

Agenda

Meeting: Planning and Regulatory Functions Committee

**Venue: The Grand Meeting Room,
County Hall, Northallerton**

**Date: Tuesday, 24 October 2017 at
10.00 a.m.**

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Business

1. **Minutes of the Meeting held on 29 August 2017.**

(Pages 4 to 16)

2. **Declarations of Interest.**

3. **Public Questions or Statements.**

Members of the public may ask questions or make statements at this meeting if they have given notice of their question/statement to Steve Loach of Democratic Services (*contact details below*) by midday on Thursday 19 October 2017. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

Continued overleaf/...

- at this point in the meeting if their questions/statements relate to matters which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes); or
- when the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman, who will instruct anyone who may be taking a recording to cease while you speak.

County Council Developments

4. **C1/17/00548/CM – (NY/2017/0160/73A)** - Application to vary Condition No. 2 of Planning Permission Ref. No. C1/13/00022/CM to permit unrestricted hours of use of the sports pavilion at Richmond School, Darlington Road, Richmond, DL10 7BQ
(Pages 17 to 42)

General

5. **Items dealt with under the Scheme of Delegation** **(Pages 43 to 47)**
6. **Conferment of the Title of Honorary Alderman – Report of the Assistant Chief Executive (Legal and Democratic Services).**
(Pages 48 to 49)
7. **Other business which the Chairman agrees should be considered as a matter of urgency because of special circumstances.**

PLEASE NOTE:-

Should it become apparent that the meeting will extend into the afternoon a lunch break will be taken at around 1pm

Barry Khan
Assistant Chief Executive (Legal and Democratic Services)
County Hall
Northallerton

16th October 2017

NOTES: Emergency procedures for Meetings

Fire

The fire evacuation alarm is a continuous Klaxon. On hearing this you should leave the building by the nearest safe fire exit. Once outside the building please proceed to the fire assembly point outside the main entrance. Persons should not re-enter the building until authorised to do so by the Fire and Rescue Service or the Emergency Co-ordinator.

An intermittent alarm indicates an emergency in nearby building. It is not necessary to evacuate the building but you should be ready for instructions from the Fire Warden.

Accident or Illness

First Aid treatment can be obtained by telephoning Extension 7575.

Planning and Regulatory Functions Committee

1. Membership

County Councillors (11)						
	<i>Councillors Names</i>				<i>Political Party</i>	
1	BLADES, David (Vice-Chairman)				Conservative	
2	BROADBENT, Eric				Labour	
3	HESELTINE, Robert				Independent	
4	HUGILL, David				Conservative	
5	JORDAN, Mike				Conservative	
6	McCARTNEY, John				NY Independent	
7	METCALFE, Zoe				Conservative	
8	MUSGRAVE, Richard				Conservative	
9	PEARSON, Chris				Conservative	
10	PEARSON, Clive				Conservative	
11	SOWRAY, Peter (Chairman)				Conservative	
Total Membership – (11)				Quorum – (3)		
Con	Lib Dem	NY Ind	Labour	Ind	Total	
8	0	1	1	1	11	

2. Substitute Members

Conservative		Labour	
	<i>Councillors Names</i>		<i>Councillors Names</i>
1	WELCH, Richard	1	RANDERSON, Tony
2		2	
3		3	
4			
5			
NY Independent			
	<i>Councillors Names</i>		
1			
2			
3			
4			
5			

North Yorkshire County Council

Planning and Regulatory Functions Committee

Minutes of the meeting held at County Hall, Northallerton on 29 August 2017 at 10.00 am.

Present:-

County Councillors Peter Sowray (Chairman), David Blades, Eric Broadbent, Robert Heseltine, David Hugill, Mike Jordan, John McCartney, Zoe Metcalfe, Richard Musgrave, Chris Pearson, and Clive Pearson.

There were seven members of the public in attendance.

Copies of all documents considered are in the Minute Book

19. Minutes

Resolved -

That the Minutes of the meeting held on 18 July 2017, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

20. Declarations of Interest

County Councillor Zoe Metcalfe declared an interest in respect of the applications at Minute No. 22 (C3/16/01918/CPO - (NY/2016/0194/ENV)) and Minute No. 23 (C3/17/00064/CPO – (NY/2017/0129/FUL) in relation to her having a conflict of interest due to a member of her extended family being the owner of Scampston Hall, which has a boundary with the application site and her having free use of the Hall for a charity event. She considered that the connection could give rise to an appearance of a lack of impartiality and, therefore, she withdrew from the meeting during consideration of these Items and took no part in the discussion or vote thereon.

21. Public Questions or Statements

A representative of the Assistant Chief Executive (Legal and Democratic Services) 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 during consideration of those Items, there were no public questions or statements from members of the public.

Councillor Metcalfe left the Chamber for the consideration of this Item.

22. C3/16/01918/CPO – (NY/2016/0194/ENV) - Erection of a Green Energy Facility (6,342 sq. metres) (energy from waste via gasification), office reception building (91 sq. metres), substation and 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 at Land to the South of Knapton Quarry/Landfill Site, Knapton

Considered -

The report of the Corporate Director - Business and Environmental Services, requesting Members to determine a planning application, as outlined above.

The application was subject to 18 objections having been raised by local members of the public (summarised in paragraph 5.4 of the report), an objection from the County Council's Principal Landscape Architect and also significant concerns raised by Ryedale District Council, the North Yorkshire Moors National Parks Authority National Trails Officer and Wintringham and Scampston Parish Councils (Section 4 of the report). The application was, therefore, reported to the Committee for determination.

This application had been deferred at the last meeting of the Committee on 18 July 2017.

The Chairman advised that on 18 August 2017 the Applicant (Tetragen) had circulated a brochure to all Members of the Committee which set out potential amendments to the proposed development and requested consideration of the deferral of the application to allow the formal submission of the amendments to the Authority. The reason stated was that the Applicant had suggestions for changes to the proposed development that could reduce or mitigate the perceived impacts and felt that these improvements could be made if there was further dialogue with officers.

The Chairman commented that, should the Committee be minded to agree to defer the application, for what would be a second time, this should not be taken in any way by the applicant as making approval of the application any more or less likely when it is next considered by the Committee.

It was moved and seconded that the application be deferred.

A Member stated that, whilst he was not speaking against the Motion for deferment, he felt that it was important that officers worked through any issues with the applicant, as the Committee could not continue to be asked to defer this matter.

On being put to the vote, the motion was approved. Therefore, it was

Resolved -

That the above application be deferred for consideration at a subsequent meeting to enable further discussions between officers and the applicant.

Councillor Metcalfe left the Chamber for the consideration of this Item.

- 23. C3/17/00604/CPO - (NY/2017/0129/FUL) - Retention and change of use of existing waste transfer buildings and associated yard, weighbridge and ancillary structures to allow for waste recycling and pre-treatment operations on land at Knapton Quarry Landfill Site, Knapton, Y017 8JA, on behalf of FD Todd and Sons Ltd**

Considered -

The report of the Corporate Director, Business and Environmental Services, requesting Members to determine an application for the retention and change of use of existing waste transfer buildings and associated yard, weighbridge and ancillary structures to allow for waste recycling and pre-treatment operations on land at Knapton Quarry Landfill Site, Knapton.

The application was subject to an objection having been raised by the County Council's Principal Landscape Architect and objections and concerns raised by two local residents and Heslerton Parish Council and was, therefore, reported to the Committee for determination.

A Member commented that this application was linked closely to the application at Minute No. 22, above, which had been deferred. He therefore proposed that the application be deferred, without prejudice, to enable further dialogue between officers and the applicant.

On being seconded, the Motion was put to the vote and was carried. Therefore, it was

Resolved -

That consideration of the above application be deferred, without prejudice, to a subsequent meeting, to allow further dialogue between officers and the applicant.

24. C6/500/95/D/CMA – (NY/2011/0429/ENV) - Extension to existing sand and gravel workings at Ripon Quarry, North Stainley, Ripon, North Yorkshire, HG3 3HT on behalf of Hanson Quarry Products Europe Ltd

Considered –

The report of the Corporate Director, Business and Environmental Services, requesting Members to determine a planning application for an extension to existing sand and gravel workings on land at Ripon Quarry, North Stainley, Ripon, North Yorkshire, on behalf of Hanson Quarry Products Europe Ltd.

Whilst the application was not subject to objections having been raised by those statutorily consulted on behalf of the County Planning Authority, or from those with whom discretionary consultations have been undertaken, representations had been made by three local residents and, therefore, in accord with Schedule 4 of the County Council's adopted Officers' Scheme of Delegation in its *Constitution*, this application was brought before the Committee for determination.

The matters raised in representation included, *inter alia*, the lack of adherence to the previously imposed time limit; impacts upon residential amenity including noise, alleged out-of-hours working; impacts upon hydrology, archaeology and ecology and the lack of public consultation.

The Head of Planning Services presented the report, highlighting the proposal; the site description; the consultations that had taken place; the advertisement and representations; planning guidance and policy; planning considerations; and provided a conclusion and recommendation.

Detailed plans, photographs and visual information were presented to complement the report.

Members undertook a discussion of the application and the following issues and points were raised:-

- Some people had issues with de-watering and a farmer had said that it was impossible to farm land which had been de-watered. The Head of Planning Services outlined the process involved in de-watering where, essentially, the de-watering pumps ensured that water levels were suppressed during restoration works. Then, over time, the water level re-establishes itself to the former level.

- Where was West Tanfield on the Plan presented? The Head of Planning Services advised that it was not on the Plan, but it was referred to in Section 2 of the report. West Tanfield was 4.5 kilometres from the development.
- Were the pumps turned off in the evening? The Head of Planning Service responded that the pumps were kept on overnight. However, they were surrounded by noise attenuation measures and modern pumps, such as these, were far quieter than their predecessors. The Company was aware of this issue and had implemented measures to support noise reduction.
- Was a list of sites of aggregate resources kept? The Head of Planning Services confirmed this was the case and there was a regular survey of all mineral operators to ascertain how much was being sold off-site.
- Did the application involve moving the Gas Pipe, as this could cause difficulties? The Head of Planning Services responded that as a statutory undertaker, the Gas Provider, had permitted development rights and this would be part of the process following determination.
- It was understood that southern distribution areas could be exhausted if this demand was not looked at. How bad was the situation? The Head of Planning Services advised that there was no cause for concern over the “at least seven years” landbank requirement. As sites were worked out, the Plan would be reviewed. The amount of mineral required depends on factors such as house building. At the current rate of house building, the limit would be reached sooner rather than later.
- There had been problems in Scarborough with springs. Were officers aware of any issues? The Head of Planning Services responded that an Impact Assessment had identified that work could be carried out without causing any harm to springs.

Resolved -

That, subject to the prior completion of a Section 106 Agreement, the application be approved for the reasons stated within the report and subject to the Conditions detailed within the draft Schedule of Conditions.

- 25. C8/45/13AL/PA – (NY/2016/0185/ENV) - 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 engineering fill from the existing waste treatment facility to create 1 in 2.5 slopes against the exposed face at Went Edge Quarry, Went Edge Road, Kirk Smeaton, Selby, WF8 3LU on behalf of Went Valley Aggregates and recycling Limited**

Considered -

The report of the Corporate Director, Business and Environmental Services, requesting Members to determine a planning application, as outlined above.

This application was subject to 95 objections having been raised by members of the public in respect of this proposal (summarised in paragraph 5.5 of this report) and objections from Kirk Smeaton and Little Smeaton Parish Councils (summarised in paragraphs 4.11 & 4.12 of this report) and was, therefore, reported to this Committee

Submissions from objectors

The Chairman reported that written representations, against the application, had been received from Martin Gough and Gillian Ivey, Vice Chair of Little Smeaton Parish Council (on behalf of the Parish Council) and he asked the Clerk to read these out.

The Clerk read out the submissions received:-

Mr. Martin Gough

1. *Most of the jobs are for HGV drivers - there is at present a shortage for HVG drivers. I understand the current drivers are on contract anyway.*
2. *Could you please give me a list of the other limescale sites that were considered as I cannot believe that this area is the only one in the country.*
3. *The road cannot withstand the HGV traffic. Just take a look.*

Also, the main issue is that the lorries pull out and this is just an accident waiting to happen

Gillian Ivey, Vice Chair Little Smeaton Parish Council

Dear County Councillors

I write on behalf of Little Smeaton Parish Council regarding planning application NY2016/0185/ENV for determination by committee today 29.08.17

We apologise that we are unable to attend in person.

