

## North Yorkshire County Council

### Planning and Regulatory Functions Committee

Minutes of the meeting held at County Hall, Northallerton on 13 November 2018 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 Zoe Metcalfe submitted her apologies.

There were four members of the public in attendance.

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

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**70. Minutes**

**Resolved -**

That the Minutes of the meeting held on 11 September 2018, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

**71. Declarations of Interest**

There were no declarations of interest.

**72. 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.

**73. C8/2018/0563/CPO – (NY/2018/0054/CPO) - Extraction of the residual deposit of sand from land west of the sandpit including the removal of trees until 31 December 2020, use of land for the continued siting and operation of a mobile crusher and mobile screen with double deck and associated conveyors for the purpose of recycling of inert waste materials until 30 September 2028 at Eggborough Sandpit, Weeland Road, Hensall, Goole, and the infilling and restoration of the site with inert materials**

**Considered -**

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application in line with the details set out above.

The application was subject to an objection having been raised in respect of the proposal, on the grounds of the continued extraction of the quarry, the impact on residential amenity and highways impacts and was, therefore, reported to the Committee for determination.

Stephen Lawrenson, local resident, addressed the Committee, outlining the following:-

- ◆ Local residents had been informed that there would be no more sand extraction from the site ten years ago.
- ◆ The proposal could see work taking place on the site for a further 22 years.
- ◆ He called for a proper evaluation to be undertaken to determine whether the report was a fair reflection of what had taken place, and what would be taking place, on the site.
- ◆ He considered that the operators were not complying with existing conditions in terms of hours of operation, keeping the local highways free of debris from the process and in relation to the restoration programme, with no restoration having taken place to date.
- ◆ He suggested that an appropriate restoration timetable was required and should be adhered to.

It was noted that the agent for the applicant had registered to speak at the meeting, but was not present.

A representative of the Head of Planning Services presented the Committee report, highlighting the proposal, the site description, the consultations that had taken place, the advertisement and representations, planning guidance and policy, planning considerations and provided a conclusion and recommendation.

Detailed plans, photographs and visual information were presented to complement the report. Issues from the report were highlighted specifically to address the concerns that had been expressed during the public statement.

The following updates to the report were highlighted:-

- ◆ Page 21 - clarification was provided in relation to policies W01 and W10.
- ◆ Page 49 - the further observations from the Landscape Officer, referred to in the report, had now been received and had indicated that the Officer was satisfied with the report, conditions, and recommendation.
- ◆ Page 50 - reference to the restoration plan in paragraph 7.22 indicated that this was from the 2009 application, however, the plan related to the current application.

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

- ◆ Issues around monitoring and enforcement, in relation to the issues raised by the public speaker, were raised and clarification was requested in terms of how this was undertaken. In response it was stated that the conditions relating to previous approvals had been reiterated to the applicant and there had been agreement that these would be complied with. It was noted that objections had not materialised, other than when planning applications had been submitted for consideration. Should complaints be submitted to the Planning Department then these would be investigated and action undertaken accordingly.
- ◆ A Member noted that the public speaker had stated that debris was being left on local roads from the process and asked whether the wheel washing facilities in place were working accordingly, and whether the situation was monitored. In

response it was stated that the wheel washing facilities were working appropriately and it was noted that Highways had been consulted on the application and had indicated, in their response, that there were no issues of concern in relation to local highways. Should complaints arise, these would be investigated and it would be ensured that the applicant was complying with the appropriate conditions, with enforcement action taken if necessary.

- ◆ Clarification was provided in relation to the tree that was to be removed and it was noted that the County Council's Ecology Officer had indicated that there were no concerns with the removal of the tree.
- ◆ A Member raised concerns that, should monitoring not be taking place currently, how could it be certain that the operator was complying with the conditions in relation to vehicle movements and the use of wheel wash facilities. In response it was stated that site visits were undertaken by officers in relation to the application and the use of the wheel wash facilities was observed, together with HGV movements to and from the site. It was emphasised that no complaints had been raised in relation to vehicle movements, aside from the time of applications for the extraction of sand from the site. It was again emphasised that should complaints arise then these would be investigated and, if necessary, enforcement action undertaken.
- ◆ It was clarified that the operator, under the terms of previous applications, was able to transport sand from the site to the sandpit provided that the 54 vehicle movements, in and out of the site, per day, was not exceeded. The Head of Planning Services stated that a site monitoring regime was in place, with regular visits taking place, at least every six months, to ensure that conditions were being complied with. Should complaints arise, additional ad-hoc visits would be undertaken to the relevant sites. It was noted that records were also checked in terms of HGV movements in and out of sites.
- ◆ A Member asked how much restoration had been undertaken at the site to date. In relation to this it was stated that some restoration had taken place at the site, however, the submission of the new application allowed for a stricter timetable to be developed, in terms of the restoration programme, and ensure that this was being followed according to what was detailed in that timetable. It was noted that there had been some delay with the previous restoration plans because of a lack of availability of appropriate materials for this to be carried out.
- ◆ A Member noted that the public speaker had stated that he had observed operations outside the hours of operation set out in the conditions and asked whether a complaint would see these investigated. This was confirmed by the Head of Planning Services and it was noted that should the operator not comply with a subsequent request to ensure those hours of operation were complied with, enforcement action could be taken. It was stated that discussions with the operator had indicated that they would comply with the conditions, given the complaints raised in relation to this application.
- ◆ Clarification was provided in relation to the amount of sand that could be extracted from the site in terms of this application and it was noted that, although this was a relatively small amount, it added to the contribution from each site in the area to ensure that a shortfall of related materials was being addressed.
- ◆ A Member asked whether there was confidence in the completion of the restoration, set out in the report, by 30 September 2028, given that there had been numerous extensions to the original application, pushing that date back significantly. In response the Head of Planning Services stated that she had confidence that this

