BACKGROUND

8.1 The quality of the environment and amenity in the Local Plan area is generally very high. Whilst there are no major problems of noise, water or air pollution, there are localised effects resulting from such land uses as the sewage works, former waste disposal sites, Ministry of Defence training areas and industry being located in close proximity to residential areas. Furthermore, the difficulty of identifying sites for development has resulted in land being allocated close to some of these ‘bad neighbour’ uses in certain circumstances.

8.2 New development itself may be a potential source of nuisance, or have an adverse impact on residential or visual amenity. This can range from small scale development such as a garage workshop through to major projects such as large pig rearing installations or new flood defence works. The Council wishes to ensure that such development does not have an adverse effect on the health, safety and amenity of the general public.

8.3 The drainage and geology of the District also pose environmental constraints which often require special and early consideration in dealing with development proposals. A number of the main settlements are affected by river flood plains, particularly those associated with the Rivers Nidd and Ure. Areas in and around Ripon are affected by a belt of underlying gypsum which leads to localised subsidence problems.

8.4 When considering proposals for development, it is important that a careful assessment is made of the environmental impact of development together with possible problems of pollution, flooding and ground instability. In most cases this will be a matter of considering planning applications in the light of the usual consultation comments on environmental health and traffic aspects. For some proposals, however, there may be a requirement for an environmental statement to be provided in accordance with Government guidance and the European Community Directive, or a more detailed examination of matters such as ground stability.

POLICY CONTEXT

8.5 The Planning and Compensation Act 1991 requires that all development plans should include policies for, inter alia, the conservation of the amenity of the land. The Government’s main aims in respect of amenity policy are set out within a number of the current planning policy guidance documents. These aims include the need to control pollution, to limit and reduce nuisances and in particular to separate those developments which are potentially polluting from those which are pollution sensitive. These objectives are contained within PPG12 (Development Plans), PPG23 (Planning and Pollution Control) and PPG24 (Planning and Noise) which have all been an important consideration in the preparation of policies in this chapter of the Local Plan.

8.6 One of the important objectives of the strategy of the approved County Structure Plan is the protection and conservation of the County’s high quality environment. Policy E7 of the Structure Plan aims to protect the environment from adverse noise, water and air pollution.

8.7 The Council has adopted the Friends of the Earth Charter for Local Government as a basis for its Environmental Strategy. This strategy has formed an important context for the formulation of amenity policies.

8.8 In July 1995 the Environment Act 1995 received Royal Assent. The Act introduces extensive pollution control provisions, including, in particular, those relating to air quality and contaminated land. Many of its provisions were enacted on 1 April 1996 and those relating to contaminated land came into force on 1 April 2000.
This Local Plan aims to protect the environment and amenity of Harrogate District by minimizing and controlling pollution and ensuring that residents, workers and visitors in the area are not subject to unnecessary risks. The main objectives for policies regarding amenity are as follows:

1) TO PROTECT OTHER LAND USES, THE PUBLIC AND THE ENVIRONMENT IN GENERAL FROM THE ADVERSE EFFECTS OF POLLUTION.

2) TO ENSURE THAT POLLUTION SENSITIVE DEVELOPMENT AND POTENTIALLY POLLUTING DEVELOPMENT ARE KEPT SEPARATE IN ORDER TO AVOID POTENTIAL CONFLICTS.

3) TO ENSURE A HIGH QUALITY OF ENVIRONMENT AND AMENITY THROUGHOUT THE DISTRICT.

The policies contained within this chapter seek to achieve environmental objectives through:

- the segregation of polluting and non-polluting development;
- requesting environmental impact assessments when necessary;
- protecting water amenity and areas at risk of flooding;
- minimising risk in relation to hazardous substances and installations, and ground stability.

All development proposals in the District should comply with the following criteria:

1. The scale, density, layout and design should make the most efficient use of land; and
   a. be well integrated with, and complementary to, neighbouring buildings and the spatial qualities of the local area;
   b. be appropriate to the form and character of the settlement and/or landscape character.