We note that the officers' recommendation is for approval and we understand this, as the site is part of the North Yorkshire Minerals and Waste Plan.

Our residents are extremely concerned however regarding the large numbers of vehicle movements each day, the dirty state of Wentedge Road near the quarry entrance and the very poor state of the road surface particularly at the T. junction with the B6474.

For several years now our residents who use that road to access the A1 have reported the dirt and dust on their cars, the careless way that the HGV's round the corner at the junction mentioned above; and on occasions a chip in their car or cracked windscreen caused by a stone falling off the back of an HGV.

Indeed we have written to the County Council about these matters on a previous occasion.

We anticipate that the agent for the applicant will say that everything possible has been done to keep the road clean, but whatever has been done is not sufficient and not acceptable.

We have been promised on several occasions that the potholes will be filled in at the junction Wentedge Road/B6474, but unless they have been done in the last week, then this promise has not been kept.

We are concerned therefore on behalf of Little Smeaton residents who use Wentedge Road on a regular basis, that your approval of this application will simply give permission for the situation described above to continue.

We suggest, should the committee be minded to grant approval, that.....

- a) *Stricter conditions be put in place*
- b) *A local liaison committee be formed at which parish councillors from both Smeaton villages can have their say face to face with the quarry management, and ensure that residents concerns are heard, discussed and acted upon.*

In addition to the above written representations, Mary McCartney attended the meeting and also spoke against the application.

Mary McCartney

Mary McCartney addressed the Committee and made the following points in particular:-

- This application was not consistent with previous decisions of the Committee.
- It seems to depend upon where greenfield land is. In this case, the application was within the green belt and was being recommended for approval, yet other applications within a green belt have been recommended for refusal.
- Planning Policy promotes the protection of valued landscapes such as this.
- Some of the points made in the report presented to the meeting today concerning the application relating to Knapton Quarry, did not seem to stretch/apply to Selby.
- There have already been two previous occasions where there were good reasons not to approve such applications, but the Committee nodded them through.
- For there to be 95 objections in such a small area is amazing and illustrates the strength of feeling.
- The Committee, had the power to do something about this.
- If the application were to be approved, the suggestion by the Parish Council for there to be a Local Liaison Committee would be of some help and this Committee should consider agreeing to that.

Submission by the applicant

John Carlon, of Cromwell Wood Estate Company, the agent, on behalf of the applicant, addressed the Committee.

He thanked the officers for their advice and made the following points:-

- Leaflets distributed in the villages concerned, discussed an increase in traffic and landfill. This was not correct.
- The material is inert. It is tipped against the quarry face and then covered with soil.
- With regard to the A6474, all work traffic turns right out of the site to join the A1 after 600 metres.
- The national speed limit had to be adhered to.
- HGV drivers operated under a “three strikes and you are out” system.

- The report, which recommended approval to the application, was substantial and comprehensive.
- He hoped that the Committee would approve the application which would help to continue to provide employment for people in the area and security for their families.

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 provided a conclusion and recommendation.

Detailed plans, photographs and visual information were presented to complement the report.

An Addendum to the report had been circulated which contained amendments to the suggested Condition Nos. 21 and 27 and the insertion of an additional condition as set out below:-

Condition 21 – to be amended to read:

Within 1 month of the date of this planning permission and prior to the commencement of mineral extraction within Area 6, a Written Scheme of Investigation shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include an assessment of significance and research questions; and:

- i. The programme and methodology of site investigation and recording;*
- ii. Community involvement and/or outreach proposals;*
- iii. The programme for post investigation assessment;*
- iv. Provision to be made for analysis of the site investigation and recording;*
- v. Provision to be made for publication and dissemination of the analysis and records of the site investigation;*
- vi. Provision to be made for archive deposition of the analysis and records of the site investigation; and*
- vii. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.*

No development shall take place other than in accordance with the approved Written Scheme of Investigation.

Inclusion of additional condition to read:

Within 6 months of completing the archaeological field investigations in Area 7, a report which shall comprise of an assessment of the archaeological remains recovered from the site and an outline of the subsequent programme of analyses, publication (including a date for publication) and archiving, shall be submitted to and approved in writing by the County Planning Authority. The programme of analyses, publication and archiving shall thereafter be carried out in accordance with the details thus approved, and in accordance with a timetable agreed in writing with the County Planning Authority.

Condition 27 – to be amended to read:

The existing wheel wash facilities shall be kept in full working order at all times. All vehicles involved in the transport of materials or finished products to or from the site shall be thoroughly cleaned before leaving the site so that no mud or detritus are deposited on the public highway.

Members undertook a discussion of the application and the following issues and points were raised:-

- The Chairman asked the representative of the Head of Planning Services to comment on the proposal by the Little Smeaton Parish Council that a Local Liaison Committee be established. He also sought confirmation that it was the case that traffic was routed direct to the A1.

The Head of Planning Services advised that it would be permissible to have a Local Liaison Committee, should this Committee be agreeable to that proposal and confirmed that traffic was routed direct to the A1, but this was not conditioned.

The representative of the Assistant Chief Executive (Legal and Democratic Services) advised the Committee that she had some concerns as to how a Local Liaison Committee could be incorporated into the terms of the agreement. Terms of Reference for the Local Liaison Committee would be required.

The Head of Planning Services advised that it had to be considered reasonable and appropriate for Members to consider the establishment of a Local Liaison Committee.

- A Member commented that, in his Ward, there were Committees similar to the Local Liaison Committee that was being proposed and the arrangement worked well in sorting out issues that arose.

The agent for the applicant informed the Committee that he had been involved in working with Local Liaison Committees previously. The owner of the Company was in regular contact with Kirk Smeaton Parish Council and there was a good relationship between the two Parish Councils and the applicant. Therefore, he did not see this as a problem and would be happy to organise the setting up of a Local Liaison Committee and liaise with the two Parish Councils and the wider community.

- A Member sought clarification as to the point that Mr. Gough was making in his written submission where he said *“Most of the jobs are for HGV drivers - there is at present a shortage for HVG drivers. I understand the current drivers are on contract anyway.”* The Head of Planning Services felt that the point being made here was that there is a shortage of HGV drivers.
- The 95 objections had been summarised briefly at paragraph 5.5 of the report and had then only been referred to further at paragraph 7.42. Nowhere else in the report was any mention made of objections having been raised or responded to. In the Member’s view, the objections seemed to have been ignored.

The representative of the Head of Planning Services responded that reference to addressing the objectors concerns had been made in several parts of the report. For example, paragraph at paragraph 7.12 objections were noted in relation to the impact upon local amenity and the cumulative aspects of dust from continued quarry operations and, in acknowledgement of the potential for dust emissions to be generated from the proposed extraction of limestone at the site, which could have an impact upon the local amenity, an Air Quality Assessment had been submitted by the applicant. This had indicated that PM10 levels associated with health issues were unlikely to be emitted and there was no risk to the health of people from emissions at the quarry or the health of the flora in the area.

He added that the objections had been summarised. This was normal practice.

- A Member felt that officers should ask themselves why had this application led to 95 objections? This should be a perfect site, so why had there been so many people objecting to the application. Serious issues had been raised and there was amazing strength of feeling from local people.

- The application was dated 28th November 2016 and appeared to be very retrospective. Area 5 had been quarried and the company had adopted a cavalier approach. The representative of the Head of Planning Services advised that, although there had been some extraction of Area 5, none of this had taken place prior to approval.
- Reference had been made to the Selby Green Belt. This does not exist.
- It seemed that no comments had been received from Selby District Council. The representative of the Head of Planning Services said that comments had been received from the District Council's Environmental Health Section.
- If there was such a great relationship between the company and the local community, then how is it that there are so many objections? The proposed Committee needed to be regularised and part of a Section 106 Agreement.

The representative of the Assistant Chief Executive (Legal and Democratic Services) suggested that Terms of Reference for the proposed Local Liaison Committee be delegated to the Head of Planning Services, should Members agree to this. If it was not possible for this to be resolved and incorporated into a Section 106 Agreement, the matter would be brought back to the Committee.

- No objections about noise or air quality had been raised. There was a good after care Plan. It was appreciated that there were a lot of objections but a lot of the concerns had been answered

A Member moved that the recommendations be approved, with the addition that Terms of Reference be established for a Local Liaison Committee (and delegation to the Head of Planning Services to agree the Terms of Reference) and subject to it being a Condition that all lorries in or out of the site drive immediately to the A1.

On being seconded, the Motion was put to the vote and was carried.

NOTE: Councillor Heseltine asked that it be recorded he abstained.

Resolved –

That planning permission be granted for the reasons stated within the report, subject to the Conditions detailed in the report and in the addendum to it, and also subject to the following:-

- a) Prior completion of a Legal Agreement relating to a Restoration, Aftercare and Management Plan; Local Liaison Committee; and a Traffic Route Agreement/condition that all lorries in or out of the site drive immediately to/from the A1.
- b) Delegation to the Head of Planning Services to agree the Terms of Reference being agreed for the establishment of a Local Liaison Committee to be incorporated into a Section 106 Agreement.

26. C8/2017/0516/CPO – (NY/2017/0041/FUL) - Extraction of the residual deposit of sand from land west of the sandpit until 6 January 2019 at Eggborough Sandpit, Weeland Road, Hensall, Goole, North Yorkshire, DN14 0RL

A report by the Corporate Director, Business and Environmental Services, was presented which requested the Committee to determine a planning application for the extraction of

the residual deposit of sand from land west of the sandpit until 6 January 2019 on land at Eggborough Sandpit, Weeland Road, Hensall, Goole, North Yorkshire, DN14 0RL, on behalf of Mone Bros.

This application was subject to an objection having been raised in respect of this proposal on the grounds of this slowing down the restoration of the site and the continuation effects of noise from the site and was, therefore, reported to this Committee for determination.

Submissions from objectors

Mr. Laurenson

Mr. Laurenson addressed the Committee and made the following points, in particular:-

- This was originally approved in 2008 and it was said then that the area would be restored to farmland in two or three years. Nine years on, there had been minimal reinstatement.
- There was no sign that the extraction was coming to an end and now more work was being proposed.
- The company will want more landfill and this would prolong people's misery.
- The work blights our local environment.
- There was no timetable for reinstatement. I would suggest this be 2019.
- Experience elsewhere was that reinstatement does not happen and was not enforced.
- The surrounding road is brown and covered in dust.

The representative of the Head of Planning Services presented the report, highlighting the proposal; the site description; the consultations that had taken place; the advertisement and representations; planning guidance and policy; planning considerations; and provided a conclusion and recommendation.

Detailed plans, photographs and visual information were presented to complement the report.

The representative of the Head of Planning Services informed the Committee of the following updates to the report:-

- On 11th August 2017, Network Rail Had advised that they had no objection to the proposal.
- At paragraph 7.10, third line, where there was a house name missing, this should say "Springfield House" to the north.

Members undertook a discussion of the application and the following issues and points were raised:-

- Regarding the state of the road, that had been referred to, were wheel wash facilities working and, if they were, why was there sand and mud on the road? The representative of the Head of Planning Services advised that no complaints

had been received and the Highways Authority had not raised any concerns about this.

- If the changes to delegation arrangements had been approved, this report need not have been considered by Committee. The Head of Planning Services advised that the request to amend delegation arrangements would be considered by the Constitution Working Party at its next meeting.
- One objection had received eleven lines in this report - the previous report (Minute No.25) contained eleven lines covering 95 objectors.
- There had never been a complaint. This is a site that does not cause any bother to the enforcement office.

Resolved -

That the application be approved for the reasons stated within the report and subject to the conditions detailed in the report.

