

## North Yorkshire County Council

### Planning and Regulatory Functions Committee

Minutes of the meeting held at County Hall, Northallerton on 15 May 2018 at 10.00 am.

**Present:-**

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

There were six members of the public in attendance and one member of the press.

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

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**56. Minutes**

**Resolved -**

That the Minutes of the meeting held on 6 February 2018, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

**57. Declarations of Interest**

County Councillor David Blades declared an interest in respect of pre-determination in relation to application C2/18/00369/CCC (NY/2018/0042/73A) - retention of temporary prefabricated office unit Y135 for a further six years at County Hall Campus, Racecourse Lane, Northallerton, as he had spoken in favour of this issue at a meeting of the County Council's Executive, and, having declared his support for the application in a public forum considered it appropriate to leave the meeting during consideration of this item.

**58. Public Questions or Statements**

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

**59. C6/18/00092/CMA – NY/2018/2017/0327/FUL - Demolition of two single storey temporary classroom units (135 sq. metres) and installation of one double permanent prefabricated unit (178 sq. metres) 6 No. wall mounted external lights, 2 external steps, footpaths, fan coil units and soft landscaping at Kirkby Malzeard Church of England Primary School, Church Bank, Kirkby Malzeard**

Considered -

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

The application was subject to an objection having been raised in respect of the proposal, on the grounds of concern over loss of light and was, therefore, reported to the Committee for determination.

Sarah Haslam of Kirkby Malzeard Pre-School addressed the Committee, outlining the following:-

- ◆ The pre-school did not object to the building work taking place but did object to its location. The objection was based on the potential for overshadowing and loss of visual amenity.
- ◆ The proposal would overshadow three quarters of the length of the pre-school building and would be located just 1.8m from that building.
- ◆ The shadow cast by the new build would increase costs for the pre-school in terms of heating and lighting.
- ◆ The pre-school is required to have access to an outdoor play area, on a daily basis, and the proposal would be detrimental to the environment for the outdoor play area leaving it much colder, slippier and poorer than at present.
- ◆ Children from the pre-school playing in the outdoor area would be detrimental to the proposed classroom in terms of noise impact on that.
- ◆ The proposed outdoor classroom would be only 1.8m away from the pre-school.
- ◆ The proposal would result in limitations for both the pre-school and the school in terms of access to outdoor areas for the children.
- ◆ The enjoyment of wildlife for pre-school children would be lessened by this development.
- ◆ Overall the proposal was detrimental to the long term sustainability of the pre-school.
- ◆ It was suggested that the proposed development should be located elsewhere on the campus.

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 specifically to address the concerns that had been expressed during the public question.

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

- ◆ Members observed a slide of the map detailing where the new build was to take place, and the existing facilities, in relation to the pre-school.
- ◆ A Member questioned whether the noise issues raised by the public speaker, in terms of impact on the new development, could have an impact on any future

development plans for the pre-school. In response it was emphasised that each application was taken on its own merit and possible future applications could not be taken into account when determining the current issue.

- ◆ A Member noted that an outside classroom was mentioned by the public speaker and it was asked, in legal terms whether this should be taken into account in terms of loss of light and amenity. In response it was emphasised that this was not the only outdoor community amenity space available around the site and officers had concluded that sufficient amenity space existed, therefore, the proposal did not unacceptably impact on the amenity space. It was also noted that the report indicated that tests had been undertaken to determine the potential loss of light and amenity for the pre-school and these had proved to be within the approved, non-regulatory, standards.
- ◆ Members acknowledged the issues raised by the public speaker, but considered that the application provided additional facilities for the school and the local community which outweighed the issues raised in objection.
- ◆ The test carried out by the applicant in relation to the possible overshadow and loss of light was acknowledged by Members and it was noted that this suggested that there would be no significant loss of light nor amenity to the pre-school. It was noted that the test had been undertaken in compliance with the established guidance.

#### **Resolved -**

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

#### **60. C2/18/00369/CCC – (NY/2018/0042/73A) - Retention of temporary prefabricated office unit Y135 (491 sq. metres) for a further 6 years at County Hall Campus, Racecourse Lane, Northallerton**

**County Councillor David Blades left the room during consideration of this item in line with his declaration of interest made earlier in the meeting.**

#### **Considered -**

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application for the retention of temporary prefabricated office unit Y135 for a further six years on land at County Hall Campus, Racecourse Lane, Northallerton.

The application was subject to four objections having been raised in respect of the proposal on the grounds of visual impact and the need for the retention of the unit 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:-

- ◆ A Member noted that the temporary building had been in place since 2009 in relation to refurbishments taking place within County Hall. He noted that permission for the temporary building had been extended in 2012 and now, in 2018, a further period of six years was being requested. He asked why it was taking such a long time for the refurbishments to be completed. In response it was stated that various refurbishments and re-sittings had been taking place on the County Hall campus and the temporary building had been used to accommodate staff while those were undertaken. A further proposal was in place for the demolition of the East Block, on the campus, to provide additional car parking spaces, and it was expected that the temporary building would be utilised to accommodate staff during that process.

**Resolved -**

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

**61. 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 for the period 8 January 2018 to 4 May 2018, inclusive.

**Resolved -**

That the report be noted.

**62. Publication by Local Authorities of Information about the Handling of Planning Applications**

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 4, the period 1 January 2018 to 31 March 2018.

Information on enforcement cases was attached as an Appendix.

The following issues were raised in relation to the report:-

- ◆ Womersley Quarry, off Stubbs Lane, Womersley - NY/2016/0073/ENV - C8/41/107A/PA - clarification was requested in relation to the consideration of the pollution areas on the site used for the tipping of colliery waste from Kellingley Colliery. It was stated that details would be sought for the Member and provided to him.
- ◆ Went Edge Quarry, Went Edge Road, Kirk Smeaton, Selby - NY/2016/0185/ENV - C8/2016/1471/CPO - it was clarified that the terms of the 106 Agreement were in the process of being agreed and the matter was expected to be concluded shortly. In respect of issues along the road in that area it was noted that an e-mail submitted by the Member had been answered by the Head of Planning Services. In terms of

the issues along the road it was noted that problems had occurred during low temperatures as the wheel-wash for the vehicles using the road was inoperable. Members emphasised the need to ensure that an appropriate wheel-wash was in place that could be operated year round.

- ◆ Brotherton Quarry, Byram Park, York Road, Knottingley - NY/2016/0087/73A - C8/50/0220/PA - it was stated that an update requested by a Member in relation to the legal agreement would be sought and provided to him.

**Resolved -**

That the report, and updates provided, be noted.

The meeting concluded at 10.40 am

SL/JR