2. Visual, residential and general amenity should be protected and where possible enhanced;

3. There should be no loss of greenfield land unless justified by national planning policy, the Regional Spatial Strategy, this Core Strategy or a policy or proposal within the Local Development Framework;

4. The environmental impact and design of development should conform with Policies EQ1 and EQ2 of this Core Strategy.

The travel impact of any scheme should not add significantly to any pre-existing problems of access, road safety or traffic flow and should have been fully addressed in accordance with Policies TRA1, TRA2 and TRA3 of this Core Strategy.

For full details, see p20/21 of the Core Strategy (adopted Feb 09).
CHAPTER 8 AMENITY


PROPOSALS FOR DEVELOPMENT SHOULD, WHEREVER POSSIBLE, MAKE A POSITIVE CONTRIBUTION TO THE AREA BY MAINTAINING OR IMPROVING THE QUALITY OF THE ENVIRONMENT AND AMENITY. PROPOSALS WILL NOT BE PERMITTED WHERE THEY WOULD:

A) CAUSE SIGNIFICANT PROBLEMS RELATED TO ACCESS, ROAD SAFETY OR TRAFFIC FLOW; OR
B) HAVE AN UNACCEPTABLE EFFECT ON RESIDENTIAL AMENITY AND SURROUNDING LAND USES; OR
C) CAUSE SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT; OR
D) RESULT IN A DETRIMENTAL EFFECT ON THE VISUAL AMENITY AND CHARACTER OF THE AREA; OR
E) CAUSE POLLUTION WHICH WILL HAVE AN UNACCEPTABLE IMPACT ON DEVELOPMENT WITHIN THE VICINITY, WHICH CANNOT BE OVERCOME BY PLANNING CONDITIONS.

Justification

8.11 This policy reflects PPG12 and as such the Council will seek to maintain and enhance the quality of environment and amenity throughout the Plan area and aim to reduce the likelihood of the public being subject to undue pollution. Development proposals with a significant adverse impact on these qualities will be resisted.

8.12 An Environmental Statement aims to ensure that the environmental impact of a given development is known and understood in advance, and that the decision making process is not constrained or biased by uncertainty over the likely impacts. The Council will require applicants to submit Environmental Statements in accordance with Circular 02/99 and the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. These Regulations have been formulated to implement the requirements of European Community Directive No. 85/337 as amended by Directive No. 97/11. All proposals for development described in Schedule 1 of these regulations will be required to be accompanied by an Environmental Statement. Proposals for development of the type described in Schedule 2 of the regulations should also be accompanied by an Environmental Statement where, by virtue of such aspects as their nature, size and location, the Council considers they are likely to have a significant effect on the environment. This applies especially to such areas as the Nidderdale AONB, the District's SSSIs and Scheduled Ancient Monuments. However, the Council will assess the likely environmental impact of all proposals to ensure that such considerations are taken into account in the decision making process.

8.13 PPG23 states that pollution of the environment is due to the release (into any environmental medium) from any process of substances which are capable of causing harm to man or any other living organisms supported by the environment. This can include pollutants such as noise, dust and odours which are prejudicial to health or a nuisance. In addition, the increase of recreational floodlighting, and commercial lighting/illuminated signs can have an adverse effect on residential and visual amenity and the character of the area. Some of this lighting can come under planning and advertisement control and such proposals will be assessed against these policy criteria and other relevant policies.

DEVELOPMENT SENSITIVE TO POLLUTION

POLICY A2 Deleted in 2007, at 'Saved' version.

NEW DEVELOPMENT WILL NOT BE PERMITTED IN AREAS WHERE THE PROPOSAL IS LIKELY TO BE ADVERSELY AFFECTED BY EXISTING LEVELS OF POLLUTION.

Justification

8.14 PPG23 recognises the need to keep apart housing and other developments sensitive to pollution from polluting or potentially polluting uses, where such uses cannot reasonably coexist. Failure
CHAPTER 8 - AMENITY

to achieve this separation may lead to pressure for the imposition of higher standards at
considerable expense to the industry or revocation or refusal to renew the authorisation or licence
under the pollution control legislation and therefore result in the closure of the business.