27. C8/137/177E/PA – (NY/2017/0038/FUL) - Variation of Condition No. 6 of Planning Permission Ref. C8/2015/0769/CPO for the reduction of the frequency of the noise monitoring reports to be carried out on an annual basis at Eggborough Sandpit, Weeland Road, Hensall, Goole, North Yorkshire, DN14 0RL

Considered –

The report of the Corporate Director, Business and Environment Services, which requested the Committee to determine a planning application for the variation of Condition No. 6 of Planning Permission Ref. C8/2015/0769/CPO for the reduction of the frequency of the noise monitoring reports to be carried out on an annual basis on land at Eggborough Sandpit, Weeland Road, Hensall, Goole, North Yorkshire, DN14 0RL on behalf of Mone Bros.

The application was subject to an objection having been raised in respect of this proposal on the grounds of reducing on-site controls and was, therefore, reported to this Committee for determination.

Submissions from objectors

Mr. Laurenson

Mr. Laurenson addressed the Committee and made the following points, in particular:-

- It was said that there could be no further sand extraction at the site.
- The application just approved had many noise regulating conditions attached to it.
- This would extend the area of devastation around Hensall for many years.

The representative of the Head of Planning Services presented the report, highlighting the proposal; the site description; the consultations that had taken place; the advertisement and representations; planning guidance and policy; planning considerations; and provided a conclusion and recommendation.

Detailed plans, photographs and visual information were presented to complement the report.

The representative of the Head of Planning Services advised that:-

- at paragraph 7.11 of the report the final sentence should read “Condition 19 has been amended”;
- the approved monitoring was currently carried out in three-monthly intervals, with an annual report being made. The application sought to vary this to annual monitoring – still with an annual report. The applicant had requested this as noise level permissions had never been exceeded and no complaints had ever been received; and
- should noise levels at any stage exceed permitted levels, this would be rectified immediately and additional noise monitoring would be undertaken.

Members undertook a discussion of the application and the following issues and points were raised:-

- What are the maximum noise levels permitted for this application?
The representative of the Head of Planning Services advised that it was seven decibels.
- This operation is working brilliantly – if it is not broke, do not change it. If monitoring was changed to annually, there could be complaints. Would it then be possible to reinstate quarterly monitoring?

The representative of the Head of Planning Services advised that if any complaints were received in regards to noise, the permitted levels for which would not increase as a result of this application, the County Council would still have enforcement powers on the site to control its operation.

It was proposed and seconded that the application be not approved on the basis that there seemed no point in changing something that worked well.

The Head of Planning Services advised that the application from the smaller area had noise monitoring on an annual basis. This application, for a larger area, if refused, would have four times more monitoring than for the smaller area.

The Member who moved the Motion then indicated that he wished to withdraw it.

It was then moved and seconded that the application be approved.

On being put to the vote the Motion was carried and it was, therefore,

Resolved:-

That planning permission be granted for the reasons stated within the report, subject to the Conditions detailed.

28. Items dealt with under the Scheme of Delegation

Considered -

The report of the Corporate Director - Business and Environmental Services, outlining the Items dealt with under the Scheme of Delegation between 19 June and 30 July 2017 inclusive.

Resolved -

That the report be noted.

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

Considered –

The report of the Corporate Director, Business and Environment Services which outlined the County Council's performance in the handling of 'County Matter' and County Council development planning applications for Quarter 1 (the period 1 April 2017 to 30 June 2017).

Information on Enforcement Cases was attached as an Appendix.

The Head of Planning Services drew Members attention to page 378 of the papers which showed that the County Council's performance was 88.9%. The threshold was 60% so the County Council was performing well above that.

Resolved –

That the report be noted.

The meeting concluded at 12.45 p.m.

PD

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

24 October 2017

C1/17/00548/CM - Planning Application to vary Condition No. 2 of Planning Permission Ref. No. C1/13/00022/CM to extend the hours of use of the Sports Pavilion on land at Richmond School, Darlington Road, Richmond, DL10 7BQ on behalf of Richmond School (Richmondshire District) (Richmond Electoral Division)

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of the report

- 1.1 To determine a planning application to vary condition No. 2 of Planning Permission Ref. No. C1/13/00022/CM to extend the hours of use of the sports pavilion on land at Richmond School, Darlington Road, Richmond, DL10 7BQ on behalf of Richmond School.
- 1.2 This application is subject to objections raised by Richmondshire District Council (Planning), Richmond Town Council and 12 local residents on the grounds of noise and light disturbance, need for extension to permitted hours, traffic movements and parking and management and security of the pavilion and fear of crime and is, therefore, reported to this Committee for determination.

2.0 Background

Site Description

- 2.1 Richmond School is located on Darlington Road towards the east of the town of Richmond. The area of the school site is approximately 13 hectares, with the school buildings located towards the northeast of the site.
- 2.2 Part of the original school building dates back to 1938 and was designated a Grade II Listing building in 1971 (former Richmond Girl's High School). The school is constructed from a variety of materials and the most prominent of these materials is buff coloured brick and the flat roof is covered with mineral felt.
- 2.3 The sports pavilion is a two-storey building constructed of natural stone which is located towards the south of the school site, central to the sports pitches including football, hockey, cricket, rugby and athletics as well as the floodlit multi-use games area (MUGA) which is located directly to the north of the building. The erection of the sports pavilion was granted on the basis of dual use for both the school and community (outside of school hours).
- 2.4 To the north of the school site is the public highway of Darlington Road. This is also where vehicular access is gained to the site. To the north east are Richmond Methodist Primary School, St Mary's Roman Catholic Primary School and St Francis Xavier School. Located approximately 200 metres towards the east of the school building are semi-detached residential properties on Whitefields Drive. These buildings are

constructed from red brick and the pitched roofs are covered with pantile roof tiles and are separated from Richmond School by the playing field of St Mary's Roman Catholic Primary School. Located towards the south of the site is the public highway Maison Dieu and agricultural fields. Approximately 125 metres west of the application site (the sports pavilion) is 'The Crescent' which is predominantly occupied by two storey detached properties, which leads to onto 'The Avenue'. Cross Lane runs parallel to the eastern boundary of the site.

2.5 Within the school site the listed building is located towards the south of the school buildings. The car park is located towards the north and the grassed playing field is located towards the east and south. There is also a floodlit Multi Use Games Area located to the north of the application site (on the southern side of the main school site).

2.6 A plan showing the application site is attached to this report.

Planning History

2.7 Richmond School has been subject to numerous previous planning approvals over the past several years for a variety of developments including proposals for the major redevelopment of the school approved in May 2007 application reference C1/92E/1864E(i)/CM and subsequent revised permissions in 2009 (ref C1/92E/1864E/CM) and 2010 (ref. C1/92E/1864H/CM). The development comprised the demolition and replacement of existing older school buildings, excluding the former Grade II Listed Girl's school building and the later rectilinear building both of which underwent refurbishment and the construction of a new sports hall located adjoining the north east elevation of the rectilinear building.

2.8 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -

- Planning Permission ref C1/13/00022/CM dated 13 May 2013 for the erection of a two storey sports pavilion and demolition of the existing equipment store. Granted and implemented.

2.9 The planning condition the subject of this application is:

Condition 2 of Planning Permission ref C1/13/00022/CM:-

"The development hereby permitted shall be carried out in accordance with the application details dated 5 December 2012 as amended and the 'Approved Documents' listed at the end of this Decision Notice."

Reason:-

"To ensure that the development is carried out in accordance with the application details."

2.10 There are no specific conditions on the extant permission that restrict the hours of use of the pavilion, and so reliance is upon condition 2 which refers to the application details, within which the hours are specified on the application form, which are:

08:30 - 21:30 – Monday to Friday
09:00 – 18:00 – Saturdays

3.0 The proposal

- 3.1 Planning permission is sought to vary condition No. 2 of Planning Permission Ref. No. C1/13/00022/CM to extend the hours of use of the sports pavilion on land at Richmond School, Darlington Road, Richmond, DL10 7BQ on behalf of Richmond School.
- 3.2 Initially, planning permission was sought to vary the same condition to permit unrestricted hours of use of the sports pavilion, however since the submission of the application and following consultation responses and representations received, discussions have taken place between the applicant and the County Planning Authority which has resulted in the application being amended (as per the revised description of the proposal stated above).
- 3.3 The sports pavilion, completed in August 2015, is a two-storey building constructed of natural stone. The building measures 30 metres in length by 9.6 metres in width (floor area of approximately 290 square metres). On the south-west elevation the building stands approximately 4.5 metres above ground level (one storey) whereas on the north-east elevation, due to the change in levels the building is cut into the embankment, the building stands at a height of 7.4 metres above ground level. The roof covering is dark coloured interlocking concrete tiles and the windows are white UPVC double glazed units and the entrance points are via painted hardwood doors.
- 3.4 The building comprises six changing rooms at ground floor level together with equipment stores, lobby areas and showers. The first floor comprises a multi-function room, classroom, kitchen area, officials changing areas, boiler room, medical room and toilets (see Appendix B). The multi-function room is used for overspill of sports lessons including yoga, drama and dance classes, as well as meetings and training sessions and socially during and after sporting events on site. On the north-east facing elevation there is an open viewing platform at first floor level which faces out onto the astroturf pitch to the north. There is also an open viewing platform at first floor level on the eastern elevation (facing east). There are two entrances on the north-east facing elevation and one central door entrance on the south-west elevation. A clock is set above the central entrance and there is a weather vane feature on the roof.
- 3.5 The pavilion is used by students, staff and local clubs both as a school and community focal point for sport in the local area. The school has confirmed that the pavilion is an initiative which is financially supported by Richmond School, Sport England, Ministry of Defence and community clubs for Football, Hockey and Cricket.
- 3.6 In the supporting information dated 18 July 2017, the Headteacher of Richmond School confirms *“since initial planning and building of the facility we have improved the facilities around the grounds and with collaboration with Richmond Cricket Club, Richmondshire District Council (Communities Opportunities Fun) and England Cricket funding we have been able to provide an excellent cricket pitch for both school and the community. This summer use for cricket compliments the autumn and winter use for football, hockey and rugby. Due to all the above initiatives we have had to review the opening times of the pavilion to support of these excellent community activities.”*
- 3.7 The use of the sports facilities at Richmond School rely on the use of the sports pavilion for changing, toilet facilities and refreshments. The pavilion is also used by spectators. The pavilion serves the football pitch to the immediate west of the sports pavilion and use of this pitch by junior league football clubs on a Sunday, as well as the cricket, hockey and rugby pitches as well as the MUGA to the immediate north of the building. At present, the hours of use of the sports pavilion, as set out in the previously approved planning application, are:

08:30 - 21:30 – Monday to Friday

09:00 – 18:00 – Saturdays

- 3.8 The School have confirmed that sports pitches are used, without restriction, outside of these hours and to use the adjacent sports pavilion for changing facilities, toilet facilities and refreshments during these hours would be preferable to using the facilities within the sports hall at the far north east end of the site. Spectators also make use of the pavilion during various sporting tournaments on the surrounding pitches.
- 3.9 Richmond School have also confirmed that the pavilion is used socially, following the sports events at the school grounds and the extension to permitted hours would allow this to continue.

4.0 Consultations

- 4.1 The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 28 July 2017 (for unrestricted hours) and the subsequent re-consultation on 27 September 2017 following the change of description to reflect the proposal changing to extend the hours of use but not to un-restrict them.
- 4.2 **Richmondshire District Council (Planning)** – responded to the initial consultation on 11 September 2017, stating that:-

“It is considered that ‘unrestricted hours of use’ in an area that is predominantly residential does have the potential to cause nuisance to neighbours and as such I am writing to advise that Richmondshire District Council OBJECTS to the proposal without any specific controls over the hours of use and associated access and car parking.

It is recommended that, if planning permission is to be granted, the application be amended and the following conditional restrictions be imposed:

- *Hours of use be restricted to avoid late night disturbance – it is suggested a limit to say 10:30pm Mondays to Thursdays, Sundays and Bank Holidays; and to say 11:30pm on Friday/Saturday nights.*
 - *Access and parking in association with the sports pavilion be restricted to the main school entrance and car park off Darlington Road and no access from The Crescent.*
 - *No amplified music or live music outside of the pavilion, with amplified music attenuated to avoid noise nuisance to neighbouring residential properties.*
 - *Windows and doors of the pavilion closed when amplified music or live music is being played – in restricting noise levels ensuring that it cannot be heard beyond the boundaries of the playing field.*
 - *No fireworks or pyrotechnics.*
 - *No marquees.*
 - *A limitation to the number of evening social events throughout the year.*
 - *In terms of management of the sports pavilion, a requirement to notify neighbours in advance of any particularly large event that may potentially affect neighbour amenity.”*
- 4.3 Richmondshire District Council later confirmed on 13 September that “with regards to evening social events, I think the concern here would be late night noise and in this

respect may I suggest that 1 late night evening event per month would be a reasonable restriction.”

