

North Yorkshire County Council

Planning and Regulatory Functions Committee

Minutes of the meeting held at County Hall, Northallerton on 13 December 2016 at 10.00 am.

Present:-

County Councillors Peter Sowray (Chairman), Eric Broadbent (substitute for County Councillor Robert Packham), David Blades, Bill Hault, David Ireton, Andrew Lee, Cliff Lunn, John McCartney, Cliff Trotter and Robert Windass.

There were 10 members of the public in attendance.

Apologies for absence were received from County Councillors Robert Heseltine and Robert Packham

Copies of all documents considered are in the Minute Book

207 Chairman's Announcement

The Chairman informed the Committee that, at the County Council's Innovation Awards on 8 December 2016, the Award in the Optimising Community Engagement Category had been won by officers involved in the handling of the special meeting of the Committee that considered the fracking application in May 2016. The Chairman, on behalf of the Committee, congratulated those officers involved.

208. Minutes

Resolved -

That the Minutes of the special meeting held on 15 November 2016, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

209. Declarations of Interest

Councillor McCartney referred to the planning application for the erection of a Class B2 wood processing facility, etc., at the former Snaith (Pollington) Airfield, Great Heck, Selby, on behalf of the Stobart Group. He stated that the application site was within his electoral division and he had been contacted by local residents about this. He had been engaging with local residents about this for the last six months as it was a big issue, however, he had an open mind on the application.

210 Public Questions or Statements

The Clerk reported that, apart from the people who had registered to speak in respect of the applications listed below, and who would be invited to do so in consideration of those items, there were no public questions or statements from members of the public.

211. **C8/2016/0008/CPO – (NY/2015/0313/FUL) - Erection of a Class B2 wood processing facility (4930m²), demolition of the existing pellet mill (approx. 2400m²), installation of two existing prefabricated units (both circa 87m²), construction of internal roadways, construction of a vehicle washing facility, construction of hardstanding to create a lorry park for 65 HGV parking bays (7357m²), construction of hardstanding for 80 car and van parking bays (2162m²), amended hours for HGV's and other vehicles entering and leaving the site, construction of 5m high push walls, construction of hard standing (31500m²) for storage and external processing of waste wood, construction of associated plant and equipment, construction of office and welfare building (240m²), construction of surface and sub-surface attenuation ponds and drainage systems, associated boundary treatment, external lighting and landscaping at Former Snaith (Pollington) Airfield, Great Heck, Selby, on behalf of Stobart Group**

Considered -

The report of the Corporate Director - Business and Environmental Services, asking the Committee to determine the above planning application.

The application was being reported to the Committee for determination because it was subject to 104 objections raised by members of the public and the grounds for objection were detailed within section 5 of the report. In addition, the application was subject to objections from Snaith and Cowick Town Council, Eggborough Parish Council, Heck Parish Council, Rawcliffe Parish Council, District Councillor Caroline Fox, District Councillor Debbie White and District Councillor Mary McCartney.

Submissions by objectors

A number of members of the public attended the meeting, having registered to speak against this application. A summary of what they said to the Committee is set out below:-

John Staveley-Churton - Snaith & Cowick Town Mayor

- This application would have a negative impact on residents.
- There were already issues due to the large number of HGVs travelling through the village, which were having a detrimental effect on people's quality of life.
- Pollution was caused as traffic built up, particularly during school times.
- A complaint had been made to East Riding Council.
- Further increases in HGV traffic would be unbearable.
- There would be a cost to the highways budget, as the roads would need to be repaired, given the size of the vehicles using them.
- Safety was also an issue because of the proximity to a residential care home and primary schools.
- The Town Council strongly objected to this application.

David Hughes - Heck Resident

Mr. Hughes showed the Committee a video and made the following comments:-

- The articulated lorries going through the village were causing huge problems.

- The video illustrated HGVs travelling at inappropriate speeds and being inconsiderate by tooting their horns as they passed each other. Residents had to listen all night to lorries beeping and the 30 mph speed limit was being exceeded.
- The video illustrated that the road was unsuitable for this traffic as HGVs needed to mount the pavement when they were passing each other. This was very dangerous.
- There were also issues with the hump bridge, situated over the railway line. An accident could result in the bridge falling onto the railway line.
- The roads were just not fit for vehicles of this type travelling at these speeds.
- There were a large number of vehicle movements and residents had to listen to the noise created by this.
- The video also illustrated serious accidents that had occurred recently involving HGVs. It was just a matter of time before a fatality occurred.

