

North Yorkshire Council

Strategic Planning Committee

Minutes of the meeting held at County Hall, Northallerton on Tuesday, 11 February 2025 at 10am.

Present:-

Councillors Andy Paraskos (Chair), Andy Brown, John Cattanach, Richard Foster, Hannah Gostlow, George Jabbour (as substitute for David Hugill), Tom Jones, Andrew Lee, John McCartney, Bob Packham, Yvonne Peacock, Neil Swannick, Roberta Swiers and Andrew Timothy.

Apologies were received from Councillors David Hugill and John Mann

Other Members – Councillor Caroline Goodrick (speaking on applications).

Officers present: Nick Turpin, David Walker, Alan Goforth, Jenny Crossley, Sam Till, Glenn Sharpe and Steve Loach

There were approximately 20 members of the public.

Copies of all documents considered are in the Minute Book

89. Minutes of the meeting held on 30 January 2025

Resolved -

That subject to the following amendment the minutes of the meeting of Strategic Planning Committee, held on 30 January 2025, be confirmed by Members and signed by the Chair as a correct record:-

In the third line of the minutes remove the word “remote” and after “held” add “at Scarborough Town Hall”.

90. **Agenda Item 7 - Affordable housing provision on 3 planning applications in the West Harrogate project area which have been reported to Strategic Planning Committee in recent months: 20/01706/EIAMAJ - an amendment to the previously reported affordable housing condition on application 20/01706/EIAMAJ at land off Whinney lane, Harrogate and a clarification and amendment to the previously reported planning self a clarification and amendment to the previously reported planning self and custom build planning condition on application 20/01706/EIAMAJ on land at Whinney Lane/18/05202/EIAMAJ - previously reported affordable housing condition on at land off Lady Lane and Whinney Lane, Harrogate and amendment to the previously reported planning self and custom build planning condition on application 18/05202/EIAMAJ on land off Lady Lane and Whinney Lane, Harrogate/22/01558/EIAMAJ - amendment to the previously reported affordable housing condition on on land between Beckwith Head Road, Otley Road, Howhill Road and Howhill Quarry Road, Harrogate**

The Committee's Legal Advisor stated that due to an administrative error those that had previously spoken at Committee on the applications had not been invited to participate at this meeting and, as a result, there had been no registrations to speak. He recommended, therefore, that this item be deferred for consideration at a subsequent meeting to provide an opportunity for interested parties to be invited to register to speak.

Resolved –

That the application outlined above be deferred for consideration at a subsequent meeting of this Committee to provide an opportunity for interested parties to be invited to register to speak.

91. Declarations of Interest

Councillor John McCarthy declared a non-pecuniary interest in items 4 and 5 on the agenda - C3/22/01304/CPO - Planning application for Proposed extension to Settrington Quarry with restoration to nature conservation habitat on land at Settrington Quarry, Back Lane, Settrington, Malton and NY/2022/0278/73 - Application to vary condition No. 1 of Planning Permission Ref. C3/19/01386/CPO to allow an extension of time to recover remaining mineral resources on land at Settrington Quarry, Back Lane, Settrington, Malton, North Yorkshire. Having taken advice from the Monitoring Officer he stated that he would leave the meeting during consideration of those items.

Councillor Bob Packham declared a non-pecuniary interest in relation to item 3 on the agenda - ZG2023/1179/FULM - Planning application for the installation of a battery storage facility at Land off Lunn Lane, Kellington in respect of him receiving representations from the Together in Hillam and Monk Fryston Funding Group but would form his opinion based on the evidence provided at the meeting.

Other Members declared that they had received correspondence from either supporters, objectors or both to the applications being considered but, unless otherwise stated below, would form their opinion based on the evidence provided at the meeting.

92. ZG2023/1179/FULM - Planning application for the installation of a battery storage facility at Land off Lunn Lane, Kellington

Considered -

The report of the Assistant Director of Planning – Community Development Services requesting Members to determine a planning application for the installation of a battery storage facility at Land off Lunn Lane, Kellington.

The application was reported to this Committee due to the application being defined as a departure from the adopted Development Plan for which the Secretary of State must be consulted and it was intended to recommend approval.

A Member stated that despite reference to the address in the application, the site of the application was not in Kellington and was located in the Parish of Beal. He asked, therefore, whether the correct Parish Council and Divisional Councillor had been consulted. It was clarified that the correct consultations had been undertaken.

A Planning Officer presented the Committee report highlighting the proposal; the site location, viewpoints and description; the context to the application; planning guidance; and policy and planning considerations. The report also provided a conclusion and recommendation.

