

North Yorkshire County Council

Planning and Regulatory Functions Committee

Minutes of the meeting held remotely via Microsoft Teams on 22 February 2022 at 2pm.

Present:-

County Councillors Peter Sowray (Chairman), David Blades, Eric Broadbent, Caroline Goodrick, David Hugill, Mike Jordan, Chris Pearson and Clive Pearson

Apologies were submitted by County Councillors Robert Heseltine and Zoe Metcalfe

The meeting was available to watch live via the County Council's website and a recording of the meeting is now available on the website via the following link www.northyorks.gov.uk/livemeetings

Copies of all documents considered are in the Minute Book

266. Welcome and Introductions

The Chairman welcomed everyone to the meeting and made the following statement:- You will have seen the statement on the Agenda front sheet about current decision making arrangements within the Council, following the expiry of the legislation remote committee meetings. I just want to remind everyone, for absolute clarity, that this is an informal meeting of the Committee Members. Any formal decisions required will be taken by the Chief Executive Officer under his emergency delegated decision making powers after taking into account any the views of the relevant Committee Members and all relevant information. This approach was agreed by full Council at its February meeting following a review, and will be the subject of a further review and consideration at the May AGM of the County Council

267. Minutes of the meeting held on 18 January 2022

Resolved -

That the Minutes of the meeting held on 18 January 2022, having been printed and circulated, be taken as read and confirmed by Members and signed by the Chairman as a correct record at the next available opportunity.

268. Declarations of Interest

There were no declarations of interest.

269. Public Questions or Statements

The representative of the Assistant Chief Executive (Legal and Democratic Services) stated that, other than those that had indicated that they wished to speak in relation to the application below, there were no questions or statements from members of the public.

270.1 Planning application for the Variation of conditions 1, 6, 7, 10, 14, 20, 24, 26, 27, 30 of planning permission C1/14/00747/CM to revise working times for Phase 3 and the restoration scheme at Middleton Lodge Quarry, Kneeton Lane, Middleton Tyas, Richmond; and

270.2 Addendum to substantive report to application

Considered -

The report of the Corporate Director, Business and Environmental Services requesting Members to determine a planning application for the Variation of conditions 1, 6, 7, 10, 14, 20, 24, 26, 27, 30 of planning permission C1/14/00747/CM to revise working times for Phase 3 and the restoration scheme at Middleton Lodge Quarry, Kneeton Lane, Middleton Tyas, Richmond

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

Michael Hodges, Breedon Trading Ltd, Planning & Estates Manager for the applicant addressed the Committee, stating the following:-

“Good afternoon ladies & gentleman, my name is Michael Hodges and I am the Planning & Estates Manager for the applicant in respect of the quarry development at Middleton Lodge and Barton.

As you are aware, this application was submitted following the withdrawal of a previous application which sought, amongst other things, to amend the approved restoration scheme in Phase 2, also known as the ‘Quarry Garden’. The main aim was to raise the final floor levels to enable the proposed lake therein to drain naturally by gravity. This would be more sustainable than completing the restoration at a lower level as pumping in perpetuity with all the continued energy/fuel consumption that would entail would be required to ensure the quarry does not flood.

In order to raise the final floor level in Phase 2, the application provided for the removal of the material contained in the screen mound to the north of Phase 1, known as Mound ‘C’ and deposition thereof in Phase 2. This would have entailed the removal of the trees planted on the mound. Following this it was also proposed to remove four ash trees on the northern boundary of Phase 1 and extract the stone underlying Mound ‘C’. Whilst the application included a number of other elements, the proposal to remove Mound ‘C’, the trees and extract the underlying stone gave rise to a number of concerns and objections. As a result the Company resolved to withdraw the application and submitted this current application which provides for raising the final floor levels in Phase 2 by a combination of leaving mineral unworked in the base of Phase 2 and backfilling with scaplings and clay arising from the mineral extraction in Phases 2 and 3. This removed the need to use the material contained in Mound ‘C’ for restoration in Phase 2. As a result of this, the current application no longer provides the removal of the mound, the trees planted on it, the four ash trees or the extraction of the underlying stone.

It is perhaps worth noting that it could be considered that leaving mineral which has the benefit of planning permission for extraction unsustainable. Certainly planning guidance encourages the working of permitted reserves to their fullest extent. Nevertheless the Company considered on balance that the submission of this revised application was

appropriate in the circumstances.

