

North Yorkshire County Council
Business and Environmental Services
Planning and Regulatory Functions Committee

6 June 2017

Publication by Local Authorities of Information about the handling of Planning Applications

Report of the Corporate Director – Business and Environmental Services

This report outlines the County Council's performance in the handling of 'County Matter' and County Council development planning applications for Quarter 4 (the period 1 January 2017 to 31 March 2017).

Information on Enforcement Cases is attached as an Appendix.

Recommendation: That the reported be noted.

DAVID BOWE
Corporate Director, Business and Environmental Services

Authors of Report: Jo Brownless & Amy Taylor

Background Documents to this Report: Application Files

Information on planning applications can be accessed via the County Council's Online Planning Register at the following web address:

<https://onlineplanningregister.northyorks.gov.uk/register/PlanAppSrch.aspx>

(Please enter the planning application reference number (NY/...) into the 'Application Reference' field).

County Matter' Planning Applications (i.e. Minerals and Waste related applications)

Table 1: 'County Matter' planning applications determined during quarter 4 (the period 1 January 2017 to 31 March 2017).

Total number of applications determined		4	
Number of delegated/committee decisions		Delegated: 3	Committee: 1
Speed of decisions			
Under 13 weeks	13- 16 weeks (if major, 13 and if EIA 16 weeks)	Over 13/16 weeks within agreed Extension of Time (EoT)*	Over 13/16 weeks without or outside of agreed EoT
0	0	4	0

*Article 34 of the Town and Country Planning (Development Procedure Order) 2015 provides for authorities to agree with the applicant to determine the planning application beyond the statutory 8/13/16 week period. This is referred to as an agreement for the extension of time (EoT) for the determination of the planning application. In instances where the application is determined within the agreed period the application is counted as satisfying the timeliness requirement.

Table 1a: Performance on 'County Matter' planning applications (NYCC Service Plan target - 60%)

2016/17	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of 'County Matter' applications determined within 13/16 weeks or within agreed Extension of Time (EoT)	83.3% (no. 5/6)	100% (no.1/1)	50% (no. 2/4)	100% (no. 4/4)

Table 1b: "Special measures" ** performance on 'County Matter' planning applications

2016/17	Quarter 1	Quarter 2	Quarter 3	Quarter 4
"Special Measures" stat. No. of 'County Matter' applications determined within 13/16 weeks or within agreed Extension of Time (EoT) over rolling two year period	(01/07/14- 30/06/16) : 93% (40/43)	01/10/14- 30/09/16) 91.6% (33/36)	01/01/15 – 31/12/17) 86.1% (31/36)	1/04/15– 31/03/17 2017): 88.9% (32/36)

** Under section 62A of the TCPA 1990 LPAs making 50% or fewer of decisions on time are at risk of designation ("Special Measures")

County Council's own development' Planning Applications

Table 2: County Council's own development planning applications determined during quarter 4 (the period 1 January 2017 to 31 March 2017)

Total number of applications determined		17		
Minor¹/Major²/EIA³		Minor: 16	Major: 1	EIA: 0
Number of delegated/committee decisions		Delegated: 15		Committee: 2
Speed of decisions				
Under 8 weeks	8- 13 weeks (if Major)	13- 16 weeks (if EIA)	Over 8/13/16 weeks within agreed Extension of Time (EoT)	Over 8/13/16 weeks without or outside of agreed EoT
11	0	0	4	2

¹A 'minor' development application is one where the floor space to be built is less than 1,000 square metres or where the site area is less than one hectare.

²A 'major' development application is one where the floor space to be built is more than 1,000 square metres or where the site area is more than one hectare. All minerals and waste related applications fall within the definition of major development.

³An EIA development application is one considered likely to have significant environmental effects and is accompanied by an Environmental Statement.

Table 2a: Performance on County Council's own development minor planning applications (NYCC Service Plan target - 65%)

2016/17	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of County Council's own development minor applications determined within 8 weeks or within agreed Extension of Time (EoT)	100% (no. 7/7)	100% (no. 17/17) Cumulative total 100% (no. 24/24)	94.4% (no. 17/18) Cumulative total 97.6% (no. 41/42)	87.5% (no. 14/16) Cumulative total 94.8% (no. 55 /58)

Table 3: List of all 'County Matter' planning applications in hand for more than 13 weeks and awaiting decision as at the end of Q4 i.e. 31 March 2017