Rachael Bartlett - representing Mrs Laura Watkinson-Teo, Heck

Rachael Bartlett had sent an email, with a number of enclosures, to Members of the Committee, outlining her views, on 12th December 2016.

- To grant this application would not accord with the Development Plan. It needed to be assessed against the Development Plan and material planning considerations.
- There had to be a cut-off point.
- The application should be refused but, if it was to be agreed, better wording of the conditions, reasons and Section 106 Agreement would assist with future monitoring and enforcement.
- A number of objections had been submitted. This Committee could prevent existing problems from getting worse.
- The planning permission previously granted for a solar farm was a more effective use of previously developed land in the countryside that provided renewable energy without the adverse effects of this application – noise, dust, etc.
- There was reference in the report to other industrial sites in the area, but these were approved under a different policy regime.
- It was incorrect to imply that East Riding Council and Selby District Council had no issues in approving similar developments in the area.
- Restrictions on HGV movements, external processing and external storage were being ignored.
- If the existing permission was the reason for supporting the current application, the Committee should be satisfied that the impacts of the new proposal would be less than or equal to the existing permission. Based on current and proposed conditions, this would not be the case
- Key changes included external processing of wood and HGV hours. What had changed, in terms of planning policies or the surrounding area, to justify these controls now being lifted?

- How would the Council control the condition that "almost all" processing would be internal.
- The footpath over the railway bridge was not safe. A previous response to a planning application from Network Rail said that it would be beneficial not to have two HGVs passing at the same time. Therefore, if this application were to be approved, serious consideration should be given to directing all, or a high percentage of, HGV traffic via the eastbound (Pollington) route.

Charles Watkinson, Heck Resident

- Mr. Watkinson informed the Committee that he was the Chief Executive of an engineering company and the owner of a house close to the HGV route.
- He stressed that he was not a moaner and was in favour of developments generally - but not this development.
- A big pile of rubbish had previously self-combusted. Selby District Council and East Riding Council had been informed but took no action until the matter became an issue covered on television.
- The site was not compliant as wood was being processed outside, in contravention of conditions that had been imposed.
- At a Public Consultation Meeting Stobart's had said that there was no problem with dust as grinding took place inside the facility. Stobart's had already requested permission to process wood outside, despite building a plant inside. There were Environment Agency approvals for grinding, but no planning permission existed for processing wood outside.
- In terms of the quantity of waste stored, who was monitoring and enforcing this?
- Stobart's had repeatedly not been accurate in what they had said.
- The World Health Organisation stated that dust could cause serious cancers. It was not innocuous. Dust that had settled in the area was five times the permitted levels.
- The tree planting requirement had not been enforced and only one quarterly traffic report had been submitted. There was no compliance and no enforcement.
- During the site visit by the Committee no wood processing had taken place and the traffic movements of HGVs had reduced from 37 to 24.
- York City Council's Environmental Health Noise Survey had found levels were outside of permitted levels.
- East Riding Council and Selby District Council had objected to the original application.

Submission by the applicant

Mr. Allan Tindall, from Stobart Biomass, addressed the Committee and made the following points:-

- The company was not the famous Eddie Stobart's Haulage – it was a biomass company.

- He was aware of scepticism amongst some members of the community, especially with regard to HGVs.
- The site had been purchased prior to the application and it worked well for the company.
- The company was limited by capacity and export limits.
- The application did not seek to increase the number of HGVs – these would reduce. Yet there was still a negative reaction.
- Much of what had appeared in the press had been misleading. The company had not engaged in a PR fight and had consulted on its proposals. All responses had been considered and the company had been reasonable in its approach.
- All stakeholders would see a benefit if the application were to be granted. Having tramper vehicles on site would reduce empty miles (empty miles is unnecessary movements of unloaded HGVs). These vehicles would not leave and arrive at the same time. Local residents would benefit from reducing empty miles and reduced HGV movements, as this would lead to quieter roads and the County Council would monitor this via a Section 106 Agreement.
- The company could not be held accountable for other vehicles.
- The environmental impact would be monitored via the Local Authority.
- There was nothing contentious in what was being suggested.

