

## North Yorkshire County Council

### Planning and Regulatory Functions Committee

Minutes of the meeting held at County Hall, Northallerton on 6 February at 10.00 am.

**Present:-**

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

There were six members of the public in attendance.

Apologies for absence were submitted by County Councillor David Hugill.

**Copies of all documents considered are in the Minute Book**

**48. Minutes**

**Resolved -**

That the Minutes of the meeting held on 19 December 2017, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

**49. Declarations of Interest**

There were no declarations of interest.

**50. Public Questions or Statements**

The representative of the Assistant Chief Executive (Legal and Democratic Services) stated that, apart from the people who had registered to speak in respect of the applications below, and who would be invited to do so during consideration of those Items, there were no questions or statements from members of the public.

**51. C3/17/01366/CPO – (NY/2017/0251/FUL) - Construction of a Waste Transfer Station (1920 sq. metres), site office (84 sq. metres), pump house building (36 sq. metres), weighbridge and associated office (137 sq. metres), 2 storage containers (30 sq. metres), 3 sprinkler water tanks, 5 8 metre high floodlights, car parking (640 sq. metres), vehicle access and turning area, 2 metre high palisade perimeter fence and gates and boundary planting (Re-submission) at Tofts Road, Kirby Misperton**

Considered -

The report of the Corporate Director - Business and Environmental Services, requesting Members to determine a planning application for the construction of a waste transfer station, as detailed above, on land at Tofts Road, Kirby Misperton.

The application was subject to 13 objections having been raised by local residents, summarised in paragraph 5.3 of the report, and was, therefore, reported to the Committee

for determination.

Mrs Helen Ryder, local resident, addressed the Committee, outlining the following:-

- ◆ She raised concerns regarding the application previously considered in relation to the alterations to the width of Tofts Road carriageway, which had been approved via delegated powers. She noted there had been a number of objections but no one had received acknowledgement to those. She considered that the application should have been put before Committee due to the objections.
- ◆ She considered that the application, for the alterations to the carriageway, was intrinsically linked to the application for the waste transfer station as without one, the other could not take place.
- ◆ She raised concerns regarding the parking up of, potentially, six HGVs at any one time, on the road, and objected to them being outside her home, adjacent to her drive in terms of safety, with display views along the road being obstructed. She also objected to pollution from the stationary vehicles, leakage from the trucks onto the road, noise/light pollution/disturbance from the vehicles entering and leaving the waste transfer site.
- ◆ The construction of the new wider carriageway would lead to surface water run off causing flooding issues on adjacent land.
- ◆ In terms of the application for the waste transfer station she raised concerns that the report indicated that it would not be appropriate to revisit the principles of the development of the site as it had previously been deemed acceptable. She considered this to be a resubmission of a full application with a number of significant changes to the original application and, therefore, suggested that it required full consideration.
- ◆ She noted that the resubmission included a building with a larger footprint and was taller than previously, the development had changed in orientation, a number of additional buildings had been added to the scheme, a significant number of car parking spaces had been created.
- ◆ The changes would have a detrimental effect on their property and the campsite located there with additional noise/dust, traffic movements.

Mr Robert Ryder, local resident, addressed the Committee outlining the following:-

- ◆ He was opposed to the proposal in its current format as it would have a detrimental effect on his home and the campsite business operated at that location. He suggested that no consideration had been given to either of those through this application. He noted that his home was much closer to the proposed facility than had been indicated in the report.
- ◆ Noise was a major concern, both from the vehicles using the site and from the site itself. The size of the application site would result in vehicles standing outside of the site, near to his property, creating noise and air pollution.
- ◆ His questions relating to why the original application layout had been altered such that the building had been rotated to face in another direction had not been answered.
- ◆ He would be required to offer a section of his land to enable the building work to

take place for a period of up to 12 weeks which would have a significant affect for the access/egress to the campsite.

- ◆ He noted that the proposal was taking place near to the fracking protestors' village and it was likely that the vehicles carrying out the construction would require Police escorts to enable them to carry the work out.
- ◆ He considered that the proposal was an additional blight on the area.

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. Issues from the report were highlighted specifically to address the concerns that had been expressed during the public questions.

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

- ◆ Issues around the alterations to be made to Tofts Road, to accommodate HGVs parking at that location, were discussed. It was clarified that the road would be two lanes with "stacking" areas for the vehicles, which would be accommodated on one of the lanes of the road rather than an additional stacking area being provided. These were similar to passing places on one-track roads. It was emphasised that it was unlikely that there would be six vehicles parked there at any one time, but that number could be accommodated if necessary. It was noted that, in the majority of cases, the stacking areas would be utilised for HGVs waiting to go into the site when a vehicle was already in there, therefore the waiting time would be relatively short. It was noted that a double track road with additional parking bays could not have been provided because of the infrastructure in place there.
- ◆ It was noted that the Highways Authority had not objected to the proposals in terms of the vehicle movements and issues along Tofts Road.
- ◆ A Member asked whether the proposed operation times, as set out in the conditions, of 7 am to 6 pm Monday to Saturday, were conducive to the improvement of the quality of people's lives.