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Killerby Sand and Gravel Quarry, Killerby, North Yorkshire NY/2010/0356/ENV (C2/10/02487/CCC)	Extraction and processing of sand and gravel including the construction of a site access, conveyors, bridges, associated plant and machinery with restoration to agriculture, nature conservation and wetland	22.9.10	Committee	Reported to Members at the meeting of the Committee which took place on 4 th April 2017.	Yes - further EoT secured 'til 26 th May 2017 due to awaiting the signing of a Section 106 Legal Agreement.
Blubberhouses Quarry, Kex Gill NY/2011/0465/73	Variation of condition 2 of planning permission reference C6/105/6A/PA to allow extraction of silica sand and erection of processing plant at the site until 2036	6.12.11	Committee	Additional information was received from applicant company in January of last year and, amongst others, the Highway Authority, responding to consultation, stated their comments were to be held in abeyance awaiting discussions with regard to the ' <i>corridor of interest</i> ' along the A59. It is understood that further progress is being made with proposals for a major re-alignment of the A59 at Kex Gill.	No - further EoT to be requested.
Ripon Quarry, North Stainley NY/2011/0429/ENV (C6/500/95/D/CMA)	Extension to existing sand and gravel workings	07.12.11	Committee	Public consultation has been undertaken on the further environmental information received from the applicant company and work continuing on progressing through responses received.	No - further EoT to be requested. extension to be requested

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Darrington Quarry, Darrington Leys, Knottingley NY/2012/0020/73 (C8/40/8AH/PA)	Application to vary condition no's 1, 2, 29, 30, 31 and 32 of Planning Permission C8/40/8AF/PA for a new restoration scheme, retain the existing plant and to extend the time period in which to implement the restoration scheme	20.01.12	Committee	Awaiting revised details.	No
Land at Walshford Bridge, Near Walshford, Wetherby NY/2012/0297/FUL (C6/135/10/B/CMA)	Construction of a waste transfer station building, operational concrete pad, vehicle access to the highway, skip storage, staff parking, ground, flood alleviation measures and landscaping, including tree planting, biodiversity enhancement & perimeter fencing	18.12.12	N/A	On 19 April 2017 the application was ' <i>finally disposed of</i> ' under the provisions of Article 40(13) of the Town and Country Planning (Development Management Procedure) Order 2015.	N/A
Ripon Quarry, North Stainley, Ripon, North Yorkshire, HG3 3HT NY/2015/0306/ENV (C6/500/277/CMA)	Planning Application accompanied by an Environmental Statement for the variation of condition No's 10 (duration of development), 11 (definition of development), 43 (maintenance) & 44 (landscape and restoration) of Planning Permission Ref. No. C6/500/95B & C2/99/045/0011 for the continuation of sand & gravel extraction for a further 4 years after 31 December 2015 and the submission of a revised restoration scheme	11.11.15	Committee	Awaiting responses from the applicant to objections received from neighbouring residents. Work continues on reviewing consultation responses received and any issues arising.	No – EoT to be requested

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Former Snaith (Pollington) Airfield, Great Heck, Selby NY/2015/0313/FUL (C8/2016/0008/CPO)	Erection of a Class B2 wood processing facility (4930m ²), demolition of the existing pellet mill (approx. 2400m ²), installation of two existing prefabricated units (both circa 87m ²), construction of internal roadways, construction of a vehicle washing facility, construction of hardstanding to create a lorry park for 80 HGV parking bays (8057m ²), construction of hardstanding for 80 car and van parking bays (2162m ²), amended hours for HGV's and other vehicles entering and leaving the site, construction of 5m high push walls, construction of hard standing (30800m ²) for storage and external processing of waste wood, construction of associated plant and equipment, construction of office and welfare building (240m ²), construction of surface and sub- surface attenuation ponds and drainage systems, associated boundary treatment, external lighting and landscaping	17.12.15	Committee	The application was reported to Committee on 13 th December 2016 following Members' Site Visit on 30 th November 2016. Members resolved to grant permission subject to amendments to two conditions (hours & wheel wash) and officer negotiation on the detail of the Section 106 Agreement and subsequent completion. The final draft Section 106 Agreement is awaiting approval from applicants	Yes- Extension of time until 2 June 2017 agreed

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Forcett Quarry, East Layton, Richmond, North Yorkshire NY/2016/0042/ENV (C1/16/00174/CM)	variation of condition no's 1 & 15 of planning permission ref. C1/29/15P/CM dated 7 September 2011 to allow the continuation of limestone extraction for a further 10 year period until 31 August 2026	03.03.16	Committee	The application was reported to Committee on 25 th October 2016 Members resolved to grant planning permission subject to prior completion of Legal Agreement. Awaiting completion of Legal Agreement before planning permission is issued. Engrossments circulated for signature.	Yes- Extension of time until 2 June 2017 agreed
Womersley Quarry, off Stubbs Lane, Womersley, DN6 9BB NY/2016/0073/ENV (C8/41/107A/PA)	variation of condition No's 1, 2, 3, 5, 6, 14, 18 & 20 of Planning Permission ref. C8/2012/0035/CP dated 4 September 2012 for the continuation of tipping of colliery waste from Kellingley Colliery and soil materials from other locations for a further two years until 13th May 2018, revised tipping materials and revisions to the vehicle route, revised restoration scheme and landscaping	12.05.16	Committee	Awaiting further information from the applicant on revised restoration scheme prior to re-consultation	Yes until 10 th February 2017- to be requested upon receipt of the further info
Scorton Quarry, Richmond, North Yorkshire NY/2016/0094/ENV (C1/16/00507/CM)	variation of condition No's 1, 20, 23 & 52 of planning permission ref. C1/39/34G to allow the continuation of sand and gravel extraction for a further 4 year period until 31 December 2020 with final restoration by 31 December 2021 and removal of the plant site by 31	21.06.16	Committee	The application was reported to Committee on 4 April 2017 Members resolved to grant planning permission subject to prior completion of Deed of Variation Legal Agreement. Awaiting completion of Legal Agreement before planning permission is issued.	Yes- Extension of time until 2 June 2017 agreed

