Noise, Ecology, cultural heritage and traffic.

8. KEY ISSUES

- Principle, planning policy
- Landscape and Visual Impact
- Residential and public amenity
- Highways
- Conservation and Heritage
- Radar and communication
- Grid Connection
- Shadow Flicker

9. OFFICER COMMENTS

9.1 Applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

9.1.1 The National Planning Policy Framework (NPPF) is a material consideration which must be taken into account in planning decisions. If the NPPF contains policy guidance that is relevant to this application, the report below will explain this, and consider the extent to which development plan policy is consistent with the NPPF and the weight to be given to that policy. For 12 months **full** weight may still be given to relevant development plan policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The RSS falls into this category. For policies in the JSP and the existing Local Plans **due** weight should be given according to their degree of consistency with the NPPF.

9.1.2 It is the Government's clear policy intention to revoke the Regional Spatial Strategy subject to the outcome of the environmental assessments that are currently being undertaken. Until it is abolished the RSS remains part of the development plan although the intention to abolish the RSS can be treated as a material planning consideration with the weight to be attached to this intention being a matter for the decision maker

9.2 Principle, Planning Policy

9.2.2 The benefits of developing the use of renewable resources as an increasing proportion of total energy consumption are reflected in the objectives of European Union and UK law and policy such as the UK Government Climate Change Programme, the Energy White Paper 2007, the Climate Change Act 2008 and the Renewable Energy Strategy 2009. It is accepted that the current proposal would contribute to the national objective of promoting renewable energy technologies.

9.2.3 The Renewable Energy Strategy 2009 represents the latest development of UK energy policy. The UK has a binding target to meet 15% of its total energy consumption from renewable sources by 2020. The proportion of the electricity supply that will need to come from renewables in order to meet this target is projected in the Renewable Energy Strategy to be 30% or more by 2020, and the indicative target is for onshore wind to supply some 29% of the electricity from renewable resources.

9.2.4 In addition to the headline target of 2020, the EU Directive requires each member country to submit details of its performance to targets against indicative levels that need to be met in order to achieve the 2020 figure. The UK starts from the position that it is already behind the prospects of meeting the 2010 target of just 10% of electricity from renewables. In these circumstances and having regard to the increase in the headline target from 20% to 30% by 2020, it is considered that significant weight must be placed on the need for the provision of new sources of renewable electricity of which onshore wind is an important element.

9.2.5 Policy ENV5 of the Regional Spatial Strategy for Yorkshire and the Humber sets local

targets for contributing to renewable energy capacity, and it is the case the East Riding has reached 43MW of installed capacity, more than its indicative target for 41MW by 2010. The regional East Riding target of 148MW by 2021 will be met or exceeded by projects already constructed or with planning permission. A number of recent wind farm planning appeal decisions within the East Riding have demonstrated that these regional targets are considered to be indicative only, should be exceeded and can carry little weight against national and regional need for renewable energy development. These decisions have held that the requirement to help meet the binding national targets is a material consideration in the decision making process.

- 9.2.6 At a local level, Policy U19 of the Holderness District Wide Local Plan is of relevance to this application. This policy states that proposals for Wind Turbines shall be supported in principle providing they do not have an adverse impact on the environment, nature conservation.
- 9.2.7 On 27 March 2012 the National Planning Policy Framework (NPPF) became effective and replaced national planning policy and guidance, and whilst the statutory status of the development plan remains unchanged in the determination of planning applications the NPPF is now a material consideration.
- 9.2.8 It states that the purpose of the planning system is to 'contribute to the achievement of sustainable development' of which there are three dimensions: economic, social and environmental. Of the latter, protecting and enhancing the environment by way of mitigating and adapting to climate change is a significant consideration.
- 9.2.9 The NPPF, through its core land use planning principles, seeks to enhance and improve the places people live by quality design, and ensuring a good standard of amenity for all existing and future occupants of land and buildings.
- 9.2.10 Of the twelve core principles identified in paragraph 17, one emphasises support for the transition to a low carbon future in a changing climate, achievable by several routes including the development of renewable energy resources.
- 9.2.11 Further, in line with the Climate Change Act 2008, Local Planning Authorities are advised to adopt a proactive approach supporting energy generation from renewable or low carbon sources. When determining planning applications for energy development, they should not require applicants to demonstrate the overall need for renewable or low carbon energy and should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. They should approve such applications if the impacts are acceptable or can be made acceptable. This stance is repeated in paragraph 98 of the NPPF.
- 9.2.12 Local Authorities are advised that any local approach to protecting landscape and townscape should not preclude the supply of any type of renewable energy other than in the most exceptional circumstances.

9.3 Landscape and Visual Impact

9.3.1 National Policy Statement for Renewable Energy Infrastructure (EN-3) outlines how the potential harm of renewable energy development should be minimised through careful design. This should take into account the potential environmental effects on the landscape, siting, operational and other relevant constraints, to minimise harm to the landscape, including reasonable mitigation.

9.3.2 The Council's Landscape Character Assessment (2005) (LCA) identifies the areas of distinct landscape character within the East Riding and makes judgements about the quality, value, sensitivity and capacity for new development to be assimilated in each character area. It identifies the application site as being within Landscape Character Type 19C - North Holderness Open Farmland. The key characteristics of this area are:

- Very open landscape with few trees overall
- Irregular field pattern of pre parliamentary enclosure
- Dispersed villages linked by winding roads
- Churches are often prominent features on the skyline
- Irregular drainage pattern overall
- Hedgerow field boundaries with few trees
- Intensive farmed arable landscape

9.3.3 The East Riding of Yorkshire Landscape Character Assessment (LCA) identifies that this landscape is regarded to be sensitive to uncharacteristic development. The low-lying, open nature of the landscape has a potentially high sensitivity to wind-related development yet there may be circumstances where such sensitivity is reduced, depending on the scale, number and location of turbines. This suggests that there is a level of capacity in this landscape to accommodate this type of development in those circumstances where the impacts are not unacceptable and where any negative effects are minimised by the scale of the development and its relationship with existing built features. This is apparent by the number of operational single-turbine developments in this landscape which undoubtedly influences the local landscape, but they are at a scale and position where such effects can be argued to have been minimised to some extent and therefore relate more favourably to the principle set out in National Policy Statement for Renewable Energy Infrastructure (EN-3).

