

North Yorkshire County Council

Planning and Regulatory Functions Committee

Minutes of the meeting held at County Hall, Northallerton on 23 July 2019 at 10.00 am.

Present:-

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

County Councillor Stuart Martin was in attendance.

There were 3 members of the public present.

Copies of all documents considered are in the Minute Book

89. Minutes

Resolved -

That the Minutes of the meeting held on 2 April 2019, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

90. Declarations of Interest

There were no declarations of interest.

91. 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.

92. C4/19/00523/CMA – (NY/2019/0016/73A) - Variation of Condition Nos. 19 & 20 & of Planning Permission Ref: C6/500/109/F/CMA to enable Asphalt Operations to continue until 21:00 hours Monday to Friday until 31 December 2021 at Pateley Bridge Quarry (Coldstones), Greenhow Hill, Pateley Bridge, Harrogate

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application to enable asphalt operations and HGV movements to continue until 21:00 hours Monday to Friday (from the current end time of 18:00 hours) until 31 December 2021 at Pateley Bridge Quarry.

The application was subject to objections having been raised in respect of the proposal on the grounds of residential amenity and was, therefore, reported to the Committee for determination.

Mr. Jack Tregoning, Land and Planning Manager for Hanson UK, acting on behalf of the applicant, addressed the Committee and highlighted the following:-

- A balanced, reasonable assessment had been undertaken by Planning Officers and, based on this, it was being recommended that the proposal be approved.
- The reason why the company was seeking an increase in the hours of operation at the Pateley Bridge site was to ease the pressure on the Leeds and Bradford sites, which operated for 24 hours a day, 7 days a week. The additional hours at Pateley Bridge, for this temporary period, until 31 December 2021, would enable vital maintenance and repair work to be undertaken at the other sites.
- The additional hours were not being requested beyond 2021 as operations in the northern part of the site would be relocated elsewhere on the site by 31st December 2021 and the new asphalt plant would have a smaller capacity and would not require working beyond 18:00 hours.
- The Highways Authority preferred an extension to be at night time as it would be less disruptive.

Mr. Francis Brown, a local resident, had submitted a statement against the application, which the representative of the Assistant Chief Executive (Legal and Democratic Services) read out, as follows:-

“My apologies to all parties, recent abdominal surgery makes it impossible to speak in person. Relevant to the Application, I am a chartered surveyor consulting on environmental matters and I act for the Environment Agency among others.

I have lived in Greenhow with the quarry for almost 30 years, never previously having objected to its many planning applications. However, the latest Application is exceptional (and in my professional opinion the Officers Report and Recommendations are materially flawed) in these main respects:

1, **Increased environmental impact**

Noxious and contaminative asphalt operations are incompatible with situation in a residential village, in an Area of Outstanding Natural Beauty (Nidderdale AONB has objected), adjoining three Sites of Special Scientific Interest and on the boundary of a National Park. Such operations continue because of informal use rights established during the less enlightened previous century and would not today be permitted if not already extant. Any intensification would be inconsistent with national and local planning policies and would defy common sense unless offset by yet more important considerations. Asphalt is not a scarce commodity and the only consideration cited by the Applicant is slightly improved operational efficiency – the Application is not material to overall viability or to employment levels.

2. **Disturbance to Greenhow village beyond reasonable business hours**

In its 2011 planning consent the Council stated these Reasons for imposition of the subject Conditions 19 & 20: “To ensure minimum disturbance from operations and avoid nuisance to the local community.” Unless those Reasons now matter less than in 2011 then there is no justification for relaxing the Conditions – I suggest that today’s improved environmental awareness means such concerns matter more than in 2011.

3 **Further compromising Road Safety**

Consent to operate until 21:00 hrs will result in HGVs (already a cause of many complaints to the quarry) returning to their Hebden depot perhaps as late as midnight following deliveries elsewhere. It is irrelevant whether those HGV movements are through Greenhow (albeit most will be through Greenhow – toothless and unenforceable “turn left” signage will not prevent return journeys) and HGV’s will routinely pass along un-lit, rural, B and C class roads late at night, after dark, frequently in bad weather and at points (e.g. the junction of Duck Street Lane with B6265) on the wrong side of the carriageway, opposing oncoming traffic at a blind summit. Tragedies in waiting.

I respectfully suggest a site visit essential to proper appreciation of the circumstances and shall be pleased to amplify any aspect. In any event I request the Committee to refuse consent and put the needs of an increasingly scarce upland environment and of its residents before vague business aspirations.”

