

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

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

15 MAY 2018

C6/18/00092/CMA - Planning application for the purposes of the demolition of two single temporary classroom units (135 sq. metres) and installation of one double permanent prefabricated classroom unit (178 sq. metres) 6 no. wall mounted external lighting, 2 external steps, footpaths, fan coil units and soft landscaping on land at Kirkby Malzeard Church of England Primary School, Church Bank, Kirkby Malzeard, HG4 3RT on behalf of Corporate Director, Children and Young People's Services (Harrogate District) (Masham & Fountains electoral division)

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of the report

- 1.1 To determine a planning application for the demolition of two single temporary classroom units (135 sq. metres) and installation of one double permanent prefabricated classroom unit (178 sq. metres) 6 No. wall mounted external lighting, 2 external steps, footpaths, fan coil units and soft landscaping on land at Kirkby Malzeard Church of England Primary School, Church Bank, Kirkby Malzeard, HG4 3RT on behalf of Corporate Director, Children and Young People's Services.
- 1.2 This application is subject to an objection having been raised in respect of this proposal on the grounds of concerns over loss of light and is, therefore, reported to this Committee for determination.

2.0 Background

Site Description

- 2.1 Kirkby Malzeard C of E Primary School is located towards the north-east of the settlement of Kirkby Malzeard. The school has a site area of 1.42 hectares, with the main school building located to the east of the site.
- 2.2 The school was built in 1970 and is constructed of buff brick with a green/grey mineral felt flat roof.
- 2.3 To the east of the school site is the school car park and the public highway Church Street, to the east of which is St Andrew's Church. To the west of the school site are agricultural fields and to the south are residential properties located along Church Street, Main Street and Manor Court. Kirkby Malzeard pre-school is located within the school site, to the west of the main school buildings, and north is Church Bank on which a handful of residential properties are located.
- 2.4 The boundary of the school site consists of a two metre high deciduous hedge to the north, a 1.5 metre high stone wall to the east, 1.5 metre high timber fencing, hedgerow and mature trees to the south and 1.5 metre high deciduous hedge to the west.
- 2.5 Located nine metres to the west of the main school building are two prefabricated classroom units. These are partially subject of this application.
- 2.6 A plan showing the application site is attached to this report.

Planning History

- 2.7 There is no planning history relating to the proposed development site relevant to the determination of this application.

3.0 The proposal

- 3.1 Planning permission is sought for the demolition of two single temporary classroom units (135 sq. metres) and installation of one double permanent prefabricated classroom unit (178 sq. metres) 6 No. wall mounted external lighting, 2 external steps, footpaths, fan coil units and soft landscaping on land at Kirkby Malzeard Church of England Primary School, Church Bank, Kirkby Malzeard, HG4 3RT on behalf of the Corporate Director, Children and Young People's Services.
- 3.2 The new classroom unit is a single storey prefabricated building to a standard design that is commonly seen at many schools. The unit will measure approximately 9.85 metres in width by 18.1 metres in length, and 3.85 metres in height, totalling approximately 178 square metres.
- 3.3 The new prefabricated classroom unit will be single storey with a low pitched felt roof to maintain the appearance, scale and proportion of the existing temporary classroom unit structure. The unit will be steel framed and clad in composite insulated sheeting and is proposed to be finished in Vandyke Brown (BC 08B29) colour. The windows are PVCu (white) and external doors (brown) are steel.
- 3.4 External Lighting will illuminate the perimeter of the building, with a maximum lighting level of 10 Lux. Time periods for illumination will be controlled by time clocks as well as 'dusk till dawn' sensors ensuring optimal usage and energy efficiency and minimising nuisance to any neighbours.
- 3.5 The school is accessed off Church Street which forms the schools main entrance, however this entrance to the school site does not provide a practical access route to be utilised during building work, therefore an existing entrance onto the school field is proposed to be utilised off Manor Court to the south west. A temporary access route will be created across the school field which will be made good when the works are complete, and sufficient traffic control measures are proposed to be implemented during this period, to reduce conflict with school users.
- 3.6 The school has identified the need to improved disabled access at the school and this proposal forms an integral part of that by enabling step-free access to the proposed new building by way of a ramp. The unit be used as teaching accommodation.

4.0 Consultations

- 4.1 The consultee responses summarised within this section of the report relate to responses to the consultation undertaken on the 8 January 2018 and a re-consultation with the Lead Local flood Authority on 10 April 2018 following the receipt of further amended information relating to site drainage.
- 4.2 **Harrogate Borough Council (Planning)** – confirmed no objections.
- 4.3 **Kirkby Malzeard, Laverton & Dallowgill Parish Council** – did not respond.
- 4.4 **Environmental Health Officer (Harrogate)** - confirmed no observations.
- 4.5 **NYCC Heritage – Ecology** – requested that new external lighting is directed away from trees, hedges or other buildings to avoid disruption to bat foraging activity in the surrounding area.

- 4.6 **NYCC Heritage - Principal Landscape Architect** – confirmed no objections and asked that a condition be put on any grant of planning permission to require the temporary access across the school playing field to be restored on completion of works.
- 4.7 **NYCC Arboricultural Officer** – confirmed no objections.
- 4.8 **Highway Authority** – requested a number conditions to be attached to any grant of planning permission. These include improvements to Manor Court access, precautions to prevent mud on the highway, a highways condition survey and onsite parking/storage information.
- 4.9 **Sport England** – confirmed no objections.
- 4.10 **SUDS & Development Control Officer** – requested additional information to be submitted before an informed decision could be made.
- 4.11 Following receipt of the requested information, the SUDS Officer requested that three conditions be added to any grant of planning permission to include details of drainage layout, storage requirements and exceedance flow route details. The Applicant confirmed agreement with such conditions.
- 4.12 **Nidderdale AONB** – did not respond.

Notifications

- 4.13 **County Cllr. Margaret Atkinson** – was notified of the application.

5.0 Advertisement and representations

- 5.1 This application has been advertised by means of four site notices posted on 8 January 2018 (responses to which expired on 29 Jan 2018). The Site Notices were posted in the following locations:
- School entrance gate;
 - On Church Lane;
 - On Manor Court; and
 - On Main Street
- 5.2 Neighbour Notification letters were sent on 8 January 2018 and the period in which to make representations expired on 29 January 2018. The following properties received a neighbour notification letter:
- 1 – 6 Manor Court (inclusive), Kirkby Malzeard;
 - Eight properties on Main Street (south of the school playing field); and
 - Four properties on Church Street.
- 5.3 One letter of representation has been received from the neighbouring Pre-School which occupies an area of the school site to the north of the proposed development area, raising objections on the grounds of concerns over loss of light and overshadowing to the Pre-School, due to the proposed location of the unit and topography of the land.
- 5.4 47 letters of support have been received raising support for improved facilities at the school, many on the grounds of the need for improvement to disabled access to provide suitable access for a child using a wheelchair at the school, which the existing units currently do not.

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 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 within the Core Planning Principles of the NPPF states factors which should underpin planning decision. The relevant policies for this proposed development include:
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - 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 Paragraphs 56-58 within Section 7 (Requiring Good Design) of the NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. It also states that planning policies and decision should aim to 'ensure that developments:
- will function well and add well to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
 - respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
 - create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
 - are visually attractive as a result of good architecture and appropriate landscaping'.

Indeed paragraph 64 states that 'permission should be refused for development of poor design'.

- 6.8 However, paragraph 60 states that 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness' and paragraph 61 states that 'Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment'.

- 6.9 Paragraph 61 also states that "*Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment*".

- 6.10 Paragraph 70 within Section 8 (Promoting healthy communities) of the NPPF states that planning policies and decisions 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*".

- 6.11 The NPPF further advises at paragraph 72 on the importance of ensuring that a sufficient quantity of school places for children is available for existing and new communities. Furthermore it is advised 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'.

National Planning Practice Guidance (PPG) (2014)

- 6.12 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: -

Design

- 6.13 This states how good design is essential to sustainable development with reference to the importance of it being functional, in that it relates well to its surrounding environment, and is designed so that it delivers its intended purpose whilst maintaining a distinctive character. It though must also “*reflect an areas function, history, culture and its potential need for change*”. Ensuring a development can:
- deliver a wide range of planning objectives;
 - enhance the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing;
 - address the need for different uses sympathetically.
- 6.14 The size of individual buildings should be carefully considered, as their design will affect the overshadowing and overlooking of others; local character and skylines.