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
	December 2022 and amendments to the phasing and direction of working and a reconfigured layout for the conveyor			Draft Deed of Variation has been sent to the applicants solicitor and currently awaiting comments	
Brotherton Quarry, Byram Park, York Road, Knottingley, Brotherton NY/2016/0087/73A (C8/50/0220/PA)	variation of condition No. 6 of Planning Permission Ref. C8/2013/1064/CPO to refer to an updated Dust Monitoring Scheme which removes the requirement to actively monitor for fugitive dust	29.06.16	Delegated	Awaiting completion of a legal agreement.	No – (to be requested, once draft legal agreement is in circulation)
Eller Beck, Skipton Golf Course, Skipton NY/2016/0177/ENV (C5/63/2017/18024)	variation of condition no. 2 of planning permission Ref. C5/63/2013/14200 dated 3 September 2014 for changes to the final land levels of the scheme to the east of the proposed dam structure and spillway, provide an additional kiosk on a plinth (9.3 sq. metres) and 2 No. air vents with cowlings and a fenced compound on the crest of the embankment and alter the provision of the 16th and 17th holes of Skipton Golf Club	21.9.16	Delegated	To be determined under delegated powers in May 2017	Yes until 26 th May 2017
Went Edge Quarry, Went Edge Road, Kirk Smeaton, Selby NY/2016/0185/ENV (C8/2016/1471/CPO)	8 hectare extension to the existing limestone quarry into Area 5 & 6 from the current working Area 4 and east in Area 7 to 20 metres AOD to provide 4.4 million tonnes of limestone and restore the site with	28.11.16	Committee	Further information received from the applicant (1 st March 2016) has been duly consulted upon by the County Planning Authority. Application is being progressed to Committee for determination.	No – (to be requested)

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
	engineering fill from the existing waste treatment facility to create 1 in 2.5 slopes against the exposed face				
Land to the South of Knapton Quarry Landfill Site, Knapton NY/2016/0194/ENV (C3/16/01918/CPO)	erection of a Green Energy Facility (6,342 sq. metres) (energy from waste via gasification), office reception building (91 sq. metres), substation & switchroom (39 sq. metres), air cooled condenser (195 sq. metres), installation of a weighbridge, earthworks, 20 car parking spaces, extension to internal access road, landscaping and associated infrastructure, including a local connection via underground cable (340 metres) to the 11kV grid via a proposed substation at land south of Knapton Quarry/Landfill as well as an underground connection (Option 1: 5.26 km and Option 2: 8.25km) to the 66kV grid via the primary substation at Yedingham	14.11.16	Committee	Awaiting further information before application is progressed to Committee for determination.	Yes until 7 April 2017
Middleton Lodge, Kneeton Lane, Middleton Tyas NY/2016/0220/73	variation of condition No's. 1, 6, 7, 10, 12, 14, 20, 24, 26, 27, 29, 30 & 33 of Planning Permission Ref. No. C1/14/00747/CM which relates to phasing and restoration	18.11.16	Committee	Awaiting further information from the applicant prior to re-consultation.	No – (to be requested upon receipt of the further information)

* The Development Management Procedure Order 2015 (Part 9, Article 40, Paragraph 13) allows for Local Authorities to “*finally dispose*” of applications for which the statutory period for determination has elapsed and the subsequent period for appealing against non-determination has passed.