It was stated in response that the times stated were consistent with other operating hours around the county. The operating hours were put in place to ensure that a balance between local amenity and the operation of the site could be provided and consultation with Environmental Health Officers had indicated that there would be no significant detrimental effect on the local community from the operating hours highlighted.

Members debated the application and a proposal was made that the application be deferred until appropriate highways information was made available in relation to the effect on Tofts Road of creating the stack-up areas and HGVs parking along the road. The proposal for deferral was defeated.

#### **Resolved -**

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

**52. C1/17/00470/CM – (NY/2017/0155/COU) - Change of use of former quarry to a waste recycling facility for the treatment of waste wood by use of mobile plant and machinery, importation and temporary stocking of waste wood and finished products prior to removal off site at Kiplin Hall Quarry, Kiplin Hall**

Considered -

The report of the Corporate Director - Business and Environmental Services, requesting Members to determine a planning application for the change of use of former quarry to a waste recycling facility, as detailed above, at Kiplin Quarry, Kiplin Hall.

The application was subject to objections from Richmondshire District Council Planning Department, Kiplin Parish Council, Scorton Parish Council and members of the public, in respect of this proposal on the grounds of traffic impacts, hours of operation and noise levels and was, therefore, reported to the Committee for determination.

Mrs Liz Atkinson, Kiplin Parish Meeting, addressed the Committee, outlining the following:-

- ◆ The Parish Meeting and local residents had discussed the application previously and wished to raise a number of concerns.
- ◆ Noise was considered to be a particular concern in relation to the use of the mobile shredding machinery and the detrimental effect that would have on neighbouring properties. She noted that the application suggested that operations would be undertaken between 8 am and 5 pm continuously on two to three days per week. She considered that further noise monitoring was required from Environmental Health to determine the detrimental effect that this would have on neighbouring properties before a decision was made on the application and, therefore, suggested it should be deferred allowing this to take place. She emphasised the need to protect the tranquillity of the area. She also considered that the charitable position of Kiplin Hall may be affected by the loss of tranquillity.
- ◆ She stated that concerns had also been raised by Scorton Parish Council on a number of factors, including moving existing recycling facilities from Scorton to Kiplin Hall, and stated that they considered that they had not been provided with a satisfactory response.
- ◆ Concerns had also been expressed in relation to possible increases in HGV movements.
- ◆ A great deal of concern had been raised in relation to the lack of consultation with local residents and the Parish Meeting. Information had been misleading and difficult to obtain.
- ◆ She emphasised the need for further tests to be undertaken in relation to noise disturbance and asked that the report be deferred.

Mr James Fife, agent for Kiplin Hall CIO, addressed the Committee, outlining the following:-

- ◆ He spoke in support of the application noting that, until recently, the Hall had received the support of funding from a gravel quarry that was based on land there.
- ◆ He outlined the need to create additional resources to ensure that the Hall could continue to prosper, and be open to the public, alongside its charitable status.
- ◆ He suggested that the application correlated with the green credentials of Kiplin

Hall and was an excellent opportunity to generate revenue that would sustain the Hall for years to come. He noted that the Trustees of Kiplin Hall supported the application.

- ◆ He stated that the Hall employed several local people and also had a number of local volunteers that assisted on the grounds. He considered that the application provided an opportunity for the whole community.

Mr Geoff Dereham, representing Yorwaste, the applicant, addressed the Committee, outlining the following:-

- ◆ The report highlighted the detailed consultation process that had taken place in relation to the application.
- ◆ The application would allow the treatment of waste wood, through mobile plant, that could be utilised for the generation of electricity.
- ◆ He noted that Kiplin Hall was an appropriate location for the work and the proposed site was well hidden by existing planting and trees. He noted that the location of the Hall was ideal in terms of transportation of materials.
- ◆ There had been no significant objections to the proposals during the consultation period.
- ◆ The proposal had been subject to detailed studies and it was recognised that this would effectively use waste material to produce energy, thereby, moving waste up the waste hierarchy.
- ◆ He emphasised that the concerns raised could be addressed through the mitigation measures outlined in the conditions relating to the application.

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. Issues from the report were highlighted to address the concerns that had been expressed during public questions.