Allen Creedy, from Ethical Partnership, advised the Committee that he was a Chartered Town Planner with 35 years experience. He was representing the applicant and made the following points, on their behalf:-

- The application was being recommended for approval by the County Council's officers.
- The application was, essentially, a simple one:-
 - To replace one processing building within another one because the existing one was not fit for purpose.
 - To park overnight the applicants dedicated biomass HGVs on the site.
 - To extend the hours during which HGVs can operate from the site – from 6.00 pm to 7.00 pm on weekdays and from 1.00 pm to 4.00 pm on Saturdays.
- Officers had given examples of modifications made by the company to the original application. They had made material changes based on concerns raised.
- The objectors had focused on videos showing lorry movements but this was not felt relevant, as the concerns related to the public highway.
- The County Council would have more control over the site in terms of the number of HGVs using it and the external processing of wood.
- There would be no increase in the volume of wood being processed and, should permission be granted, this would mean that most of the wood processing would be inside and the external and internal processing areas would be closer together. The County Council's officers were comfortable with this.

- A legal agreement restricted HGV movements. The site was the only site locally where such an agreement existed.
- There was currently no limit on the number of vehicles entering the site. This would alter if planning permission were to be granted, giving the County Council control over the number of vehicles entering and exiting the site.
- Section 7 of the report confirmed that the application was acceptable.
- Section 7.43 of the report stated that discussions had taken place between the company and officers. Mr. Creedy had written to the Chairman about this in a letter dated 8 December 2016. A copy had been sent to all Committee Members and additional copies were circulated at the meeting. He highlighted the fact that the report, at paragraph 7.44, suggested that it was reasonable for an additional clause to be included which would allow for a transitional period that would enable on site operations to continue in line with the extant permissions, whilst the construction period for the development was progressed. This additional clause had not been previously submitted to, or discussed with, the applicant or their legal advisors, who considered that the clause set out in paragraph 7.44 did not meet the prescribed legal tests.
- On the basis of previous discussions, the applicant was prepared to agree to be bound by a Section 106 Agreement that included only those matters set out in paragraph 7.43 of the report.

A Member asked what was the applicant's objection to relinquishing previous permissions on the site. The representative of the applicant responded that there was no objection, but no discussion had taken place and this needed to occur. He was not aware of the additional proposed clause until the report had been published.

A Member sought a legal opinion on this aspect. The representative of the Assistant Chief Executive (Legal and Democratic Services) advised that the County Council was satisfied that an obligation would meet the legal test and was considered to be necessary. However, the exact wording of this would need to be agreed.

A representative of the Head of Planning Services presented the Committee Report, highlighting: the proposal; the site description; the consultations that had taken place; the advertisement and representations; planning guidance and policy; planning considerations; and conclusion and a recommendation. A series of plans, photographs and visual information were presented to complement the Committee Report.

The representative of the Head of Planning Services made the following points, in particular:-

- Further to the published report, a consultation response had been received from Network Rail on 12 December 2016. This had been emailed to Members and the applicant. Network Rail had advised that, with reference to the protection of the railway, they had no objection, in principle, to the development.
- The response stated that it would be beneficial not to have two wide vehicles passing each other over the railway bridge at the same time. They had no objections or concerns as to the proposed development based on the strength and condition of the bridge, but stressed that they would expect the abnormal loads process, as set out in their email, to be followed.
- The presentation had shown the existing, consented and also the proposed site layout situation.