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 and planning considerations. The report also provided a conclusion and recommendations.

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 statements.

Officers had concluded that, on balance, the impact on residents and the local environment was acceptable as the asphalt plant would be operating the extended hours on limited occasions and for a temporary period, reverting back to a finish at 18:00 hours at the end of the prescribed period.

It was also considered that the proposal to extend the hours for HGV movements would not cause an unacceptable impact on the highway or residential amenity as the number of movements was low; drivers would be encouraged to drive safely and the occasions when extended working occurred would be conditioned and be for a limited period, reverting back to a finish at 18:00 hours at the end of the prescribed period.

The number of occasions when it was proposed that the site would be operational between 18:00 hours and 21:00 hours would be no more than 100 in any calendar year, which would further lessen the impact on the local community and the environment.

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

- A Member stated that there was reference to a “history of complaints”. Was there a history of complaints since 2011, when the original planning application had been approved? In response, the representative of the Head of Planning Services advised that no complaints had been received by the Environmental Health Officer at Harrogate Borough Council.
- A Member referred to one of the letters of representation which raised an objection on the grounds of HGVs returning to Greenhow very late at night. How could officers ensure that this did not occur? The representative of the Head of Planning Services advised that HGVs would be routed through Grassington and Skipton.

Resolved -

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

- 93. C2/19/00070/CCC (NY/2018/0244/FUL) - Erection of four rectangular kiosks (59 sq. metres), feed pumping stations (29 sq. metres), tertiary solids capture unit (72 sq. metres), sludge holding tank (100 sq. metres), internal access track and hardstanding (970 sq metres) and installation of 2.4 metre high access gate and 2.4 metre high green weld mesh fence at Borrowby Waste Water Treatment Works, Bob Lane, Borrowby**

Considered –

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application at Borrowby Waste Water Treatment Works, Borrowby, as outlined above.

The application was subject to an objection from a local resident having been raised in respect of this proposal on the grounds of loss of privacy and visual impact and was, therefore, reported to the Committee for determination.

Mr. Robert Warren, from Arcus Consulting Ltd., the Agent for the applicant, spoke to the Committee and outlined the following:-

- The purpose of the new facilities was to reduce the discharge of phosphorous from the treatment works in accordance with the requirements of the Environment Agency's National Environment Programme.
- The development was necessary as the Environment Agency had said all water companies in England and Wales must reduce phosphorous in waste water to below 1.0 mg/l by the end of March 2020.
- The programme represented a significant package of works which would improve the water environment across a large part of North Yorkshire.
- The process to be used was based on conventional removal techniques. The upgrading works also included replacement of existing sampling points to facilitate improved monitoring and control of the treatment process.
- The tallest structure at the development was the Tertiary Solids Capture Unit which was 4.8m high, including a hand rail.
- Most of the development was screened by existing hedgerows and trees and there would be a landscaping scheme with additional trees and hedgerow to screen the site from Borrowby village to the east and the Public Right Of Way along Bob Lane to the north.
- The new boundary fence, kiosks and equipment would be finished in a recessive dark green colour, where possible. This would assist the integration of the built elements with the landscaping scheme and so reduce their visibility further.
- The landscape planting would be done during the autumn and winter and be subject to a 5 year maintenance programme to ensure it became established.

- Yorkshire Water has agreed to maintain the height of the hedgerow along the eastern boundary of the site to a minimum of 2 metres.
- A visualisation submitted to the County Council illustrated that, one year after the implementation of the landscaping scheme, the only visible part of the scheme would be the steel safety hand rail on top of the Tertiary Solids Capture Unit.
- The nearest residential properties to the site were located approximately 120 metres to the east of the site boundary and on the edge of Borrowby. In terms of visual amenity, the development and the Tertiary Solids Capture Unit would not be a dominant or overbearing feature in views of the Site once the landscaping scheme had been implemented and established.
- The design of the development was consistent with and compatible to the existing treatment works.
- The development accorded with the National Planning Policy in the form of the National Planning Policy Framework and associated Planning Policy Guidance as well as the relevant saved policies of the North Yorkshire Waste Local Plan and Hambleton Local Development Framework. It was also consistent with the emerging Minerals and Waste Joint Plan.
- The minor impacts of the development were clearly outweighed by the social and environmental benefits to be obtained and, therefore, on behalf of Yorkshire Water, Arcus Consulting respectfully requested that the application be approved.