4.4 Richmondshire District Council did not respond to the reconsultation.

4.5 **Richmond Town Council** – responded to the initial consultation on 18 August 2017, stating that:-

“1. It was granted, reluctantly, originally on the belief that there would not be a request for extending the hours.

2. The school, pavilion and immediate area that would be used for functions backs on to residential properties. Late night users, most likely party goers will have to walk through residential streets into town to avail themselves of public transport.

3. Unlike the cricket and golf clubs, It is a school not an entertainment facility. Current usage is quite sufficient. I can see no reason why the establishment needs a 24 hour permit

4. The pavilion is a sport facility not a drinking establishment.

5. It would not set a good example to children having their school used for 24 hour parties

6. A school is and educational facility not a venue for the sale of alcohol which would no doubt be requested.

7. The extended licence is a pre runner for income generation when the school becomes a self-controlled and self-monitored academy and has nothing to do with its primary purpose - education.

8. I object to the proposal. It would mean a significant change in the local environment. A night club arrangement is totally out of character for the area and could result in late night noise and traffic movements. There are plenty of other sports related outlets open in the area, for example the cricket club and the rugby club and there other entertainment venues in Richmond itself.

9. I also question the moral side of things. A twenty four hour entertainment venue as part of a school campus sets a poor example to the students who go there. Although the sale of alcohol is not included it seems quite possible that will follow. It seems quite possible that under 18 sports students would be mixing with those older 18 if alcoholic drinks are available. I also question the problem of drink driving if the centre is open beyond the time of normal public transport availability and the taxi rank is in the town centre.”

4.6 Richmondshire Town Council responded to the reconsultation on 12 October 2017 stating that the Town Council *“unanimously support the residents of The Avenue and The Crescent in their objections to the application and that it will increase nuisance, noise, anti-social behaviour and parking problems in the area”* and that any extension to hours *“would have an adverse effect on the school in general as it is an educational facility which would be effected the follow day, by functions, having run into the late evening, requiring a clean-up programme prior to usage by the children”*.

4.7 The Town Council also refers to a full Town Council meeting which took place prior to the submission of this planning application, specifically that *“the representative from*

Richmond School stated that there would no further applications to extend the opening times or usage of the pavilion. An important consideration in the decision to pass the original application. The Committee feel that the Pavilion is a sport facility and that it should not require the extended hours to fulfil that purpose.”

- 4.8 **NYCC Heritage - Ecology** – responded to the initial consultation on 31 July 2017 and reconsultation on 2 October 2017 and on both occasions did not wish to comment.
- 4.9 **Highway Authority** - responded on 19 September 2017 and confirmed no objections to the proposal. No response was received to the reconsultation.
- 4.10 **NYCC Arboricultural Officer** – did not provide a response to the initial consultation, but responded to the reconsultation on 28 September 2017 confirming they had no comments to make.
- 4.11 **Richmondshire DC - Conservation Officer** – did not provide a response to the initial consultation or reconsultation.
- 4.12 **Environmental Health Officer (Richmondshire)** – responded to the initial consultation on 14 August 2017 and the reconsultation on 6 October 2017 and on both occasions confirmed that they did not have any comments “*from an environmental protection viewpoint*”.
- 4.13 **Yorkshire Water Services Ltd** – responded to the initial consultation on 28 July 2017 and the reconsultation on 27 September 2017 and confirmed on both occasions that they did not wish to comment.
- 4.14 **Sport England** – responded on 14 August 2017, stating that:-

“Sport England has sought the views of a number of National Governing Bodies for Sport on the proposal to permit unrestricted hours of use of the sport pavilion.

The comments of the Football Association have been summarised as:

- *The site has received PL:FA Facilities Fund investment and as such has a football development plan involving a wide range of use including the school and the main local multi-team community football clubs.*
- *The FA has no objection to the removal of this condition. This site is well used but also well maintained and managed by the school.*

The comments of the England Hockey (EH) have been summarised as:

- *EH are supportive for the removal of the condition to extend the opening hours to increase accessibility for the Hockey Club and other users*
- *Increased access will enable the Hockey Club to engage better with players, supporters and volunteers, therefore increasing hockey and social participation*

The comments of the England Cricket Board have been summarised as:

- *England Cricket Board and Yorkshire Cricket Board welcomes the removal of the condition so that the pavilion can be used at any time.*

As can be seen above, the comments of the National Governing Bodies for Sport are positive and supportive of the variation of condition.

The extended community use of the pavilion is consistent with section 8 of the NPPF titled 'Promoting healthy communities', in particular compliant with paragraph 70 which states:

'70. To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;'*

The community use would also be consistent with paragraph 17, ninth bullet point highlighted in bold, which states:

'17. Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production).'*

The extended community use will bring many benefits to both the school and the community and Sport England attaches a document outlining these benefits.

Sport England has no objection and supports the application to vary condition 2 of Planning Permission Ref. No. C1/13/00022/CM to permit unrestricted hours of use of the sports pavilion"

- 4.15 Sport England did not respond to the reconsultation.
- 4.16 **Environment Agency** – responded to the initial consultation on 28 July 2017 and did not wish to comment. No response was received from the Environment Agency to the reconsultation.
- 4.17 **NYCC Heritage – Archaeology** – responded to the initial consultation on 13 September 2017 and the reconsultation on 3 October 2017 and on both occasions confirmed that they did not wish to comment.
- 4.18 **SUDS & Development Control Officer** – responded to the initial consultation on 1 August 2017 and the reconsultation on 5 October 2017 and on both occasions confirmed that they did not wish to comment.
- 4.19 **North Yorkshire Police** – responded to the initial consultation on 16 August 2017 confirming that crime analysis from 31 July 2016 to 1 June 2017 shows only one reported crime and one incident of antisocial behaviour on the school premises. Suggesting that there should be no issue in permitting unrestricted hours of use of the sports pavilion. They further responded to the reconsultation on 29 September 2017 confirming that they had no additional comments to make and referred back to the original response as above.

Notifications

4.20 **County Cllr. Stuart Parsons** – was notified of the application on 28 July 2017 and responded on 10 August 2017 with comments regarding concerns raised by his constituents in relation to litter and bad language, security and poor management of the school site.

5.0 Advertisement and representations

5.1 This application has been advertised by means of three Site Notices posted on 28 July 2017 (responses to which expired on 18 August 2017). The Site Notices were posted in the following locations:

- On a prominent metal lighting pole on The Crescent (the nearest residential properties to the west of the pavilion);
- On a prominent metal traffic pole outside of the front school car park; and
- On a prominent metal bus stop pole outside the main school entrance.

5.2 Neighbour Notification letters were sent on 31 July 2017 in relation to the initial proposal. The following properties received a neighbour notification letter on both occasions:

- East House, Maison Dieu, Richmond, DL10 7AY
- 61 Maison Dieu, Richmond, DL10 7AY
- 2 The Avenue, Richmond, DL10 7AZ
- 4 The Avenue, Richmond, DL10 7AZ
- 2 The Crescent, Richmond, DL10 7BA
- 4 The Crescent, Richmond, DL10 7BA
- 6 The Crescent, Richmond, DL10 7BA
- 8 The Crescent, Richmond, DL10 7BA

5.3 A total of 12 letters of objection have been received raising material objections on the grounds of:-

- Noise from users of pavilion;
- Late night light disturbance;
- Parking and vehicles of users obstructing residential property access on The Avenue and The Crescent;
- Management and security of the pavilion and fear of crime; and
- Need and justification for the extension to the hours of use.

5.4 The objection letters also made reference to non-material considerations on the grounds of the following:

- Anti-social behaviour and language from users of the sports playing field and pathway from the school site to The Crescent and The Avenue;
- The granting of a premises license for the sale of alcohol at the sports pavilion;
- Litter caused by users of the pavilion and playing field;
- Damage to properties by users of the pavilion and playing field;
- Restrictive covenant contained with the Land Conveyance for the land on which the sports pavilion is located which states *“No act or thing shall be done or permitted on the land hereby conveyed which in the opinion of the Vendor may be a public or private nuisance or prejudicial or detrimental to the Vendor and the owners and occupiers of any adjoining or neighbouring property”*;
- *Change of School status to become an Academy and the changes this might entail on the school site;*

- *Food hygiene and allergy rules and if they will be adhered to by those providing catering in the sports pavilion building; and*
 - *Health and safety rules and if they can be adhered to.*
- 5.5 A total of four letters of support have been received both from local residents and local sporting clubs, raising the following points:-
- Current hours of use of the pavilion do not support all community use of the outdoor sports pitches, including using the facility for changing before and after games;
 - Good current management of the facility, advising users where to go, where to park and to ensure site is left tidy after use;
 - Good facilities within sports pavilion allow local clubs to raise money for training equipment by selling refreshments to spectators of events. Current restrictions on Sunday use do not allow this.
 - Lack of facilities in area mean Richmond School is a 'hub' for sports users.
 - Local resident states no issues encountered with parking on residential streets by users of pavilion.
- 5.6 Neighbour re-notification letters were sent on 27 September 2017 following the amendment to the description, and were sent to all those properties as previous as well as everyone who had made representation.
- 5.7 A total of six letters of objection have been received following the reconsultation on 27 September 2017, from members of the public and a local Richmond Town & District Councillor who previously made representation as described in paragraph 5.3.
- 5.8 The majority of the objections raised the same points as those which are explained in paragraphs 5.4 and 5.5, however one objection stated that the extension of hours would be supported to an extent, perhaps to match those which are existing on a Saturday until 18:00 hours, but not to the time which is applied for under this planning application.
- 5.9 One objection raised concerns over the parking of vehicles for users who use the sports pavilion building, on the bridleway which runs to the east of the pavilion building and the sports fields and how this would be managed by the school.

6.0 Planning policy and guidance

National Planning Policy

- 6.1 The policy relevant to the determination of this particular planning application provided at the national level is contained within the following documents:

- National Planning Policy Framework (NPPF) (published March 2012)

National Planning Policy Framework (NPPF)

- 6.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- 6.3 The overriding theme of Government policy in the NPPF is to apply a presumption in favour of sustainable development. For decision-making this means approving development proposals that accord with the development plan without delay (if plans are up-to-date and consistent with the NPPF). The Government has set down its intention with respect to sustainable development stating its approach as *"making the necessary decisions now to realise our vision of stimulating economic growth and*

tackling the deficit, maximising wellbeing and protecting our environment, without negatively impacting on the ability of future generations to do the same". The Government defines sustainable development as that which fulfils the following three roles:

- **An economic role** – development should contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation;
- **A social role** – development supporting strong, vibrant and healthy communities; and,
- **An environmental role** – development that contributes to protecting and enhancing the natural, built and historic environment and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.

6.4 The NPPF advises that when making decisions, development proposals should be approved that accord with the Development Plan and when the Development Plan is absent, silent or relevant policies are out of date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this framework indicate development should be restricted.

6.5 This national policy seeks to ensure that there are positive improvements in people's quality of life including improving the conditions in which people live, work, travel and take leisure.

6.6 Paragraph 17 regarding 'Core planning principles' within NPPF sets out the core planning principles which should underpin planning decisions. With this in mind the relevant core principles for this proposed development are as follows:

- Planning Authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants or users of a development.
- And that, planning authorities are required to ensure that they 'take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs'.