9.3.3 The visual impact of proposals has been assessed in terms of;

- The sensitivity of the character of the area/visual receptor
- The magnitude of change
- The subsequent significant of the effect of the development

The sensitivity of visual receptors is dependent upon the location and context of the viewpoint, and whether these views are continuous, fragmented, or intermittent (the dynamic nature of the view gained while travelling through the area). Other issues to take into account are the importance of the views and the occupation and activity of the visual receptor. Influences such as the number of receptors affected, the popularity of views and the significance of the views in relation to the landscape also determine the

importance of the view. In this respect, the receptors have been broken down into three areas of sensitivity namely:

Higher sensitivity receptors	Includes views from residential properties, users of the Public Right of Way.
Medium sensitivity receptors	Dynamic views gained by the travelling population through or past the landscape.
Low sensitivity receptors	Including people at their place of work whose attention may be focused on their work or activity and therefore less susceptible to changes in view.

- 9.3.7 For this application, the high sensitivity receptors would be the landscape character and residents of properties located within the closest proximity to the proposed turbine. Those properties include Dunnington Grange, Dunnington Manor, Richmond House and Rose Cottage (Manor Farm is the applicant's property). Although the degree of separation and presence of intervening vegetation help to mitigate a proportion of the turbine such as the tower, components such as the hub and blades will still be highly visible due to the overall height. The impact on the landscape would be significant, as the height of the structure dominates the vegetation and screening creating an obtrusive feature visible within a wide distance.

Dunnington Manor

Dunnington Manor is located to the 0.6km south west of the proposed turbine location. This residential property is surrounded by a mature hedgerow which is a boundary point from the road to the curtilage of the property. From the hedge to the dwelling is vacant grass paddock with various trees which partially screen the property. This screening continues around the property, up to the east of the boundary- this area is within close proximity to the existing Manor Feeds business.

It is considered the views of the turbine from the curtilage of dwelling would not be significant as they would be largely, if not fully, screened by the existing planting and the agricultural buildings located adjacent. It is considered the property would not have a significant or overbearing view point of the proposal.

Dunnington Grange

Dunnington Grange is located approximately 700m north west of the proposed site. The dwelling itself is screened with a hedgerow and tree belt. Due to this, some views out of the property are well screened.

There are limited features from the boundary of the property to the proposed site.; these include some small hedgerows and some trees. The topography of the land is also very flat. Therefore views from this aspect of the village are very open. It is considered the views of the proposal would be prominent but not over bearing.

Richmond House

Richmond House is located on the main street within Dunnington Village approximately 0.7km south west of the proposed site. There are limited features between the property and the site; these include hedgerows and some trees the topography of the land is also very flat. Therefore views from this aspect of the village are very open, it is considered however views from this property would be limited this is due to the separation of the road and several arable fields.

There are six windows facing east with the proposal located to the north, this would make direct views difficult. Whilst some views will be apparent from the curtilage of the dwelling, it is considered those views would not be overbearing or significant. It is considered whilst the area between the property and the proposal are open there are no direct views from the curtilage of the dwelling and therefore the impact would be limited.

Rose Cottage

Rose Cottage is located on the main street within Dunnington Village approximately 0.7km south of the proposed site. There are limited features between the property and the site, these include hedgerows and some trees. Therefore views from this aspect of the village are very open.

It is considered, however, views from this property would be limited due to the rear elevation of the dwelling facing east and the turbine being located to the north. Whilst some views will be apparent from the curtilage of the dwelling, it is considered those views would not be overbearing or significant.

- 9.3.8 Medium sensitivity receptors would involve areas where views are gained from travelling through the landscape and in this case there are several main routes through the area: routes through to Dunnington, Beeford and Skipsea and those areas within a wider location. The routes would at times be extremely busy as they are popular tourist destinations and routes to other notable tourist destinations. There will also be an impact on some minor roads and tracks in close proximity to the site where walkers, horse riders, cyclists etc use both public footpaths and PROW network. Whilst PROW users can in some circumstances be considered high sensitive receptors the nearest to the site is located 0.8km south, the route continues to run south away from the proposed site.
- 9.3.9 It is considered the impact on the medium sensitivity receptors would be limited for periods of time and not a continuous impact. Those travelling through or past the area would be affected by the visual presence of the turbine but the impact would not be overbearing or significant.
- 9.3.10 It is recognised that the expectations of the visual environment of car occupants are lower than pedestrians since it is assumed that pedestrians will be more focussed on the landscape. The other aspects to consider are the degree of visual intrusion that will occur from this route, its duration of view and its context in the landscape

9.4 Cumulative Impact

9.4.1 There are a small number of small-medium sized, single turbine developments in this local landscape and whilst these can not be described as being dominant in the wider landscape or as having a re-characterising effect, they do have a smaller-scale, localised, close-proximity impact on landscape character. However, there are few locations where a number of the turbines can be viewed collectively in the same visual 'envelope' and even fewer examples where their cumulative impacts have the potential to become of overriding significance. The addition of a further turbine at an appropriate scale and with a more appropriate with the settlement and the farm holding would not have a significant influence in terms of cumulative impact.

9.4.2 There is also a larger scale Windfarm – Lissett located 4.8km north of the proposed site. Views of the Windfarm are visible from the site, and it is considered the views of the turbine and the Windfarm will be visible together. It is considered there would be a clear distinction between the single turbine due to the significant height difference and the separation distance. Whilst it is acknowledged from some viewpoints the views will associate both structures, the impact of an additional single turbine would not create an over bearing or cumulative view. Policy U19 of the Local Plan states an assessment developments should be permitted where the impact does not detrimentally affect or intrude on the existing intrinsic visual quality of the wider area. The turbine would not cause a significant cumulative impact or significant overbearing impact on the wider landscape and is therefore considered compliant with the development plan in relation to visual impact.

9.4 Highways

9.4.1 It is considered the application will not generate an unacceptable increase in the level of traffic movements and on-street parking on the adjacent public highway network. The existing vehicular accesses serving the development are considered wide enough to accommodate the accessing requirements of the heavy goods vehicles that will deliver the wind turbine components at the junctions with Dunnington Lane and Billings Lane. Visibility for the drivers of emerging vehicles is compatible with the traffic flows and the vehicle speeds that can be expected at this location. A Traffic Management Plan will be required that includes details of construction vehicle routing. Also Swept Path Analysis drawings will need to be submitted detailing all the features located on the construction vehicle route and showing the turning manoeuvres of delivery vehicles both entering and leaving the site. It is considered from a highway perspective that the development is acceptable as any additional requirements can be secured via a planning condition.