8.15 Special consideration will be given to new developments within the vicinity of sewage treatment
works. Any proposal within 400 metres will be the subject of consultation with the Council’s
Environmental Health Division and the sewerage utility (Yorkshire Water Services). Each proposal
will be considered on its own merits, taking into account local circumstances such as climate and
topography, to ensure that the future occupiers of proposed development will not experience loss
of amenity caused by odours or other problems associated with sewage treatment works.

8.16 There are a number of former waste disposal sites in the Plan area which may produce landfill
gas and leachate. Proposals for development on or within close proximity to these sites should
pay due regard to this matter. In particular, appropriate survey work should be carried out to
assess the nature and extent of any landfill gas problems. Full account should be taken of the
possible presence of landfill gases and, where necessary, proposals should include the approp-
riate measures to overcome any problems identified. For further information on this matter
contact the Waste Regulation Section of the Environment Agency (01904 692296) or
Harrogate Borough Council’s Environmental Protection Section (01423 556633):

NOISE-GENERATING AND SENSITIVE DEVELOPMENT

POLICY A3 Deleted in 2007, at 'Saved' version.

DEVELOPMENTS GENERATING A HIGH LEVEL OF NOISE (HAVING REGARD TO PULSE AND TONE)
WILL NOT BE PERMITTED IN LOCATIONS WHERE IT WOULD HAVE AN ADVERSE IMPACT ON NOISE
SENSITIVE DEVELOPMENT OR AREAS.

NOISE SENSITIVE DEVELOPMENT WILL NOT BE PERMITTED IN LOCATIONS WHERE IT WOULD BE
ADVERSELY AFFECTED BY DEVELOPMENT GENERATING HIGH NOISE LEVELS.

Justification

8.17 PPG24 identifies the types of development considered to be particularly sensitive to noise.
These include housing, hospitals and schools although other types of development may also be
considered as noise sensitive. New development likely to cause a noise nuisance should not be
sited near noise sensitive development.

8.18 In assessing the potential impact of noise, factors to be taken into account include the level of
existing background noise, the time of day that noise occurs, and the nature of the noise in terms
of pulse, tone and frequency. Not only should the likely level of noise exposure at the time of
the application be considered, but also any likely increase that may reasonably be expected in
the foreseeable future. In assessing residential developments which are proposed to be
introduced into an area with high levels of noise, the Council will have regard to the
advice given in the appropriate Noise Exposure Category as set out in PPG24.

8.19 The Council will seek to ensure that, as far as is practicable, new noise sensitive development is
sited away from sources of high noise levels. Where it is not possible to segregate noise
generating development from noise sensitive areas, development will only be permitted where it
can be demonstrated that measures can be introduced to limit the impact of the noise to an
acceptable level. (Paragraph 13 of PPG24 outlines a number of measures which can be
introduced to control the source of, or limit exposure to, noise).

8.20 Special consideration will be given to new development to be located within the vicinity of the
Dishforth military aerodrome within the District.

WATER AMENITY
CHAPTER 8  AMENITY

POLICY-A4  Deleted in 2007, at 'Saved' version.

DEVELOPMENT WILL NOT BE PERMITTED WHICH THE COUNCIL, IN CONSULTATION WITH THE ENVIRONMENT AGENCY, CONSIDERS LIKELY TO PREJUDICE THE QUALITY OR QUANTITY OF SURFACE OR GROUND WATER.

Justification

8.21  The quality and quantity of surface and ground water is vitally important to a wide range of uses and users including domestic, industrial and agricultural. It is also of great importance to general amenity, water based recreation, fisheries and nature conservation. PPG12 states that ground water resources in particular are susceptible to a wide range of threats from land use policies and once contaminated it is difficult, if not impossible, to rehabilitate them.

8.22  The Council, in conjunction with the Environment Agency will seek to resist development which threatens water quality and quantity and will generally encourage initiatives that result in an improvement of water quality and the capacity of the water environment to support wildlife.

8.23  The Council will support efforts by other agencies including the Environment Agency, English Nature and the Ministry of Agriculture, Fisheries and Food, to reduce the intensity of agricultural operations in riparian areas.

