

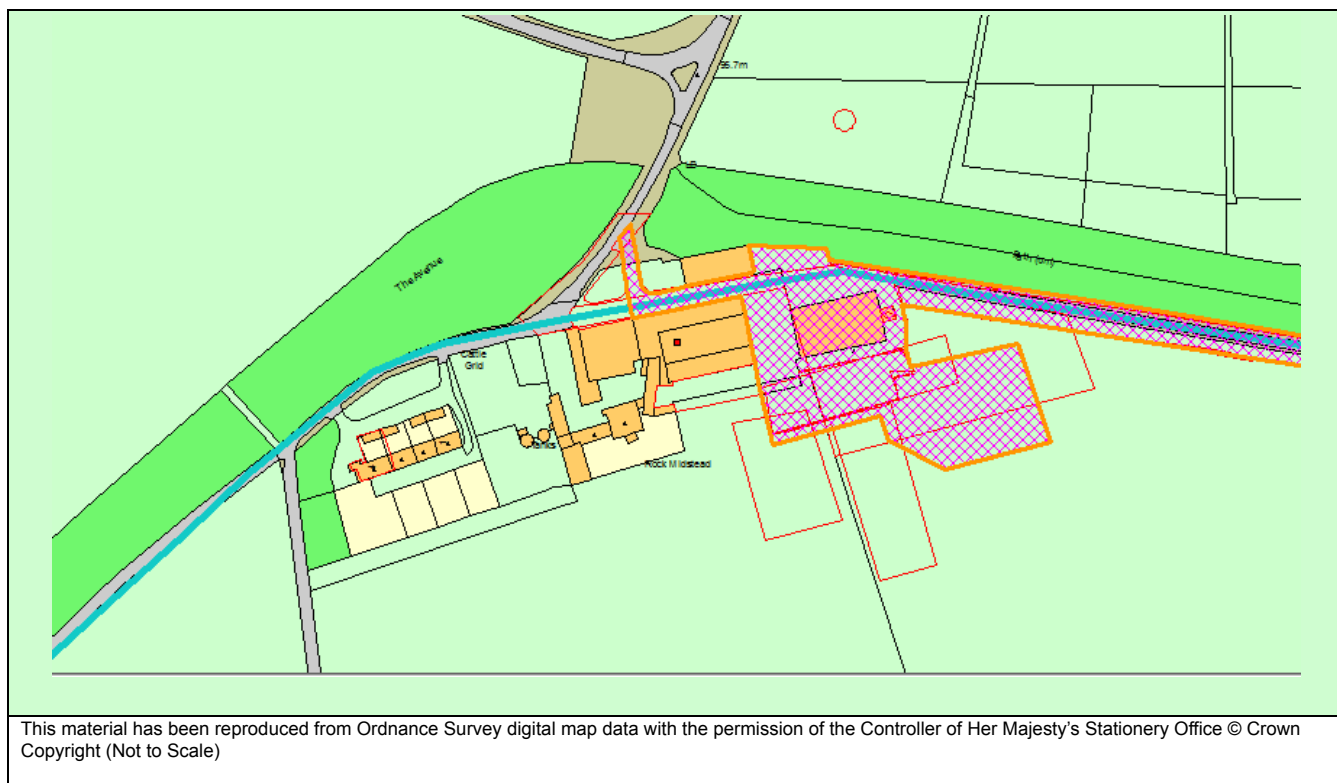


# Northumberland County Council

## North Northumberland Local Area Council 20 June 2019

<b>Application No:</b>	19/01070/FUL		
<b>Proposal:</b>	A) change of use of part of farm yard and 2 buildings from agricultural use to mixed use agriculture/woodchip production, drying and storage facility (Retrospective); B) Change of use of land to mixed use agriculture/wood store (Retrospective); C) Erection of agricultural building and stackyard, formation of access tracks (Prospective); D) Use of stackyard and associated access tracks for mixed use agriculture/woodchip production (Prospective).		
<b>Site Address</b>	Rock Midstead Farm, Alwick, Northumberland, NE66 2TH		
<b>Applicant:</b>	C J Bosanquet Children's Settlement Rock Midstead Farm, Alwick, Northumberland, NE66 2TH	<b>Agent:</b>	Mr Andrew Moss Sandgate House, 102 Quayside, Newcastle Upon Tyne, NE1 3DX
<b>Ward</b>	Longhoughton	<b>Parish</b>	Rennington
<b>Valid Date:</b>	29 March 2019	<b>Expiry Date:</b>	30 June 2019
<b>Case Officer Details:</b>	Name: Mr Tony Lowe Job Title: Senior Planning Officer Tel No: 01670 622708 Email: tony.lowe@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED permission



## 1. Introduction

1.1 Under the provisions of the Council's current scheme of delegation, where an application is to be recommended for approval contrary to the parish consultation response they are placed on the Chairman's referral list for consideration to be given to whether the application should be determined by planning committee. The matter has been considered under these provisions and it was confirmed that, due to the planning issues raised, the matter should be referred to planning committee.