The Development Plan

- 6.15 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.
- 6.16 The Development Plan for the determination of this particular application comprises the following:
- The extant policies of the Harrogate District Core Strategy (2009); and
 - The ‘saved’ policies of the Harrogate Borough Local Plan (2001).
- 6.17 The Harrogate District Core Strategy (2009) has particular relevance in the determination of this application and the policies most relevant include:
- Policy SG4 – Design and Impact;
 - Policy C1 – Inclusive Communities.
- 6.18 Within the Harrogate Core Strategy Policy SG4, “*Design and Impact*” with regards to residential amenity it states “*the scale, density, layout and design should make the most efficient use of land*”, and that the “*visual, residential and general amenity should be protected and where possible enhanced*”. This policy is consistent with the NPPF’s objectives of presumption in favour of sustainable development, as outlined in paragraph 17 of the Framework, which relates to the importance of achieving a good quality of design to ensure a good quality and standard of amenity for all existing and future occupants. Therefore, full weight can be given to this policy in the determination of this application.
- 6.19 Another relevant policy stated in Harrogate’s Cores Strategy (2009) is Policy C1 titled “*Inclusive communities*” it advises “*the use and development of land will be assessed having regard to community needs within the District, with particular importance placed on the following specific needs identified through the Harrogate District Community Plan and other relevant strategies and plans:*
- a. *elderly people, especially in terms of open market housing, health, sport and recreation;*
 - b. *young people, especially in terms of affordable housing, higher education/training and sport, leisure, cultural and entertainment facilities;*

- c. *the rural population especially in terms of affordable housing and access to services;*
 - d. *disabled people, especially in terms of access to services and mobility.”*
- 6.20 In this instance, parts ‘b’, ‘c’ and ‘d’ of this policy are considered relevant to the determination of this application they relate to the provision of facilities related to the provision of education and the improvement of services for disabled people.
- 6.21 It is therefore considered that Policy C1 ‘b’ and ‘c’ of the Harrogate District Core Strategy (2009) are consistent with the National Planning Policy Framework (2012) and therefore full weight can be applied in determining this application.
- 6.22 In addition to the Harrogate District Core Strategy (2009) the Harrogate District Local Plan (2001) also warrants consideration in relation to this proposal. The policies most relevant are:-
- ‘Saved’ Policy HD20 titled “Design of New Development and Redevelopment”.
 - ‘Saved’ Policy R1 titled “Existing Recreation Open Space”.
- 6.23 ‘Saved’ Policy HD20, titled ‘Design of New Development and Redevelopment’, from the Harrogate Local Plan (2001) advises that proposals must take into account the following design principles:
- *New buildings must make a positive contribution to the spatial quality of the area and their siting and density should respect the area’s character and layout;*
 - *‘The use and application of building materials should respect materials of neighbouring and the local area;*
 - *New development should respect the local distinctiveness of existing buildings, settlements and their landscape setting;*
 - *New buildings should respect the scale, proportions and height of neighbouring properties;*
 - *New building design should respect, but not necessarily mimic, the character of their surroundings and, in important location, should make a particularly strong contribution to the visual quality of the area;*
 - *The use and application of building materials should respect materials of neighbouring buildings and the local area;*
 - *Special consideration will be given to the needs of disabled and other inconvenienced persons, particularly in proposed developments to which there will be public access;*
 - *New development should respect the privacy and amenity of nearby residents and occupiers of adjacent buildings;*
 - *New development should maximise the opportunities for conservation of energy and resources through design, layout, orientation and construction;*
 - *New development should, through design, layout and lighting, pay particular attention to the provision of a safe environment’.*
- 6.24 This Policy is considered partially consistent with the NPPF’s objectives of achieving sustainable development through good design, as outlined in Chapter 7, in particular as detailed in paragraphs 56 and 58, which relate to development respecting the character of the area. It is noted, that the NPPF states that *‘planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation’*. Paragraph 61 states *‘Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment’*.

- 6.25 Furthermore, paragraph 64 states that '*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*'. In terms of the design aims of Policy HD20, it is therefore considered that the policy is broadly consistent with the aims of the National Planning Policy Framework (2012) and, therefore, partial weight should be afforded Policy HD20 in relation to the determination of this application.
- 6.26 'Saved' Policy R1 titled "Existing Recreation Open Space" advises that development proposals which involve the loss of existing recreational open space will not be permitted unless in the case of playing fields, where sports and recreation facilities can best be retained and enhanced through the development of a small part of the site. This policy is considered consistent with the NPPF paragraph 74 which seeks lost playing field being replaced by equivalent provision.

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, the need for the development, location, design, residential amenity, loss of light/overshadowing impact, highways matters and impact upon the playing field.

Principle of the proposed development

- 7.2 The principle of improving school facilities with the new classroom unit receives support within the NPPF in securing sustainable development, whilst supporting the need to alter/enhance schools as stated in paragraph 72. Sustainable development in this instance, is considered to be the support of a community facility by ensuring local people have adequate school place provision for their children. Therefore, in terms of sustainable development the proposal is considered consistent with the NPPF. Policy C1 of the Harrogate District Core Strategy also seeks to support development of community facilities and accordingly this policy is considered to support the principle of the proposal.
- 7.3 The principle of developing school facilities receives support within the NPPF in both securing sustainable development whilst supporting the needs to alter/enhance schools. In this instance the proposals seek to enhance the existing school facilities which is therefore supportive of such proposals.
- 7.4 Given the aforementioned policy support, it is considered that the principle of this development is supported in a policy context, notwithstanding the consideration of all other material considerations.

Need

- 7.5 The Applicant has affirmed that the school has identified the need to improve disabled access at the school and this proposal forms an integral part of that. The unit will be used as teaching accommodation which can be used by all students to create an inclusive environment. At present, the lack of disabled access to the existing two units means that disabled students cannot utilise these classrooms. This is compliant with policy C1 of Harrogate's Cores Strategy (2009) titled "*Inclusive communities*" which supports the use of development for community needs including children, education and disabled people in terms of access to services and mobility.
- 7.6 This is further endorsed by the consultation responses received which support the application and the 47 letters of support, many of which refer to the need for the improved facilities at the school.

Location

- 7.7 The location of the new classroom unit has been determined due to the topography of the land which slightly slopes down to the north, and the need for the ramped access to the unit. Varying locations have been considered during this project, however that which is proposed is the most viable in terms of creating the required disabled access.
- 7.8 The new unit is proposed to be located to the west of the main school building and playground, partially in the place of an existing unit which is proposed to be removed. Kirkby Malzeard Pre-School is located approximately 6-8 metres to the north of the proposed unit at a slightly lower gradient of up to one metre.
- 7.9 It is considered that the location of the unit has been investigated in order to create the most viable solution to the lack of disabled access of the school, which is compliant with policy C1 of Harrogate's Cores Strategy (2009) titled "*Inclusive communities*" which supports the use of development for community needs including children, education and disabled people in terms of access to services and mobility.

Design

- 7.10 It is considered that the scale and external finish of the development is sympathetic to the existing school site and the two units which it is proposed to replace. The visual impact of the proposal is lessened because the proposed new unit will mirror the general profile of a standard prefabricated classroom unit, including those two which are to be replaced. The unit has been designed to accommodate disabled access to both classrooms and is of a height and scale which is in keeping with the existing school buildings so as not to affect the sky line. The low pitched roof lessens the impact of the development further, with the profile of the unit being sympathetic to the existing two units which it will replace. The proposed development would not conflict with the existing school building and is not inappropriate for a school site and therefore it is considered that the design and scale of the development is acceptable and consistent with NPPF Paragraph 58 and Planning Practice Guidance (2014).
- 7.11 Furthermore, the proposal is considered compliant with Policy SG4 of the Harrogate District Core Strategy and 'Saved' Policy HD20 of the Harrogate District Local Plan. Policy SG4 seeks proposals to make efficient use of the land and in this instance it is considered that the proposal meets this criteria and consequently merits support. 'Saved' Policy HD20 seeks buildings to make a positive contribution to the spatial quality of the area and this developments design respects the scale and visual quality of buildings in the surrounding area.

Residential amenity

- 7.12 The nearest residential properties are located on Church Street, Main Street and Manor Court to the south, south west and east. The nearest properties on Church Street are afforded views into the school site facing west over the playing field, a number of properties on Main Street are afforded partial views looking over the playing field towards the north, however a two metre high deciduous hedge screens the majority. A couple of the properties on Manor Court have views out onto the playing field towards the east, but none directly overlook the proposed development area. It is noted above that the visual impact of the development is limited, in part due to the limited views that exist from surrounding residential properties and public spaces.
- 7.13 The use of the development on the school site for teaching provision is considered unlikely to generate any noise or other environmental impacts which would be of detriment to local residential amenity.

- 7.14 It is considered that once constructed, the new unit would be unlikely to appear out of place in regards to the existing school buildings. To this effect, it is considered that there would be no visual impact upon local amenity resulting from the proposed development, being consistent with NPPF paragraph 70 in regards to 'not undermining quality of life'.
- 7.15 The orientation of the existing building, the position/profile of the proposed unit and the boundary treatment mean that external views of the proposal from public vantage points would be limited. It is considered that the likelihood of any significant loss to residential amenity as a consequence of the implementation of this application is unlikely, which is in compliance with Harrogate Core Strategy Policy SG4 in regards to the 'scale, density, layout and design should make the most efficient use of land'.

Loss of light/ overshadowing – amenity

- 7.16 It is acknowledged that the objection received from Kirkby Malzeard Pre-School is predominantly in relation to the potential overshadowing that the new classroom unit may cause to the Pre-School.
- 7.17 The 'Design' section of the National Planning Practice Guidance (PPG) states that good design is essential to sustainable development with reference to the importance of it being functional, in that it relates well to its surrounding environment, and is designed so that it delivers its intended purpose. However, the size of individual buildings should be carefully considered, as their design may affect the overshadowing and overlooking of others; local character and skylines.
- 7.18 As explained above, the design and location of the proposed classroom unit has been carefully considered and the most viable in terms of creating the required disabled access at the school, is reflected in the proposal.
- 7.19 Generally there is no rule of thumb in terms of separation distances, and there is no specific local or national policy which would restrict this. In planning terms the LPA needs to be satisfied that there are no significant concerns in terms of amenity resulting from a loss of light or overshadowing. This is separate and distinct from a right to light which is a civil matter outside of the planning process.
- 7.20 Many local planning authorities use the Building Research Establishment (BRE) Report "*Site layout planning for daylight and sunlight: a guide to good practice*" to assess the impact of new development on daylight and sunlight, as this gives non-mandatory guidance on loss of light to existing buildings and gardens. The BRE Guidelines state that if a proposed building obstructs both the 45 degree lines in height and depth and the 25 degree line in height, it may cause noticeable loss of light.
- 7.21 The applicants have carried out an assessment in line with this best practice guidance, which demonstrates that there would be no significant loss of light or overshadowing.