An update to the report had been published and outlined:-

- Updates to the NPPF made on 7 February 2025 did not alter the assessment and recommendation of the application
- Details of a further letter of representation

A further update was provided at the meeting providing details of alterations to Condition 5 regarding the landscaping scheme.

Terry Richardson an objector to the application addressed the Committee highlighting the following:-

- Concerns regarding the motive for recommending approval of the proposal.
- Previous plans for low environmental impact development in the village had been actively discouraged by the Council.
- Use by the Council of the Local and National guidelines to suit their own purposes.
- The disillusionment with the Council's customer service and planning process.

Members discussed the application and the following issues were raised:-

- It was noted that the report stated that alternative non-green belt sites were available for the development and it was asked where these were located. In response it was stated that this was a typographical error in the report which should have stated that no alternative non-green belt sites were available.
- In terms of the accumulation of similar developments in close proximity it was asked when the planning process would begin to take account of this factor. In response it was stated that this was dependent upon the applications having an Environmental Impact Assessment (EIA) where cumulative effects were a consideration. This particular application was not subject to an EIA taking account of the relevant regulations. Details of the criteria for an EIA were clarified.
- It was asked whether the proposals were detrimental to the nearby St Edmunds Church, which was a designated heritage asset. In response it was stated that a Heritage Assessment had been carried out which had concluded that there would be no harm to any heritage assets through the proposed development. However, the Council's Conservation Officer had identified some harm to the setting of the designated heritage asset through development within its wider agricultural setting. This harm was considered to be less than substantial harm in NPPF terms, which required the benefits of the proposal to be weighed against it. In the case of this application it was considered that the benefits outweighed the less than substantial harm identified.
- It was clarified that the grid connection at Ferrybridge was less than 5.5km to the proposed development site.
- It was stated that the potential for a community fund being developed in the future had been considered, and it was asked why this factor could not be conditioned. In response it was advised that this issue was outside of the planning process and, therefore, was not a material planning consideration. Any arrangement of this manner would need to be determined by the developer and the local community away from the planning process.
- Clarification was provided as to the use of the commercial buildings to the north of the application site and there was no usage that was considered to be a bio-risk.
- It was asked whether there was the potential for the batteries being stored at the facility to leak, or to catch fire, which, if so, would the proposal require an EIA. It was reiterated that the size of the proposed facility, when compared to other similar facilities, negated the need for an EIA as it was not deemed to be significant.

- It was stated that the application was described as diversification of farm land, however, the site identified was not being used for farming purposes, appeared to be owned by the applicant and, therefore, should not be considered as diversification. Clarification was provided that the developer did not own the land and any farm diversification had been given limited weight in the planning balance as it was unquantified.
- Details of the monitoring of the site were provided with 24 hour, 7 days per week CCTV in operation and in-person visits to the site on a regular basis.
- It was stated that the details of the biodiversity net gain would be determined through the S106 legal agreement.
- No other appropriate sites had been identified for this development within the required distance from the application site.
- Details of the decommissioning of the site when the facility was no longer required for battery storage were secured by way of condition. This would require the removal of the battery storage facility and for the land to be returned to its original state.
- It was emphasised that the Government were promoting this type of facility to steer away from gas powered energy and, despite the detrimental effects of the proposal, the positive provisions outweighed those.
- It was noted that the grid connection was not included within this application. This would be applied for at a later date and would be partly within Wakefield District Council's area; or, if delivered by the local Distribution Network Operator (DNO) could be carried out using their permitted development rights.

Members debated the application and the following issues were highlighted:-

- The positives of the proposal far outweighed the negatives.
- There was a need for a community benefit to be provided in relation to the proposal.
- The proposals for HGV access to the site involved negotiating a very dangerous corner and further consideration was required in relation to this route.
- The proposal was inappropriate for the site and the potential for leaking batteries required further consideration.
- There were no planning reasons to refuse the application.
- It was questioned why such a facility needed to be located in a rural area and create a potential fire risk.
- The Council's commitment to carbon neutrality and the various adopted policies supporting that required such facilities to be provided.
- Other sites in the area with former industrial usage would have been better used for such a facility than the haulage and distribution centres they had become.

Resolved

That planning permission be **GRANTED** subject to the conditions listed in Section 12 of this report with condition 5 being updated to require a landscape scheme to be submitted to provide bolstered boundary screening, the completion of a S106 legal agreement in accordance with the details listed in Table 1 in Section 12 of the report, and the outcome of the referral to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2021, as per paragraph 4 (b) of the report - the proposed development is inappropriate development in the Green Belt and consists of or includes development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

The voting on this resolution was as follows:-

8 for

6 against

Councillor McCartney left the meeting at this point

93 78C3/22/01304/CPO - Proposed extension to Settrington Quarry with restoration to nature conservation habitat on land at Settrington Quarry, Back Lane, Settrington, Malton, YO17 8NX.