FLOOD-RISK AREAS

POLICY-A5  Deleted in 2007, at 'Saved' version.

DEVELOPMENT (INCLUDING THE INTENSIFICATION OF EXISTING DEVELOPMENT OR LAND RAISING) IN THE AREAS AT RISK FROM FLOODING WILL NOT BE PERMITTED. WHERE DEVELOPMENT IN SUCH AREAS IS PERMITTED AS AN EXCEPTION TO THIS POLICY, APPROPRIATE FLOOD PROTECTION AND MITIGATION MEASURES WILL GENERALLY BE REQUIRED AS PART OF THE DEVELOPMENT.

At sites suspected of being at risk from flooding but for which adequate flood risk information is unavailable, developers will be required to carry out detailed technical investigations to evaluate the extent of the risk and to implement any necessary agreed measures.

Justification

8.24  In addition to the risk of flooding to the proposed development itself, development in such locations may increase the risk of flooding elsewhere by reducing the storage capacity of the flood plain, and/or by impeding the flow of flood water. Land raising in the flood plain (for example, as a result of any landfill) may have a similar effect. Development in the flood plain may also have an adverse impact on wildlife habitats. Consequently the Council will not normally permit development in such locations, while redevelopment of existing sites will only be considered where the Council, in consultation with the Environment Agency, is satisfied that the developer will provide appropriate mitigation measures, including flood protection. Where the information that is necessary to assess the risk of flooding is not available, the developer will be required to evaluate the extent of the risk and to implement any necessary measures approved by the Environment Agency and the Council.

8.25  The areas recognised as being at risk from flooding, based upon information provided by the Environment Agency in June 1999, are identified below and on Fig. 4. However, flood risk estimation is not a precise science, and the information given represents the best available and, by its nature, is based on informed estimates. The areas identified are described in only broad terms and for further information on individual sites the Environment Agency should be consulted directly.

Areas at risk from flooding:

Harrogate: land west of Nidd Viaduct and north of sewage works (at confluence of Oak Beck and
River Nidd: a 100m corridor running south of Knox Mill Lane, doubling in width at Knox Bridge and extending between Grange Farm and Ripon Road to the north of Skipton Road; land at the confluence of Saltergate Beck and Oak Beck, extending south-west towards Cow Dyke Bridge; land north of Jennyfield Drive and adjacent to Ripon Road.

Knaresborough: low lying land along the course of the river along the south western edge of the built-up area of Knaresborough; a narrow strip of land to the south of Abbey Farm and Abbey Mill; to the south-east of the town, the northern part of the sewage works and land to the north and east, incorporating part of the caravan site.

Ripon: a strip of land east of Little Studley Road; land between the River Ure and the eastern periphery of the city, extending southwards to, and beyond, Ripon Racecourse; east of the river, a wide corridor of land approaching the dismantled railway including land south-west and north-west of Ure Bank. Other isolated areas at risk include land at Gallows Hill, land to the south of Dallamires Lane to the west of the bypass, the western bank of the River Laver opposite Doublegates Quarry, land to the west of Bishops Bridge and land by Mill Farm. There is also a limited risk of flooding along the section of the River Skell bounded by development.

Boroughbridge: a narrow corridor of land on the northern and southern bank of the River Ure to the north of the town, also a wide corridor to the east of the town, including the cricket ground and the Holme; also a band of varying width along the course of the River Tutt as it passes through the town— at its widest on land to the east of the A1(M) and south of Roecliffe Lane.

Masham: a corridor of land to the east of the built-up area of Masham incorporating land south-west and north-east of the River Ure; also a wide strip of land to the west of Masham north of Swinney Beck High Bridge and south of Fearby Road.

Pateley Bridge: a corridor some 250m wide south of the confluence of Foster Beck and the River Nidd through and beyond the town towards Glasshouses, north and south of the River Nidd.

Birstwith: a broad belt of land to the south of the dismantled railway, north and south of the River Nidd; and to the south east on the northern bank.

Bishop Monkton: a wide expanse of land north-east of Bishop Monkton and north of Bishop Monkton Mill.