Highways matters- Traffic and transport

- 7.22 Whilst it is noted that the development does not seek to cater for additional pupil or staff numbers, it is noted that the existing entrance to the school site does not provide a practical access route to be utilised during building work, therefore an existing entrance onto the school field to the south is to be utilised off Manor Court. A temporary access route will be created across the school field which will be made good when the works are complete. Sufficient traffic control measures will be implemented at this stage, to reduce conflict with school users and local residents. Consideration has been given to the impact of the proposed development on the public highway including Manor Court, which is located to the south west of the school site and it is proposed to create a temporary access across the playing field.

7.23 During consultation, the Highways Authority considered the potential impact upon the public highway, specifically Manor Court and confirmed no objections to the proposals but requested a number of conditions and one informative be added to any grant of planning permission. These conditions request works to be undertaken to the existing access onto Manor Court and a licence to do such works; precautions to prevent mud on the highway during the works; a highway condition survey; and details of on-site parking and materials storage.

7.24 The temporary access to be utilised across the school field from Manor Court for the duration of the works is deemed to be acceptable by the Highway Authority if these conditions are applied and for these reasons it is considered that following the implementation of these measures, there will be no adverse impact upon the local highways network. This is further endorsed as no letters of representation have been received by residents of Manor Court who were notified of the proposals.

7.25 It is therefore considered that the development is in accordance with 'Saved' Policy R1 of the Harrogate District Local Plan (2001) titled "Existing Recreation Open Space" and will not have a detrimental impact on the use of the surrounding playing fields.

Impact upon the playing field

7.26 It is noted that the new unit will encroach onto existing playing field, including the use of part of the playing field as temporary access during construction and the loss of a small area in the location of the new unit. However, it is proposed that the area lost by the proposed development would be accounted for and 'made good' with the removal of the existing two units to compensate for this loss.

7.27 This is further endorsed by the consultation response from Sport England, who confirmed that they are satisfied that the proposed development meets Sport England Policy E3, whereby "*The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.*".

7.28 It is therefore considered that the development is in accordance with policy C1 of the Harrogate District Core Strategy in terms of the importance of sport and leisure facilities in the locality.

8.0 Conclusion

8.1 There are no material planning considerations to warrant the refusal of this application for the demolition of two single temporary classroom units (135 sq. metres) and installation of one double permanent prefabricated classroom unit (178 sq. metres) 6 No. wall mounted external lighting, 2 external steps, footpaths, fan coil units and soft landscaping.

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 reason(s):
- i. the proposed development would not result in an adverse impact upon local amenity;
 - ii. the proposed development would not result in an adverse impact upon the character of the local area or the local highway network;

- iii. the proposed development would not result in an adverse impact on the playing field;
- iv. the proposed development is consistent with the principles of the NPPF, NPPG and accords with 'saved' Policies HD20 and R1 of the Harrogate District Local Plan (2001) and Policies C1 and SG4 of the Harrogate Core Strategy (2009).

That, **PLANNING PERMISSION BE GRANTED** subject to the following conditions:

Conditions

1. The development to which this permission relates must be implemented no later than the expiration of three years from the date of this Decision Notice.
2. The development hereby permitted shall be carried out in strict accordance with the application details dated 14th December 2017 and the following approved documents and drawings;
 - Location Plan ref. 17009/A/050.001(P1), dated 8 December 2017;
 - Existing Site Plan (Part) ref. 17009/A/050.003 (P1), dated 8 December 2017;
 - Proposed Site Plan (Part) ref. 17009/A/050.004 (P1), dated 8 December 2017;
 - Proposed Floor Plan and Elevations of PCU ref. 17009/A/140.001 (P1), dated 18 December 2017;
 - Ecology Scoping Report, dated 21 December 2017;
 - Design & Access Statement ref. 17009/A/900.001 (P1), dated 14 December 2017;
 - Drainage Technical Note ref. 40748_KM-TEN 01, dated April 2018
3. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements
 - c. The existing access onto Manor Court shall be improved by first installing an additional 5m of tarmac into the site in accordance with the Standard Detail E6 and the remaining length of the construction track to the works area shall be constructed using compacted type 1 material.
4. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCVs brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority.

6. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
 - a. on-site parking capable of accommodating all staff and sub-contractors vehicles
 - b. clear of the public highway
 - c. on-site materials storage area capable of accommodating all materials required for the operation of the site.
 - d. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
7. Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed.
8. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.
9. No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.
10. Upon completion of the construction works the area of playing field on which the temporary access has been utilised shall be reinstated to its previous condition.

Reasons

1. To comply with Section 91 of Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the development is carried out in accordance with the application details.
3. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
4. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
5. In the interests of highway safety and the general amenity of the area.
6. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

7. To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.
8. To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.
9. To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.
10. In the interests of visual amenity and to ensure that the development is carried out in accordance with the application details.

Informatives

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

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

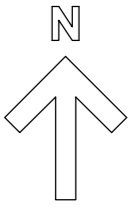
Author of report: Amy Taylor

Background Documents to this Report:

1. Planning Application Ref Number: C6/18/00092/CMA (NY/2017/0327/FUL) registered as valid on 4 January 2018. 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 – Proposed Site Plan
Appendix C – Proposed Floor Plan & Elevations

Notes
 This Drawing is an instrument of service and shall remain the property of Align Property Partners. It may not be reproduced or copied in any form. It shall not be used for the construction, enlargement or alteration of a building or area other than the said project without the authorisation of the issuing office.
 Contractors shall verify and be responsible for all dimensions and conditions and shall report any discrepancies to the issuing office before proceeding with any work. Drawings shall not be scaled.



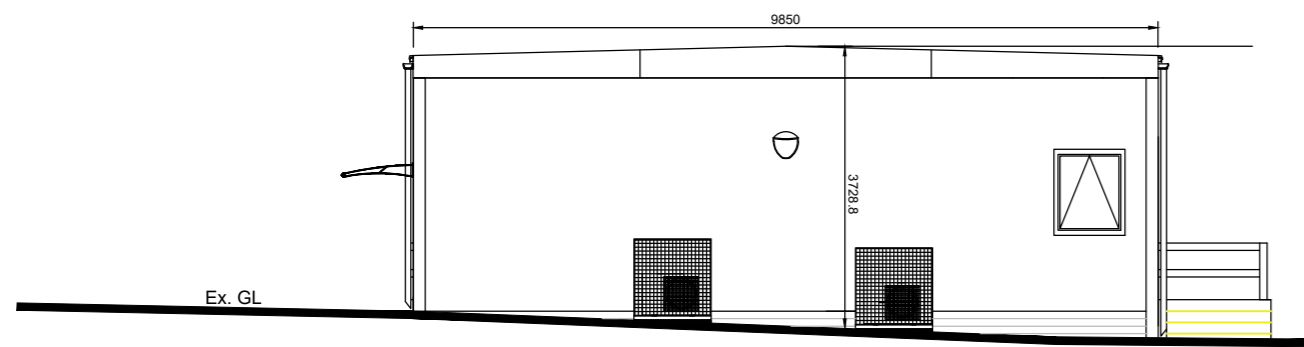
New Surface Water and Foul Water Drainage to be taken to existing surface water and foul water manholes



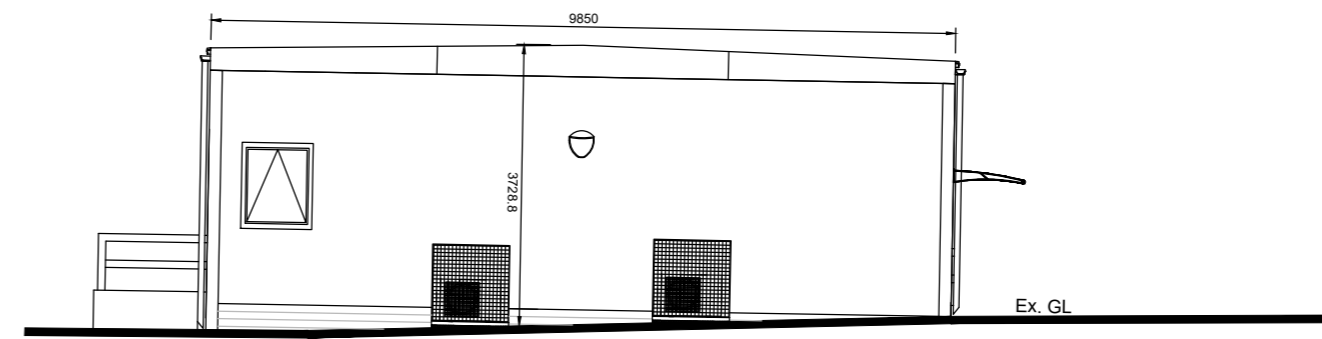
PROPOSED (PART) SITE PLAN 1:200

P1	Planning Application	RA	BJL	DJS
Ver.	Details	Author & Date	Checked & Date	Approv'd & Date
Mount View, Standard Way, Northallerton, North Yorkshire, DL6 2YD Tel: 01609 797373				
Client				
NORTH YORKSHIRE COUNTY COUNCIL				
Project name				
Replacement of two existing TCU's with one Double PCU at Kirby Malzeard C of E PS				
Drawing Title				
Proposed Site Plan(Part)				
Purpose				
Planning Application				
Scale	Drawn	Checked	Approved	
1:200	RA	BJL	DJS	
Original Size	Date	Date	Date	
A2	08/12/17	18/12/17	08/12/17	
Drawing Number				Version
17009/A/050.004				P1