Considered -

The report of the Assistant Director Planning – Community Development Service requesting Members to determine applications to extend Settrington Quarry with restoration to nature conservation habitat on land at Settrington Quarry, Back Lane, Settrington, Malton, YO17 8NX.

The application related to a sizeable quarry operation that was subject to objections raised in respect of a range of material planning issues and was, therefore reported to the Committee for determination.

A Planning Officer presented the report, highlighting the proposals; the site location and description; the context to the application; planning guidance; and policy and planning considerations. The report also provided conclusions and recommendations.

It was noted that the application had been deferred from the meeting of the Committee held in December 2024 to allow further consultation, on the issues raised during consideration of the application, between the applicant and the local community, including elected representatives, to develop a solution that would take account of the health and wellbeing of those in the local area. This had resulted in alterations to some of the conditions in the initial report details of which were reported to Members.

It was outlined that this and the following item were linked, therefore, the registered public speakers had opted to address both items in one statement to the Committee and were provided with 6 minutes in which to do so.

Kenelm Storey a local resident objecting to the proposals addressed the Committee highlighting the following:-

- The additional consultation on the conditions had not developed as expected or hoped, and the conditions within the altered report remained unacceptable.
- The Ryedale Local Plan and the Minerals and Waste Plan indicated that the extracted mineral should only be extracted when there were no other sources available but permission had recently been given to further extract this mineral from the nearby Whitewall Quarry.
- The proposed HGV routing would cause damage to the local highway network and would continue to be detrimental to the neighbouring local communities.
- The loss of amenity and the right to a peaceful life had not been addressed through the revised conditions.
- The quarry was close to a number of sensitive areas, including an SSI, and Settrington was a conservation area.
- The major concerns remained traffic and amenity.

Councillor Dean Wise the acting Chair of Settrington Parish Council addressed the Committee highlighting the following:-

- The Parish Council attempted to engage with the applicant and the local community together but this had not materialised.
- A meeting had been held, following the deferral of the application, where the concerns of the local community had been outlined.
- Details of the conditions that would be required to make the application acceptable to the local residents were outlined at that meeting.
- When the papers for this meeting were published there had been very little change to the conditions considered previously, therefore, no recognition had been given to the issues outlined by the local community by either the applicant or NYC Planners.

Councillor Caroline Goodrick the Divisional Councillor addressed the Committee highlighting the following:-

- At the previous meeting the Committee gave clear guidance alongside the deferral of the application that further meaningful dialogue between the applicant and the local community was required to address concerns regarding the operating practices and how these were conditioned.
- The Ryedale Local Plan highlighted the need to protect residential amenity and ensure development did not have a major adverse impact on their lives.
- Despite the deferral and the request for further consideration to be given to the conditions the operations in the quarry and the HGV movements still did not accord with the Local Plan.
- The proposal for vehicle movements. In and out of the quarry, was still not sustainable and Route 3 utilised by HGVs was detrimental to the local communities it passes through.
- Despite the various suggested alterations to the conditions it was apparent from the revised report that very little change had been made and, therefore, the application should be refused.

Dan Walker a Chartered Surveyor representing the applicant addressed the Committee highlighting the following:-

- Further discussion of the application was requested following the deferral in December and engagement had taken place.
- Following the approval of the Whitewall Quarry application it was considered appropriate that similar conditions should be sought.
- The quarry site was established, activities there were limited, it provided local employment and the proposed extension accorded with the relevant policies.
- The supply of mineral from the site was important to a number of industries.
- There was no intention of increasing the number of HGV movements, with concessions made to ensure there were no movements around school pick-up/drop-off times, to and from the site and every effort was been made to minimise the impact on the local community.
- The applications had been subject to robust consultations.
- There was a comprehensive list of conditions and these addressed the concerns outlined by the local community.

Members discussed the applications and the following issues were outlined:-

- It was asked what the implications would be in terms of HGV movements should the application be refused given that there was still an existing permission to remove the mineral from the quarry. In response it was noted that the existing permission expired in 2022, however, the IDO historic area of the quarry had permission until 2042. There was only a small amount of material left to extract in

the current quarry, however, so HGV movements were unlikely to be extensive. A reasonable timescale would need to be established with the applicant for this scenario.