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 and planning considerations. The report also provided a conclusion and recommendations.

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

The representative of the Head of Planning Services advised that, since publication of the report, officers had visited the site and there had been some revisions. These were highlighted in the amended plans that were on display at today's meeting and primarily involved showing the correct site layout as built. Amended plans and information were also awaited to show the correct landscape mitigation photomontages and height of the Tertiary Solids Capture Unit, as the Tertiary Solids Capture Unit had also been constructed 30 cm below ground level. The applicant had also agreed to paint the Tertiary Solids Capture Unit frame.

It was further proposed that the Landscaping Condition be amended to specify the exact date for the planting in order to establish screening. It was also proposed that a further Condition be added in relation to maintaining the height of the hedge at 2 metres.

The representative of the Head of Planning Services highlighted that the application was part retrospective in that the majority of the development had been constructed. The access gate and weld mesh fence had not yet been constructed.

Officers concluded that the material planning considerations covered in the report supported this application and that the changes in the layout as built did not change the conclusions of the report.

In response to clarification sought from the Chair, Mr Warren confirmed that the painting work would also include the guard rail.

The Head of Planning Services clarified that the wording of the Condition relating to the landscaping would need to be amended. Members would need to have that revised wording to consider.

Members undertook a discussion of the application and, in particular, the landscaping.

- A Member commented that it was disappointing that a company of the size and reputation of Yorkshire Water was making an application retrospectively.
- A Member queried whether, in view of the fact that the application was retrospective, it would be possible for the Committee to approve the application at this meeting and delegate the wording of the revised Condition to the Head of Planning Services to determine?

The representative of the Assistant Chief Executive (Legal and Democratic Services) advised Members that all of the information should be before them when making their decision and that would include the Conditions. The Conditions were being amended and extended and the revised wording was not available. The Committee's decisions should be clear and transparent. Therefore, she advised Members that they should consider deferring this application until the revised suite of Conditions was presented to them for consideration.

Resolved -

That the application be deferred, pending a revised suite of Conditions incorporating changes to the landscaping elements.

- 94. C6/19/00151/CMA - (NY/2018/0278/FUL) - Extension and refurbishment of existing Artificial Grass Pitch to form a floodlit 3G Artificial Pitch (6355 sq. metres), erection of 4.5 metre high mesh perimeter ball stop fencing and 3 metre high entrance gates, 2 metre high mesh perimeter barrier fencing and 1.2 metre high entrance gates, 8 No. 15 metre high lighting columns, 9 No. low level pedestrian lighting bollards, erection of a steel storage container, creation of hard standing and level approach (302 sq. metres) and hard and soft landscaping works at King James School, King James Road, Knaresborough**

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application at King James School in Knaresborough, as outlined above.

The application was subject to six objections having been raised on the grounds of light pollution, noise nuisance, traffic and parking, hours of operation, flooding and security and was, therefore, reported to the Committee for determination.

Mr, Justin Waters, Director of Business Services and Sharon Cawkwell-Brown, Business Services Assistant at the School, addressed the Committee and highlighted the following:-

- The school had secured a grant of £475,000 to upgrade the existing floodlit pitch which was nearing the end of its life.

- Parents of pupils at the school had raised thousands of pounds in fundraising.
- This application was not about securing a facility for boys; it would be a truly inclusive community resource for everyone and would be part of the development of a community hub.
- Ample parking was available at the school to mitigate objections raised about parking by users of the facility on residential roads.
- The facility would provide a sustainable resource.
- The school had worked closely with the Police to produce a Security Management Plan.

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 and planning considerations. The report also provided a conclusion and recommendations.

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

The representative of the Head of Planning Services reported that, since publication of the report, the school had advised that construction access was proposed from the south of the development, rather than the north, which had been the original intention. This would provide more direct access to the site.

Officers concluded that there were no material planning considerations to warrant refusal of this application. The proposed development had the potential to impact upon local amenity but the impact was not considered adverse due to the proposed mitigation measures. Also, the proposal was in keeping with the character of the existing school building and would not significantly impact upon the character of the school site or surrounding area.

A number of Members spoke in support of the application, commenting that similar schemes in their area were successful and had not caused any issues.