9.5 Conservation and Heritage

9.5.1 This turbine would be visible from within the setting of several designated heritage assets, Listed Buildings and Conservation Areas. The Conservation Officer considered the turbine would most likely impact upon the Grade I Listed Church in Skipsea and the Dunnington Conservation Area. It is considered that the applicant's assessment is correct

and that the turbine would have moderate adverse impact on the setting of All Saints Church in Skipsea. The church lies on slightly elevated position and from within the church yard views over the village and the landscape can be taken. The Conservation Officer has not raised any objections to this proposal.

9.6 Radar and communication

9.6.1 The Civil Aviation Authority and NERL have also both been consulted, neither of which raised any safeguarding objections to the proposal.

9.6.2 Comments from the Ministry of Defence have raised objection to the applications. The objections are based upon the potential impact of interference on the RAF Staxton Wold. The MOD have noted that wind turbines can have detrimental effects on the operation of radar which include the desensitisation of radar in the vicinity of the turbines, and the creation of "false" aircraft returns. The probability of the radar detecting aircraft flying over or in the vicinity of the turbines would be reduced, and the RAF would be unable to provide a full air surveillance service in the area of the proposed wind farm.

9.6.3 The MOD raised no objection to the previous application (12/01782) which was approximately 13m higher than the proposal. The MOD have stated the previous comments was an error and should have also been an objection.

9.7 Grid Connection

9.7.1 The connection to the grid will be made via an underground cable route which will join the substation and transformer where the electricity will be transferred to the Grid. The connection itself to National Grid will form part of a separate application outside of the planning process.

9.8 Shadow Flicker

9.8.1 Shadow flicker occurs at certain times of the year when a rising or setting sun shines through rotating turbine blades and the shadow produced passes in to a building through a window, with rotating turbine blades causing a rapid increase and decrease in light level. Shadow flicker effects are significant only within a distance of ten rotor diameters of a wind turbine and within approximately 130 degrees of either side of north from the turbine positions. With respect to the current proposal, ten rotor diameters is equivalent to a maximum distance of 530m. The proposed siting of the turbine means that there are no properties located within the zone which may be affected by shadow flicker.

10. CONCLUSION

10.1 It is considered that the development in principle would accord with National and Development Plan Policy relating to the provision of renewable energy through wind turbine development, and that it would make a contribution towards meeting the national need for renewable energy as established in Government Policy.

The turbine would form a constant presence within the local landscape but it is considered that the degree of change is acceptable as it would not result in the creation of a landscape character sub-type extending beyond the immediate vicinity of the application site, or significantly diminish the intrinsic character of the area. It is also considered that there would be no significant detrimental impact on the setting of any of the designated heritage assets within the locality or area of the proposed site area.

It is considered that other potential impacts relating to radar, communications and aviation safety can be adequately mitigated against through the use of planning conditions - as can impacts on residential amenity by virtue of noise associated with both the construction and operational phases of the development, ecological impacts, highway impacts and possible impacts on the Public Rights of Way within the site.

The application has however resulted in a formal objection from the MoD which the applicant has been unable to resolve during the formal application process. For this reason the application must be refused as the generation of renewable energy by the proposed turbine does not outweigh the potential danger caused by interference to military radar which could result from the proposed scheme. For this reason the application must be recommended for refusal.

11. HUMAN RIGHTS

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

12. RECOMMENDATION

That the application be **REFUSED** for the reason:

The proposed wind turbine would cause unacceptable interference to the radar at Staxton Wold 28.5km from the site. The Ministry of Defence (MoD) have objected on the basis that the probability of the radar detecting aircraft flying over or in the vicinity of the turbine would be reduced and the RAF would be unable to provide a full air surveillance service.

The proposed wind turbine in this location would be in conflict with paragraph 164 of the National Planning Policy Framework and National Planning Policy Statement (EN1) section 5.4.

The benefits of generating green energy at this location do not outweigh the significant harm the proposed wind turbine will have in securing a safe RAF Air Defence Radar Service Staxton Wold.

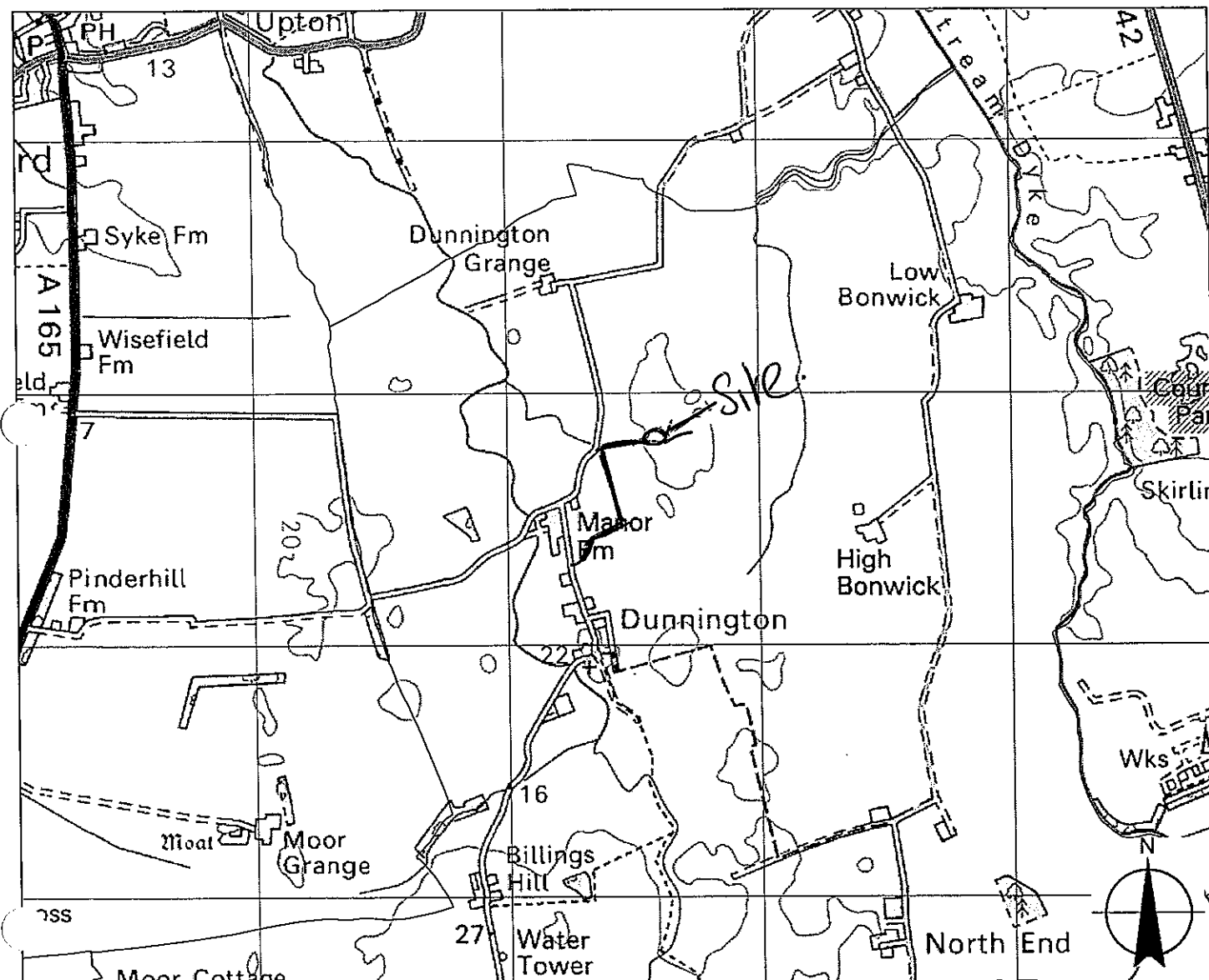
Alan Menzies
Director of Planning and Economic Regeneration