- It was noted that there was nothing to prevent one of the routes outlined within the conditions from being the only one to be used by the HGVs.
- The preferred conditions outlined by the local community and discussed with the applicant had subsequently been considered by the Planning Officer in conjunction with the applicant. It was noted that it would be for the applicant to determine whether they could continue with the proposals should these conditions be implemented. Reassurance was provided that account had been taken of the various representations received resulting in a balanced set of conditions having been developed, taking account of those views.
- It was clarified that the hours of work previously identified in the now removed Condition 9 were included in the revised Condition 8.
- It was noted that the Local Authority only had the power to impose a performance bond and financial sanctions in exceptional circumstances and it was unlikely that these would apply for this application.
- It was stated that the vehicle movements per day, outlined in the conditions, did not accord with the Minerals and Waste Plan. In response it was stated that the Local Highways Authority deemed the numbers to be acceptable. The site had been in operation for a number of years prior to a vehicle movement condition being imposed and the limits set were considered to be acceptable. It was not expected that vehicle movements would reach the maximum levels indicated on a daily basis.
- It was stated that no enforcement action was required in respect of the potential breach of conditions as the applications to be determined would take into account the issues stated.
- It was noted that the quarry was operated on a campaign basis with the mineral only removed when required, therefore, vehicle movements would only reach the conditioned peak at those times.
- A Member stated that the Divisional Councillor had suggested that route 3 should not be used and asked what would be the consequences of applying this. In response it was noted that the contribution for highway improvements at Scagglethorpe would be jeopardised as it had been indicated that the route was suitable to use and the S106 agreement may be affected by this. Members suggested that route 3 was not appropriate for HGVs.
- Avoidance of school times for HGVs using the quarry was in the revised conditions and was enforceable.
- Should this application for an extension to the quarry be refused the existing site extension of time application would require an appropriate scheme of conditions would be required for that to continue and a further deferral of the extension of time application would be required to allow that to happen.

Members debated the application and the following issues were highlighted:-

- There was disappointment that the issues relating to SP16 and SP20 had still not been addressed satisfactorily despite the deferral.
- Members discussed the possibility of altering the conditions to try and address some of the concerns expressed by the local communities as it was recognised that this was an existing site and the principle for the proposal was in place. It was suggested, therefore, that the appropriate conditions be altered to reflect the following:-

Hours of operation – Monday to Friday – 07:00 to 17:00/Saturday – 07:00 to 13:30 – No Sundays and no Bank Holidays

Blasting – 10:00 to 14:00 - Monday to Friday
Pecking – 09:00 to 16:00 - Monday to Friday
Vehicle Movements – 44 each way – 88 in total (in and out)
Route 3 be excluded from use.

The revisions would require alterations to be made to Conditions 8, 9,10 and 20 and to Table 1 related to the S106 agreement. The other aspects of those conditions and the table would remain the same.

Resolved -

That that the application be **GRANTED** in accordance with the conditions listed in the report and the completion of a S106 agreement with terms as detailed in Table 1 in the report, subject to the alterations to Conditions 8, 9,10 and 20 and to Table 1 related to the S106 agreement as outlined above.

The voting on this resolution was unanimous.

94. NY/2022/0278/73 - Application to vary condition No. 1 of Planning Permission Ref. C3/19/01386/CPO to allow an extension of time to recover remaining mineral resources on land at Settrington Quarry, Back Lane, Settrington, Malton, North Yorkshire, YO17 8NX

Considered -

The report of the Assistant Director Planning – Community Development Service requesting Members to vary condition No. 1 of Planning Permission Ref. C3/19/01386/CPO to allow an extension of time to recover remaining mineral resources on land at Settrington Quarry, Back Lane, Settrington, Malton, North Yorkshire, YO17 8NX.

The application related to a sizeable quarry operation that was subject to objections raised in respect of a range of material planning issues and was, therefore reported to the Committee for determination.

A Planning Officer presented the report, highlighting the proposals; the site location and description; the context to the application; planning guidance; and policy and planning considerations. The report also provided conclusions and recommendations.

It was noted that the application had been deferred from the meeting of the Committee held in December 2024 to allow further consultation, on the issues raised during consideration of the application, between the applicant and the local community, including elected representatives, to develop a solution that would take account of the health and wellbeing of those in the local area. This had resulted in alterations to some of the conditions in the initial report details of which were reported to Members.

Public representations had been provided during consideration of Minute No. 93, above.

Members noted that following the amendments to the conditions outlined at Minute No. 93 above, this application would align with those, requiring changes to be made to Conditions 6, 7,8 and 18 to reflect that position. As there was no S106 agreement

required for this application a revision of the HGV routing would be undertaken to remove route 3.