Resolved -

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

- 95. C5/2019/20294/NYCC – (NY/2019/0036/FUL) - Installation of 1.2 metre high black weld mesh fencing on top of existing stone boundary wall (total height 2.1 metre) and the blocking up of the existing pedestrian gateway/stepped access using matching stone at Water Street Community Primary School, Elliot Street, Skipton**

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application at Water Street Community Primary School, as outlined above.

The application was subject to one objection having been raised by a local resident in respect of this proposal on the grounds of impact on residential amenity and was, therefore, reported to this 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 and planning considerations. The report also provided a conclusion and recommendations.

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

Officers concluded that the proposed development would not have an adverse impact on the amenity of adjoining residents and that there were no material planning considerations to warrant refusal of the application.

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

- A Member referred to reference within the report to “objections”. Did this mean that there was more than one objection to the application? The representative of the Head of Planning Services confirmed that just one objection had been received.
- A Member advised that he had not heard anything from the local Councillor about this. An objector had contacted him but he had not heard from them further. It was a reflection on society that a fence was required to keep out those whose intentions were not good.

Resolved -

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

96. **C6/19/01378/CMA – (NY/2019/0043/FUL) - Erection of single storey classroom extension (280 sq. metres), erection of glazed walkway canopy (43 sq. metres), demolition of existing corridors (64 sq. metres), hard-standing area and vehicle pick up and drop off area with extended car parking (1433 sq. metres) installation of 1.8 metre green weld mesh site security perimeter fencing, and 1.8 metre high gates, widening of access road, creation of footpaths, erection of 10 No. 6 metre high lighting columns, 6 No. 4 metre high lighting columns, 3 No. 1 metre high lighting bollards, 16 No. external fixed mounted lighting, removal of trees and hard and soft landscaping at Moorside Infant & Junior School, Harrogate Road, Ripon**

Considered -

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

The application was subject to five objections having been raised in respect of this proposal on the grounds of light pollution, noise nuisance, loss of trees and visual impact and was, therefore, reported to this Committee for determination.

County Councillor Stuart Martin addressed the Committee, on behalf of local residents and stated that:-

- The residents were generally supportive of the application but there was concern about the proposed lighting columns, the height of which was very high.
- It was acknowledged that the applicant and officers had worked to address many of the concerns raised, but it was requested that further consideration be given to reducing the height of the lighting columns. A reduction from 6 metres to 1 metre, whilst still providing security, would reduce the impact on residents.

Claire Rowett, Head Teacher, at Moorside Primary School and Nursery, then addressed the Committee and made the following points:-

- The plans would improve the provision for children aged 3-11 and provide a safe site to enhance education health and wellbeing for the wider community.
- Hours of use and timings of the school day would be unchanged, with most children arriving on site at 8.40 a.m. and extra-curricular clubs ending by 4.30 p.m.
- The school would continue to provide a wrap-around club on the same basis, as it had done over the past 4 years to support working parents in the community.
- The school allowed some limited use of the forest school area during the holidays to support wellbeing for families in Ripon. This would continue.
- The school also allowed use of the hall for weekly fitness sessions once per week during term time. This would continue, although restrictions placed on the new car park arrangements would not support the school in delivering the desired provision.
- The car park on the Primary School site was the only area for staff parking, as the previous Infant car park would belong to Mowbray School, as it has been through current practice. Restrictions to the hours of parking could inhibit the functioning of the school.
- The plans for lighting in the car park should help provide a safer environment for staff during winter and ensure that Health and Safety requirements were met.
- The benefits of providing a through-Primary school on one site were many and the project was timed to ensure the youngest people were in a safe environment where they would thrive. The school would liaise closely with their community and limit interruptions and disturbance, but it still had to be able to function as a school.
- Any changes imposed to the current operating regime for the school would have a significant adverse impact on the children and the local community.

John S Lee, Strategic Planning Officer, Children and Young People's Service at North Yorkshire County Council, also addressed the Committee and made the following points:-

- The County Council's Executive Member for Education and Skills had approved, in March 2019, school organisation proposals to amalgamate Moorside Infant and Junior Schools to create a single primary school for children aged 3 to 11 on the Junior School site.
- The proposal to amalgamate was supported by the School Governors and by responses made from parents and public during the consultation in autumn 2018.