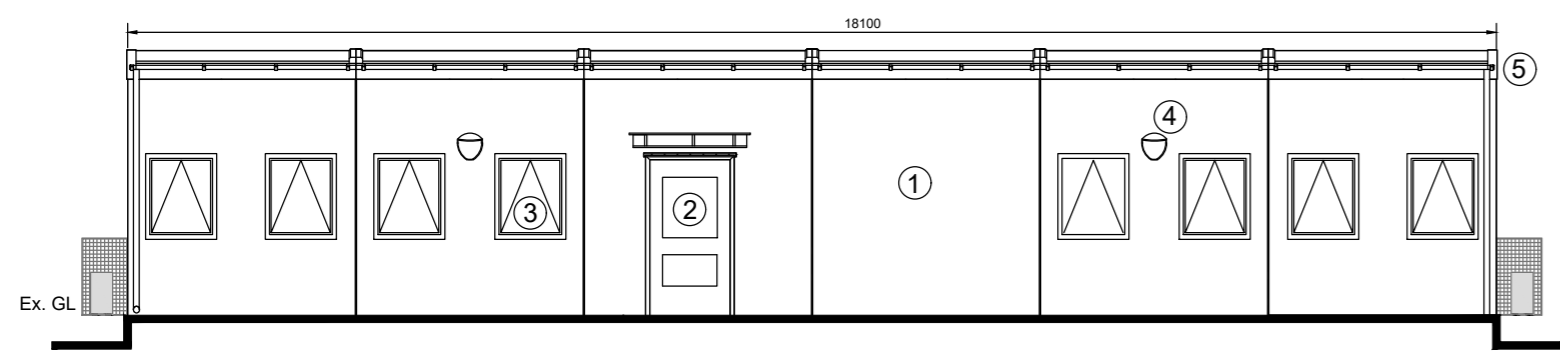
Notes
 This Drawing is an instrument of service and shall remain the property of Align Property Partners. It may not be reproduced or copied in any form. It shall not be used for the construction, enlargement or alteration of a building or area other than the said project without the authorisation of the issuing office.
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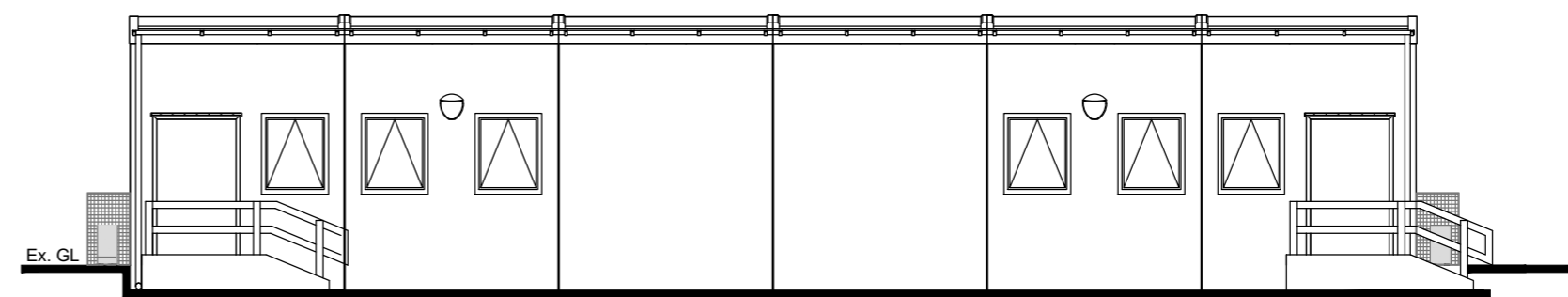
PROPOSED EAST ELEVATION



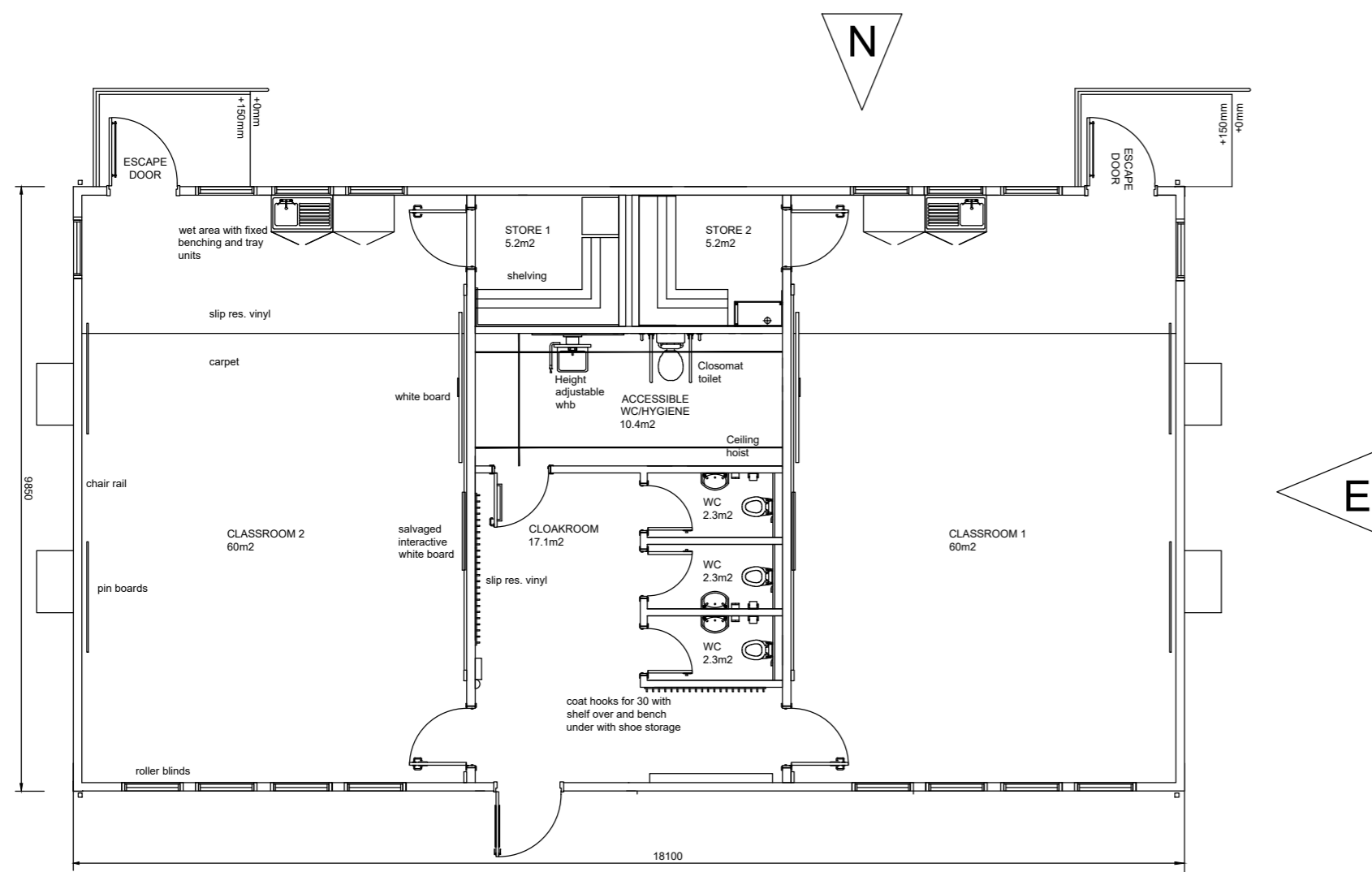
PROPOSED WEST ELEVATION



PROPOSED SOUTH ELEVATION



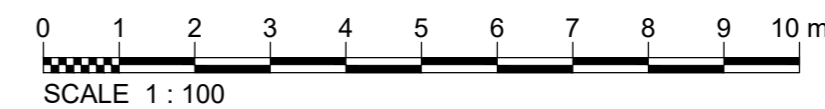
PROPOSED NORTH ELEVATION



PROPOSED FLOOR PLAN
 Scale 1:100

Schedule of finishes:

- ① Walls - Steel framed modular construction. Clad in composite insulated steel (Vandyke Brown BS 08B29)
- ② Windows - PVCu (white)
- ③ Doors - External doors are steel (brown)
- ④ External Lights - Die cast aluminum body finished in titanium polyester powdered coat. Frosted or opal polycarbonate diffuser held against gasket by damp proof screws.
- ⑤ Gutter and rainwater goods - Black UPVC



P1	Planning Application	RA	BJL	DJS
Ver.	Details	Author & Date	Checked & Date	Approv'd & Date
Mount View, Standard Way, Northallerton, North Yorkshire, DL6 2YD Tel: 01609 797373				
Client				
NORTH YORKSHIRE COUNTY COUNCIL				
Project name				
Replacement of two existing TCU's with one Double PCU at Kirby Malzeard C of E PS				
Drawing Title				
Proposed Floor Plan and Elevations of PCU				
Purpose				
Planning Application				
Scale	Drawn	Checked	Approved	
1:100	RA	BJL	DJS	
Original Size	Date	Date	Date	
A2	08/12/17	18/12/17	08/12/17	
Drawing Number				Version
17009/A/140.001				P1

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

15 May 2018

C2/18/00369/CCC - Planning Application for the purposes of the retention of temporary prefabricated office unit Y135 (491 sq. metres) for a further 6 years on land at County Hall Campus, Racecourse Lane, Northallerton, North Yorkshire, DL7 8AE on behalf of Corporate Director, Strategic Resources (Hambleton District) (Romanby and Broomfield Electoral Division)

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of the report

- 1.1 To determine a planning application for the retention of temporary prefabricated office unit Y135 (491 sq. metres) for a further 6 years on land at County Hall Campus, Racecourse Lane, Northallerton, North Yorkshire, DL7 8AE on behalf of Corporate Director, Strategic Resources.
- 1.2 This application is subject to four objections having been raised in respect of this proposal on the grounds of visual impact and need for the retention of the unit and is, therefore, reported to this Committee for determination.