Resolved -

That that the application be **GRANTED** in accordance with the conditions listed in the report subject to the alterations to Conditions 6, 7, 8 and 18 as outlined at Minute No.93 above and the removal of route 3 from the routing of HGVs to and from the site.

The voting on this resolution was unanimous.

- 95. ZE24/00001/MFUL - Planning application for the change of use of Gilling Castle and Foals Yard outbuilding to form 10no. one-bed, 10no. two-bed and 1no. three-bed later living rental apartments, erection of 6no. one-bed and 8no. two-bed dwellings following demolition of existing buildings in the grounds together with leisure and sporting facilities, associated access including temporary removal and subsequent reinstatement of the north and south Grade II Listed piers and attached railings off Main Street, parking, landscaping, infrastructure, sub-station and engineering operations on land at St Martins Ampleforth, The Castle, Main Street, Gilling East**

Considered -

The report of the Assistant Director Planning – Community Development Service requesting Members to determine an application for the change of use of Gilling Castle and Foals Yard outbuilding to form 10no. one-bed, 10no. two-bed and 1no. three-bed later living rental apartments, erection of 6no. one-bed and 8no. two-bed dwellings following demolition of existing buildings in the grounds together with leisure and sporting facilities, associated access including temporary removal and subsequent reinstatement of the north and south Grade II Listed piers and attached railings off Main Street, parking, landscaping, infrastructure, sub-station and engineering operations on land at St Martins Ampleforth, The Castle, Main Street, Gilling East

The application represented a departure from the adopted Development Plan and was recommended for approval, therefore, it was reported to the Committee for determination.

A Planning Officer presented the report, highlighting the proposals; the site location and description; the context to the application; planning guidance; and policy and planning considerations. The report also provided conclusions and recommendations.

An update report published after the initial report provided details of removal of condition 16 from the list of conditions and the provision of an additional informative to clarify the operation of Condition 56 and was outlined by the Officer.

Reference was made to further submissions from the applicant and Sports England.

A late objection to the application had been received prior to the meeting in respect of potential drainage issues. The details of this were outlined to the Committee and addressed by the Planning Officer in his presentation.

It was noted that a representative of the local Parish Council had withdrawn from speaking at the meeting but had indicated the support of the Parish Council for the proposals.

David Kemp representing the applicant addressed the Committee highlighting the following:-

- The listed building in the application had fallen into disrepair following the closure of the school that was located there.
- The proposals provided a long term, sustainable future for the building and had been agreed by Historic England.
- The sports pitch on the site was not required as it was sub-standard and there were appropriate facilities available at the nearby Ampleforth College.
- The facilities and additional housing would be aimed at the 'later living' (55+) age group.

Members discussed the applications and the following issues were outlined:-

- It was asked whether the additional housing in the proposal was also aimed at the 'later living' age group. In response it was stated that this was expected to be the case, however, there was no planning basis whereby an age restriction could be imposed. The Member had concerns that the facility could become a 'gated community' and would be reassured if a condition relating to the age profile could be provided. It was noted that the age profile of those locating to the facilities would be determined by the developer and the aim was to provide 'later living' accommodation.
- A member asked whether the proposed wellness centre would be available for public use. In response it was stated that this issue would be the subject of further discussions with the developer.
- The absence of affordable housing within the scheme was a departure from the Development Plan but provided a viable option to restore and maintain the Castle. A requirement for affordable housing would need a complete change to the submitted application.
- It was noted that the red line of the site excluded the wider Registered Park and Garden and it was asked what was proposed in terms of maintenance for that area. In response it was noted that the wider Registered Park and Garden was not within the development site and would be the subject of other maintenance arrangements.
- Issues relating to drainage had been the subject of consultation with Yorkshire water and they had not raised any concerns.
- The change of use had been determined in line with local and national policies, alongside the restoration of a historic asset.
- Issues relating to accommodation, parking and the location of staff were discussed.
- Potential public access to the site was under consideration with various events and open days being planned. A single public right of way was located on the site and it was expected that this would be utilised to promote public use and access.

Members debated the application and the following issues were highlighted:-

- Members considered that, overall, this was a worthwhile scheme, despite the departure from policy in terms of not providing affordable housing, but provided an opportunity to restore a heritage asset and create new housing predominantly for the 'later living' age group.

Resolved -

That that the application be **GRANTED** in accordance with the conditions listed in the report subject to the removal of Condition 16 and the provision of an additional informative to clarify the operation of Condition 56

The voting on this resolution was unanimous.

96. Other Urgent Business

There was none.

The meeting concluded at 14.15pm

DRAFT