

North Yorkshire Council

Strategic Planning Committee

Minutes of the meeting held at County Hall, Northallerton on Tuesday 12 September 2023 at 10am.

Present:-

Councillors Andy Paraskos (Chair), Eric Broadbent (as substitute for Bob Packham), Andy Brown, Sam Cross, Hannah Gostlow, George Jabbour (as substitute for Malcolm Taylor), Andrew Lee, John McCartney, John Mann, Steve Mason, Neil Swannick, Roberta Swiers, Steve Watson (as substitute for Yvonne Peacock), and Robert Windass (as substitute for Richard Foster).

Apologies were received from Councillors Richard Foster, Bob Packham, Malcolm Taylor and Yvonne Peacock.

Other Member present – Councillor Nick Brown

Officers present: Catriona Gattrell, Nick Turpin, Steve Loach, Gerald Walsh, Mike Parkes and Kate Lavelle.

There were 17 members of the public – including 3 registered speakers.

Copies of all documents considered are in the Minute Book

22. Welcome and Introductions.

The Chairman welcomed everyone to the meeting of this Committee, and informed Members that the meeting was being live broadcast, therefore they would need to introduce themselves when speaking and would need to use the microphones.

23. Minutes of the meeting held on 8 August 2023

Resolved -

That the Minutes of the meeting of North Yorkshire County Council's Strategic Planning Committee, held on 8 August 2023, be confirmed by Members and signed by the Chairman as a correct record.

24. Declarations of Interest

The following declarations of interest were outlined:-

Councillor Robert Windass – He knew the applicant in relation to the Ruddings Park application and his wife serves on a Committee that has connections with the applicant for the Ruddings Park application – neither of these precluded him from taking part in the consideration of this item.

Councillor Steve Mason - He knew the applicants in relation to the Ruddings Park application in relation to work related activities

25. Site Visits - Monday 11th September 2023

The following site visits were undertaken by Members of this Committee on Monday 11th September 2023 in relation to the applications being considered at this meeting:-

Application No. ZC23/01168/DVCMAJ - Rudding Park, Follifoot, Harrogate, HG3 1JH

Application No. 23/01184/OUTMAJ - Land Adjacent to The A1(M) Between Junctions 48 And 49 Near Kirby Hill, Harrogate, YO51 9DP

Resolved:-

That the site visits be noted and taken account of during consideration of the applications.

26. ZC23/01168/DVCMAJ - Variation of conditions 5, 13, 16 and 17 of planning permission 18/00123/EIAMAJ to permit an extension in length to the proposed Motorway Service Area junction slip roads and to increase the permissible height of the eastern dumbbell roundabout to between 44.95m AOD and 46.95m AOD, plus minor amendments to the indicative design of associated infrastructure and landscape works - Land Adjacent To The A1(M) Between Junctions 48 And 49 Near Kirby Hill, Harrogate

Considered -

The report of the Assistant Director Planning – Community Development Services requesting Members to determine a planning application for Variation of conditions 5, 13, 16 and 17 of planning permission 18/00123/EIAMAJ in respect of a the proposed Motorway Service Area to permit an extension in length to junction slip roads by up to 100m along with the strengthening of those slip road, and to increase the permissible height of the eastern dumbbell roundabout from, to the nearest metre, 44.7m Above Ordnance Datum (height above sea level, abbreviated as AOD) to between 44.95m AOD and 46.95m AOD, plus minor amendments to the indicative design of associated infrastructure and landscape works on land at land adjacent to the A1(M) between junctions 48 and 49 near Kirby Hill.

The application was brought to the Strategic Planning Committee further to a request by the Division councillor.

Gareth Owens - RAMS [Residents Against Motorway Services] – addressed the Committee, summarising details he had provided to Members prior to the meeting as follows:-

One of the strategic issues falling within your remit is the provision of Motorway Service Areas (MSAs) on the A1(M) motorway through the county. For the last 27 years, Kirby Hill RAMS [Residents Against Motorway Services] has successfully opposed plans for an MSA at Kirby Hill, near Boroughbridge. For more than half the years that Harrogate Borough Council was in existence, its Planning Committee (on which some of you sat) always supported our objection and refused planning permission for an MSA at Kirby Hill.