2.0 Background

Site Description

- 2.1 County Hall campus consists of a number of buildings which form the Headquarters of North Yorkshire County Council. The buildings forming the County Hall Campus include the Brierley Building, which is a grade II* listed building, built between 1904 and 1914 which forms the edge of the Northallerton Conservation Area as designated by Hambleton District Council. County Hall is bounded to the north by the public highway of Racecourse Lane upon which Northallerton Magistrates Court and a number of residential buildings are located. To the west of the site is Boroughbridge Road upon which the Station Hotel and Northallerton Train Station are located. The site is bounded to the south by open playing fields and to the east by a number of residential properties located on Ascot Close, Thornley Avenue, Almond Grove and Willow Road.
- 2.2 Boundary treatment of the County Hall campus is varied, including black iron fencing, hedgerows, mature trees, red brick wall and stone wall.
- 2.3 Prefabricated unit Y135 is located at the south of the main County Hall complex, adjacent to another prefabricated unit and the rear staff car park.
- 2.4 A plan showing the application site is attached to this report.

Planning History

- 2.5 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -
- C2/09/00123/CCC, dated 17 February 2009 for the erection of a temporary unit to allow staff to be decanted from County Hall whilst refurbishment works are carried out, until 17 February 2012. Granted and implemented;

- C2/12/00389/CCC, dated 5 April 2012 for the retention of prefabricated office unit until 17 February 2015. Granted and implemented;
- C2/15/00361/CCC, dated 5 March 2015 for the retention of temporary prefabricated office unit No. Y135 until 17 February 2018. Granted and implemented.

2.6 The planning condition the subject of this application to extend the time limit for retention of the unit is:-

Condition 1 of Planning Permission ref. C2/15/00361/CCC:

“The permission hereby granted is valid only until 17 February 2018 and the building shall be removed from the site before that date with the ground reinstated to its condition prior to the development hereby authorised having taken place.”

Reason:-

“The building is constructed with temporary materials and the County Planning Authority wish to review the position at the end of the stated period to ensure the building has been satisfactorily maintained, presents an acceptable appearance in the interests of the visual amenities of the area, and no firm plans exist for its permanent replacement.”

2.7 There have been no compliance issues or complaints in relation to the use of this unit.

3.0 The proposal

3.1 Planning permission is sought for the retention of temporary prefabricated office unit Y135 (491 sq. metres) for a further 6 years on land at County Hall Campus, Racecourse Lane, Northallerton, North Yorkshire, DL7 8AE on behalf of the Corporate Director, Strategic Resources.

3.2 Unit Y135, also known as ‘The Village’ is situated to the south of the main office buildings and immediate west of the rear staff car park and is used as office accommodation for the County Council’s Central Services Finance Team.

3.3 The unit measures 51.1 metres in length, 9.6 metres in width and 3.3 metres in height. The unit is constructed of plastic coated steel panel walls with textured dark brown finish (BS08B29); white UPVC windows and painted wood doors finished to match the main building colour; the roof consists of plastic coated steel panels coloured light grey.

3.4 The applicant has stated in their supporting information that whilst the property strategy for the County Hall campus (including a detailed review of East Block) is defined and agreed, Temporary Unit Y135 will continue to provide office accommodation for the Central Services Finance Team. The building will potentially also be utilised as decant accommodation to support any alteration and refurbishment work to be carried out to the buildings on the campus. Any programme of works as a result of the agreed property strategy are likely to be long term (5-10 years) and it is therefore essential that Temporary Unit Y135 is retained for the County Council’s programme of development on the County Hall campus.

3.5 Wording for proposed condition as varied:

Condition:

1. The permission hereby granted is valid only until the 17 February 2024 and the buildings shall be removed from the site before that date with the ground reinstated to its condition prior to the development hereby authorised having taken place.

Reason:

1. The buildings are constructed with temporary materials and the County Planning Authority wish to review the position at the end of the stated period to ensure the building has been satisfactorily maintained, presents an acceptable appearance in the interests of the visual amenities of the area, and no firm plans exist for its permanent replacement.

4.0 Consultations

- 4.1 The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 15 February 2018.
- 4.2 **Hambleton District Council (Planning)** – responded on 13 March 2018 confirming they did not wish to make any observations.
- 4.3 **Romanby Parish Council** – did not respond.

Notifications

- 4.4 **County Cllr. David Blades** – was notified of the application on 15 February 2018.

5.0 Advertisement and representations

- 5.1 This application has been advertised by means of two Site Notices posted on 05/03/2018 (responses to which expired on 28 Mar 2018). The Site Notices were posted in the following locations:
 - County Hall entrance; and
 - On a fence adjacent the unit.
- 5.2 Neighbour Notification letters were sent on 15 February 2018 and the period in which to make representations expired on 8 March 2018. The following properties received a neighbour notification letter:
 - 21 Almond Grove, Northallerton, DL7 8RQ;
 - 24 Almond Grove, Northallerton, DL7 8RQ;
 - 25 Willow Road, Northallerton, DL7 8RX; and
 - 26 Willow Road, Northallerton, DL7 8RX
- 5.3 A total of three letters of representation have been received raising objections on the grounds of:-
 - Visual impact of the unit on nearby residential properties; and
 - Need for the retention of the unit.
- 5.4 The objection letters also made reference to non-material considerations on the grounds of County Hall staff parking on nearby streets, stating that the location of unit could be utilised as car parking.

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 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,
 - 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 Paragraphs 56-58 within Section 7 (Requiring Good Design) of the NPPF states that ‘good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people’. It also states that planning policies and decision should aim to ‘ensure that developments:
- will function well and add well to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;

- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping’.

Indeed Paragraph 64 states that ‘permission should be refused for development of poor design’.

- 6.8 Paragraph 60 states that ‘Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness’ and Paragraph 61 states that ‘although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment’.
- 6.9 Paragraph 131 within Section 12 (‘Conserving and enhancing the historic environment’) of the NPPF states that “In determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness”.
- 6.10 Paragraph 132 within Section 12 (Conserving and enhancing the historic environment) of the NPPF states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional”.
- 6.11 Paragraph 133 within Section 12 (Conserving and enhancing the historic environment) of the NPPF states “Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and

- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use”.

- 6.12 Paragraph 134 within Section 12 (Conserving and enhancing the historic environment) of the NPPF states “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.
- 6.13 Paragraph 136 within Section 12 (Conserving and enhancing the historic environment) of the NPPF states “Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred”.
- 6.14 The National Planning Guidance considered relevant to the determination of this application is that contained in National Planning Practice Guidance (March 2014).

National Planning Practice Guidance (PPG) (2014)

- 6.15 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: -

Conserving and enhancing the historic environment

- 6.16 This states authorities should set out their Local Plan with a positive strategy for the conservation and enjoyment of the historic environment. Heritage assets may be affected by direct physical change or by change in their setting; therefore it is important to assess the significance of a heritage asset and the contribution to its setting. Furthermore all heritage assets settings may have more significance than the extent of their curtilage. The guidance also requires authorities to consider the implications of cumulative change and whether a development materially detracts from the asset.

Design

- 6.17 Good quality design is an integral part of sustainable development with reference to the importance of it being functional, in that it relates well to its surrounding environment, and is designed so that it delivers its intended purpose whilst maintaining a distinctive character. It though must also “*reflect an areas function, history, culture and its potential need for change*”. Ensuring a development can:
- *deliver a wide range of planning objectives.*
 - *enhance the quality buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.*
 - *address the need for different uses sympathetically.*
- 6.18 Achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations. Good design responds in a practical and creative way to both the function and identity of a place. It puts land, water, drainage, energy, community, economic, infrastructure and other such resources to the best possible use – over the long as well as the short term.

The Development Plan

- 6.19 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.
- 6.20 The Development Plan for the determination of this particular application comprises the extant policies of the Hambleton District Council Core Strategy (2007).
- 6.21 The Hambleton District Council Core Strategy (adopted 2007) which within it contains a development policies document (adopted February 2008) has particular relevance in the determination of this application and the policies most relevant include:
- Policy DP1, Protecting Amenity;
 - Policy DP32, General Design.
- 6.22 Policy DP1 advises that 'all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight'. This Policy is consistent with the NPPF's objectives of a presumption in favour of sustainable development, as outlined in the 'Core Planning Principles' detailed in paragraph 17 of the Framework. It also emphasises the importance of achieving a high quality of design to ensure a good standard of amenity for all existing and future occupants. Therefore, considerable weight should be given to this Policy in the determination of this planning application.
- 6.23 Policy DP32 of the Hambleton District Development Policies Document (2008) states that development proposals must respect local character and distinctiveness by enhancing its positive attributes whilst mitigating its negative aspects. The NPPF (2012), Paragraph 57 states 'it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes'. It is therefore considered that policy DP32 does conform to the NPPF and considerable weight should also be given to this policy in the determination of this planning 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 development, need, design and visual impact, the impact upon local character of the area and residential amenity, impact upon the listed building and the existing conditions.