6.7 Paragraph 32 states that plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

6.8 Paragraph 70 states; *'to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

- *plan positively for the provision and use of shared space, community facilities*
- *(such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*

- *ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and*
 - *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services’.*
- 6.9 The NPPF encourages access to high quality open spaces and acknowledges that opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Paragraph 70 states “*To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*
- *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;”*
- 6.10 The NPPF emphasises the importance of ensuring that a sufficient choice of school places for children is available to meet the needs of existing and new communities. To this end, within Paragraph 72 it states that “*Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*
- *give great weight to the need to create, expand or alter schools; and*
 - *work with schools promoters to identify and resolve key planning issues before applications are submitted”.*
- 6.11 Within paragraph 73 of the NPPF, the importance of ensuring access to open space for sport and recreation is outlined and the important contribution this can make to health and well-being for the communities involved. It is noted that planning policies ‘*should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision.*’ It is further noted that such assessments should ‘*identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreation facilities in the local area.*’ It is further noted that the information gained from undertaking such assessments should be used in the determination of the level of open space; sports and recreation provision are required for locations.
- 6.12 Specifically in relation to noise pollution the National Planning Policy Framework (2012) states the following within paragraph 123 planning policies and decisions should aim to:
- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
 - *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
 - *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
 - *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason”.*

- 6.13 Within the NPPF, paragraph 125 notes that ‘By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

National Planning Practice Guidance (PPG) (2014)

- 6.14 On 6 March 2014 the Department for Communities and Local Government (DCLG) launched the National Planning Practice Guidance (PPG) web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled. The NPPG supports the national policy contained within the NPPF. The guidance relevant to the determination of this application is contained within the following sections: -

- Health and Wellbeing
- Light Pollution
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space

Health and Wellbeing

- 6.15 Planning Authorities should ensure that health and wellbeing, and health infrastructure are considered planning decision making. Active healthy lifestyles are made easy through the pattern of development, good urban design, good access to local services and facilities; green open space and safe places for active play and food growing, and is accessible by walking and cycling and public transport.

Light Pollution

- 6.16 Light intrusion occurs when the light ‘spills’ beyond the boundary of the area being lit. For example, light spill can impair sleeping, cause annoyance to people, compromise an existing dark landscape and/or affect natural systems (e.g. plants, animals, insects, aquatic life). It can usually be completely avoided with careful lamp design selection and positioning:

- Lighting near or above the horizontal is usually to be avoided to reduce glare and sky glow (the brightening of the night sky).
- Good design, correct installation and ongoing maintenance are essential to the effectiveness of lighting schemes.

- 6.17 Lighting only when the light is required can have a number of benefits, including minimising light pollution, reducing harm to wildlife and improving people’s ability to enjoy the night-sky:

- Lighting schemes could be turned off when not needed (‘part-night lighting’) to reduce any potential adverse effects e.g. when a business is closed or, in outdoor areas, switching-off at quiet times between midnight and 5am or 6am. Planning conditions could impose restrictions.
- Impact on sensitive wildlife receptors throughout the year, or at particular times (e.g. on migration routes), may be mitigated by the design of the lighting or by turning it off or down at sensitive times.

Noise

- 6.18 Noise needs to be considered when developments may create additional noise. When taking planning decisions, there may also be opportunities to consider improvements to the acoustic environment. Decision making should take into account the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;

- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

6.19 In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.

Open space and sports and recreation facilities

6.20 Open space should be taken into account in planning for new development includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure as well as being an important part of the landscape and setting of built development, and an important component in the achievement of sustainable development.

The Development Plan

6.21 Notwithstanding that the abovementioned national planning policy is a significant material consideration, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In this instance, therefore, the Development Plan consists of policies contained within a number of planning documents. These documents include:

- any extant planning policies contained within Plan(s) adopted by the County and District (or Borough) Councils 'saved' under direction of the Secretary of State; and,
- any planning policies contained within Development Plan Documents adopted under the Local Development Framework regime.

6.22 The Development Plan for the determination of this particular application comprises the extant policies of the Richmondshire Local Plan Core Strategy (2014).

6.23 The Richmondshire Local Plan Core Strategy (2014) has particular relevance in the determination of this application and the policies most relevant include:

- Policy CP1 – 'Planning Positively';
- Policy CP3 – 'Achieving Sustainable Development';
- Policy CP7 – 'Promoting a Sustainable Economy';
- Policy CP9 - 'Supporting Town and Local Centres'; and
- Policy CP11 – 'Supporting Community, Cultural & Receptions Assets'

6.24 The Richmondshire Local Plan Core Strategy (2014) includes policy CP1 titled 'planning positively' which states that when considering proposals, the Council will take a positive approach that reflects the presumption of sustainable development and that planning applications that accord with the policies of the local plan will be approved unless material considerations indicate otherwise. It is considered that Policy CP1 can therefore be afforded full weight in the determination of this application.

6.25 Policy CP3 of the Richmondshire Local Plan Core Strategy (2014) titled 'Achieving Sustainable Development' states that "*support will be given for sustainable*

development which promotes the efficient use of land and infrastructure including development with a sustainable and complementary mix of uses”; and “the health, economic and social well-being, amenity and safety of the population”. It is considered that Policy CP3 can therefore be afforded full weight in the determination of this application.

- 6.26 Policy CP7 titled ‘Promoting a Sustainable Economy’ states that support will be given to development which promotes the sustainable growth of the key economic factors within the area including leisure; and the provision of education and training facilities to develop the District’s skills base.
- 6.27 The Richmondshire Local Plan Core Strategy (2014) includes Policy CP9 titled ‘Supporting Town and Local Centres’ makes specific reference to Richmond as a principal town serving the district. The policy states that *“Richmond has an important retail, commercial and tourism role serving the District with opportunities for growth whilst limited by environmental and heritage constraints. Support will be given to development that:*
- *Maintains and enhances the existing role of the centre;*
 - *Makes the town centre more accessible, attractive and safe; and*
 - *Supports the evening economy and leisure role of the town centre.”*

It is considered that Policy CP9 can therefore be afforded full weight in the determination of this application.

- 6.28 Policy CP11 titled ‘Supporting Community, Cultural and Recreation Assets’ makes reference to the importance of the retention of sporting facilities within the Settlement Hierarchy which promote healthy lifestyles and wellbeing of the community. *“Well planned facilities provide for social interaction and help build community cohesion”.* It is considered that Policy CP11 can therefore be afforded full weight in the determination of this application.

7.0 Planning considerations

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In light of the abovementioned policies the main considerations in this instance are the principle of the proposed development, need, impact upon local amenity, highways matters, sports and recreation and management, security and the fear of crime and other considerations.

Principle of the proposed development

- 7.2 This application only relates to the use of the pavilion building, of which the location, use, scale, design and orientation have previously been deemed acceptable under planning permission reference C1/13/00022/CM. The application does not apply to the use of any other pitches, buildings or land at Richmond School.
- 7.3 The pavilion was purpose built for dual use both for the school and wider community and supports the use of the sports pitches and floodlit MUGA. The users of the sports facilities at Richmond School, including spectators attending sporting events, rely on the use of the sports pavilion for changing, toilet facilities and refreshments. This includes the grass football pitch to the immediate west of the sports pavilion and use of this pitch by junior league football clubs on a Sunday, and other pitches for hockey, cricket and rugby as well as the floodlit multi-use games area (MUGA) which is located

directly to the north of the building. At present, the hours of use of the sports pavilion, as set out in the previously approved planning application, are:

08:30 - 21:30hrs – Monday to Friday

09:00 – 18:00hrs – Saturdays

- 7.4 The School have confirmed that sports pitches are used, without restriction, outside of these hours and to use the adjacent sports pavilion for changing facilities, toilet facilities and refreshments during these hours would be preferable to using the facilities within the sports hall at the far north end of the site. Spectators also use the pavilion during various sporting tournaments on the surrounding pitches.
- 7.5 The Headteacher of Richmond School has stated in the supporting information dated 18 July 2017, that *“since initial planning and building of the facility we have improved the facilities around the grounds and with collaboration with Richmond Cricket Club, Richmondshire District Council (Communities Opportunities Fun) and England Cricket funding we have been able to provide an excellent cricket pitch for both school and the community. This summer use for cricket compliments the autumn and winter use for football, hockey and rugby. Due to the all the above initiatives we have had to review the opening times of the pavilion to support of these excellent community activities.”*
- 7.6 The sports pavilion is ancillary to the users of the sports pitches and it is considered that the proposed extension of permitted hours will allow the school to extend and enhance the sports provision on site as it is considered that the proposed development would allow for extended use of the sports facilities of Richmond School, providing investment in the outdoor space suitable for the needs of existing pupils and the wider community. It is also considered that the proposed extended hours of use would support wider use by the community alongside increased opportunities for sport at the adjacent pitches. Therefore the proposed development is in line with Paragraph 70 within Section 8 of the NPPF, where it advises that Local Planning Authorities should *“plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments”*.
- 7.7 It is noted that the principle of improving school facilities is promoted within paragraph 72 of the NPPF in both securing sustainable development whilst supporting the needs to alter/enhance schools. Furthermore, it is noted that the proposal receives support within Section 8 of the NPPF in seeking to improve health and well-being through improved access to and opportunities for sport and sporting provision. The principle of the development is therefore supported and because of the health benefits the development would bring is compliant with national guidance and district policies CP3 ‘Achieving Sustainable Development’ and CP11 ‘Supporting Community, Cultural and Recreation Assets’ which support the social interaction, health and wellbeing of the local community as well as policy CP7 titled ‘Promoting a Sustainable Economy’ which supports development which promotes the sustainable growth of the key economic factors within the area including leisure; and the provision of education and training facilities.
- 7.8 In this instance, and, on balance, the public benefit of the proposal means that the application should be considered acceptable in principle subject to consideration of other matters including the impact on residential amenity, the character of the area and any highways matters. It is therefore considered that the proposed development is in accordance with the National Planning Policy Framework paragraphs 70 and 72 and the Richmondshire Local Plan Core Strategy policies CP3 and CP11.

Need

- 7.9 In terms of the existing provision and local demand for extended use of the sport pavilion for tournaments that take place beyond the current hours of operation, it is noted that the objections have been received from members of the public, Richmond Town Council and Richmondshire District Council with regard to the need for extended hours of use of the pavilion. It is understood that the School have applied for the extension to hours of use on the basis that the pavilion building is accessible for the use of changing, showering and toilets facilities along with socialising once the matches are over, for spectators and users of the pitches. This is compliant with District policy CP11 'Supporting Community, Cultural and Recreation Assets' which support the social interaction, health and wellbeing of the local community.
- 7.10 This is endorsed by the Sport England consultation response dated 14 August 2017 which states support for the application including from a number of national governing bodies for sport and is also supported by paragraph 73 of the NPPF (2012) which acknowledges that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
- 7.11 Richmondshire District Council requested as part of their consultation response that a condition be imposed, if planning permission were to be granted to restrict the hours of use, albeit later than currently permitted, and suggested a limit to say 10:30pm Mondays to Thursdays, Sundays and Bank Holidays; and to say 11:30pm on Friday/Saturday nights. This would result in newly proposed hours of use as follows:-
- 0830 – 2230 hours – Monday to Thursday, Sundays and Bank Holidays
0830 – 2330 hours - Fridays
0900 – 2330 hours - Saturdays
- 7.12 Richmond School have responded to the suggested hours of use as above and have confirmed that they would be happy to limit the hours of use to the following:-
- 08:00 – 22:30 – Monday to Thursday, Sundays and Bank Holidays
08:00 – 23:30 – Fridays and Saturdays
- 7.13 The amendment to starting times would allow the opening up of the pavilion along with use of changing and toilet facilities. This response has reflected the change in description as detailed above.
- 7.14 Richmondshire District Council did not respond to the reconsultation which reflected the change in description.
- Local amenity (noise, and light pollution)
- 7.15 An important consideration in the determination of this application is the potential impact the extended hours of use may have upon local amenity. The significance of this matter is expressed in both National policy regarding paragraph 123 of the NPPF and Local Planning Policy including the Richmondshire Local Plan Core Strategy policy CP3 titled 'achieving sustainable development' which makes reference to the protection of local amenity.
- 7.16 It is acknowledged that objections have been received in relation to the noise and lighting impacts of the proposed development upon residential amenity as well as increase in vehicle movements on The Avenue, The Crescent and Maison Dieu to the west and south-west of the pavilion. The distance to the boundaries of the residential

properties on The Crescent, The Avenue and Maison Dieu from the pavilion range between approximately 110 metres to 145 metres west and south-west, however neither of the external viewing platforms face in these directions. The boundary treatment of the properties is a mix type of low one metre high wooden fencing, hedgerows and trees. To the south of the school site is Maison Dieu which drops in level from that of the school site and which is bordered by dense evergreen trees. Between the pavilion and residential properties is the grassed football pitch.