1.2 This application follows the withdrawal of a previous application (for a retrospective change of use), to address noise concerns, planning reference 18/03488/COU refers.

## 2. Description

2.1 The application site is set with and adjacent to the eastern side of the existing Rock Midstead Farm complex. The applicant seeks consent for;

- a. Change of use of part of farm yard and 2 buildings from agricultural use to mixed use agriculture/woodchip production, drying and storage facility (Retrospective)
- b. Change of use of land to mixed use agriculture/wood store (Retrospective)
- c. Erection of agricultural building and stackyard, formation of access tracks (Prospective)
- d. Use of stackyard and associated access tracks for mixed use agriculture/woodchip production (Prospective).

2.2 Rock Midstead Farm is accessed from the B6347, approximately 785m east of the A1 Trunk Road. The farm complex is formed by a mixed range of modern and traditional agricultural buildings. On the western side of the building group is Rock Midstead Farmhouse and The Art Rock Café, to west of these are 1 – 4 Rock Midstead Cottages, approximately 130m and 197m from the application site respectively. To the north is Rockmore Farmhouse, The White house Rockmore and 5-7 Rockmore (terrace cottages), approximately 390m distant. Adjacent to and on the north east side of Rockmore Farm are 1-4 Rockmore (terrace cottages), approximately 517m. Drythopple (dwelling house) is located on the B6347, approximately 450m northeast. The Village of Rennington is approximately 3.4km south east and Rock approximately 1.7km east.

2.3 A Public Right of Way (PROW), 129/004, crosses the site from east to west. The area is subject to standing advice regarding former coal workings.

## 3. Planning History

**Reference Number:** 11/00573/FUL

**Description:** Proposed Grain/Secure Store

**Status:** PER

**Reference Number:** 17/00088/FUL

**Description:** Proposed potato storage building (as amended 22/03/17)

**Status:** PER

**Reference Number:** 17/01921/ELEGDO

**Description:** Erect a single 10 metre wood pole. The supply will then be installed underground.

**Status:** NOOBJ

**Reference Number:** 18/00647/FUL

**Description:** Erection of agricultural building.

**Status:** PER

**Reference Number:** 18/03488/COU

**Description:** A) Change of use of part of farm yard and 2 buildings from agricultural use to mixed use agriculture / woodchip production, drying and storage facility (Retrospective).

B) Change of use of land to mixed use agriculture / wood store (Retrospective).