Monitoring & Compliance Statistics Report – Quarter 4 (the period 1 January 2017 to 31 March 2017) 2016/2017

Table 1 – Complaints/alleged breaches of planning control received this quarter

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
County Matters						
Whitewall Quarry	Ryedale	14 (3 complainants)	Noise and blasting	Various dates between 06/01/17 and 17/03/17	County Planning Authority confirmed in writing on 22 March 2017 to all complainants, that there would be no further prior notification of blasting operations. Complainants were advised to contact site operator directly to arrange for notifications from them direct. Investigations ongoing with regard to noise complaints. Case on-going.	No
Plasmor Ltd., Heck Works, Green Lane, Great Heck	Selby	1	Alleged unauthorised storage of aggregates	09/02/17	M & C Officer visited site and operator confirmed that a planning application was being prepared to regularise the storage of aggregate in this particular location. Application has since been received and the case closed.	Yes
Allerton Waste Recovery Park (AWRP)	Harrogate	1	Alleged non-compliance with planning permission reference C6/500/63/Q/CMA	22/02/17	Complaint referred to the visual impact of AWRP on the landscape. M & C Officer confirmed compliance with planning permission reference C6/500/63/Q/CMA further to liaison with the site operator and informed complainant that a site monitoring visit was upcoming to monitor compliance. Case closed.	Yes
Pickering 1 Well site	Ryedale	3	Alleged non-compliance with planning permission reference C3/15/1507/CPO	27/02/17, 03/03/17 & 06/03/17	Various enquiries regarding the compliance with planning permission reference C3/15/1507/CPO were investigated by the M & C Officer. Compliance confirmed further to	Yes

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
					a site visit, and complainants informed. Case closed.	
Brotherton Quarry	Selby	1	Alleged debris on highway	28/02/17	Site operator contacted, who explained that measures were being taken to ensure cleanliness of the highway on a daily basis. NYCC Highways confirmed no issues. Case closed.	Yes
off Bogs Lane, Bilton, Harrogate	Harrogate	1	Alleged disposal of construction waste on land	24/03/17	M & C Officer visited site and is awaiting land registry results to be able to progress complaint. Case on-going.	No
Brickworks Plantation, Easingwold	Hambleton	1	Alleged tipping of waste clays and soils on land	27/03/17	Development understood to possibly be in relation to planning permission granted by Hambleton District Council for the erection of holiday lodges etc. M & C Officer awaiting confirmation from Hambleton DC. Case on-going.	No
County Council Development						
Richmond CE Primary School	Richmonds hire	1	Alleged unauthorised erection of fence	06/01/17	Erection fence up to two metres high was deemed as permitted development. Case closed.	Yes
Former Hirst Courtney School, Selby	Selby	1	Alleged demolition contrary to planning permission for conversion of the school into living accommodation	30/03/17	Planning permission granted by Selby District Council and therefore referred to them. Case closed.	Yes

Table 2 – Updates on ‘live’ complaints/alleged breaches of planning control received prior to this quarter

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
County Matters						
Pollington Airfield	Selby	1	Alleged non-compliance with conditions relating to storage of waste and dust	29/11/16	M & C Officer attended committee site visit to observe site and operations. Case on-going.	No.
Whitewall Quarry	Ryedale	13	Noise	Various dates between 17/10/16 and 20/12/16	Investigations ongoing with regard to noise complaints. Case on-going.	No.
County Council Development						
None.						

Table 3 – Number of complaints/alleged breaches of planning control received by quarter

2016/17	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of complaints/alleged breaches of planning control received	50	33 Cumulative total no. 83	16 Cumulative total no. 99	24 Cumulative total no. 123

Table 4 – Number of complaints/alleged breaches of planning control resolved by quarter

2016/17	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
Number of complaints of the total number of 'live' complaints resolved	2% (no. 1/50)	21% (no. 7/33) Cumulative total 10% (no. 8/83)	13% (no. 2/16) Cumulative total 10% (no. 10/99)	38% (no. 9/24) Cumulative total 15% (no. 19/123)

Table 5 – Number of complaints/alleged breaches of planning control resolved by quarter

2016/17	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
Number of resolved complaints resolved within 20 days of receipt	100% (no. 1/1)	86% (no. 6/7) Cumulative total 88% (no. 7/8)	100% (no. 2/2) Cumulative total 90% (no. 9/10)	89% (no. 8/9) Cumulative total 89% (no. 17/19)

Existing Enforcement Issues

Formal Enforcement notices served by the County Council

No notices were served during this period.

Table 6- Monitoring and Compliance Visits undertaken in Quarter 4 (Minerals and Waste Sites only)

Site	District	Date Visited
Scorton Quarry	Richmondshire	31/01/17
Smaws Quarry	Selby	03/02/17
Went Edge Quarry	Selby	08/02/17
Escrick Brickworks	Selby	10/02/17
Ripon Quarry	Harrogate	23/02/17
Womersley Quarry	Selby	27/02/17
Coldstones Quarry	Harrogate	02/03/17
Pickering Wellsite	Ryedale	10/03/17
Blubberhouses Quarry	Craven	15/03/17
Hemingbrough Clay Pit	Selby	21/03/17
Barnsdale Bar Quarry	Selby	23/03/17

Author of report: Amy Taylor – Monitoring & Compliance Officer