Contact Officer

Miss Samantha Hodgson

Background Papers

OF YORKSHIRE COUNCIL



Km 0.5 1 1.5 2

Organisation	Not Set
Department	Not Set
Comments	
Date	29 August 2012
SLA Number	Not Set

Aldbrough Closes

East Field

Track

Manor Farm

The Compass

Dunblington Manor

Dunblington Sewer (Down)

17.5m

15.5m

14.5m

13.5m

12.5m

11.5m

10.5m

9.5m

8.5m

7.5m

6.5m

5.5m

4.5m

3.5m

2.5m

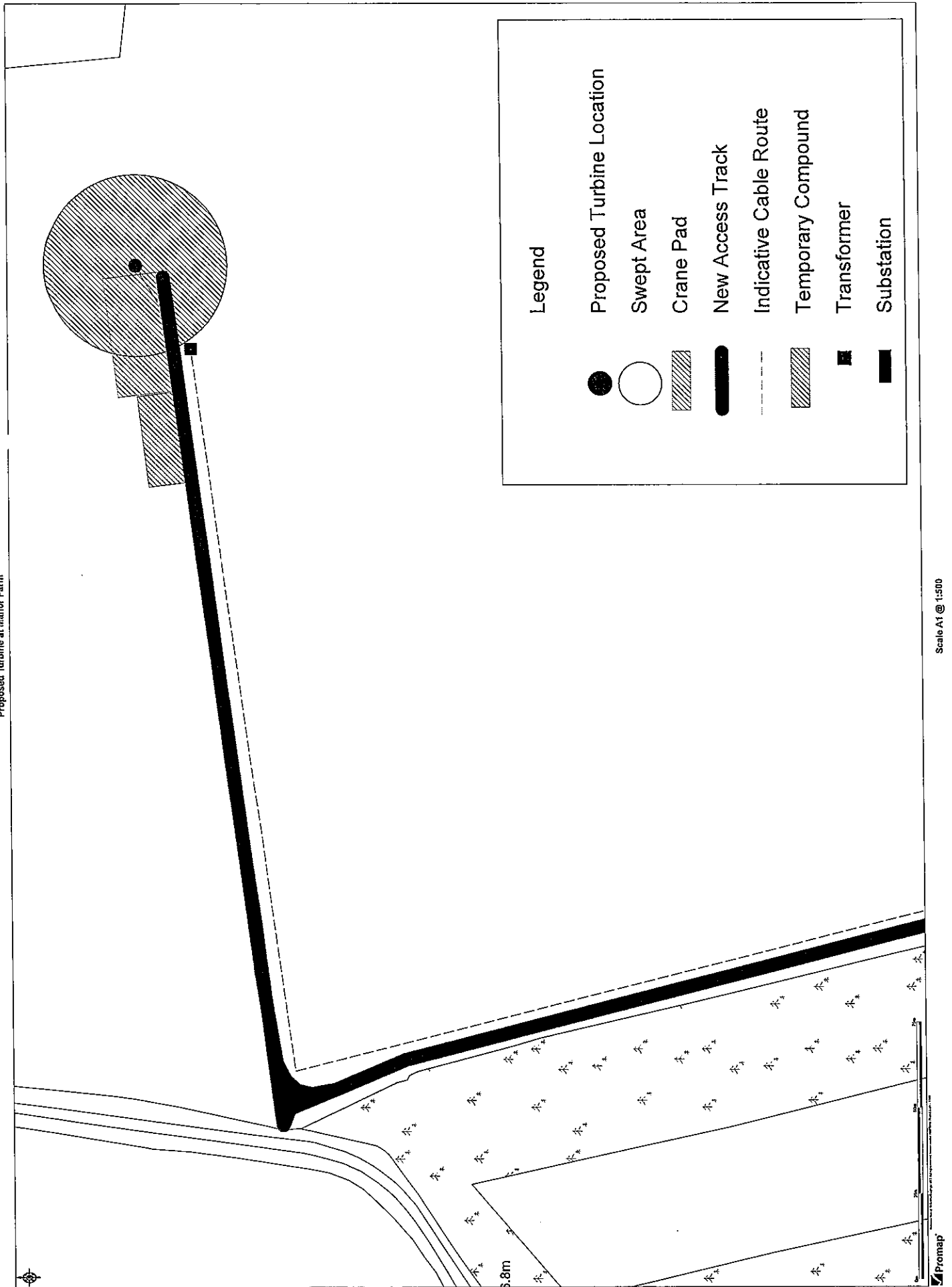
Legend

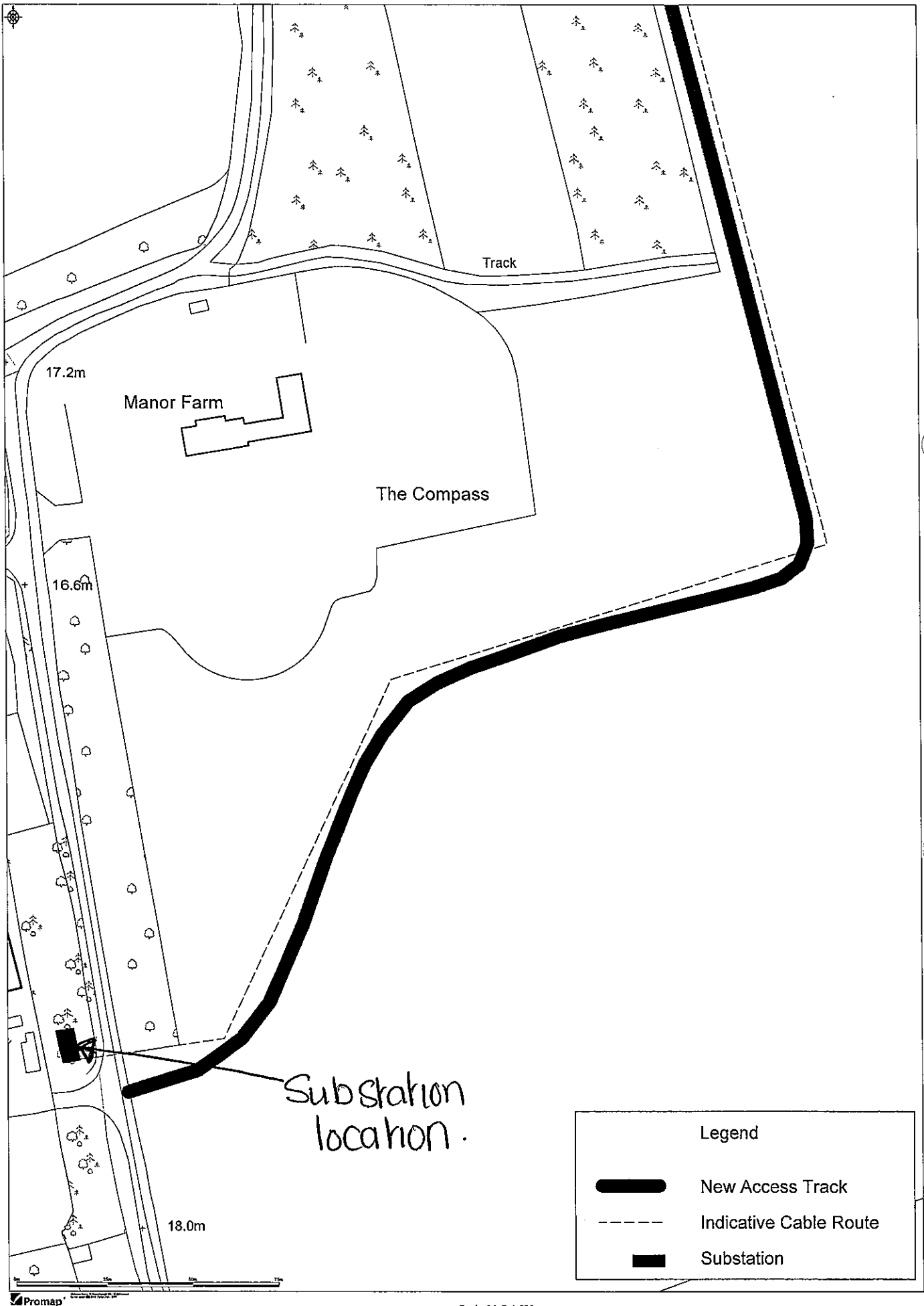
Site Boundary

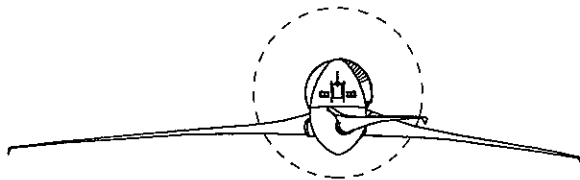
Ownership Boundary

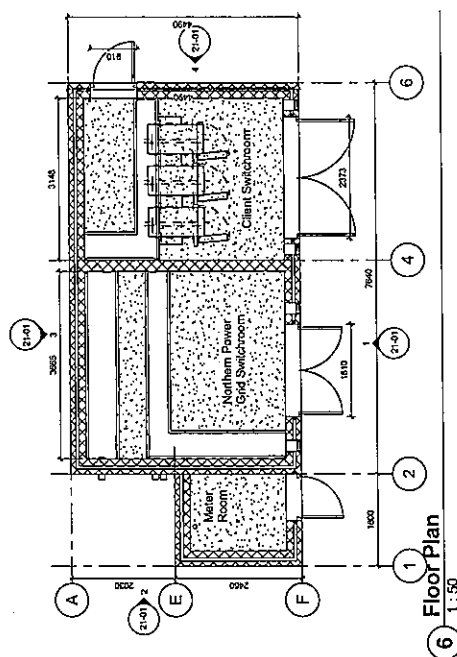
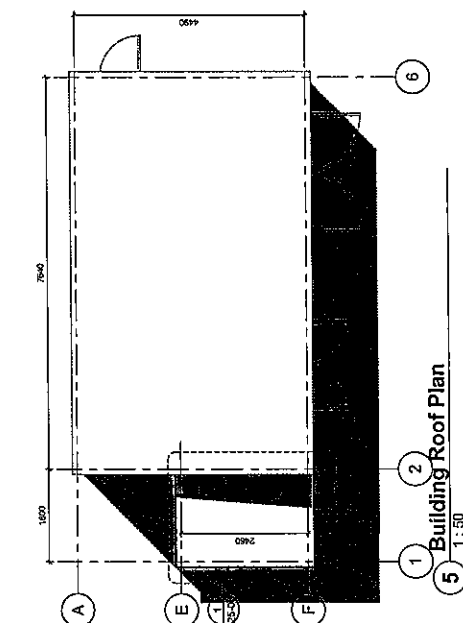
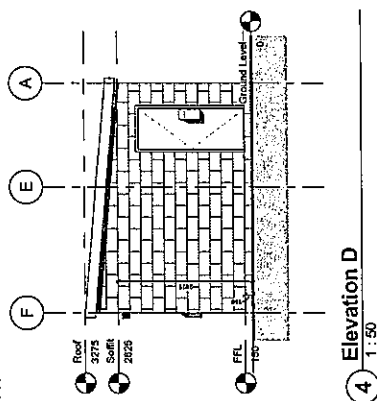
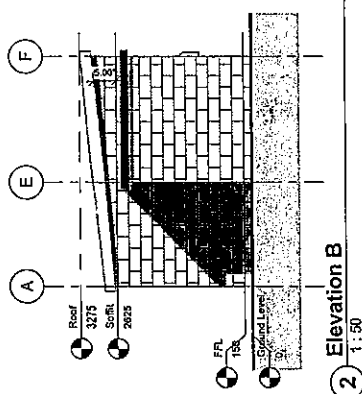
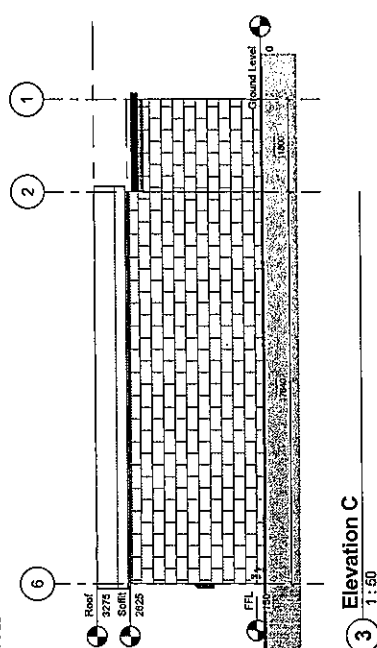
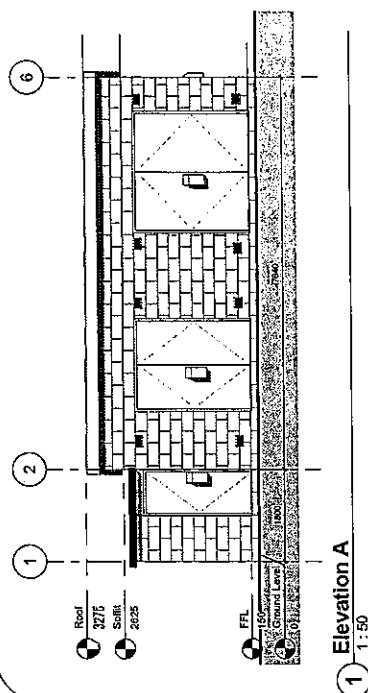
Scale A1 @ 1:1250

Promap



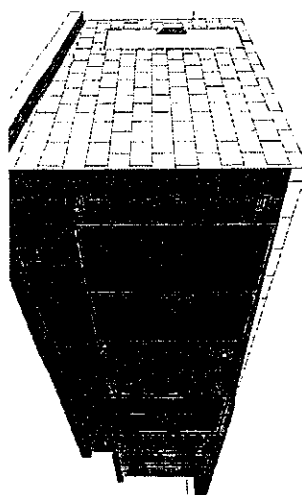


453



Note:

- The housing is to be of block outer skin to match surroundings with a GRP or steel roof construction of a similar colour to the nearby buildings.
- Building has not yet been approved by Northern Power Grid for construction



Key to Drawing Items

Drawing number key

E-7676-28-01-Q

Revision number
Sheet number
Project number

Key to section lines

Item number on the aligned sheet where the section is shown

The arrow points to the section view direction

Sheet number the section is on

This example means the section is shown in Item 3 on sheet 03 (in this case the sheet will be E-7676-28-03)