Dacre Banks: land between the dismantled railway and the River Nidd, to the north and east of the main built-up area of Dacre Banks.

Hampsthwaite: land to the north of the village either side of the River Nidd.

Markington: land adjacent to Markington Beck.

North Stainley: land abutting both the sewage works and the housing development north of the village.

Sharow: a narrow strip of land to the east and south of the village.

Spofforth: land east of the River Crimple, including fields bounded to the south and east by the Harrogate Road; also a narrow band at the west of the village extending south to Park Lane.

Staveley: a broad belt of land encompassing the main built-up areas of the village west of the easternmost village green.

Summerbridge: a belt of land either side of the River Nidd to the south west of the village.

Tockwith: a narrow corridor of land to the south of Tockwith continuing northwards to bisect the settlement towards its eastern end.

All or most of the land within the following settlements lie within the area at risk:

Moor Monkton, Nun Monkton and Nunwick.
FIG 4. FLOOD RISK AREAS IN HARROGATE DISTRICT
Land in the vicinity of the following settlements is also considered to be at risk of flooding: Asenby, Azerley, Cattal, Copgrove, Cowthorpe, Farnham, Humberton, Hunsingore, Glasshouses, Laverton, Leathley, Lower Dunsforth, Low Hall, Low Laithe, Mickley, Netherby, Riseley, Roecliffe, Shaw Mills, South Stainley, Wath, Weeton and Wormald Green.

HAZARDOUS SUBSTANCES AND INSTALLATIONS

POLICY A6  Deleted in 2007, at 'Saved' version.

Proposals for development involving the storage or use of hazardous substances will only be permitted where it can be demonstrated that there would be no unacceptable degree of risk to the public, or the appropriate development or use of neighbouring land would not be prejudiced.

New development in the vicinity of hazardous installations will only be permitted if it can be demonstrated that it would not result in the public being exposed to an unacceptable degree of risk.

Justification

8.26 Certain sites and pipelines are designated as notifiable installations by virtue of the quantities of hazardous substances stored or otherwise present. Such installations are subject to the Planning (Hazardous Substances) Regulations 1992, the Control of Major Accident Hazards Regulations 1999 and/or the Notification of Installations Handling Hazardous Substances Regulations 1982. In accordance with the Department of the Environment Circular 11/92, the Health and Safety Executive will be consulted, as appropriate, about any proposed notifiable installations or development in the vicinity of existing notifiable installations.

8.27 Proposals for developments involving the storage, use or transportation of hazardous substances will only be permitted where it can be demonstrated that there would be no unacceptable degree of risk to the public, or that the appropriate development or use of neighbouring land would not be prejudiced.

8.28 New developments in the vicinity of hazardous installations will only be permitted where it can be demonstrated that it would not result in the public being exposed to an unacceptable degree of risk.

Hazardous substances consent must be obtained from the Council for keeping or using hazardous substances at or above controlled quantities set out in the Planning (Hazardous Substances) Regulations 1992. This is in addition to any planning consents which may be needed.

UNSTABLE LAND

POLICY A7

Proposals for development on land suspected as being unstable will not be permitted unless it is demonstrated either that there is no foreseeable instability, or that the effects of such instability can reasonably be overcome.

With specific regard to subsidence due to gypsum dissolution in the Ripon area, significant building development in areas which are suspected as being potentially susceptible to the problem will be subject to development control procedures, based on the development guidance categories in Appendix XI and as shown on the proposals map. The accompanying advice in Appendix XI should be taken into account in all applications for development.

Justification

(a) General Instability

8.29 Potential ground instability is an important issue which will, where appropriate, be a material consideration in the determination of applications for development.
8.30 In certain parts of the Plan area, difficulties may be experienced in developing land due to instability of the ground and in these areas it will normally be necessary to take full account of the ground conditions prior to the determination of planning applications and/or the commencement of development. Within the Plan area, the causes of such instability may include:

(i) the effects of subsidence associated with natural underground cavities caused by dissolution of gypsum deposits within the underlying strata;

(ii) the effects of settlement associated with ground compression - due to human activities (landfill, made ground) or natural origins (peat, soft silts, shrinkable clays);

(iii) the effects of slope failure on natural or man-made slopes.