Now the issue has reared its head again, with two new MSA planning applications set to be determined in the coming months. I have prepared a short briefing paper on the issue, which I hope you will find helpful. It sets out a bit of background, some details of what has changed and why the new planning applications should be determined by our elected representatives on the Strategic Planning Committee.

I've also copied Cllr. Nick Brown, in whose Division the site lies and Cllr. Robert Windass, who represents the nearby town of Boroughbridge which would be affected by the proposed development. While recognising that you need to keep an open mind prior to the Committee meeting, I'm sure that your Council colleagues Nick and Robert would be happy to talk with you about the planning issues involved.

Councillor Nick Brown had not registered to speak, but at the discretion of the Chair, following a show of hands by Members was provided with an opportunity to address the Committee with him outlining the following issues:-

The applicant had mis-represented what could be achieved at the site, during the appeal phase, to ensure that the application was approved, only for these significant changes to be requested subsequently, with a much more harmful scheme now proposed.

He raised major concerns regarding the huge amount of soil that was to be removed from the site and the issues that would cause to the neighbouring community. He also noted the proposed increase in height for the visible structures, the roundabout, the slip roads and the embankments.

In relation to the further proposals to provide service areas at other locations and the distance between the various facilities he considered the details set out in the report to be inaccurate and should not be relied upon to approve the application.

He believed that the description of the original had been changed through this application. The Section 73 application had not been the subject of appropriate consultation, which he considered was known by the applicant, who was attempting to get agreement to this surreptitiously.

He considered that the proposed conditions did not have the same impact as the previous set of conditions, which changed the impetus of the whole project.

He asked that Members vote to against the recommendation.

The Chair of Kirby Hill Parish Council, Cllr Jill Dunderdale, was not allowed to speak on request to the Committee, as she had not registered in line with the Constitution, and the Chair was not minded to allow her to speak in view of that.

Nick Roberts – Director, AXIS – Agent for the applicant outlined the following:-

Initially he refuted the issues raised by the objectors, noting the continued objections to the proposals, which had outline approval, over a substantial number of years.

He stated that the principle of the Vale of York Motorway Service Area, the need for the scheme and its acceptability were established by an independent Planning Inspector following a 3 week public inquiry. He granted it Planning Permission, which remains live today and well into next year.

There has been no material change in relevant circumstances since that decision which

in any way change its context:

- The development plan is the same
- The content of national policy has not materially changed
- The Inspector was fully aware of the proposal for an MSA at Catterick, which being over 37 miles from Wetherby services has no relevance whatsoever to the need for the Vale of York scheme.

As such, and as advised by your officers, the principle of the development is not up for consideration today.

The amendments to parts of the MSA junction which are propose through this section 73 application are very minor in the context of the overall 40 acre scheme and would result in no material change to the overall character of the development and how it would be perceived.

The alterations to the junction design are required by National Highways in order that the proposal meets their design requirements and they explicitly support the changes.

Whilst clearly the overall scheme remains a sensitive issue locally, it has been approved, and in our view it is inconceivable that the modest design changes now proposed would have had any bearing on that decision.

Your officers have recommended approval of the application and there are no objections from any technical consultees, include the Council's Principal Landscape Architect, who has looked at the changes very carefully.

The Vale of York MSA proposal is here to stay and we respectfully request that, in line with the recommendation of your officers, you approve this application for the scheme amendments now proposed.

A representative of the Assistant Director Planning – Community Development Services presented the Committee report, highlighting the proposal, the site description, the consultation 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.

He also addressed the issues raised in objection to the application.