Principle of the proposed development

- 7.2 The unit has been maintained in a good physical condition and is fully utilised as office accommodation on the County Hall campus. This is in line with Paragraph 17 of the National Planning Policy Framework through delivering sufficient business services to meet the local needs. Therefore the proposal is considered acceptable in principle subject to other matters.

Need

- 7.3 In terms of the existing office accommodation provision, it is noted that the objections have been received from members of the public with regard to the need for the further retention of this unit. As explained in section 3 of this report, the applicant has stated in their supporting information that whilst the property strategy for the County Hall campus (including a detailed review of East Block) is defined and agreed, Temporary Unit Y135 will continue to provide office accommodation for the Central Services Finance Team. The building will potentially also be utilised as decant accommodation to support any alteration and refurbishment work to be carried out to the buildings on the campus. Any programme of works as a result of the agreed property strategy are likely to be long term (5-10 years) and it is *“therefore essential that Temporary Unit Y135 is retained for the County Council’s programme of development on the County Hall campus”*.

Design and visual impact

- 7.4 Objections received make reference to the unit as being an ‘eyesore’. It is noted that the design of the unit is of limited architectural merit however the unit is not considered to be of poor design and is currently regarded as being of good condition and not visually detracting from the County Hall site. The unit is well integrated within the wider County Hall site, with the rear car park located immediately east and the main buildings located immediately north. The nearest residential properties to the unit are located approximately 40 metres to the east on Almond Grove and Willow Road and are north and south facing, and do not directly overlook the unit.

- 7.5 Therefore it is considered in accordance with Paragraph 59 of the National Planning Policy Framework (2012) which states that development should respond to the local character of the area, in terms of it being of a design which optimises the use of the site.

Impact upon local character of the area, listed building and residential amenity

- 7.6 As above, it is noted that the design and external appearance of the unit is of limited architectural merit, however it is considered to be in-keeping with the existing units located in the adjacent vicinity. Furthermore, whilst the unit would be visible from the residential properties at the end of Almond Grove and Willow Road, due to the separation distance that exists, the presence of the staff car park in-between and due to the presence of a 2 metre high timber close boarded fence along the site boundary, the impact upon local amenity is not considered to be detrimental.
- 7.7 There have been no alterations to the general layout of the County Hall site since the grant of planning permission C2/15/00361/CCC, dated 5 March 2015, nor has there been any discernible alteration to the sites boundary treatment, which remains the same. It is considered that the retention of this unit would not create any conditions that would effect, or result in any environmental impacts that would impact upon the character of the area.
- 7.8 Despite a number of years having passed since the unit was installed at the site, the condition of the unit remains satisfactory having continued to have been well maintained. As such, due to the condition of the unit continuing to be satisfactory, there being no alteration in the nature of the surrounding County Hall Campus, or to the boundary treatment that exists to the nearest residential properties, the retention of the unit for a further 6 year period is considered to be acceptable. This is considered to be in compliance with the principles of good design as outlined within the NPPF, the Planning Practice Guidance and ‘saved’ Policy DP32 of the Hambleton District Council Core Strategy, which seek to ensure that developments will not detract from the appearance of the local area, adding weight in support of this application.

7.9 The unit is located within the main County Hall campus, and is therefore within the setting of the grade II* listed building. The unit however, is located to the rear of the 'South block' building on the County Hall campus which does not form part of the listed status. It is considered therefore, that due to the location of the unit this does not impact upon the setting of the listed building.

7.10 For the reasons detailed above, it is considered that the proposed development will not have a detrimental impact upon the character of the site or the surrounding area. Therefore, the proposed development is considered to be in-compliance with the principles of the NPPF, Planning Practice Guidance and 'saved' Policy DP32 of the Hambleton District Council Core Strategy.

Existing Conditions

7.11 All existing conditions attached to planning permission reference C2/15/00361/CCC, dated the 5 March 2015 shall remain, albeit updated to reflect the extension of time proposed by this application.

7.12 There are no compliance issues with the extant conditions and it is confirmed that, to date no complaints relating to the site have been received by the County Council's Monitoring and Compliance Officer.

8.0 Conclusion

8.1 There are no material planning considerations to warrant the refusal of this application for the retention of temporary prefabricated office unit Y135 (491 sq. metres) for a further 6 years.

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 reason(s):

- the principle of the proposal improves the amenity of the site;
- the proposal has limited to no impact on the residential amenity of the surrounding local area;
- the proposal does not have a serious impact upon on the adjacent listed building and
- the proposal is in accordance with NPPF (2012), PPG 2014 and is compliant with policies DP1 and DP32 of the Hambleton Core Strategy (adopted 2007).

It is recommended that **PLANNING PERMISSION BE GRANTED** subject to the following conditions:

Conditions

1. The permission hereby granted is valid only until the 17 February 2024 and the building shall be removed from the site before that date with the ground reinstated to its condition prior to the development hereby authorised having taken place.
2. The units hereby authorised shall be maintained in a good state of repair for the duration of the planning permission.

Reasons

1. The buildings are constructed with temporary materials and the County Planning Authority wish to review the position at the end of the stated period to ensure the building has been satisfactorily maintained, presents an acceptable appearance in the interests of the visual amenities of the area, and no firm plans exist for its permanent replacement.

<u>Ref.</u>	<u>Date</u>	<u>Title</u>
-	Feb 2018	Location Plan
-	12 February 2018	Design & Access Statement

2. To safeguard the character of the site in the interest of visual amenity.

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

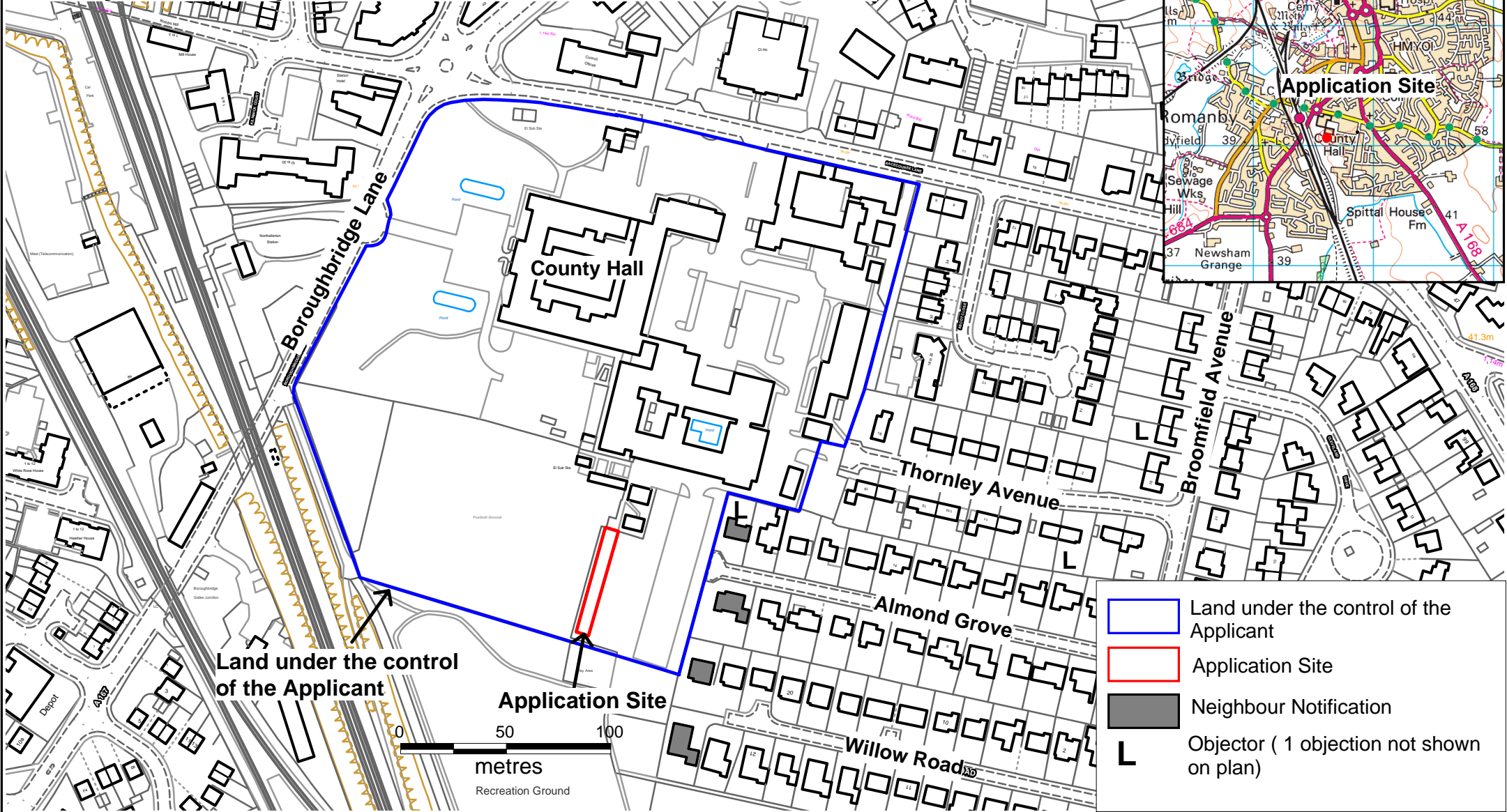
Author of report: Amy Taylor

Background Documents to this Report:

1. Planning Application Ref Number: C2/15/00361/CCC, dated 5 March 2015 (NY/2018/0042/73A) registered as valid on 12 February 2018. 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

County Hall Campus, Racecourse Lane, Northallerton,



Title:retention of temporary prefabricated office unit Y135 (491 sq. metres) for a further 6 years at County Hall Campus, Racecourse Lane, Northallerton, North Yorkshire, DL7 8AE

Application No : C2/18/00369/CCC

Business & Environmental Services, North Yorkshire County Council
 County Hall, Northallerton, North Yorkshire. DL7 8AH

Scale : 1:2,500
 Date : May 2018
 Filename : County Hall
 Compilation & Analysis : AT/JB

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

15 May 2018

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

Report of the Corporate Director – Business and Environmental Services

This report outlines the County Council's performance in the handling of 'County Matter' and County Council development planning applications for Quarter 4 (the period 1 January 2018 to 31 March 2018).

Information on Enforcement Cases is attached as an Appendix.

Recommendation: That the reported be noted.

DAVID BOWE
Corporate Director, Business and Environmental Services

Authors of Report: Jo Brownless & Amy Taylor

Background Documents to this Report: Application Files

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

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

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

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

Table 1: 'County Matter' planning applications determined during quarter 4 (the period 1 January to 31 March 2018).

Total number of applications determined		4	
Number of delegated/committee decisions		Delegated: 1	Committee: 3
Speed of decisions			
Under 13 weeks	13- 16 weeks (if major, 13 and if EIA 16 weeks)	Over 13/16 weeks within agreed Extension of Time (EoT)*	Over 13/16 weeks without or outside of agreed EoT
0	0	2	2

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

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

2017/18	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of 'County Matter' applications determined within 13/16 weeks or within agreed Extension of Time (EoT)	100% (no.5/5)	100% (no. 3/3)	100% (no.3/3)	50% (no.2 /4)
No. of 'County Matter' applications determined within 13/16 weeks discounting Extension of Time agreements (EoT)	40% (no. 2/5)	0% (no. 0/3)	33.3% (1/3)	0% (0/4)

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

2017/18	Quarter 1	Quarter 2	Quarter 3	Quarter 4
"Special Measures" stat. No. of 'County Matter' applications determined within 13/16 weeks or within agreed Extension of Time (EoT) over rolling two year period	(01/07/15 - 30/06/17) : 88.2% (30/34)	(01/10/15 - 30/09/17) 87.1% (27/31)	01/01/15 - 31/12/17) 86.2% (25/29)	1/04/16– 31/03/18 : 83.3% (25/30)

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

County Council's own development' Planning Applications

Table 2: County Council's own development planning applications determined during quarter 4 (the period 1 January 2018 to 31 March 2018)

Total number of applications determined		11		
Minor¹/Major²/EIA³		Minor: 11	Major: 0	EIA: 0
Number of delegated/committee decisions		Delegated: 10		Committee: 1
Speed of decisions				
Under 8 weeks	8- 13 weeks (if Major)	13- 16 weeks (if EIA)	Over 8/13/16 weeks within agreed Extension of Time (EoT)	Over 8/13/16 weeks without or outside of agreed EoT
6	2	0	3	0

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

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

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

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

2017/18	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of County Council's own development minor applications determined within 8 weeks or within agreed Extension of Time (EoT)	100% (no. 15/15)	95.2% (no.20/21) Cumulative total 77.7% (no. 28/36)	100% (no.14/14) Cumulative total 84% (no. 42/50)	100% (no.11/11) Cumulative total 86.6% (no.53/61)
No. of County Council's own development minor applications determined within 8 weeks discounting Extension of Time agreements (EoT)	53.3% (no. 8/15)	57.1% (no.12/21) Cumulative total 55.5% (no.20/36)	57.1% (no.8/14) Cumulative total 56% (no. 28/50)	72.7% (no 8/11) Cumulative total 55.7% (no.34/61)

Table 3: List of all ‘County Matter’ planning applications in hand for more than 13 weeks and awaiting decision as at the end of Q4 i.e. 31 March 2018

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Killerby Sand and Gravel Quarry, Killerby, North Yorkshire NY/2010/0356/ENV (C2/10/02487/CCC)	Extraction and processing of sand and gravel including the construction of a site access, conveyors, bridges, associated plant and machinery with restoration to agriculture, nature conservation and wetland	22.9.10	Committee	While reported to Members at the meeting of the Committee on 4 th April 2017, the intervening period has awaited completion of both S106 & S278 Legal Agreements and therefore still in hand at the end of March. However, the Decision Notice was issued on 4 th April 2018.	Yes - EoT secured ‘til 4 th April 2018.
Blubberhouses Quarry, Kex Gill NY/2011/0465/73	Variation of condition 2 of planning permission reference C6/105/6A/PA to allow extraction of silica sand and erection of processing plant at the site until 2036	6.12.11	Committee	Additional information was received from applicant company in January of last year and, amongst others, the Highway Authority, responding to consultation, stated their comments were to be held in abeyance awaiting discussions with regard to the ‘corridor of interest’ along the A59. It is understood that further progress is being made with proposals for a major re-alignment of the A59 at Kex Gill.	No
Darrington Quarry, Darrington Leys, Knottingley NY/2012/0020/73 (C8/40/8AH/PA)	Application to vary condition no's 1, 2, 29, 30, 31 and 32 of Planning Permission C8/40/8AF/PA for a new restoration scheme, retain the existing plant and to extend the time period in which to implement the restoration scheme	20.01.12	Committee	Awaiting revised details.	No

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
Ripon Quarry, North Stainley, Ripon, North Yorkshire, HG3 3HT NY/2015/0306/ENV (C6/500/277/CMA)	Planning Application accompanied by an Environmental Statement for the variation of condition No's 10 (duration of development), 11 (definition of development), 43 (maintenance) & 44 (landscape and restoration) of Planning Permission Ref. No. C6/500/95B & C2/99/045/0011 for the continuation of sand & gravel extraction for a further 4 years after 31 December 2015 and the submission of a revised restoration scheme	11.11.15	Committee	Committee Report in preparation.	No
Forcett Quarry, East Layton, Richmond, North Yorkshire NY/2016/0042/ENV (C1/16/00174/CM)	variation of condition no's 1 & 15 of planning permission ref. C1/29/15P/CM dated 7 September 2011 to allow the continuation of limestone extraction for a further 10 year period until 31 August 2026	03.03.16	Committee	The application was reported to Committee on 25 th October 2016. Members resolved to grant planning permission subject to prior completion of Legal Agreement. Awaiting completion of Legal Agreement before planning permission is issued. Engrossments circulated for signature.	No - Extension of time until 2 June 2017 agreed further extension to be requested once S106 signed
Womersley Quarry, off Stubbs Lane, Womersley, DN6 9BB NY/2016/0073/ENV (C8/41/107A/PA)	variation of condition No's 1, 2, 3, 5, 6, 14, 18 & 20 of Planning Permission ref. C8/2012/0035/CP dated 4 September 2012 for the continuation of tipping of colliery waste from Kellingley Colliery and soil materials from other locations for a further two years until 13th May	12.05.16	Committee	On 19 December 2017 Planning Committee resolved to grant planning permission subject to the prior completion of a Section 106 agreement	No- until 12 January 2018. Further extension to be requested once S106 signed

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
	2018, revised tipping materials and revisions to the vehicle route, revised restoration scheme and landscaping				
Brotherton Quarry, Byram Park, York Road, Knottingley, Brotherton NY/2016/0087/73A (C8/50/0220/PA)	variation of condition No. 6 of Planning Permission Ref. C8/2013/1064/CPO to refer to an updated Dust Monitoring Scheme which removes the requirement to actively monitor for fugitive dust	29.06.16	Delegated	Awaiting completion of a legal agreement.	No – further extension to be requested once S106 signed
Went Edge Quarry, Went Edge Road, Kirk Smeaton, Selby NY/2016/0185/ENV (C8/2016/1471/CPO)	8 hectare extension to the existing limestone quarry into Area 5 & 6 from the current working Area 4 and east in Area 7 to 20 metres AOD to provide 4.4 million tonnes of limestone and restore the site with engineering fill from the existing waste treatment facility to create 1 in 2.5 slopes against the exposed face	28.11.16	Committee	The application was reported to Committee on 29 August 2017 Members resolved to grant planning permission subject to prior completion of Legal Agreement. Awaiting completion of a legal agreement.	No – further extension to be requested once S106 signed
Land to the South of Knapton Quarry Landfill Site, Knapton NY/2016/0194/ENV (C3/16/01918/CPO)	erection of a Green Energy Facility (6,342 sq. metres) (energy from waste via gasification), office reception building (91 sq. metres), substation & switchroom (39 sq. metres), air cooled condenser (195 sq. metres), installation of a weighbridge, earthworks, 20 car parking spaces, extension to internal access road, landscaping and associated infrastructure, including a	14.11.16	Committee	On 19 December 2017 Planning Committee resolved to grant planning permission subject to the prior completion of a Section 106 agreement	No- Extension of time agreed until 2 February 2018. Further extension to be requested once S106 signed