7.17 As above, the previously approved hours of use of the sports pavilion are:

08:30 - 21:30hrs – Monday to Friday
0900 – 1800hrs – Saturdays

7.18 The proposed extension to hours of the pavilion has raised objection from local residents who feel there is no need for such an extension to the permitted hours and that the current hours of use are acceptable. Especially on an evening, some objectors feel the extended use would be unacceptable and the facility should be kept closed to protect their amenity. A distinction should be made between the existing football pitch, floodlit MUGA and the sports pavilion. The existing pitch does not have any time constraints attached to it and is mostly used during the school day for sporting activities, physical education lessons and an area for break time use by students. As well as this, the pitch is used for sports events outside of school hours including weekends.

7.19 It is considered that whilst acknowledging the proximity of local residential properties to the east, approximately 125 metres from the pavilion, the potential for light and noise pollution would not be detrimental to local amenity due to the users predominantly being inside the pavilion building. This is endorsed by the consultation and reconsultation responses from the Environmental Health Officer at Richmondshire District Council who confirmed they had no comments “*from an environmental protection viewpoint*”. Therefore weight can be given to Richmond Local Policy CP11 titled ‘Supporting Community, Cultural & Recreations Assets’.

7.20 The potential impact of noise from the extended hours of use on the residential properties requires due consideration. With regard to the sports pavilion, any noise generated would be associated with the indoor activities and as such would not cause harm to the amenity of neighbours or cause nuisance by virtue of being contained within the building. This is also assisted with the double glazed UPVC windows installed within the sports pavilion.

7.21 Richmondshire District Council requested as part of their consultation response that a condition be imposed, if planning permission were to be granted, that windows and doors of the pavilion closed when amplified music or live music is being played to restrict noise levels to ensure that it cannot be heard beyond the boundaries of the playing field. The closure of windows and doors of the pavilion whilst music is playing can be conditioned, however this would likely have a time specified from which the windows should be closed. Furthermore, the District Council requested a condition which prohibits amplified music or live music outside of the pavilion. The red line of the development is only around the pavilion building itself and so the use of music could be conditioned to only be used within the building and that no music be played from the external viewing platforms.

7.22 Residents are concerned that noise from additional vehicle movements will be generated by users of the pavilion who might use The Crescent and The Avenue as a means of access to the Sports Pavilion if it were to benefit from unrestricted hours of

use. The School are aware that some users use this as a means of accessing the site at present, but encourage use of the main school car park off Darlington Road and the gated vehicular access to the School off The Crescent is now kept locked to further deter this.

- 7.23 The general lighting associated with the use of the sports pavilion has been raised as a concern in letters of representation from members of the public. However it is noted that the Richmondshire District Council Environmental Health Officer has raised no concerns in relation to any potential light disturbance late at night. Furthermore, the sports pavilion is situated at a lower topography than the residential properties on The Crescent and The Avenue and the lighting is therefore considered unlikely to adversely impact upon local amenity.
- 7.24 Richmondshire District Council requested as part of their initial consultation response that a condition be imposed, if planning permission were to be granted, to limit the number of evening social events throughout the year at the sports pavilion with consideration to late night noise and further suggested that one late night evening event per month would be a reasonable restriction. This request would not be precise enough to warrant a condition and if the hours were to be extended but restricted to a later time than at present, as also suggested by the District Council, then it would not distinguish whether an event would be social or for sport.
- 7.25 The District Council also requested as part of their consultation response, that a condition be imposed if planning permission were to be granted, that prohibited marquees. The red line of the development is only around the pavilion building itself and so this is outside of planning control for this development and therefore cannot be conditioned.
- 7.26 Furthermore, Richmondshire District Council requested a condition which would prohibit the use of fireworks and/or pyrotechnics. As above, the red line of the development is only around the pavilion building itself and so the prohibition of fireworks and/or pyrotechnics can only be conditioned within the red line i.e. from the outside viewing platforms of the pavilion.

Highways matters - Traffic and parking

- 7.27 As above, residents are concerned that additional vehicle movements will be generated by users of the pavilion who might use The Crescent and The Avenue as a means of access to the Sports Pavilion if it were to benefit from unrestricted hours of use. Vehicle movements will remain much the same as is currently, the extended hours are to allow the prolonged use of the pavilion following sports events. The School are aware that some users use this as a means of accessing the site at present, but encourage use of the main school car park off Darlington Road and the gated vehicular access to the School off The Crescent is now kept locked to further deter this.
- 7.28 This is further endorsed by the Local Highways Authority providing a response to the initial consultation which confirmed no objections to the proposal. The Local Highways Authority did not respond to the re-consultation.
- 7.29 Richmondshire District Council requested a condition, should planning permission be granted, to require *access and parking in association with the sports pavilion be restricted to the main school entrance and car park off Darlington Road and no access from The Crescent*. Access to the school site by vehicle has been conditioned to only allow entrance onto the school site by vehicle via the main school entrance off Darlington Road. The parking of vehicles on The Crescent is outside of planning control and therefore cannot be conditioned.

Open space, sport and recreation

- 7.30 There is no additional development as part of this application which would result in any impact on the provision of open space and playing fields. The provision of extended community use of the sports pavilion is consistent with section 8 of the NPPF 'promoting healthy communities', in particular with paragraph 70 which states:
"To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;"*
- 7.31 This is further endorsed by the letter of support received from Sport England, who confirmed in their consultation response that the extended community use will bring many benefits to both the school and the community.
- 7.32 It is noted that the proposal receives support within Section 8 of the NPPF in seeking to improve health and well-being through improved access to and opportunities for sport and sporting provision. The development is therefore compliant with national guidance and district policies CP3 'Achieving Sustainable Development' and CP11 'Supporting Community, Cultural and Recreation Assets' which support the social interaction, health and wellbeing of the local community as well as policy CP7 titled 'Promoting a Sustainable Economy' which supports development which promotes the sustainable growth of the key economic factors within the area including leisure; and the provision of education and training facilities.

Management, Security and the fear of crime

- 7.33 It is acknowledged that objections have been raised in relation to the community use of the proposed development and it is considered that Richmond School would continue to manage the pavilion. Further consideration has been given to security and the fear of crime as an impact and the application was subject to consultation with the Police Architectural Liaison Officer, who confirmed that the crime analysis from 31 July 2016 to 1 June 2017 shows only one reported crime and one incident of antisocial behaviour on the school premises and therefore there should be no issue in permitting an extension to the hours of use of the sports pavilion.
- 7.34 It is further noted that there has been no request for any further information from the Police Architectural Liaison Officer with regard to the security and management of the sports pavilion.
- 7.35 Richmondshire District Council requested as part of their consultation response that a condition be imposed, if planning permission were to be granted, to require the school to notify neighbours in advance of any particularly large event that may potentially affect neighbour amenity. This request would not be precise enough to warrant a condition and if the hours were to be extended but restricted to a later time than at present, as also suggested by the District Council, it would be the responsibility of the school to inform its neighbours of such an event. The County Planning Authority cannot impose conditions for land outside of the sports pavilion under this application.

Other Non-Material Considerations

- 7.36 In the objections from residents there are points that can be given limited or no weight in the determination of the application due to them not being regarded as material to

the application under consideration in planning terms. The first of these is that the unrestricted hours of the sports pavilion will encourage anti-social behaviour and foul language from users of the sports pavilion, the playing field and pathway from the school site through to The Crescent and The Avenue, especially late at night. However this is beyond planning control and given that the Police Architectural Liaison Officer is satisfied from a 'designing out crime' perspective this is a school site management issue beyond planning control.

- 7.37 A number of objectors have made reference to the granting of a premises license for the sale of alcohol at the sports pavilion. Residents are concerned that the school premises could be used for purposes other than education and sports if alcohol consumption is encouraged on site. Concerns have also been raised regarding the consumption of alcohol on a school site and the behaviour that this could encourage. However this cannot be considered as material to the determination of this planning application.
- 7.38 Concerns have been raised in objections with regard to litter caused by users of the sports pavilion who might use The Crescent and The Avenue as a means of access further to use of the sports pavilion. Again, this is beyond planning control and is a school site management issue.
- 7.39 A number of residents have made reference to a restrictive covenant contained with the Land Conveyance for the land on which the sports pavilion is located which states that *"No act or thing shall be done or permitted on the land hereby conveyed which in the opinion of the Vendor may be a public or private nuisance or prejudicial or detrimental to the Vendor and the owners and occupiers of any adjoining or neighbouring property. The use of the premises for any educational purposes approved by the Ministry of Education or any purpose ancillary thereto shall not however be deemed to be a breach of the terms of this clause."*
- 7.40 Residents believe that an extension to the current hours of operation of the pavilion would be ignoring this stipulation. A restrictive covenant is not a material planning consideration and is a civil matter which falls outside of the scope of the planning process.
- Conditions of planning permission reference C1/13/00022/CM
- 7.41 This permission would supersede the current extant permission ref. C1/13/00022/CM, dated 13 May 2013 and therefore gives an opportunity to update aspects of the conditions assessing whether these are still relevant to the development and compliant with the tests for valid planning conditions.
- 7.42 Condition 1 of planning permission reference C1/13/00022/CM has been removed, because the implementation of the sports pavilion development is no longer relevant. The pavilion was implemented in Summer 2015.
- 7.43 Condition 2 will be carried over and has been updated to include the details of this planning application.
- 7.44 Condition 3 of planning permission reference C1/13/00022/CM has been removed, because the samples of external materials of the sports pavilion have already been previously discharged and this element is no longer relevant.
- 7.45 Condition 4 has been removed, because it relation to parking of vehicles, site compounds and storage of materials during construction of the pavilion, which is no longer relevant.

7.46 Condition 5 of planning permission reference C1/13/00022/CM again relates to mitigation and enhancement recommendations in relation to the Bat Scoping Survey of the original permission and is no longer relevant, therefore has been removed.

7.47 Condition 6 states the following:-

“There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at Darlington Road. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.”

This condition will be retained but shall be reworded to remove reference to the construction of the pavilion.

8.0 Conclusion

8.1 There are no material planning considerations to warrant the refusal of this application to vary condition No. 2 of Planning Permission Ref. No. C1/13/00022/CM, to extend the hours of use of the sports pavilion on land at Richmond School.

8.2 For the reasons mentioned above, it is therefore considered that, the proposed development is compliant with the policies which comprise the Development Plan currently in force for the area and all other relevant material considerations.

9.0 Recommendation

9.1 For the following reasons:

- i) the principle of the proposed development has been established through the previous grant of planning permission;
- ii) the proposed development would not result in an adverse impact upon local amenity;
- iii) the proposed development is in compliance with the principles of the NPPF, PPG and policies CP1, CP3, CP7, CP9 and CP11 of the Richmondshire Local Plan Core Strategy (adopted 2014).

It is recommended that **PLANNING PERMISSION BE GRANTED** to extend the hours of use of the sports pavilion on land at Richmond School, subject to the following conditions:

Conditions

1. The development hereby permitted shall be carried out in strict accordance with the application details dated 6th December 2012 (ref. C1/13/00022/CM) and as amended by the application details dated 6th June 2017.
2. With the exception of emergency, delivery and maintenance vehicles, there shall be no access or egress between the highway and the school site for the use of the sports pavilion by any vehicles other than via the existing access with the public highway at Darlington Road.
3. The use of the sports pavilion shall be permitted only between the following times:-
08:00 – 22:30 – Monday to Thursday, Sundays and Bank Holidays
08:00 – 23:30 – Fridays and Saturdays

All internal and external lighting associated with the use of the sports pavilion must be turned off outside of these hours.

4. Windows and doors of the pavilion are to be closed after 21:00 hours when amplified music or live music is being played inside the sports pavilion building and no amplified music or live music is permitted to be played from external viewing platforms of the pavilion.
5. No fireworks or pyrotechnics are permitted to be used at the sports pavilion building or external viewing platforms.

Reasons

1. To ensure that the development is carried out in accordance with the application details.
2. In the interests of both vehicle and pedestrian safety and the visual amenity of the area.
3. To reserve the rights of control by the County Planning Authority and to protect the amenity of neighbours.
4. To reserve the rights of control by the County Planning Authority and to protect the amenity of neighbours.
5. To reserve the rights of control by the County Planning Authority and to protect the amenity of neighbours.