Members highlighted the following issues during their discussion of the report:

- A Member requested details of the additional height of the bridge, and lengths of the slip roads that would be required under the revised proposals. In response it the original restrictions were outlined and it was explained that the exact height of the bridge could not be clarified at this stage, however, the parameters for the increased height were provided. In respect of the slip roads it was stated that these would be extended to the boundary line detailed in the plans within the report. Extensions would be implemented to the north of the site and onto the "B" road south of the site. Despite being longer these remained within the highway boundaries.
- It was asked whether the new application had been re-advertised, given the new proposals outlined. In response it was stated that this was not the case as the proposal was still for a Motorway Services Area (MSA) with no categoric alterations to the original proposal.
- It was asked why the second application had been submitted rather than the new proposals being included during the inquiry. In response it was stated that it was normal for planning approvals to be altered prior to the project being implemented and this was part of that process. The alterations, as they could be subject to

appeal, had to be approved by April 2024 for the proposal to continue, hence the submission of the Section 73 application at this stage.

- A Member noted that there were proposals for the car park at the Wetherby Service Area to be extended, increasing the capacity there and it was asked if this would have implications for the Kirkby Hill project. It was stated that any extension to the Wetherby Service area would not affect the Kirkby Hill proposals as there was still a 35 miles gap between the Service Areas, which was longer than Government guidelines.
- It was noted that the application was for a variation of conditions whereas local representatives considered this to be a fundamental change to the decision made at the inquiry and clarification was requested in relation to this discrepancy. The Council's Legal Officer stated that the issue of the variation of conditions was complex and Members were required to make a judgement as to whether they considered this application to be a fundamental change to the original outline permission, or whether these were minor amendments. Variation was permitted for minor amendments to the original permission, whereas fundamental changes could not be approved by the Committee as this would not be legal. The recommendation within the report was for approval as officers considered the details set out in the Section 73 application to be minor amendments in relation to the original permission.
- A Member noted that the proposed changes to the highways would not go ahead should Members be minded to refuse the application, and considered that the proposed changes had a major impact on the current configuration of the highway layout in that area. In response it was stated that the proposed amendments to the highways and slip roads were relatively minor in terms of the whole development.
- It was clarified that the extension of the slip roads from the north carriageway did not relate to the proximity of the bridge.
- It was noted that should Members be minded to refuse the application the decision was appealable. In relation to this Members were concerned that this advice was being provided prior to them making a decision on the application, however, the Legal Advisor stated that it was acceptable for this information to be provided and for the potential for costs to be awarded against the Council.

Members debated the report and the following issues were highlighted:

- Members had contradictory views as to whether the application related to substantial or relatively minor changes. It was noted that the inquiry had concluded that the concept of the Service Area was acceptable and it was considered that the final layout for this provision was set out in the Section 73 application. There was no surprise that local representatives were against the proposal overall, but, as the concept had been approved Members had to determine whether they felt that this application required fundamental changes to the original agreement. A number of Members were concerned that the exact measurements for the increased height of the bridge and extension of the slip roads had not been made available, however, it was noted that the Planning Officer had provided context as to the potential measurements for those features. A Member suggested that there would be a minimal impact on local residents in terms of the Section 73 amendments before this meeting, although this was contested in terms of the height of the bridge.

Resolved: -

That the Section 73 application be approved for the reasons outlined within the report, and subject to the conditions detailed.

Voting on this application was as follows:-

8 for

6 against

27. 23/01184/OUTMAJ - Outline planning application with all matters reserved, to be implemented in phases, on land at Rudding Park, Follifoot, Harrogate, for:

- a) Demolition of the existing golf club facility, ancillary and related out-buildings, partial demolition of the later addition to the Deer Shed, and other associated structures;**
- b) Erection of a new destination golf/country club facility to provide replacement facilities and swimming pool, club and related facilities, and associated areas;**
- c) Erection of new tennis pavilion, outdoor tennis courts, car parking, related facilities, and associated areas;**
- d) Provision of a family facility adjacent to the walled garden, including the provision of a children's activity centre, indoor and outdoor swimming pool, cafe, creche, and associated areas;**
- e) Restoration works to the Walled Garden and its surrounds;**
- f) Improvements to existing and expansion of car parking areas;**
- g) Creation of a series of routes and walkways with associated public realm improvements; and**
- h) Provision of buildings, structures, servicing areas and sitewide associated landscaping, infrastructure, ancillary storage, equipment, associated earthworks and engineering works and operations**

Considered –

The report of the Assistant Director Planning – Community Development Services requesting Members to determine an outline planning application with all matters reserved, to be implemented in phases, on land at Rudding Park, for:-

- a) Demolition of the existing golf club facility, ancillary and related out-buildings, partial demolition of the later addition to the Deer Shed, and other associated structures;
- b) Erection of a new destination golf/country club facility to provide replacement facilities and swimming pool, club and related facilities, and associated areas;
- c) Erection of new tennis pavilion, outdoor tennis courts, car parking, related facilities, and associated areas;
- d) Provision of a family facility adjacent to the walled garden, including the provision of a children's activity centre, indoor and outdoor swimming pool, cafe, creche, and associated areas;
- e) Restoration works to the Walled Garden and its surrounds;
- f) Improvements to existing and expansion of car parking areas;
- g) Creation of a series of routes and walkways with associated public realm improvements; and
- h) Provision of buildings, structures, servicing areas and sitewide associated landscaping, infrastructure, ancillary storage, equipment, associated earthworks and engineering works

and operations.

This application was brought to the Strategic Planning Committee because the Corporate Director of Community Development considered the application to raise significant planning issues.

Simon Mackaness, the owner of Rudding Park and the applicant, addressed the Committee outlining the following:-

The application was aimed at developing the existing site at Rudding Park to ensure that it remained viable over the next 10 – 15 years, and to secure the long term future of the site.

The proposals, which involve the refurbishment of existing facilities and the provision of new facilities, had been discussed, extensively, with Planning Officers and the local community. The vision for the site sought to enhance its role in the local community through the provision of attractive facilities that would bring economic benefit to the area. Discussions with the local Parish Council and local residents had seen overwhelming support for the application.

He noted that the site was situated within the Green Belt, and considered that the very special circumstances required to undertake the development within the Green Belt were demonstrated effectively through the report.

A representative of the Assistant Director Planning – Community Development Services presented the Committee report, highlighting the proposal, the site description, the consultation 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.

He stated that the very special circumstances relating to the recommendation for approval of the application within the Green Belt related to financial and economic benefits brought to the area as a whole, which outweighed the detrimental aspects of development within the Green Belt.

He also explained that should the planning committee resolve to grant planning permission for the proposed development, the planning authority was required to consult the Secretary of State under the requirements of The Town and Country Planning (Consultation) (England) Direction 2021. The consultation was necessary because the development included 'inappropriate development' on land allocated as Green Belt in the development plan and included the provision of buildings, where the floor space to be created by the development was 1,000 square metres or more. The Secretary of State then had 21 days from the date of receipt of the application to determine whether the application was referred to him, instead of being dealt with by the local planning authority.

Members highlighted the following issues during their discussion of the report:

- A Member referred to the space currently taken up on the site by caravans and awnings, which he had observed during the visit, which while taking up a large volume of land could be moved, whereas the proposal sought to provide a permanent building in their place, and he wondered whether this was appropriate

development for the Green Belt. In response it was noted that the caravans had year round use and could be interpreted as a permanent fixture, although it was acknowledged that these could be removed, however, they did take up a volume of space on the site. In terms of visual impact it was acknowledged that the permanent building would have an impact, however, the very special circumstances outlined above, justified this provision.