**Status:** WDN

**Reference Number:** 19/00246/FUL

**Description:** Proposed Erection of Agricultural Building and Stack Yard, formation of access tracks

**Status:** APPRET

#### 4. Consultee Responses

<p>Rennington Parish Council</p>	<p>Rennington Parish Council in the main does not support the application as it currently stands.</p> <p>However, the PC considered that if sufficient safeguards and conditions were made to this retrospective application in regards to noise control and transport concerns it could go on to support the application.</p> <p>The PC is supportive of local employment but feels that this has to fit in with the local environment and residents.</p> <p>After a previous retrospective application was made for the change of use and subsequent concerns were raised by local residents concerning noise from the chipping operation, vehicle movements and the times of operation, Rennington PC councillors were invited to a site visit by the applicant to see the operation. Councillors then went and listened to the noise levels close by local residents' property and all found the noise levels totally unacceptable.</p> <p>The current application is for a chipping operation which is no longer an extension of agricultural use and from its size can only be described as a commercial operation, with the potential to expand as the demand for wood chip increases from energy producers.</p> <p>As the application stands the Parish Council believes the following safeguards are not being achieved;</p> <p>1) mitigation of noise pollution must be made and there is concern using a mobile chipper, which can in effect be moved around the area, can mitigate the current high levels of noise pollution. Only moving the chipper indoors to</p>
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	<p>a purpose engineered building would control this. It was also felt that noise levels need to be reviewed by an independent expert.</p> <p>2) A limit to be placed on the number of machines that can be operated from the site, along with defined noise limits which must be adhered to.</p> <p>3) Time limits be set during which the business is be allowed to operate chippers. The mixed use of the area outlined in red for this application may allow the chipping operation to expand without sufficient control to protect neighbouring residents, as seems to have happened to date. The application suggests that the chipping process has created 4 full time employment jobs, which is to be applauded. However this suggests that the business can/should be considered a stand-alone commercial operation and subject to limited opening hours and restricted to normal work days for operating. It is felt 7am is too early.</p> <p>4) Storage areas for timber awaiting processing to be designated and controlled so that stacks of timber do not proliferate outside the designated areas across the farm.</p> <p>5) The transport infrastructure from the chipping operation to the A1 be improved subject to highways approval as the current road does not appear to support the current level of use and vehicle sizes serving this operation, as evidenced by the damage to roadside verges and road edges around the entrance to the farm and also the increased traffic after A1 dualling.</p> <p>Rennington Parish Council hopes that these concerns can and will be fully addressed before any planning permission is granted.</p>
Highways	No objection, subject to conditions
Countryside/ Rights Of Way	No objection, subject to protection of Public Footpath No. 5
County Ecologist	No objection, subject to the condition set out in the report
Public Protection	No objection, subject to conditions set out in the report

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	2
Number of Objections	3
Number of Support	0
Number of General Comments	0

### Notices

Site notice - Public Right of Way, 12th April 2019

Northumberland Gazette 18th April 2019

### Summary of Responses:

5.1 Three objectors have responded to consultation, including Eglington Parish Council. The reasons for objection include:

Impact of noise on nearby residents;  
Highways Impact (including safety and amenity);  
Operating hours;  
Conducting the wood chipper activity without consent;

The above is a summary of the comments. The full written text is available on our website at:

<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=PP33C2QSMY700>

## **6. Planning Policy**

### 6.1 Development Plan Policy

S1 Location and scale of new development - Alnwick LDF Core Strategy

S2 The sequential approach to development - Alnwick LDF Core Strategy

S3 Sustainability criteria - Alnwick LDF Core Strategy

S8 Economic regeneration - Alnwick LDF Core Strategy

S11 Locating development to maximise accessibility and minimise impact from travel - Alnwick LDF Core Strategy

S12 Protecting Bio and Geo Diversity

S13 Landscape character - Alnwick LDF Core Strategy

S14 Development in the open countryside - Alnwick LDF Core Strategy

S16 General design principles - Alnwick LDF Core Strategy

RE20 Rural diversification proposals - Alnwick District Wide Local Plan

RE21 Control of new agricultural buildings - Alnwick District Wide Local Plan

CD32 Controlling development that is detrimental to the environment and residential amenity - Alnwick District Wide Local Plan

TT5 Controlling car parking provision (and Appendix E) - Alnwick District Wide Local Plan

### 6.2 National Planning Policy

National Planning Policy Framework (2019)

National Planning Practice Guidance (2019, as updated)

### 6.3 Emerging Planning Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications, submitted on 29 May 2019 (NLP); relevant policies would include:

Policies STP 1, STP 2, STP 3, STP 4, STP 5, ECN 12, ECN 13, ECN 14, QOP 1, QOP 2, QOP 4, QOP 6, TRA 1, TRA 2, TRA 4, ENV 1, ENV 2, ENV 3

## **7. Appraisal**

7.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) states that development proposals that accord with the development plan should be approved without delay, unless material considerations indicate otherwise. This forms the basis of the NPPF's presumption in favour of sustainable development. Applications for new development should be considered in the context of this presumption in favour of sustainable development unless policies indicate otherwise or, the adverse impacts significantly and demonstrably outweigh the benefits. However, identified in paragraph 177 where a proposal requires an Appropriate Assessment to be undertaken this presumption does not apply. The Adopted Development Plan where the site is located comprises the Alnwick District Local Plan 1997 (ADLP) and The Alnwick District local Development Framework Core Strategy 2007 (ACS); a number of the policies within the ADLP were "saved" in 2007 following the introduction of the Planning and Compulsory Purchase Act 2004 which means that they were identified as continuing to be of relevance and were not, at that time, replicated by national or regional planning guidance. These policies remain extant and where applicable are considered within the recommendation.