- The site was currently being used for the import of unprocessed wood into the site and export of processed wood chip from the site.
- The application sought permission for:-
 - a replacement building for wood processing;
 - an additional 8 hours working per week during day time, extra hour on an evening until 7.00 pm and until 4.00 pm on Saturday afternoon. There would be no night time HGV movements;
 - formalising on site parking for HGVs and staff associated with the waste management facility;
 - overall reduction in HGV movements, compared to existing permissions – there would be no intensification; and
 - extensive landscaping scheme (to be managed and maintained) would lessen the impact
- The application did not seek to increase the number of HGV movements and did not seek any increase in the tonnage of wood that was processed on the site, which were controlled by permit.
- The site was in an open countryside location, but this was for the reuse of previously developed (brownfield) land comprising former airfield runway which was currently in use as a wood processing facility and was not of high environmental value.
- The application was acceptable, in principle, as a waste management facility for waste wood processing/recycling and had been deemed acceptable by earlier planning permissions.
- Furthermore, the processed wood was feedstock for the generation of renewable energy, in line with planning policy.
- The development was industrial in nature, but suitably located in terms of surrounding land use and industrial style buildings and was considered visually compatible with the local landscape character in terms of scale, height and massing.
- The development would comprise one large building at the northern end of the site as opposed to a number of buildings along the application site, as previously consented. The applicant had stated that if permission was granted it would substitute the two extant permissions.
- With regard to paragraph 7.16 of the report, most of the objections from local residents related to highways.
- At present there were no planning restrictions that limited the importation and storage tonnages for the site or number of HGVs arriving at the site, loaded or unloaded, or leaving unloaded. The only restrictions on the extant permission and legal agreement related to HGVs leaving the site exporting wood products.
- The applicant had explained that as tramper vehicles would no longer need to travel off site to park at Sherburn-in-Elmet, there was a consequential and balancing reduction in the number of HGVs.
- There would be approximately 28,400 HGV movements per year. This was less than the number for the existing consent (30,400 movements per year) and the Section 106 Agreement would, essentially, carry over controls in relation to tonnages and routing, plus a total cap on HGV movements.

- In response to the concerns that the site would be used by non-wood processing related HGVs, it was considered reasonable to control the HGVs that access the site to only those associated with the on-site waste wood processing operation - including empty vehicles - and a Condition had been included to restrict the use of the land in this regard. In addition, the total number of HGVs parked on site and the location of the parking area would be controlled.
- With regard to paragraph 7.21 of the report, there was no planning reason or justification to amend or alter HGV routeing from that previously approved, with both east and west routes to be retained. There had been no Local Highway Authority recommendation or advice to alter the routeing.
- In terms of paragraph 7.29 of the report, relating to noise, a noise monitoring scheme would be conditioned.
- Concerning paragraph 7.32 of the report, which related to dust mitigation, extraction and suppression, the following measures would be put in place:-
 - wheel washing facilities within the trailer park area;
 - a drive through car wash; sheeting of all HGVs;
 - water sprinkling tank and sprinkling facilities for damping down processing areas and stored material;
 - location of the main wood processing facility within a fully enclosed building; on-site haul roads would be concreted and regularly cleaned; and
 - 5 metre high concrete walls and stockpiles to not exceed the height of walls. This would act as a visual screen and reduce dust emissions.
- There would be improved controls via conditions and legal agreement to cover:
 - access to and from site and on site HGV parking would be limited to 65 and only HGVs associated with waste wood management operation. This included “empty” HGVs within the designated area;
 - hours would be controlled. No night time HGV movements into or out of site
 - hardstanding - improved dust and debris control and on site conditions;
 - a new drive through wheel wash for HGVs;
 - the formalisation of parking arrangements for HGVs and staff and visitors;
 - sheeting of HGVs;
 - doors would be closed on the building when processing was taking place;
 - a Dust Management Plan for the extraction in building and suppression;
 - a Landscape Scheme would be improved, with a requirement to manage and maintain;
 - a Lighting Scheme design and hours of operation;
 - a Remediation Strategy - contamination and surface water drainage design;
 - a Fire Prevention Scheme – specifying stockpile size, separation distances, rotation, temperature monitoring, on site fire engine, fire fighting measures.
 - external processing to take place in the designated area only
 - removal of permitted development rights and restrict waste management use to waste wood processing
- A Section 106 legal agreement would cover:-
 - a Haul Route Agreement for HGV vehicles travelling to and from the site;
 - tonnages controlled;
 - a limit on the number of annual HGV movements to and from the site (28,400 per year) previously only export/outgoing HGVs had been controlled;