- It was stated that the site had a good environmental impact on the area, despite being in the Green Belt, however, it was suggested that the forthcoming Environment Bill would seek to incorporate a 10% net gain in terms of biodiversity and climate impact, whereas this application sought to ensure there was no loss. It was considered, therefore, that the 10% net gain provision should be imposed, as this would have a greater impact on the proposed development. It was also suggested that future reports should incorporate this requirement. This was acknowledged by the Officers.
- A Member noted that the applicant had requested a time period of 10 years for the reserved matters to be considered, but 5 years had been imposed, and asked why this was the case. In response it was stated that the usual time limit was 3 years and 2 more years had been provided given the complexity of the proposals. The possibility of changes to planning policy in the intervening period had been taken into account and 5 years was considered to be appropriate. It was noted that the 5 years limit related to the consideration of reserved matters, with a further 3 years from then for the project to be implemented.

Members debated the report and the following issues were highlighted:

- A Member who had taken part in the site visit stated that he had been happy with what he had seen at the site but suggested that further, relatively small changes could be implemented to assist with developing net gain for biodiversity and climate issues. Sustainable low carbon measures such as the use of solar panels and heat pumps could be utilised. He also suggested the provision of food bearing trees, the use of green roofs and green water harvesting. With these factors in mind he proposed changes to the following conditions:-

Add to Condition 19 – Details regarding the inclusion of Solar Panels, heat pumps and sustainable design be submitted to the local planning authority as part of the reserved matters application.

Condition 26 – Remove “to achieve a minimum of ‘no net loss of biodiversity’” and replace with “to achieve a minimum net gain of 10% of biodiversity”

The proposed amendments were seconded.

- A Member welcomed the steps the applicant had taken to mitigate the environmental impact of the proposal. The refurbishment of some of the buildings helped to offset some of the proposed new build on the site, and assisted with the acceptance of the development in the Green Belt, however, some of the proposed development was not like for like, with a permanent building replacing temporary fixtures. Despite the mitigating factors presented he was unable to support the development as proposed.
- It was stated that although the proposals were in the Green Belt, the site was already in existence and was managed very well. A number of the buildings were set to be replaced by higher quality structures which were consistent with sustainable development. The cumulative benefits brought by the application were sufficient to outweigh the issues relating to development on the Green Belt. He also

proposed an alteration to Condition 1, as follows:-

Condition 1 - remove “not later than five years from the date of this permission” and replace with “not later than seven years from the date of this permission”.

This was seconded.

- Other Members welcomed the application, in particular the engagement that had taken place between the applicant, the Council and local residents. The benefits to the area for local residents and visitors through the proposals were also praised.

Members were reminded that, should they be minded to grant the application, the planning authority was required to consult with the Secretary of State under the requirements of The Town and Country Planning (Consultation) (England) Direction 2021. Determination of the application would then be delegated to the Assistant Director for Planning – Community Development Service, to be granted subject to the conditions listed, subject to any amendments, and completion of a S106 agreement with terms as detailed in Table 3 of the report.

Initially Members voted on the proposed changes to the conditions as detailed below:-

Condition 1 - remove “not later than five years from the date of this permission” and replace with “not later than seven years from the date of this permission”.

Add to Condition 19 – Details regarding the inclusion of Solar Panels, heat pumps and sustainable design be submitted to the local planning authority as part of the reserved matters application.

Condition 26 – Remove “to achieve a minimum of ‘no net loss of biodiversity’” and replace with “to achieve a minimum net gain of 10% of biodiversity”

Resolved -

That the changes to the conditions, as detailed above, be approved.

Voting on this was as follows:-

13 for
1 abstention

Members then voted on the application with the altered conditions included.

Resolved –

That subject to consultation with the Secretary of State under the requirements of The Town and Country Planning (Consultation) (England) Direction 2021, Members are minded to grant the application, with the determination of the application then delegated to the Assistant Director for Planning – Community Development Service, to be granted subject to the conditions detailed, as amended above, and completion of a S106 agreement with terms as detailed in Table 3 of the report.

Voting on this application was as follows:-

13 for
1 against

The meeting concluded at 12.05 pm

SML