Key to elevation symbol

Item number on the aligned sheet where the elevation is shown

The arrow points to the view direction

Sheet number the elevation is shown on

This example means the elevation (which) is taken from the location of the cuts in the drawing of the structure shown in Item 3 on sheet 03 (in this case the sheet will be E-7676-28-03)

Level key

Foundations

4'-00" Vertical spacing in mm from datum level (0 at Ground Floor level)

Item label key

Item of item

Scale of item

Item number

Gridding key

Grid reference (put in a letter or number)

[illegible]

EAST RIDING OF YORKSHIRE COUNCIL

Report to: Planning Committee
13 September 2012

WARDS: All

Planning Applications potentially to be reported to the next meeting of this Committee

Report of the Director of Planning and Economic Regeneration

A. Executive Summary

Advance notice is given of planning applications which are currently under consideration and which are likely to be presented to the next (or a subsequent) meeting of the Committee. Members are invited to indicate if they would wish to hold a site visit to view any of these applications.

B. Corporate Priorities

Safer Communities

C. Recommendation

For consideration

1. INTRODUCTION

- 1.1 The following is a list of planning applications currently being processed by the Department which are likely to be reported to the next (or a subsequent meeting) of the Committee:

12/01508/STPLF

Skipsea Sands Holiday Park, Mill Lane, Skipsea, East Riding Of Yorkshire YO25 8TZ

Change of use of land to operate holiday park all year round

12/01994/STPLF

Land West of Goods Shed, Cottingham Station, Cottingham, East Riding Of Yorkshire

Erection of a Supermarket with associated car parking, landscaping and associated work and change of use and refurbishment of Goods Shed to 2 no commercial units and erection of single storey extension to side

12/02507/STPLF

Land North of Yarrows Aggregates Limited, Leven Bypass White Cross to Leven Roundabout, Leven, East Riding Of Yorkshire

Erection of a building, containing CHP unit, drying floor and control room, an anaerobic digester, a feeder hopper, a silage clamp, a bio-gas store, digestate store and a sub surface slurry tank, for the purposes of producing renewable energy in the form of electricity

12/02652/STOUT

Land North of Spring House Farm, Feoffee Common Lane, Barmby Moor, East Riding Of Yorkshire

Erection of 80 no. bed carehome and 24 no. supervised bungalows with associated access and parking (access, layout and scale to be considered) (Re-submission of 11/04180/STOUT)

12/02790/STPLF

Land East of 14 Aspen Close, Market Weighton, East Riding Of Yorkshire

The replacement of an inlet structure, relining of the existing culvert, construction of a reinforced concrete spillweir, excavation of a new spillway channel and construction of a reinforced concrete stilling basin and construction of an access track from Hall Road