date would be met given the information available at this time, however, she emphasised that this was dependent on economic factors remaining stable.

**Resolved -**

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

**74. C8/2017/1335/CPO – (NY/2017/0305/73A) - Variation of condition No's 1, 3, 4, 5, 8, 15, 22, 23 and 25 of Planning Permission Ref. C8/43/37A/MR to allow for the continuation of mineral extraction operations and to revise the working, the phasing and the restoration schemes at Mill Balk Quarry, Mill Balk, Great Heck, North Yorkshire**

**Considered -**

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application in line with the details set out above.

The application was subject to objections having been raised in respect of the proposal on the grounds of highway safety, vehicle movements and routeing concerns, noise and dust concerns and hours of operation, and was, therefore, reported to the Committee for determination.

The Head of Planning Services presented the Committee report, highlighting the proposal, the site description, the consultations that had taken place, the advertisement and representations, planning guidance and policy, planning considerations and provided a conclusion and recommendation.

She highlighted, to Members, the details of an addendum to the substantive report, that had been circulated prior to the meeting, noting that, following the publication of a new National Planning Policy Framework earlier this year, the paragraph numbers had been altered in relation to the framework, however, the initial report had been drafted using the previous NPPF paragraphs and the details of the replacement paragraphs were highlighted in the addendum report.

Detailed plans, photographs and visual information were presented to complement the report. It was noted that two further letters of representative had been received on 11 November 2018 and the details of those representations were outlined to Members.

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

- ◆ A Member, noting that the initial permission was granted in 1956 through until 2042, considered that permission would not be granted today if this was the initial application, in view of the narrow highway leading to the access to the site.

He noted the objection that had been raised by Hensall Parish Council regarding concerns about vehicles travelling past Hensall Primary School during opening and closing times. He highlighted the proposed condition to restrict movement past the school, by HGVs, during opening/closing periods, during term time only, and considered that this should be amended, as it only took account of vehicles leaving the site during those times and not coming into the site. He asked that the condition relating to this matter (Condition 14) be amended to take account of vehicles coming into the site. The Head of Planning Services suggested that there may be difficulty in controlling vehicles coming into the site during those times and emphasised that conditions to a planning permission had to be of a reasonable nature. The Member emphasised the seriousness of this matter and the impact,

felt by the school, of HGVs passing at opening/closing periods. He emphasised the need for the condition to be altered to ensure there were no HGV movements, either in or out of the site, during these periods. It was noted that restrictions could be placed upon the road if a Section 106 Agreement was part of the application, but in the absence of that an alteration to the condition would be the only method of meeting the requirements set out by the Member.

- ◆ Members considered that it would be reasonable for the movement of HGVs to be prevented from passing the school during opening/closing periods, either entering or leaving the site, by altering the Condition No. 14, as set out in the report. It was suggested that this could be implemented by advance notice to the drivers of the HGVs of this condition, eliminating the possibility of them accidentally arriving along the route during those times.

**Resolved -**

That the application be approved for the reasons stated within the report and, subject to an alteration to Condition 14, as set out below, in accordance with the conditions detailed:-

Condition 14 - no working or associated road haulage shall take place at the site except between the following hours:-

0630-1800 hours Mondays to Fridays with the exception of road haulage entering/leaving the site during Hensall School opening/closing periods of 0835-0905 and 1500-1545 during term time only.

0630-1300 hours Saturday

And no working shall take place on Sundays, Bank or Public Holidays.

**75. 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 14 August 2018 to 14 October 2018, inclusive.

**Resolved -**

That the report be noted.

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

Considered -

The report of the Corporate Director - Business and Environmental Services, which outlined the County Council's performance in the handling of "county matter" and County Council development planning applications for Quarter 1 (the period 1 July 2018 to 30 September 2018).

Information of enforcement cases was attached as an Appendix to the report.

**Resolved -**

That the report be noted.

## **77. New Members of Staff - Planning Services**

With the permission of the Chairman, the Head of Planning Services introduced four new members of Planning Services staff to the Committee, noting that she had recently recruited five members of staff to fill vacant positions the Service had been operating with. She provided details of how the teams would be developed, including existing members of staff, with East and West Area Teams being provided.

### **Resolved -**

That the new members of staff be welcomed and the details highlighted be noted.

The meeting concluded at 11.15 am

SL/JR