- a requirement for the operator to maintain and log, weighbridge records, with quarterly reports to be submitted to North Yorkshire County Council, as required by legal agreement, which was standard practice - the onus would be on the operator to submit; and
 - a clause to no longer implement/operate extant permissions
- The items referred to in paragraph 7.43 of the report had been agreed following discussions with the applicant and their agent. However, paragraph 7.44 of the report had not agreed with the applicant and their agent, although the principle of the clause/outcome was considered necessary to control the cumulative impact, particularly in relation to highways impact. The detailed terms would be negotiated, should the application be approved. It was considered fair, reasonable and necessary to make the development acceptable in light of extant, lawfully implemented, overlapping and part constructed/operational permissions.
 - Overall, the proposed controls would be an improvement on those attached to previous consents, in terms of environmental, amenity and highways impact.
 - If permission was refused, there remained an extant permission for waste wood processing with fewer controls on HGV movements - only export HGVs numbers were limited.
 - Wider highway issues, such as the requests for a bypass and the adequacy of the wider highways network and road traffic accidents, as raised by the objectors in their video, were beyond the scope of the application under consideration and may need to be controlled by Traffic Regulation Orders or road layout alterations/improvements applicable to all traffic - not just Stobart Biomass HGVs.
 - In conclusion, the proposal was for the redevelopment and adaptation of a previously developed brownfield land, which had been previously deemed to be an appropriate site for a waste management facility.
 - The development would manage waste up the 'waste hierarchy' from disposal to re-use and divert waste from landfill and produce processed wood for renewable/low carbon energy.

Following the initial presentation, Members raised the following points and issues:-

- Although there was a Condition specifying that there should be a wheel wash facility, there was no Condition stipulating that it be used. This should be added.
- The applicant had stated that there were myths about working on a Sunday and at Bank Holidays. But this is what they had wanted and that is how the myths started.
- The tree planting had not occurred and only one monitoring report had been submitted by the applicant. The representative of the Head of Planning Services advised that, with regard to the tree planting, the extant permissions allowed for a phased development.
- It was difficult to understand why there would be fewer HGVs on site if the application were to be approved.
- Where were the tramper vehicles currently parked? It was confirmed that this is in Sherburn-in-Elmet.

- Where did site tramper HGVs park through the week? The representative of the applicant responded that they would be in various locations, depending where deliveries and collections were scheduled, nationally and locally.
- Paragraph 3.24 of the report says that there are now fewer HGV movements. How was this? The representative of the applicant explained that currently HGVs arrive empty from Sherburn-in-Elmet at the start of the week, load up and leave. They then return at the end of the week, unload and leave to travel to Sherburn-in-Elmet to be parked over the weekend. By allowing parking on site, the 4 movements which take place would be reduced to 2, as HGVs would not need to travel from and to Sherburn-in-Elmet.
- Paragraph 3.19 of the report says there would be fewer movements because off-site parking would not be required. Surely there would be the same number of movements, whether these were from Sherburn-in-Elmet or Heck? The representative of the applicant clarified that the unloaded HGV movements between Sherburn-in-Elmet and the Pollington site (“empty journey”) would be removed.
- Many tramper vehicles would not visit Pollington as they were based nationally rather than at specific sites, so a lot of trampers would be parked at Pollington. Were they related to this application? The representative of the Head of Planning Services confirmed that they would be associated with the site and an overall cap on HGV movements would control highway movements. Empty trips would be included in the total HGV movement cap.
- Condition No. 14 restricted external processing of wood. This had now changed and it seemed the company could do what they liked. The representative of the Head of Planning Services clarified that the previous Condition was in line with what was required when there was a shut down period.
- What enforcement was there in relation to the location of external processing? The representative of the Head of Planning Services advised that if processing was to take place outside the designated area shown on the site layout plan, there would be the power to take enforcement action.
- Was there any reason why opening hours could not be restricted? The representative of the Head of Planning Services responded that it was a question as to whether the Committee felt that an increase of eight hours would be acceptable. Officers considered that it would be acceptable and would not cause any significant adverse effect.
- A Member sought clarification as to why the applicant had objected to the additional clause referred to in paragraph 7.44 of the report. The representative of the Head of Planning Services confirmed that no discussion or negotiation with the applicant had yet taken place. The Member commented that if the Committee granted planning permission, then all three permissions could be implemented and operated which would mean the company could, effectively, do whatever they wished.