7.2 The Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications (NLP), was submitted on 29 May 2019. In accordance with Paragraph 48 of the NPPF, the policies contained within the document at this stage will carry some weight, with strategic policies carrying a greater weight. The background studies/ documents, which form the evidence base for the NLP, constitute a material consideration

7.3 The proposal has been examined against national and local planning policy and the main issues in the consideration of this application are;

Principle of development;  
Landscape and visual impact;  
Impact on residential amenity;  
Highways impact;  
Ecology Impact;

The principle of development

7.4 S1 of the ACS sets out the hierarchy of settlements to inform the location and scale of development in the former Alnwick District. The location and scale of new

development should accord with the settlement hierarchy and reflect the services present, accessibility and character of each settlement. ACS policy S1 identifies Rock Midstead Farm to be in the fifth tier (The Countryside), where development is generally limited to re-use existing buildings. The nearby villages of Rennington and Rock are in the fourth tier (Local Needs Centres), settlements with limited services with development restricted to satisfying local needs. Policy S2 of the ACS sets out a sequential approach for development where weight is given to previously developed land or buildings before other suitable sites within the built up area of settlements. However, limited weight can be attached to this policy as the NPPF does not require a sequential test. Policy S3 of the ACS sets out sustainability criteria stipulating that development must satisfy the criteria, with exceptions to compensate for sustainability shortcomings through condition/ legal agreement but also states that it may be necessary to allow development which does not meet one or more of the criteria. These criteria include that the development is accessible to homes, jobs, shops, services, the transport network and modes of transport other than the private car, and there is adequate existing or planned capacity in the physical and community infrastructure, or that additional capacity can be provided, as well as environmental impacts matters. ACS policy S8 provides support for development which supports economic generation, through the provision of a range of job opportunities etc. Whilst most development is expected to occur in existing built up areas, there are times where development in the open countryside may be considered sustainable i.e. to support sustainable communities, or is necessary for agriculture, forestry or countryside management. ACS policy S14 addresses this and enables development to support development essential to support countryside based activities.

7.5 ADLP policy RE20 provides support for rural diversification, where it can be assimilated into the landscape and includes that it does not conflict with other policies or, adversely impact the local road network. Policy TT5 provides guidance on the level of car parking provision for new development, with policy CD32 seeking to prevent development which would cause demonstrable harm to the amenity of residential areas or environment and includes harm from noise, dust etc.

7.6 NPPF paragraph 83 requires planning policies and decisions to support:

*“(a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;  
(b) the development and diversification of agricultural and other land-based rural businesses;  
(c) sustainable rural tourism and leisure developments which respect the character of the countryside; and  
(d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”*

Paragraph 84 requires planning policies and decisions to recognise that sites to meet local business needs in rural areas, may have to be found adjacent to or, beyond existing settlements and in locations not well served by public transport. In such circumstances it requires development to be sensitive to its surroundings without unacceptable impacts on local roads.

7.7 Annex 2 of the NPPF identifies Biomass within its definition of renewable and low carbon energy. Paragraph 148 requires the planning system to support the transition to a low carbon future and to support renewable and low carbon energy and its associated infrastructure. Paragraph 154 requires that in determining planning applications for renewable and low carbon development local planning authorities should not require an applicant to demonstrate overall need for this type of energy and recognise that small projects make a valuable contribution to cutting greenhouse gas emissions.

7.8 NLP policy STP 1 seeks to ensure that sustainable development will enhance the vitality of communities across Northumberland and conserves and enhances the County's unique environmental assets; and set out criteria to control development in the open countryside. Policies ECN 13 deals with meeting rural employment needs and ECN 14 provides support farm/ rural diversification which, amongst other criteria, it is directly related to agriculture, horticulture or forestry operations.

7.9 Submitted details indicate that the wood chipping operation supports 4no. directly related jobs, with support from 2no. existing agricultural jobs during quiet periods in the agricultural calendar. The principle of the development including the proposed change of use on the site as a form of rural economic development/ farm diversification and in terms of improving the facilities and efficient operations at an established farm are considered to be acceptable and in accordance with the objectives of the NPPF in supporting sustainable rural economic development. The proposal will accord with ACS policies S8 and ADLP policy RE 20 and with the provisions and intentions of the NPPF.

#### Landscape and visual impact

7.10 The site is in Character Area 6 (North east Farmed Coastal Plain), in the Alnwick Landscape Character Assessment (ALCA), the key characteristics are identified as open, gently undulating mixed arable farmland with occasional small woodlands and shelterbelts; dispersed farmsteads and compact villages; relatively large fields with weak enclosure. The ALCA principle aim of landscape planning is to encourage improved custodianship of the landscape that has declined in quality due to intensive agricultural activity.