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
	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				
Middleton Lodge, Kneeton Lane, Middleton Tyas NY/2016/0220/73	variation of condition No's. 1, 6, 7, 10, 12, 14, 20, 24, 26, 27, 29, 30 & 33 of Planning Permission Ref. No. C1/14/00747/CM which relates to phasing and restoration	18.11.16	Committee	Awaiting further information from the applicant prior to re-consultation and assessment of information submitted and further discussions required.	EoT requested until 2.4.18
Former Stillingfleet Mine Site, Escrick Road, Stillingfleet NY/2016/0251/FUL - C8/999/16U/PA -	change of use of part of the former coal mine site to create a waste transfer for construction and demolition wastes, installation of a weighbridge, a skip storage area, portable amenity cabin (30 sq. metres) and the provision of car parking spaces	1.2.17	Committee	Due to be presented at the 15 May committee	No – to be requested upon confirmation of being placed on committee agenda
High Rails Farm, Ripley, Harrogate, HG3 3DL NY/2016/ 0255/73A - (C6/17/00322/CMA)	Application to vary condition No. 1 of Planning Permission Ref. No. C6/6/93/592/A/CMA for the extension of time for the purpose of crushing and screening for recycling purposes of builder's waste/road sweeper waste for a further 6 years until 17 April 2023	13.1.17	Committee	Further information required from applicant.	No – (to be requested upon confirmation of being placed on committee agenda)

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
NY/2017/0028/FUL (C8/2017/0515/CPO) Former Kellingley Colliery, Turvers Lane, Kellingley, Selby, WF11 8DT	construction of a road to access the Southmoor Energy Centre (engineering operation)	27.3.17	Delegated	Delegated report in preparation.	
NY/2017/0155/COU (C1/17/00470/CM) Kiplin Hall Quarry, Kiplin Hall, North Yorkshire, DL10 6AT	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	22.6.17	Committee	On Committee on 6 February 2018 Planning Committee resolved to grant planning permission subject to the prior completion of a Section 106 agreement	No – Further extension to be requested once S106 signed
NY/2017/0219/FUL - Land off Weeland Road, Kellingley, WF11 8DN	drilling a borehole, testing of borehole including flaring, erect containerised units, associated plant and equipment, extract mine gas, generate electricity and ancillary operations	18/08/2017	Committee	Committee Report in preparation.	No
NY/2017/0231/FUL C6/17/04649/CMA) Crossgates Quarry, Brimham Moor Road, Fellbeck,	part retrospective planning application for proposed deposit of 66,000 tonnes of inert materials to achieve restoration of a former quarry by 30 November 2018	18/10/2017	Delegated	Awaiting further ecological and landscape information from the Applicant following consultation response requests.	No – (to be requested upon confirmation of being placed on committee agenda)
NY/2017/0267/ENV - C4/17/02418/CC - land to the west of Raincliffe Grange Farm, Main Street, Seamer	extraction and processing of sand and gravel from new quarry (11.9 hectares) including the construction of a site access road, internal haul road, mobile processing plant, site office, soil storage bunds, lagoons,	25/10/2017	Committee	Committee Report in preparation.	Yes but only until 27.4.18. Applicant commissioning additional archaeological

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
	stockpile area and restoration to agriculture and lake				studies in May to address Historic England concerns. Further ETA to be requested when extra information received.
NY/2017/0267/ENV - C8/2017/1232/CPO - Newthorpe Quarry, Newthorpe, Sherburn in Elmet	variation of condition No. 9 of Planning Permission Ref C8/59/11C/IDO to increase production levels up to 250,000 tonnes per annum	31/10/2017	Delegated	Awaiting sign off of Delegated report.	EoT requested until 17.4.18
NY/2017/0268/ENV - C8/2017/1230/CPO - Newthorpe Quarry, Newthorpe, Sherburn in Elmet	4 hectare northern extension to the existing limestone quarry, erection of site offices/amenity block (74.3 sq. metres), weighbridge, weighbridge	02/11/2017	Delegated	Awaiting further comments from Network Rail and Ecology and NYCC Ecology – Draft delegated report largely prepared and awaiting amendments based on the above.	EoT requested until 11.5.18
NY/2017/0290/73A - C1/17/00850/CM - Melsonby Quarry, Barton, North Yorkshire	variation of condition No. 2 of Planning Permission Ref. C1/93/169B/CM to allow the continuation of the extraction of blockstone for a further period of 15 years until 3 December 2032	24/11/2017	Delegated	Awaiting further information on Landownership from the agent	No – To be requested once further information received.
NY/2017/0305/73A - C8/2017/1335/CPO - Mill Balk Quarry, Mill Balk, Great Heck, North Yorkshire	variation of condition No's 1, 3, 4, 5, 8, 15, 22, 23 & 25 of Planning Permission Ref. C8/43/37A/MR to allow for the continuation of mineral extraction operations and to revise	01/12/2017	Committee	Awaiting responses from statutory consultees following submission of information by Applicant.	No – (to be requested upon confirmation of being placed on committee agenda)

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No Expiry Date
	the working, the phasing and the restoration schemes				
NY/2017/0291/FUL - C1/17/00883/CM - Gatherley Road Industrial Estate, Brompton on Swale	part retrospective application for erection of a single storey extension to an existing waste management building (446 sq. metres) erection of office (25 sq. metres) mess room (10 sq. metres) relocation of soil and rubble bins including a 2.4 metre high push wall, weighbridge and skip storage area	07/12/2017	Delegated	While still in hand at the end of March, the Decision Notice was issued on 20 th April 2018.	No (to be requested when sent for sign off)
NY/2017/0326/ENV - C1/18/00013/CM - Pallett Hill Quarry, Catterick Village, Nr Richmond	variation of condition No's 2, 5 & 8 of Planning Permission Ref. C1/15/250/PA/F dated 7th November 1994 to facilitate an extension to the permitted area of extraction, an amendment to the restoration design and to alter the period for completion of all mineral operations from 31st December 2017 to 31st December 2022 and the restoration of the site from 31st December 2018 to 31st December 2023	20/12/2017	Committee	Further ecology information required	No – (to be requested upon confirmation of being placed on committee agenda)

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

Monitoring & Compliance Statistics Report – Quarter 4 (the period 1 January 2018 to 31 March 2018) 2017/2018

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

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved ?
County Matters						
Bean Sheaf Garage	Ryedale	1	Breaching Condition 5 & 6 of decision notice C3/14/00663/CPO storing over 20 end of use vehicles and stacking 3 vehicles high	8/1/18	Operator made aware of breach and planning application forthcoming.	Yes
Wilton Heights	Ryedale	1	Alleged unauthorised quarrying and waste disposal in quarry void	26/02/18	Quarrying deemed permitted development for agricultural purposes, waste disposal being investigated.	Partially
Road between Thornton Watlass and Burrill, near Bedale	Hambleton	1	tractor disposing of ice cream waste/by-product. She said there are tractors taking the waste down a rubble/gravel path into a field, and tipping the waste into a 'pit' hidden behind a copse of trees	27/2/18	Complainant stated this has stopped, site visit undertaken with no issues seen, needed to be followed up with operator.	No
Went Edge Quarry	Selby	1	Alleged non-use of wheel washing facilities on site resulting in drag out of debris onto public highway	06/03/18	Operator has been contacted and site visited which confirmed issue. Investigation ongoing.	No
Escrick Railway Cutting	Selby	2	Tipping of inert materials	7/3/18	Operator contacted and investigation ongoing.	No
County Council Development						
None.						

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

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
County Matters						

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
Whitewall Quarry	Ryedale	7 (2 complainants)	Noise, speed of vehicles and dust on highway	Dates between 06/07/17 & 25/08/17	Speed of vehicles on public highway not a planning matter, referred to Police. Operator reminded to keep public highway leading from site access in a clean condition. Investigations ongoing with regard to noise complaints.	Partially
Former Greens Of Skipton Ltd, Ings Lane, Skipton	Craven	1	Alleged unauthorised processing of waste wood	02/08/17	Joint investigation between NYCC and Craven DC ongoing.	No
County Council Development						
None.						

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

2017/18	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of complaints/alleged breaches of planning control received	12	11	1	6
		Cumulative total no. 23	Cumulative total no. 24	Cumulative total no. 30

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

2017/18	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
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Number of complaints of the total number of 'live' complaints resolved	83% (no. 10/12)	27% (no.3 /11) Cumulative total 57% (no. 13/23)	100% (no. 1/1) Cumulative total 58% (no. 14/24/)	16% (no. 2/6) Cumulative total 58% (no. 16/30)
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Table 5 – Number of complaints/alleged breaches of planning control resolved by quarter

2017/18	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
Number of resolved complaints resolved within 20 days of receipt	80% (no. 8/10)	100% (no. 3/3) Cumulative total 85% (no. 11/13)	100% (no. 1/1) Cumulative total 86% (no.12/14)	50% (no.1/2) Cumulative total 81% (no. 13/16)

Existing Enforcement Issues

Formal Enforcement notices served by the County Council

No notices were served during this period.

Table 6- Monitoring and Compliance Visits undertaken in Quarter 2 (Minerals and Waste Sites only)

Site	District	Date Visited
Scorton Quarry	Richmondshire	19/02/18