8.31 The effects of ground instability vary considerably in their nature, scale and extent. Most commonly they are of a minor nature and occur very infrequently, only rarely causing damage to buildings. In the most extreme circumstances however they may threaten health and safety or cause severe damage to unprotected buildings and structures. In many instances the proposed development may itself exacerbate any existing or potential instability, for example by increased loading, excavation or changes to local groundwater conditions.

8.32 When planning permission is applied for it is the developer and/or landowner, who is responsible for ensuring that the land is physically suitable for development or can be made so. In appropriate cases, therefore, the Council may require planning applications to be supported by a ground instability report describing and analysing the issues relevant to ground instability and indicating how any foreseeable problems would be overcome.

8.33 The nature of potential land instability is that, in most instances, it should be possible to overcome any difficulties, or at least reduce them to an acceptable level, through appropriate investigation and mitigation measures and/or through the careful design and placing of development.

(b) Gypsum-related subsidence in the Ripon area.

8.34 The specific issue of subsidence due to gypsum dissolution in the Ripon area has been investigated by consultants in a 2-year research programme, commissioned by the Department of the Environment with a contribution from the Council. From the results of that study the Council adopted a development control policy which, in accordance with the guidance contained in PPG14 (Development on Unstable Land), is designed to:

(i) minimise the risks and effects of land instability on property, infrastructure and the public;

(ii) ensure that various types of development should not be placed in unstable locations without appropriate precautions;

(iii) bring unstable land, wherever possible, back into productive use; and

(iv) assist in safeguarding public and private investment by a proper appreciation of site conditions and necessary precautionary measures.

8.35 To achieve these objectives, the policy’s requirements include the need for many planning applications in affected areas to be supported by a Ground Stability Report, prepared by a suitably experienced competent person (See Appendix XI).

8.36 The Ground Stability Report is required to assess whether or not any ground instability can reasonably be foreseen for the site in question, and where necessary, to provide detailed recommendations on the mitigation measures which may be needed in order to reduce the potential effects of any foreseen instability to an acceptable level. Such recommendations, if acceptable by the Planning Officer, would form the basis of conditional planning consent and, would need to be implemented on site.

8.37 Further details of the Development Control requirements, including guidance on the content of Ground Stability Reports, can be obtained from Harrogate Borough Council’s Department of Technical Services.
CHAPTER 8 - AMENITY

CONTAMINATED LAND

POLICY A8 Deleted in 2007, at 'Saved' version.

THE DEVELOPMENT ON, OR IN THE VICINITY OF, LAND WHICH IS KNOWN TO BE, OR MAY BE, CONTAMINATED WILL NOT BE PERMITTED UNLESS ALL OF THE FOLLOWING CRITERIA ARE MET:

A) EVIDENCE IS SUBMITTED TO SHOW THAT THE POSSIBILITY AND NATURE AND EXTENT OF CONTAMINATION HAS BEEN PROPERLY INVESTIGATED AND TAKEN INTO ACCOUNT; AND

B) ANY REMEDIAL MEASURES NECESSARY TO DEAL WITH THE CONTAMINATION ARE EFFECTIVE; AND

C) THERE WILL BE NO LONG TERM DETRIMENTAL EFFECT ON THE ENVIRONMENT OR UNACCEPTABLE RISKS TO THE HEALTH AND SAFETY OF THE LOCAL POPULATION AS A RESULT OF THE DISTURBANCE OF CONTAMINANTS DURING AND AFTER DEVELOPMENT.

Justification

8.38 The efficient re-use of urban land is important to help minimize avoidable pressures on greenfield sites. A balance needs to be struck between the need to ensure the beneficial use of such land and the need to protect the health of future users and the wider environment. This reflects the advice contained within PPG23.

8.39 Sites which may be contaminated must be identified at the earliest stage of planning. The responsibility for providing information on whether a site is contaminated or not lies with the developer. It is essential that in appropriate cases, full investigations and arrangements to deal with any contaminants are part of planning applications. Effective measures must be incorporated into any development to protect the local population and environment against possible detrimental effects.