In response, the representative of the applicant reiterated that the applicant had not had the opportunity to consider the proposed additional clause at 7.44 of the report. The Pellet Mill had never been brought into operation for the purposes of a Section 106 Agreement signed by Dalkia (who previously owned the site). Therefore, the phasing plan agreed had no timetable. Two extant permissions

had been legally implemented. Paragraph 7.44 was unclear in providing certainty for the applicant. This could affect the operation of the site - now and in the future. The paragraph contained a number of unknowns. The applicant's view was that it was not possible for that Clause to be included in a Section 106 Agreement.

- What was the intrinsic difference between paragraph 7.44 and the existing permission? The representative of the Head of Planning Services said that the key aspect of the current application, compared to the previous two applications, was that there could be a HGV Park, alongside the waste wood processing facility. The cumulative effect was the concern. Officers were attempting to safeguard the village and the site from the cumulative impact of all permissions being implemented concurrently. There should be no objection from the applicant, as they would end up with a better facility (than that now proposed by Stobart's).

The representative of the applicant responded that when permission is granted, the planning authority seeks to contractually oblige the applicant to complete the development within a set period (suggested in paragraph 7.44). This would create a commercial risk to the company and, in its view, did not satisfy the tests of national planning law. Currently, the commercial risks would be unacceptable. Crucially, there had been no discussion on that particular Clause. Therefore, a timetable for development to be completed should not be imposed.

He added that, subject to legal agreement, the applicant would be prepared to give up the previous two consents.

The representative of the Assistant Chief Executive (Legal and Democratic Services) said that the obligations of the Section 106 Agreement, were seeking to deal with the extant permissions on the site. The objective being for the applicant to undertake that, if the new permission was implemented, the extant permissions would be relinquished. A suitable trigger point would need to be agreed with the applicant.

- What would happen if the application was approved and the additional clause referred to in paragraph 7.44 of the report was not acceptable to the company? Would the application fall? The representative of the Assistant Chief Executive (Legal and Democratic Services) advised that if this occurred officers would bring back the application to the Committee for consideration, with reasons for refusal, if appropriate.
- The imposition of 33 Conditions seemed sufficient for this application to be granted.
- In response to a question from a Member, it was confirmed that the types of wood allowed to be received and processed at the site would be controlled by the Environment Permit.
- Was there a better way to enforce conditions than the quarterly monitoring report? The representative of the applicant responded that the request for quarterly monitoring was contained in the Section 106 Agreement. The interpretation of that was that, because the Pellet Mill had never been brought into operation, the request for quarterly monitoring reports was not made.
- A Member expressed concern about the external processing being "as and when required". Why did the company not build a plant of sufficient size? The

site visit on 30 November 2016 had illustrated that there was machinery outside the building to process the wood and there was dust evident. If the wood had been dry, it would have blown all over. The representative of the Head of Planning Services referred to paragraph 3.5 of the report, which said that the applicant required a flexible working option in response to peaks in demand. The view of officers was that external processing was acceptable, but only within the designated area shown on the plan.

- The site visit had illustrated that it could be difficult for vehicles to negotiate the bridge and the Committee had seen how vehicles were mounting the kerb. Network Rail say it is OK, but mention the possibility of traffic control on the bridge, but that would be a matter for the Local Highway Authority. The route from the east seemed to be more straightforward. Had this been considered? The representative of the Head of Planning Services responded that this had been considered, but there was no planning reason for this route to be recommended. The east route passed more residential properties, whilst not having to cross the bridge and had “pinch points” along the route. Therefore, no one route was preferred.
- In response to a question from a Member, the applicant said it was not the case that deliveries to Scotland would be stopped and switched to Doncaster instead.
- Traffic control on the bridge had its merits. Would the Local Highways Authority install traffic lights on the bridge? The Highways Engineer said there were merits to this, but the bridge had not been identified as a high risk and it would, therefore, be unfair on the applicant to impose this.
- The lorries mounting the kerb were a concern. Were officers comfortable with this situation? The Highways Engineer responded that the Road Safety Team examined all routes for risks and any concerns would be picked up. In planning terms, it would not be fair or reasonable to request the applicant to fund traffic control measures.
- The traffic movements looked bad, but it was not up to the Committee to consider matters beyond the scope of this particular application, which it appeared to be doing.