Approved Documents:

<u>Ref.</u>	<u>Date</u>	<u>Title</u>
---	13 December 2012	Location Plan

Statement of Compliance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose not to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

DAVID BOWE

Corporate Director, Business and Environmental Services

Author of report: Amy Taylor

Background Documents to this Report:

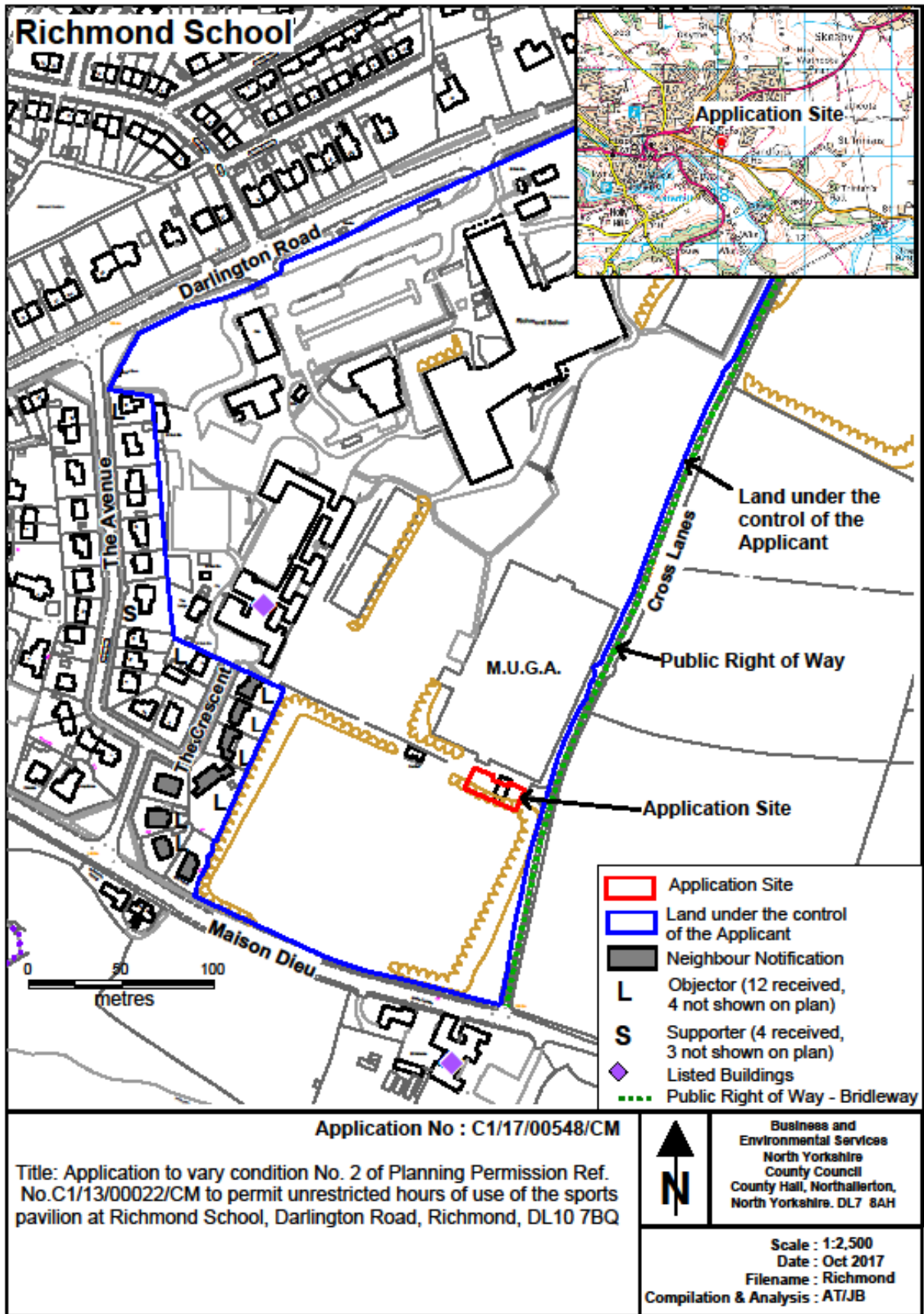
1. Planning Application Ref Number: C1/17/00548/CM (NY/2017/0160/73A) registered as valid on 26 July 2017. Application documents can be found on the County Council's Online Planning Register by using the following web link:
<https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation responses received.
3. Representations received.

Appendix A - Site Location, constraints and representations

Appendix B - Sports Pavilion Floor Plan

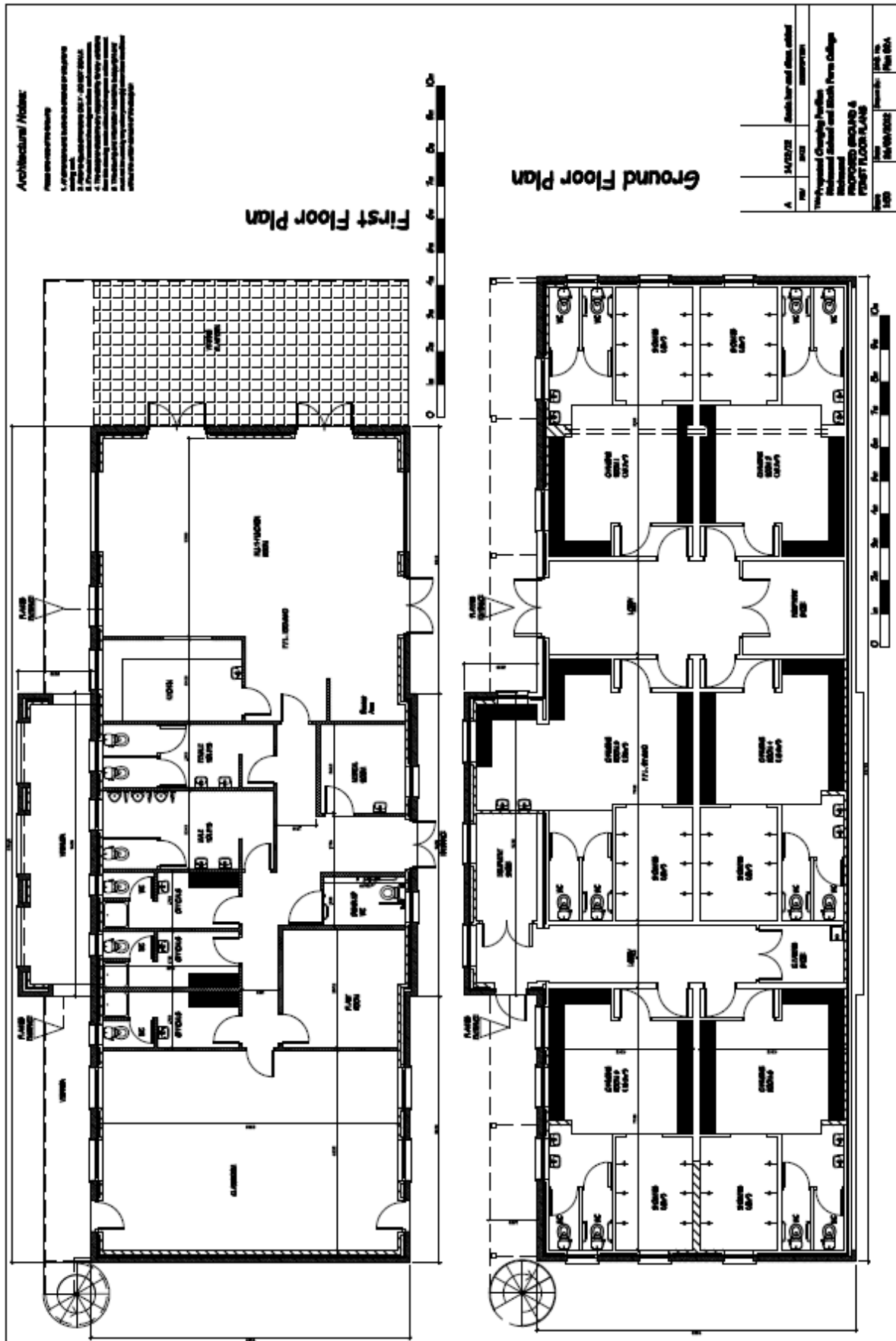
Appendix C - Sports Pavilion Elevations

Appendix A – Site Location, constraints and representations



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Appendix B – Sports Pavilion Floor Plan



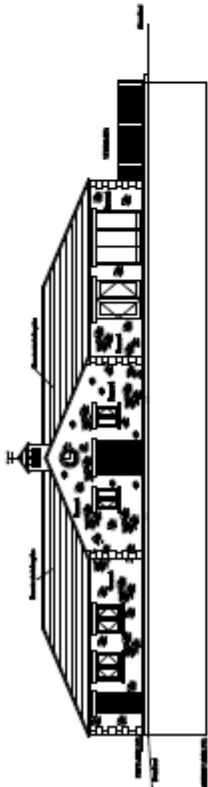
Appendix C – Sports Pavilion Elevations

Architectural Notes:

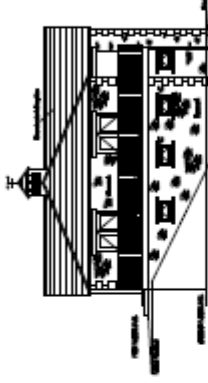
1. All structural loads to be checked for compliance with applicable codes.
2. Foundation design to be checked for compliance with applicable codes.
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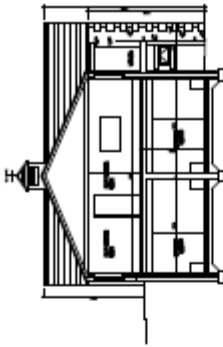
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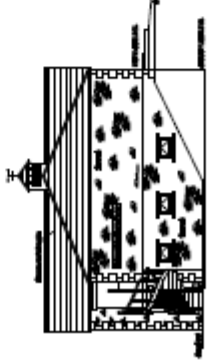
SOUTH WEST ELEVATION



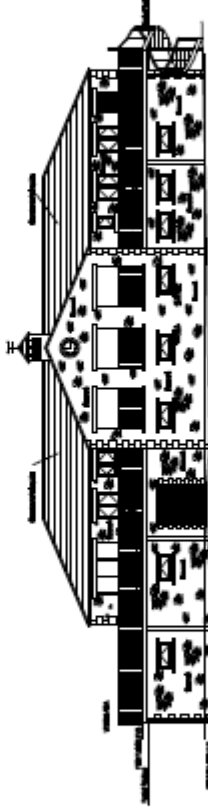
SOUTH EAST ELEVATION



SECTION



NORTH WEST ELEVATION



NORTH EAST ELEVATION

NO.	DATE	REVISIONS	
1	11/10/20	Initial design and elevations	
2	11/10/20	Final design and elevations	

Prepared by: **Architectural Firm**
 Checked by: **Architectural Firm**
 Drawn by: **Architectural Firm**
 Project Name: **PROPOSED ELEVATIONS AND SECTION**
 Scale: **1/8" = 1'-0"**
 Date: **11/10/20**

North Yorkshire County Council

Planning and Regulatory Functions Committee

24 October 2017

Items Dealt With Under the Scheme of Delegation

Report of the Corporate Director – Business and Environmental Services

The Items reported below have been determined between: 31 July to 25 September inclusive

A. COUNTY COUNCIL DEVELOPMENT

**C3/17/01004/CPO (NY/2017/0214/73A) Weaverthorpe CE VC Primary School,
Weaverthorpe, Malton, North Yorkshire**

Decision Notice: 20 September 2017

Retention of a prefabricated classroom unit 3938 (61 sq. metres) for a further 6 years

PLANNING PERMISSION GRANTED subject conditions

**C2/17/01621/CCC (NY/2017/0213/73A) Broomfield School, Broomfield Avenue,
Northallerton, North Yorkshire, DL7 8RG**

Decision Notice: 25 September 2017

Retention of a prefabricated classroom unit 1052 (67 sq. metres) for a further 6 years