7.11 ACS policy S13 (Landscape character) states:

*'All proposals for development and change will be considered against the need to protect and enhance the distinctive landscape character of the district. All proposals will be assessed in terms of their impact on landscape features and should respect the prevailing landscape quality, character and sensitivity of each area as defined in the Alnwick District Landscape Character Assessment Supplementary Planning Document.'*

7.12 In making effective use of land NPPF paragraph 119 includes that policies and decisions should:

*(a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains –*



*such as developments that would enable new habitat creation or improve public access to the countryside;*

*(b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;*

7.13 NLP ENV 3 identifies the contribution of the landscape to Northumberland's environment, economy and communities and sets out criteria to assess proposals.

7.14 Submitted details indicate that existing landscape screening, including trees and buildings, will be retained. Both the ADLP and the ACS, as well as the NPPF, seek to ensure that development is sited appropriately, without an unacceptable, adverse impact on the local environment. The location is set within and adjacent to an existing farm complex, with a mature, existing tree line along the northern boundary and substantial farm buildings to the west. The proposed development will be viewed in the context of the existing built form, which will enable new build of similar type, scale and use to be readily, visually assimilated into area. The proposal is considered to accord with local plan policy S13 and the provisions and intentions of the NPPF

#### Impact on residential amenity

7.15 The assessment of amenity seeks to appraise whether a development would have an adverse impact on properties nearby in terms of appearing overbearing, impacting privacy or, issues arising from a proposed use and also issues which may occur from within the proposal site itself.

7.16 ADLP policy CD32 seeks to prevent development that would cause demonstrable harm to the amenity of residential areas or the environment generally through the result of such issues as noise, dust and vibration etc.

7.17 The NPPF requires that planning should always seek to secure high quality design and seek to secure better places in which to live and work. Paragraph 91 of the NPPF stresses the importance of aiming to achieve healthy, inclusive and safe places. Paragraph 180 requires that planning decisions should ensure that development is appropriate for its location and aim to avoid impacts on health and quality of life and includes:

*(a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*

*(b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*

*(c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*

7.18 NLP policy QOP2 requires that a high standard of amenity is achieved for current and future users of development and preserve the amenity of neighbours.

7.19 The proposal has been submitted with Noise and Dust Reports and the proposal has been assessed by Public Health Protection Officers (PHP). PHP have considered the impacts of the proposed change of use, the location and scale of the

existing buildings on site and the location and scale of the new agricultural building. They have also conducted a full assessment of the submitted Noise Report and acknowledge the report's conclusion that there will be a marginal impact by the

proposed change of use and given the proximity of nearby residential properties to a working farm this is identified as minimal impact. PHP have recommended conditions to mitigate the impacts. In considering dust PHP officers have again fully assessed the dust report acknowledge its conclusions of a negligible risk of dust impacting nearby residential neighbours

7.20 No objection has been raised by PHP, subject to conditions. The proposals are not considered to breach the requirements of ADLP policy CD32 and comply with the provisions and intentions of the NPPF, subject to conditions.

### Highways impact

7.21 ACS policy S11 seeks to ensure that accessibility is maximised, whilst minimising impacts from the traffic generated by development.

7.22 Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.23 NLP policy TRA1(a) requires all developments to have a safe and effective access and egress, with policy TRA 2 seeking to minimise effects of the road network and TRA4 requiring an appropriate level of off street parking to be provided.

7.24 The proposal has been examined by the Highway Development Management Team (HDM). HDM assess the impact of any proposed development on the highway network, both during construction and once development is completed. The HDM seek to ensure adequate manoeuvring/ parking space is provided, safe access can be achieved, the highway remains free for the passage of all users of the highway and so it does not have an adverse impact on the safety of all users of the highway.

7.28 The HDM has no objection to the principle of development, subject to conditions to ensure highways safety and convenience. Therefore subject to proposed conditions the proposal is considered to accord with local plan policy S11 and the provisions and intentions of the NPPF.

### Ecology Impact

7.29 ACS Policy S12 seeks to ensure protect Biodiversity and Geo-diversity and policy S13 seeks to protect Landscape Character. Paragraph 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity based on detailed principles. Paragraph 119 of the NPPF sets out that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

7.30 NLP policies ENV1 and ENV2 provide an approach to assessing ecology impacts and seek to protect the Bio-diversity and Geo-diversity of the Plan are a, respectively.