A Member moved that the recommendation in the report be approved, subject to paragraph 7.44 being delegated to officers to agree the trigger point.

The Head of Planning Services suggested that if Members were minded to grant the application, subject to negotiation between officers and the applicant, it should be deferred to enable negotiations and a report back on the outcome of the discussions, for Members to then make their decision.

The Member who moved the motion commented that the applicant needed to know whether the rest of the application was going to proceed. The Head of Planning Services advised that it was normal for in principle approval to be given, subject to a Section 106 Agreement. It was open to Members to approve the application, subject to a Section 106 Agreement and for a further report to be brought to Committee, if this could not be negotiated satisfactorily.

The representative of the applicant confirmed that, if the application were to be approved, the applicant would engage in detailed discussions regarding the Section 106 Agreement.

A Member seconded the Motion. In doing so, he stated that the objectors had some relevant objections, but these were not within the remit of this Committee and needed to be considered elsewhere.

A Member commented that he was uncomfortable with the situation regarding paragraph 7.44 of the report and was concerned about the reluctance of the applicant to accept this. He would prefer the matter be deferred and the outcome of the negotiations brought back to the Committee. The onus was on the Committee to do as much as it could to put safeguards in place if the application was approved. The Member concerned moved an alternative motion that the application be deferred. This was seconded.

A Member suggested the following amendments to the original motion:-

- to remove external processing at any time;
- to reduce hours of operation to 7.00 am to 6.00 pm Monday to Friday and 7.00 am until 1.00 pm on a Saturday; and
- require the use of the wheel wash facility

The mover and seconder of the original motion confirmed that they were agreeable to the proposed additions about reducing the hours of operation and the use of the wheel wash being included, but not the removal of external processing at any time.

The alternative motion, that the application be deferred, was then put to the vote and defeated.

The original motion, including the two amendments, relating to hours of operation and use of the wheel wash facility, was, therefore, that: The application be approved subject to:-

- paragraph 7.44 being delegated to officers and the applicant to reach a reasonable outcome and, if that failed, the application should fail;
- an amended Condition reducing the hours of operation to 7.00 am to 6.00 pm Monday to Friday and 7.00 am until 1.00 pm on a Saturday; and
- an additional Condition requiring the use of the wheel wash facility

On being put to the vote the original motion, as amended, was carried.

Accordingly, it was

Resolved -

That, subject to the following, planning permission be granted for the reasons stated in the report and the Conditions outlined:-

- the issues in paragraph 7.44 of the report (concerning the Section 106 Agreement) being delegated to officers and the applicant to reach a reasonable outcome and, if that fails, the application should fail;
- amend the Condition to reduce the hours of operation to 7.00 am to 6.00 pm Monday to Friday and 7.00 am until 1.00 pm on a Saturday; and
- include an additional Condition requiring the use of the wheel wash facility

- 212. C6/16/00463/CMA – (NY/2016/0021/FUL) - Demolition of the stable building (64 sq. metres) and the replacement with a single storey extension to the School House (64 sq. metres) to provide kitchen and dining facilities at Sharow Church of England Primary School, Berrygate Lane, Sharow, North Yorkshire, HG4 5BJ on behalf of The Corporate Director, Children and Young People’s Services**

Considered -

The report of the Corporate Director - Business and Environmental Services asking the Committee to determine the above planning application.

The application was being reported to the Committee for determination because it was subject to an objection having been raised by Harrogate Borough Council on the grounds of the impact upon a non-designated heritage asset, the design of the replacement building and the location of development.

A representative of the Head of Planning Services presented the Committee Report, highlighting: the proposal; the site description; the consultations that had taken place; the advertisement and representations; planning guidance and policy; planning considerations; and conclusion and a recommendation. A series of plans, photographs and visual information were presented to complement the Committee Report.

There were no material planning considerations to warrant the refusal of this application. It was considered that, the proposed development was compliant with the national and local policies which were currently in force for the area and all other relevant material considerations.

Resolved -

That planning permission be granted subject to the reasons stated in the report and subject to the conditions outlined.