The previous application also included proposals which would enable quarrying activities to continue all year round in Phase 3 of the development. The conditions attached to the current planning permission restrict working in Phase 3 to winter months only and therefore the application proposed the amendment of these to allow working to continue all year round to enable quarrying operations to be completed by 2028 as per the planning permission. This proposal is retained in the current application. Not only will amendment of the relevant conditions to allow year round working in Phase 3 enable quarrying operations to be completed by 2028 it will also enable Phase 2 to be restored as soon as possible as the material in Mound 'C' that would have been used will now have to be derived from the quarrying operations in Phase 3.

It should be noted that the restrictions preventing working in Phase 3 during summer were proposed by the applicants, James Allison and Sherburn Stone Co Ltd, when the original application for the development at Middleton Lodge was submitted, the aim being to prevent any impact on visitors to the garden in the summer months not to protect the amenity of the surrounding locality. James Allison, the owner of Middleton Lodge, has confirmed that they have not had any issues with the quarrying operations to date and would like to see them continue all year round in order for them to be finished by 2028.

However, the Company does recognise the concerns/objections raised by the residents of Kiln Head Spring and North Road Farm regarding Mound 'C' and the tree planting thereon. The mound and tree planting were put in place at the commencement of the development to mitigate views from these properties and are now well established. As can be seen from the accompanying photographs which were taken in summer, the foliage present on the trees during the summer months will indeed mitigate views of Phase when working is being proposed.

Nevertheless following a number of meetings/discussions with the residents, the Company undertook to replace some of the trees on the top of the screen mound which had failed, most likely due to previous poor maintenance. This replacement planting was undertaken at the end of the last tree planting season and a maintenance programme for all the trees on the mound was then put in place. The replacement trees were recently inspected and found to be largely doing well.

As a matter of interest, it has recently come to our attention that it is not just the trees on the screen mound that the residents are concerned about but also a gap between the eastern end of the mound and Acre Howden Wood which will potentially afford them views into the working area. With this in mind and with James Allison's agreement which is much appreciated, we will look to undertake further tree planting in that gap before the end of the current planting season i.e. before the end of March should help to mitigate views of the quarry through it."

Following the public statement a representative of the Head of Planning Services presented the Committee report, highlighting the proposal, the site description, the consultations that have 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. She addressed issues raised within the public statement during her presentation.

The Planning Officer also highlighted the addendum report to the substantive application, highlighting changes to the substantive report following the adoption of Minerals and Waste Joint Plan (MWJP) on 16 February 2022. The report highlighted changes that were required to the recommendation within the substantive report, further to the adoption of the Joint Plan. Members noted the adoption of the Joint Plan, the necessary changes required to the recommendation for the substantive report and agreed to proceed taking account of this written update which explained the impact of the adoption of the Minerals and Waste Joint Plan which occurred on 16th February 2022.

Members undertook a discussion of the application and the following issues and points were highlighted during that discussion:-

- A Member noted that the objection related to additional planting being requested by the objector and he asked whether alterations to the condition(s) could address this. In response it was stated that this was the case, with alterations to conditions 1, 8 and 25 detailed in the application for the applicant to undertake additional planting in the area highlighted by the objector. Clarification of the additional area of planting was provided to the satisfaction of the applicant's representative and Members through photographic evidence within the presentation. It was noted that the photograph indicating the area that the objector had requested additional planting had been taken from their property.
- Clarification was provided in relation to the differences between this application and the original. It was noted that the amended restoration plans did not include a fountain, but had a water feature that drained through to a beck at the rear of the site, through gravity. A Member asked whether the gravitational drainage would be effective and whether the local Internal Drainage Board had given advice on this. In response details were provided as to how the water would drain and it was stated that the Internal Drainage Board had been consulted and were satisfied with the plans.
- It was noted that the existing planting highlighted within the presentation would remain, and further planting would be undertaken to complement this.
- A Member asked why conditions 7 and 20, which had only recently been adopted, were now being varied by this application. In response it was stated that the conditions referred to had been the subject of an appeal, which had resulted in them being put in place much later, however, the variations were required for the revised application.

Resolved: - that the following be referred to the Chief Executive Officer for consideration under his emergency delegated powers:-

That the application be approved for the reasons stated in the report and in accordance with the conditions outlined, subject to the amendment to the recommendation outlined in the addendum to the substantive application report following the adoption of the Minerals and Waste Joint Plan, as detailed, subject to the completion of a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 to ensure that the terms of the Original Section 106 Undertaking' and subject to the amendments to the conditions relating to planting, as outlined above.

271. 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 15 December 21 to 18 January 2022 inclusive.

Resolved -

That the report be noted.

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

Considered -

The report of the Corporate Director - Business and Environmental Services outlining the County Council's performance in the handling of 'County Matter' and County Council development planning applications for Quarter 3, the period 1 October to 31 December 2021.

Resolved -

That the report be noted.

The meeting concluded at 2.45pm

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