PLANNING PERMISSION GRANTED subject conditions

**NY/2017/0194/NMT Le Cateau Community Primary School, Le Cateau
Road, Catterick Garrison, DL9 4ED**

Decision Letter: 23 August 2017

Application for a non-material minor amendment for alterations to the north elevation of the resources bungalow to be rendered masonry relating to Planning Permission Ref. C1/16/00847/CM

Details APPROVED

**NY/2017/0192/A27 Sherburn High School, Garden Lane, Sherburn in
Elmet, North Yorkshire, LS25 6AS**

Decision Letter: 08 September 2017

Application for the approval of details reserved by Condition No's 4 & 6 of Planning Permission Ref. C8/58/48AA/PA which relates to a Travel Plan and a Community Use Scheme

Details APPROVED

**NY/2017/0190/A27 Le Cateau Community Primary School, Le Cateau
Road, Catterick Garrison, DL9 4ED**

Decision Notice: 31 August 2017

Application for the approval of details reserved by condition No. 6 of Planning Permission Ref. C1/16/00847/CM which relates to soft landscape proposals

PLANNING PERMISSION GRANTED subject conditions

C1/17/00534/CM(NY2017/0189/73A)

**Brompton on Swale CE Primary School,
Brompton Park, Brompton on Swale, Richmond,
North Yorkshire, DL10 7JW**

Decision Notice: 01 September 2017

Retention of prefabricated classroom unit 1584 (62 sq. metres) for a further 6 years

PLANNING PERMISSION GRANTED subject conditions

C4/17/01691/CC (NY/2017/0188/73A)

**George Pindar Community Sports College, Moor
Lane, Eastfield, Scarborough, YO11 3LX**

Decision Notice: 01 September 2017

Retention of prefabricated classroom units 2288 & 2289 (263 sq. metres) for a further 6 years

PLANNING PERMISSION GRANTED subject conditions

C6/17/03544/CMA (NY/2017/0185/FUL)

**Bishop Monkton CE Primary School, St John's
Road, Bishop Monkton, North Yorkshire, HG3
3QW**

Decision Notice: 25 September 2017

Erection of steel storage container (15 sq. metres) for the storage of school equipment and removal of existing shed

PLANNING PERMISSION GRANTED subject conditions

C2/17/01314/CCC (NY/2017/0132/FUL)

**Leeming and Londonderry CP School, 18 Roman
Road, Leeming, DL7 9SG**

Decision Notice: 11 August 2017

Replacement of existing 2.4 m high mesh fencing and 2.4 m high gates to the front elevation of the school, erection of canopy (10 sq. metres) and mini goal and hoop

PLANNING PERMISSION GRANTED subject conditions

NY/2017/0092/FUL

**Glasshouses Community Primary School, Lupton
Bank to Glasshouses Bridge, Glasshouses,
HG3 5QH**

Decision Notice: 18 August 2017

Demolition of an external masonry wall, single storey kitchen extension to the north elevation of the main building (8.1 sq. metres), external steps with metal handrail

PLANNING PERMISSION GRANTED subject conditions

C5/22/2017/18092 (NY/2017/0105/FUL)

**Cowling CP School, Gill Lane, Cowling, Keighley,
BD22 0DF**

Decision Notice: 31 July 2017

Demolition of existing external wall to the South-East elevation, erection of a single storey flat roof extension (16.4 sq. metres) to form admin office, heads office and staff room and replacement of existing flat roof (63.4 sq. metres)

PLANNING PERMISSION GRANTED subject conditions

C4/17/01181/CC (NY/2017/0137/COU)

**Wheatcroft School, Holbeck Hill, Scarborough,
YO11 3BW**

Decision Notice: 20 September 2017

Change of use of existing caretaker's bungalow (Use Class C3) to Non- Residential Institution (Use Class D1)

PLANNING PERMISSION GRANTED subject conditions

C4/17/01179/CC (NY/2017/0128/FUL)

**Caedmon College Whitby (Normanby Site),
Prospect Hill, Whitby, YO21 1LA**

Decision Notice: 19 September 2017

Creation of hardstanding for further car park and Bike Park (105 sq. metres) and extension to existing footpath

PLANNING PERMISSION GRANTED subject conditions

C8/2017/0449/CPO (NY/2017/0079/FUL)

**Thorpe Willoughby Community Primary School,
Londesborough Grove, Thorpe Willoughby,
Selby, YO8 9PJ**

Decision Notice: 01 September 2017

demolition of existing classroom (55 sq. metres) erection of a single storey extension to provide 3 no. classrooms, associated cloakroom, toilets, plant and electrical rooms and circulation (300 sq. metres) erection of a single storey extension to the existing school staff room (25 sq. metres) and installation of a temporary classroom unit (1 year on site) (178 sq. metres), fan coil units, 4 No. wall mounted external lighting, creation of footpaths and paving, tree removal and replacement and soft landscaping

PLANNING PERMISSION GRANTED subject conditions

B. COUNTY MATTER DEVELOPMENT

NY/2017/0182/SCR

**Smaws Quarry, Rudgate Lane, Toulston,
Tadcaster, North Yorkshire**

SCREENING OPINION ISSUED: 31 August 2017

Request for a formal Screening Opinion for the restoration of the site with the importation of capping material and soil to complete the site, extend the area to the south to fill in lower lying land to the line of the power poles and revision of the final restoration contours to provide a hill profile

SCREENING OPINION ISSUED- With regard to Schedule 2 of the above Regulations the County Council is of the opinion that the proposed development falls within the description provided within Schedule 2 paragraph 11(b) 'Other Projects'- Installations for the disposal of waste of the above Regulations. Having taken into account the criteria in Schedule 3 of the above Regulations the characteristics of the proposed development, the environmental sensitivity of the location; and the types and characteristics of the potential impact have been assessed and based on the scale, nature and location of the development it is considered that the proposed restoration of the site with the importation of capping material and soil to complete the site, extend the area to the south to fill in lower lying land to the line of the power poles and revision of the final restoration contours to provide a hill profile at Smaws Quarry, Rudgate Lane, Toulston, Tadcaster, North Yorkshire would **not** have significant impacts upon the environment.

NY/2017/0171/A27

Tofts Road, Kirby Misperton, YO17 6BG

Decision Letter: 18 September 2017

Application for the approval of details reserved by condition No. 3(a) of Planning Permission Ref. C3/16/00874/CPO which relates to full technical details relating to the bridging/culverting of the watercourse adjacent to the site

SCREENING OPINION ISSUED

NY/2017/0147/A27

KMA Wellsite, Alma Farm, Off Habton Road, Kirby Misperton, North Yorkshire, YO16 6XS

Decision Letter: 11 September 2017

Application for the approval of details reserved by condition No's 7, 12 & 35 of Planning Permission Ref. No. C3/15/00971/CPO which relates to precautions to prevent mud on the highway, Traffic Management Plan and restoration and aftercare scheme

PLANNING PERMISSION GRANTED subject conditions

NY/2017/0121/SCO

Land adjacent to and to the west and north of the former Escrick Brickworks, Escrick, North Yorkshire, YO19 6ED

Scoping Opinion Issued: 31 July 2017

Request for an EIA Scoping Opinion for extraction of clay (to be exported to the existing Plasmor facility at Great Heck), construction of new site access from the B1222, site restoration through importation of inert restoration materials to agriculture and nature conservation afteruse including water bodies, wetland habitats and the creation of public access

SCOPING OPINION ADOPTED

NY/2017/0114/A27

KMA Wellsite, Alma Farm, Off Habton Road, Kirby Misperton, North Yorkshire, YO16 6XS

Decision Letter: 22 August 2017

Application for the approval of details reserved by condition No's 6, 11 & 31 of Planning Permission Ref. No. C3/15/00971/CPO which relates to Highway conditions surveys, vehicle parking, turning, loading and unloading and a scheme setting out mechanisms to monitor vibrations on designated heritage assets

PLANNING PERMISSION GRANTED subject conditions

NY/2017/0072/A27

Marfield Quarry, Leyburn Road, Masham, North Yorkshire, HG4 4NX

Decision Letter: 30 August 2017

Application for the approval of details reserved by condition No's 5 & 8 of Planning Permission Ref. C6/500/32G/CMA which relates to detailed schemes for working, restoration and aftercare and a detailed scheme of archaeological investigation

PLANNING PERMISSION GRANTED subject conditions

NY/2017/0135/A27

**Newthorpe Quarry, Hall Lane, Newthorpe, Selby,
LS25 6JN**

Decision Letter: 20 September 2017

Application for the approval of details reserved by condition No's 3, 5, 9, 11 & 13 of Planning Permission Ref. C8/59/41A/PA which relates to a Archaeological Written Scheme of Investigation, a scheme of landscape works, proposed wheel bath, highway works and footpath crossing details

Details APPROVED

To access the planning application details, consultation responses and a copy of the report and decision notice containing any planning conditions relevant to the development please access 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).

DAVID BOWE

Corporate Director – Business and Environmental Services

Author of Report: Rebecca Sherwood-Smith

Background Documents: None

North Yorkshire County Council

Planning and Regulatory Functions Committee

24 October 2017

Conferment of the Title of Honorary Alderman

1.0 Purpose of the Report

- 1.1 For the Committee to consider whether it would wish to make a recommendation to the County Council to confer the title of Honorary Alderman on former Members of the Council.

2.0 Powers and Criteria

- 2.1 Section 249 of the Local Government Act 1972 provides that the title of Honorary Alderman may be conferred by the County Council on persons who have, in its opinion, rendered eminent service to the Council as past Members of this Council, (or a predecessor Council), but who are no longer Councillors. The title is to be conferred by a resolution passed by not less than two thirds of the Members voting on it at a meeting of the County Council specially convened for the purpose.
- 2.2 A number of long serving Members ceased to be County Councillors, following the elections on 4 May, 2017. Of those retiring Members, 6 had served as Members of the County Council for more than 20 years - (20 years' service on the County Council or any of its three predecessor County Councils, the York County Borough Council and the pre-1974 Borough Councils of Harrogate and Scarborough is the criterion for previous service agreed by the County Council, in 1985, for the conferment of the title of Honorary Alderman). Those retiring Members (with their years of service in brackets following their name) are Margaret Ann de Coursey-Bayley (20), John Fort BEM (20), Bill Hoult (24), Shelagh Marshall OBE (28), Chris Metcalfe (24) and John Savage (20).
- 2.3 It has been requested that the Committee consider the position of Members that were elected part way through a municipal year, by way of a by-election, with a view to this being considered as a full year's election term. Should Members agree to this alteration, Bernard Bateman MBE would become eligible to be conferred as an Honorary Alderman, for service between 1997 and 2017, with 20 years' service.
- 2.4 Also, in view of the length of service provided by former County Councillor Michael Heseltine (this would have been 40 years in May 2017), up until his death late last year, the Committee is asked to consider that he be conferred with the title of Honorary Alderman, posthumously.
- 2.3 Although the title of Honorary Alderman must be conferred by the County Council, at a special meeting set up for the purpose, the County Council's constitution delegates, to this Committee, the power to make recommendations to the Council on the matter.

3.0 Former Members of the Council Who Satisfy the Criteria

- 3.1 The Committee is asked whether it wishes to invite the former Members of the County Council, identified at 2.2 above, to accept conferment of the title of Honorary Alderman, of North Yorkshire County Council, and whether it wishes to take the action identified at 2.3 and 2.4, and, if so, is asked to make the necessary recommendations to the County Council.
- 3.2 In the past, arrangements have been made for the special meeting of the Council which is required to confer the title of Honorary Alderman to be held at 12.30 pm on the day of an ordinary meeting of the County Council, thereby maximising the number of Members of the Council able to be present. It has been customary to present each new Honorary Alderman with a framed illuminated address and Honorary Alderman's badge. The Committee is asked whether it would wish similar arrangements to be made on this occasion.

4.0 Recommendation

- 4.1 That the Committee decides what, if any, recommendation it wishes to make to the County Council about the conferment of the title of Honorary Alderman on past Members of the County Council and the associated arrangements which are to be made.

Barry Khan
Assistant Chief Executive (Legal and Democratic Services)

County Hall
NORTHALLERTON

October 2017

Author of Report: Josie O'Dowd
Background documents: None