12/02901/STVAR

Land East of Tansterne Grange, Tansterne Lane, Flinton, East Riding Of Yorkshire

Variation of condition 11 (Power station dimensions) of planning permission 10/02731/STVAR

12/03125/STPLF

Springdale Farm, High Street, Rudston, East Riding Of Yorkshire YO25 4DJ

Erection of single wind turbine 66.7m to tip with associated infrastructure

12/03218/STPLF

Land East of Bridge House Farm, Carr Lane, Watton, East Riding Of Yorkshire

Erection of a single wind turbine (hub height 40.9m, tip height 67.9m) and associated works (Amended scheme of DC/11/02619/STPLF)

12/03219/STPLF

Land North of Ryehill Manor, Marsh Lane, Ryehill, East Riding Of Yorkshire
Change of use of land from redundant agricultural land to caravan storage area

12/03259/STPLF

Land South of Hasholme Grange, Bursea Lane, Holme Upon Spalding Moor, East
Riding Of Yorkshire

Erection of a single wind turbine (53.5m to hub, 78m to blade tip, 54m rotor diameter)
and associated infrastructure

12/03486/STVAR

Prospect House, Howden Road, Holme Upon Spalding Moor, East Riding Of Yorkshire
YO43 4BT

Removal of Condition No1 of planning reference 06/06297/STPLF, relating to the
protection of amenities, to allow continued use of the land and farm buildings for the
composting of organic waste and shredding wood

12/03506/STPLF

Land South of Bob Stabler and Sons, Carnaby Industrial Estate, Lancaster Road,
Carnaby, East Riding Of Yorkshire

Change of use of agricultural land to open storage area in connection with existing waste
transfer station

Alan Menzies

Director of Planning and Economic Regeneration

Contact Officer

James Chatfield
Strategic Development Control - Team Leader

DELEGATED LIST – PLANNING COMMITTEE TO 31.08.2012

APPLICATION NO: DC/12/00893/STPLF/STRAT
APPLICANT: Sumo UK Ltd
LOCATION: Sumo UK Ltd Marshall House Common Road Melbourne East Riding Of Yorkshire YO42 4RG
DESCRIPTION: Erection of building for B2 use
DATE ISSUED: 23.07.2012
DECISION: Approve

APPLICATION NO: DC/12/01156/STPLF/STRAT
PP-01855360
APPLICANT: North Cliff Boat Club
LOCATION: Land West Of North Cliff Boating Club Cliff Road Hornsea East Riding Of Yorkshire
DESCRIPTION: Change of use of agricultural land to caravan site (relocation of existing facility) and erection of a club house and tractor shed buildings
DATE ISSUED: 22.08.2012
DECISION: Approve

APPLICATION NO: DC/12/01481/STPLF/STRAT
APPLICANT: EON Climate And Renewables UK Humber Wind Limited
LOCATION: Humber Gateway Offshore Wind Farm Saltend Lane Preston East Riding Of Yorkshire
DESCRIPTION: Alterations to Substation boundary and 2 no: cable re-route amendments (Ref: 09/04287/STPLFE)
DATE ISSUED: 01.08.2012
DECISION: Approve

APPLICATION NO: DC/12/01876/STPLF/STRAT
APPLICANT: SSE Hornsea Limited
LOCATION: SSE Gas Storage Facility Garton Road Aldbrough East Riding Of Yorkshire
DESCRIPTION: Construction of a centralised storage facility for maintenance equipment, waste storage and associated infrastructure, construction of a sprinkler tank, concrete bunded yard including a vehicle delivery area, gravelled areas and hardstanding for outside storage, new pedestrian and vehicular access and security fencing
DATE ISSUED: 13.08.2012
DECISION: Approve

APPLICATION NO: DC/12/01892/STPLF/STRAT
PP-01891720
APPLICANT: W D Sellers And Sons
LOCATION: Enthorpe House Farm Kiplingcotes Racecourse Goodmanham East Riding Of Yorkshire YO25 9DG
DESCRIPTION: Erection of an agricultural building for pig finishing
DATE ISSUED: 23.07.2012
DECISION: Approve

APPLICATION NO: DC/12/02055/STPLF/STRAT
PP-01942245
APPLICANT: Sandsfield Gravel Co Ltd
LOCATION: Land West Of Sandsfield Gravel Co Ltd Sandsfield Farm Catwick Lane Brandesburton East Riding Of Yorkshire
DESCRIPTION: Extension to sand and gravel extraction operations
DATE ISSUED: 08.08.2012
DECISION: Approve

APPLICATION NO: DC/12/02111/STVAR/STRAT
PP-01902098

APPLICANT: Mr Chris Gainey

LOCATION: Land South Of Moorfield Farm Cottingham Street Old Goole East Riding Of Yorkshire

DESCRIPTION: Variation of Condition 1 of planning permission 10/02366/STPLF to allow mast to remain on site until 1st August 2013

DATE ISSUED: 02.08.2012

DECISION: Approve

APPLICATION NO: DC/12/02129/STPLF/STRAT
PP-01948862

APPLICANT: Mr A Soanes

LOCATION: Wold Dyke Farm Market Weighton Road Middleton On The Wolds East Riding Of Yorkshire YO25 9DD

DESCRIPTION: Erection of potato grading, sorting, bagging and agricultural storage building

DATE ISSUED: 13.08.2012

DECISION: Approve

APPLICATION NO: DC/12/02333/STOUT/STRAT

APPLICANT: Yorkare Homes

LOCATION: Tranby Park Jenny Brough Lane Hessle East Riding Of Yorkshire

DESCRIPTION: Outline - Erection of 54 bedroom residential nursing care home, 11 single storey assisted living units, a single storey 31 bedroom dementia unit and a lodge house providing visitor flat and staff accommodation following demolition of existing hotel (access and layout to be considered) - Renewal of application 09/03139/STOUT

DATE ISSUED: 08.08.2012

DECISION: Approve

APPLICATION NO: DC/12/02584/STPLF/STRAT
APPLICANT: Aldi Stores Ltd
LOCATION: Right Car Swinemoor Lane Beverley East Riding Of Yorkshire HU17 0JX
DESCRIPTION: Erection of a Retail Food Store with associated car parking and landscaping following demolition of existing building
DATE ISSUED: 23.08.2012
DECISION: Approve