- This application would enable the capital works to be carried out to adapt the Junior School building.
- The Executive Member for Education and Skills had also approved, in March 2019, the creation of satellite specialist provision from Mowbray School at Bedale on the Moorside Infant School site.
- The proposal to use the Moorside Infant School for satellite specialist provision from Mowbray School would achieve the aim in the County Council's Strategic Plan for Special Education Needs and Disability (SEND) Education Provision 2018 – 2023.
- The proposed provision would enable more children with SEND to be educated closer to their home, and deliver a more efficient use of County Council resources, compared to using independent providers.
- The application would create parking and drop-off for the satellite provision.
- In response to concerns about traffic and parking, plans include for the existing Junior School car park to be reconfigured and extended to provide parking bays for members of staff. The existing car park and enclosed play area at the former Infant School would be replaced with a new car park area for members of staff, and a drop-off loop for vehicles transporting pupils from Mowbray School.
- The original scheme has been amended in response to the planning objections, and the revised scheme would retain two of the trees, reconfigure the car park and the planting of replacement trees.
- The original scheme had also been amended to reduce the height of some lighting columns. The Head Teacher of Mowbray School had confirmed that there were likely to be minimal evening events taking place at the Ripon satellite. The amended scheme would ensure a safe environment for parents and staff.
- The planning application would provide a refurbished and extended building for Moorside Primary School, helping the school to offer a consistent and continuous high quality provision. It would also help to create a new specialist provision for children with a wide range of complex Special Educational Needs in Ripon.

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 and planning considerations. The report also provided a conclusion and recommendations.

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 statements.

The representative of the Head of Planning Services reported that, since the report had been published, an email had been received from a local resident referring to the disturbance and disruption and the effect that this was having on her quality of life and health and wellbeing, due to the smell of fumes from the plant equipment and the noise.

Officers did not consider it was necessary to reduce the height of the lighting columns due to the boundary treatment, whereby the trees would provide screening.

Officers concluded that, overall, the application would not have a significant adverse impact on the local amenity or the highway network and that there were no material planning considerations to warrant the refusal of this application.

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

- A Member referred to the second informative in Condition 15, which stated that the external lighting scheme should comply with the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light. Would the lighting still be compliant with this guidance if the height of the columns was reduced? The representative of the Head of Planning Services confirmed that it would be compliant but they could not be reduced further or more lighting columns would be required.
- A Member commented that a balance had to be struck between health and safety factors and the impact upon local residents.
- A Member sought clarification as to the height of the lighting columns 1 and 1A. The representative of the Head of Planning Services confirmed these were proposed to be 6 metres high.

Resolved -

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

97. 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 23 April 2019 to 23 June 2019, inclusive.

Resolved -

That the report be noted.

98. Publication by Local Authorities of Information about the handling of Planning Applications – 2018/19, Quarter 4 (Period 1 January to 31 March 2019) and 2019/20, Quarter 1 (1 April to 30 June 2019)

Considered -

The reports 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 the year 2018/19, Quarter 4 (the period 1 January to 31 March 2019) and 2019/20, Quarter 1 (the period 1 April to 30 June 2019).

The Head of Planning Services advised that the years identified within tables 3, 4 and 5 on page 170 of the published papers for the meeting should read 2019/20 (not 2018/19) and, on the same page, the number 3, within tables 3 and 4, under column "Quarter 4", should be deleted.

A Member referred to page 154 of the published papers and enquired why the number of complaints received was so low, compared to previous figures? The Head of Planning Services advised that a number of complaints remained under investigation and these would be reflected in the figures for the next report to Committee.

Resolved -

That the reports be noted.

99. Went Edge Quarry, Kirk Smeaton

The Chair agreed that this Item be considered as urgent business in order to enable a Member to advise the Committee of a request from Parish Councils for a site visit, in view of concerns they had relating to a forthcoming application from Went Edge Quarry in Kirk Smeaton.

Councillor McCartney, the local Councillor for the area, said that a planning application for a large extension to the quarry would be submitted later this year. Councillor McCartney added that:-

- Many complaints had been received about the quarry since it had opened in 1948.
- The quarry sat next to a site of scientific interest and the proposal would bring its operations right to the edge of the village of Kirk Smeaton, impacting on the communities of both Kirk Smeaton and Little Smeaton.
- As a result, the two Parish Councils would appreciate a site visit from the Committee.

The representative of the Head of Planning Services advised that it was anticipated this application would come before Committee in November 2019 and suggested that, if Members agreed that a site visit be undertaken, this should occur two/three weeks beforehand.

Resolved -

That a site visit for Members of the Committee be arranged ahead of consideration by the Committee of the application by Went Edge Quarry in Kirk Smeaton.

The meeting concluded at 12.15 p.m.

PD