The officer provided the following updates in relation to the report:-

- ◆ Paragraph 5.4 of the report stated there had been one objection from members of the public, however, there had been two objections, although the issues raised in that second objection had been accounted for in the report.
- ◆ Hambleton District Council were yet to submit their views, as a statutory consultee, in respect of this application, and it was suggested that, should Members be minded to agree the application, that this be with the proviso that no further adverse issues were raised by Hambleton District Council, within the 21 day consultation period, that had not previously been considered.
- ◆ A Section 106 Agreement would require to be completed and it was suggested that it be delegated to officers to agree an extended management area, to be secured under that Section 106 Agreement, to take account of restoration requirements outside of the redline boundary.

- ◆ The issues raised by the County Council's Landscape Officer, within the report, had been discussed with the applicant and a resolution to those issues would be negotiated.

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

- ◆ A Member noted the usage of path around the lake, by the public, and had considered that Kiplin Hall may object to the proposal due to the detriment to the tranquillity of this area that would be created, however, he noted that the Hall would obtain additional resources, to assist the running of the Hall, through this. He had concerns regarding the noise issue and asked whether this would be monitored effectively. In response it was stated that the Environmental Health Officers had indicated that they were satisfied with the mitigation provided in relation to noise, through conditions, and that there would be no significant detrimental effect on the local community.
- ◆ It was asked what was in place to prevent fire from taking hold of the stockpiled wood. It was noted that this matter would be addressed through the Environmental Statement issued alongside the process, if agreed, and that a fire prevention plan was in place in relation to the stored wood. Members welcomed the introduction of a fire protection policy in view of previous fires at waste recycling facilities.
- ◆ A Member asked whether MDF would be recycled at the plant, noting that this had links to cancer, in terms of the dust particles created. In response it was stated that the application was not specific as to the type of wood that would be recycled and it was noted that the Environmental Permit would determine that. The Head of Planning emphasised that Members should take care so as not to take account of matters that were outside of their remit in terms of Planning considerations.
- ◆ In terms of dust creation a Member considered that an outside processing plant was not appropriate, as dust would be created and that would be blown around the area. He noted that this was controlled by the Environmental Permit but had concerns that, unless the process was undertaken under cover, dust would be a significant detrimental factor for the area.
- ◆ Clarification was provided by the Committee's Legal Officer in relation to the additional recommendations required to address the issues raised by the Planning Officer in respect of the report.

#### **Resolved -**

That the application be approved for the reasons stated within the report, subject to:-

- (i) no further adverse issues being raised by Hambleton District Council within the 21 day consultation period that had not previously been considered;
- (ii) the completion of the Section 106 Agreement and delegation to officers to agree an extended management area to be secured under the Section 106 Agreement; and
- (iii) the conditions as set out in the report.

**53. C6/17/03835/CMA – (NY/2017/0208/FUL) - Demolition of sixth form building (1186 sq. metres), removal of two Temporary Classroom Units (263 sq. metres), erection of two storey Sixth Form Building (965 sq. metres), external wall mounted lighting, nine - 6 metre high lighting columns, re arrangement of car park facility, cycle shelter, bin store, three pedestrian crossings, creation of footpaths, 1.8 metre high access gate, paving, hard and soft landscaping works, removal of one existing tree at King James School, King James Road, Knaresborough**

Considered -

The report of the Corporate Director - Business and Environmental Services, requesting Members to determine an application for the demolition and erection of sixth form buildings at King James School, King James Road, Knaresborough, as outlined above.

The application was subject to an objection from Harrogate Borough Council having been raised in respect of the proposal on the grounds of the demolition of a non-designated heritage asset and the heritage impact of this and was, therefore, reported to the Committee for determination.

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.

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

- ◆ Members noted that there had been no neighbour objections to the proposal, welcomed the move for buses to have a designated pick-up/drop off area which was off the main road and suggested that the proposal would be beneficial to the school and the local area.

**Resolved -**

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

**54. Items dealt with under the Scheme of Delegation**

Considered -

The report of the Corporate Director - Business and Environmental Services, outlining items dealt with under the Scheme of Delegation between the period 21 November 2017 to 8 January 2018, inclusive.

**Resolved -**

That the report be noted.

**55. Publication by Local Authorities of Information about the handling of planning application**

Considered -

The report of the Corporate Director - Business and Environmental Services, which outlined the County Council's performance in the handling of "county matter" and County Council development planning applications for Quarter 3, the period 1 October 2017 to 31 December 2017.

Information on enforcement cases was attached as an Appendix.

The Head of Planning Services provided an update as to the progress being made on a number of legacy applications.

**Resolved -**

That the report be noted.

The meeting concluded at 11.45 am.

SL/JR