APPLICATION NO: DC/12/03305/STVAR/STRAT
PP-02070738
APPLICANT: Aldi Stores Ltd
LOCATION: ALDI Robertson Close Pocklington East Riding Of Yorkshire YO42 2QT
DESCRIPTION: Variation of condition 26 (opening hours) of planning permission 09/02302/STPLF
DATE ISSUED: 29.08.2012
DECISION: Approve

LIST OF APPLICATIONS

13 September 2012

Planning Committee

Page 23	12/00640/STPLFE	Erection of 9 no. wind turbines (80m to hub and 130m to tip), 1 no. meteorological mast, control building and ancillary development including access tracks and hardstandings at Land North East Of Manor Farm Main Street Fraisthorpe East Riding Of Yorkshire YO15 3QP for Fraisthorpe Wind Farm Limited (SL2)
Ward:	East Wolds Coastal	And Recommendation: Refuse
Page 102	12/00677/STPLF PP-01814731	Alterations to existing building and erection of building for use as a garden centre at Twinacre Nurseries Ltd Castle Road Cottingham East Riding Of Yorkshire HU16 5JF for Mr M Rozenbroek (HCOLD)
Ward:	Cottingham South	Recommendation: Defer and Delegate Approval
Page 139	12/00815/PLF	Erection of a detached dwelling following demolition of existing barn/store (Resubmission of 11/05500/PLF) at Beckside Villas Land To The West Back Lane Danthorpe East Riding Of Yorkshire for Mr And Mrs Sam Swyer (ADEVEY)
Ward:	Mid Holderness	Recommendation: Refuse
Page 165	12/01747/PLF PP-01886751	Erection of 2no dwellings, access roads and associated external amenity areas following demolition / removal of former school buildings and headmaster's house (Resubmission of 11/03326/PLF) at South Wolds School Chantry Lane Etton East Riding Of Yorkshire HU17 7PB for East Riding Of Yorkshire Council (EM1)
Ward:	Beverley Rural	Recommendation: Approve
Page 205	12/02096/STPLF	Erection of building for use as materials recycling facility, construction of service yard, construction of earth bunds with tree and shrub planting and replacement of surface water storage lagoon at Land South Of Prospect House Howden Road Holme Upon Spalding Moor East Riding Of Yorkshire for Allensway Recycling Ltd (SR1)
Ward:	Howdenshire	Recommendation: Defer and Delegate Approval

Page 229	12/02128/STPLF PP-01947344	Erection of a temporary 60m high anemometer mast at Land East Of Bank House Bridge Lane Rawcliffe Bridge East Riding Of Yorkshire for Airvolution Energy Ltd (SJOHNS)
Ward:	Snaith, Airmyn & Rawcliffe & Marshland	Recommendation: Defer and Delegate Approval
Page 241	12/02196/STPLF	Erection of 50m meteorological mast for a temporary period of up-to 12 months at Land South Of North Cotes Road North Cotes Road Wold Newton East Riding Of Yorkshire YO25 3HY for Empirica Investments Limited (SJOHNS)
Ward:	East Wolds Coastal	Recommendation: Approve
Page 252	12/02385/STPLF PP-01962552	Erection of 1 no. wind turbine (50m to hub and 77m to tip) and associated infrastructure at Land North West Of Grange Farm Wold Road Nafferton East Riding Of Yorkshire for Nafferton Wold Farms Ltd (EALLAN)
Ward:	East Wolds Coastal	Recommendation: Refuse
Page 275	12/02401/STPLF PP-01980473	Erection of 1 no. wind turbine (50 metres to hub and 67 metres to tip) and associated infrastructure (Resubmission of 11/04963/STPLF) at Land East Of New House Farm Main Street Cottam East Riding Of Yorkshire for FW, G & MG Ulllyott (EALLAN)
Ward:	East Wolds Coastal	Recommendation: Refuse
Page 296	12/02716/STPLF PP-01691131	Erection of a 60m meteorological wind monitoring mast for a period of 24 months at Land North East Of Waste Water Treatment Works Out Gates Gembling East Riding Of Yorkshire for Mr Stuart Barber (SJOHNS)
Ward:	East Wolds Coastal	Recommendation: Approve
Page 308	12/02805/STPLF PP-02003252	Erection of 1 no. wind turbine (44m to hub and 62m to tip), construction of access track and associated infrastructure at Land East Of Furrows Farm York Road Cherry Burton East Riding Of Yorkshire for Windberry Energy Operations Ltd (EALLAN)
Ward:	Beverley Rural	Recommendation: Refuse

Page 329	12/02945/STPLF	Construction of a temporary drilling site with associated access, to drill an appraisal borehole for the purposes of mineral exploration (petroleum) at Land South West Of Crawberry Hill Walkington Heads Walkington East Riding Of Yorkshire for Rathlin Energy (UK) Limited (SR1)
Ward:	Beverley Rural	Recommendation: Defer and Delegate Approval
Page 366	12/02987/STPLF	Erection of 1 no. wind turbine (60m to hub and 90m to blade tip), control building and associated infrastructure at Landfill Site Catwick Grange Hornsea Road Leven East Riding Of Yorkshire for FCC Environmental (MBEEVE)
Ward:	Beverley Rural	Recommendation: Refuse
Page 394	12/03044/STPLF PP-02050971	Installation of 2x maximum 80 metre high meteorological masts (mast 1 E474524 N433617 and mast 2 E474777 N433412) for a period of 14 months at Spaldington Airfield Wood Lane Brind East Riding Of Yorkshire for Falck Renewables Limited (SJOHNS)
Ward:	Howdenshire	Recommendation: Approve
Page 408	12/03050/STPLF PP-02004778	Erection of 1 no wind turbine (50m to hub and 67m to tip), extension of existing access track and associated infrastructure at Land South Of England Hill Farm Hull Road Withernsea East Riding Of Yorkshire for Windberry Energy Operations Ltd (EALLAN)
Ward:	South East Holderness	Recommendation: Refuse
Page 431	12/03420/STPLF PP-02103070	Erection of a wind turbine (60 metres to hub and 86.45 metres to blade tip) [Revised scheme of 12/01782/STPLF] at Manor Farm Skipsea Lane Dunnington East Riding Of Yorkshire YO25 8EG for Mr M G Kirkwood (SHODGS)
Ward:	North Holderness	Recommendation: Refuse