213. C6/16/03735/CMA – (NY/2016/0168/73A) - Retention of prefabricated classroom unit 1323 (68 sq. metres) for a further 6 years at Moorside Infant School, Harrogate Road, Ripon, HG4 1SU on behalf of The Corporate Director, Children and Young People's Services

Considered -

The report of the Corporate Director - Business and Environmental Services asking the Committee to determine the above planning application.

The application was being reported to the Committee for determination because it was subject to an objection having been raised by Ripon City Council on the grounds of the proposal not fitting within the historic landscape of Ripon.

A representative of the Head of Planning Services presented the Committee Report, highlighting: the proposal; the site description; the consultations that had taken place; the advertisement and representations; planning guidance and policy; planning considerations; and conclusion and a recommendation. A series of plans, photographs and visual information were presented to complement the Committee Report.

The representative of the Head of Planning Services outlined the main considerations as follows:-

- Principle of the proposed development: Ripon City Council had asked for a permanent building because of the age of the current unit. However, because of a lack of teaching space on site and the short term need for this unit, its retention was acceptable, in principle.

- Design: This was in a good condition and was not considered to be of poor design. It did not detract significantly from the school site. It was of an appropriate scale to the main school building, so as not to conflict with its style.
- Local Character of the area: The unit was unlikely to enhance the surrounding site or area. The unit was 450 metres south of the Conservation area of Ripon. It was not visually prominent in the area and was screened from the Harrogate Road by the main school building.
- Residential amenity: The raised northern boundary treatment comprised a concrete one metre high wall with a one metre high wooden fence located at the top of it and a 1.5 metre evergreen hedge. The access road to Moorside Junior School lessened the impact of the unit on the area by creating a buffer.

In conclusion, there were no material planning considerations to warrant the refusal of this application for the retention of a prefabricated classroom unit 1323 (68 square metres) for a further six years.

A Member moved that the application should be approved for three years – rather than six years, as recommended in the report. On being seconded, the motion was put to the vote and was defeated.

Resolved -

That planning permission be granted, subject for the reasons stated in the report and subject to the conditions outlined.

214. Items dealt with under the Scheme of Delegation

Considered -

The report of the Corporate Director - Business and Environmental Services, outlining the County Council performance in the handling of county matters in County Council development planning applications for the period 22 September 2016 to 13 November 2016, inclusive.

The Head of Planning Services advised that the application relating to Malton 4 Wellsite at Kirby Misperton Lane in Great Habton, concerned the installation of a temporary generator and pump as part of a proposal by the Operator, Third Energy, to stimulate gas from Wells. The Pickering Well was part of an initiative to increase gas exploration from Pickering Gas Field.

Information ascertained from other Local Authorities was that, on average, 76% of planning applications were delegated to officers, compared to 86% in North Yorkshire County Council. The 86% figure had been as high as 95% previously. Therefore there was scope for increasing this figure further.

Now that the comparator performance information had been received, the Head of Planning Services advised she would arrange for an amendment to the Constitution to be considered by the Constitution Working Group, which would enable minor applications to be dealt with through her, in consultation with the Chairman and Vice-Chairman of the Committee.

Resolved -

That the report be noted.

215. Publication by Local Authorities of information about the handling of planning applications

Considered -

The report of the Corporate Director - Business and Environmental Services outlining the County Council's performance in the handling of 'County Matter' and County Council development planning applications for Quarter 2 (the period 1 July 2016 to 30 September 2016).

Information on enforcement cases was included as an appendix to the report.

The Head of Planning Services stated that:-

- The application from Killerby Sand and Quarry would be considered in the new year.
- Good progress was being made in working through the legacy applications.
- In several cases, there had been a reasonable time period between the application and contact from the applicant, so there should be a decrease in the number of cases, as these would be disposed of within the next few months.

Resolved -

That the report be noted.

216 Urgent Business

The Chairman decided that the following Item be considered as a matter of urgency, in order that the Committee could decide on its approach when meetings last over three hours.

217 Meetings lasting over three hours

The Chairman reported that he had canvassed opinion from Members of the Committee and the consensus was that if meetings ran on beyond three hours the Committee should break for half an hour when three hours had been reached.

Resolved -

That when the Committee has been in session for three hours it should then adjourn for half an hour and that a note to this effect be included on the Agenda for future meetings.

The meeting concluded at 1.10 p.m.

PD