7.31 The development site is set within a working farm, it does not have a statutory or non-statutory ecological designation. The County Ecologist (CE), has been consulted and, following the submission of further information the CE has no objection, subject to condition.

7.32 Therefore, subject to the imposition of the requested condition the proposal is not considered to have an adverse impact on ecology, on the Geo/ Bio-diversity of the area and the proposal will accord with local plan policy S12 and S13 and the provisions and intentions of the NPPF.

#### Other Matters

7.33 The development site is within Rennington Parish; both Rennington and Eglington Parish Council have objected to the application as well 3no. local residents. The reasons for objection are considered to be addressed within the report.

#### Equality Duty

7.34 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

#### Crime and Disorder Act Implications

7.35 These proposals have no implications in relation to crime and disorder.

#### Human Rights Act Implications

7.36 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.37 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.38 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

## **8. Conclusion**

8.1 The applicant seeks retrospective consent for storage of biomass and wood chipping at the site as well as consent for the construction of a new farm building, tracks and stackyard and the mixed use of the stackyard and tracks for agricultural and wood chip production.

8.2 The main planning considerations in determining this application have been set out and considered above stating accordance with relevant Development Plan and Emerging Plan policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case. The proposal is considered sustainable development in the context of the NPPF and will accord with the relevant development Plan policy.

## **9. Recommendation**

That this application be GRANTED permission subject to the following:

### Conditions

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:-

1234/01 – Proposed Straw Cover Building;  
1379-02 – Proposed Site Plan – Western Portion;  
1379-03 – Proposed Site Plan – Eastern Portion;

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans.

03. The facing materials and finishes to be used in the construction of the development shall be in accordance with details contained in the application. The development shall not be constructed other than with these approved materials.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of ADLP policy CD32 and ACS policy S16.

04. The development shall not be occupied until the car parking area indicated on the approved plans, including any disabled car parking spaces contained therein, has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

05. Not more than 55 lorries shall enter and not more than 55 lorries shall leave the site per day between Monday and Friday. No other HGV deliveries or collection shall take place on any other day or times.

Reason: To ensure local residential receptors are not unduly impacted by noise from additional HGV road traffic.

06. The premises shall not be used for the purposes hereby permitted, on Sundays or Bank Holidays and outside the following times:

Monday to Friday - 0800 to 1700;  
Saturday - 0800 to 1200:

Reason: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties and in accordance with local plan policy CD32 and the provisions and intentions of the NPPF.

07. The wood-chipping activity shall only take place in the location identified as the "new stack yard area" as shown on the Location Plan (produced by Cheviot Architectural Services, Drawing No. 1379-01 and dated Sept 2018).

Reason: To protect residential amenity and provide a commensurate level of protection against noise intrusion

08. Within 21 days from receipt of a written request from the Local Planning Authority notifying the applicant of a justified noise complaint, alleging disturbance at a dwelling, the applicant shall, employ a competent independent acoustic consultant to assess the level of noise emissions from the development at the complainant's property.

The assessment shall be undertaken in accordance with the relevant guidance. The applicant shall submit a report based on the consultant's findings to the Local Planning Authority for written approval.

Where the noise levels from the proposed operations exceed the background level (LA90) by 10dB (decibels), at the complainant's property, appropriate mitigation measures shall agreed and implemented in full within a timescale approved in writing by the Local Planning Authority.

Reason: To protect residential amenity and provide a commensurate level of protection against noise intrusion.

09. No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report ('

Preliminary Ecological Appraisal Rock Midstead Farm. E3 Ecology Ltd. February 2019 ') and this condition, including, but not restricted to;

1. Installation of a minimum of No. 4 swallow nest cups within the buildings on site. Numbers, types and positions of which to be submitted to and agreed in writing with the LPA prior to works continuing.

2. Any deep (in excess of 300mm) excavations left open overnight to be either securely covered, fenced or provided with an earth or timber ramp not less than 300mm wide and no steeper than 45 degrees to provide an escape route for ground animals that might otherwise become entrapped.

3. All lighting will be installed in accordance with the 'Bat Conservation Trust. Guidance Note 08/18. Bats and artificial lighting in the UK Bats and the Built Environment series' "

Reason: To maintain the favourable conservation status of protected species and to conserve and enhance the biodiversity of the site in accordance with paragraphs 8, 118 and 170 of the NPPF.

**Date of Report: 07.06.19**

**Background Papers:** Planning application file(s) 19/01070/FUL