

North Yorkshire County Council

Planning and Regulatory Functions Committee

Minutes of the meeting held at County Hall, Northallerton on 10 September 2019 at 10.00 am.

Present:-

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

There was one member of the public and a representative of the press present.

Copies of all documents considered are in the Minute Book

100. Minutes

Resolved -

That the Minutes of the meeting held on 23 July 2019, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

101. Declarations of Interest

There were no declarations of interest.

102. Public Questions or Statements

The representative of the Assistant Chief Executive (Legal and Democratic Services) stated that, apart from the person who had registered to speak in respect of the application below, and who would be invited to do so during consideration of that item, there were no questions or statements from members of the public.

103. (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 m high access gate and 2.4 m 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 part retrospective planning application for the erection of four rectangular kiosks, feed pumping stations, tertiary solids capture unit, sludge holding tank, internal access track and hardstanding and installation of high access gate and high green weld mesh fence on land at Borrowby Waste Transfer Treatment Works, Bob Lane, Borrowby.

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

It was noted that the application had originally been reported to 23 July 2019 meeting at which it was deferred to allow for the finalisation of amended landscaping conditions and further information, as the development had been built slightly differently from the original submitted plans. A revised plan was available at that meeting, however, further detail was needed in relation to some elements. Mr Robert Warren, Harkers Consulting Limited, the agent for the applicant, addressed the Committee, outlining 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 1.0mg/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 a replacement of existing sampling points to facilitate improved monitoring and control of the treatment process.
- Alterations made to the application ensured there was a balance made within the scheme to alleviate any unacceptable environmental impacts.
- The impacts of the development were outweighed by the social and environmental benefits to be obtained.

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.

Details of the amendments that had been made to the report and the revised plan were highlighted and it was considered that the conclusions remained the same as the previous Committee report submitted to 23 July 2019 meeting, and that report was provided as an Appendix for consideration alongside the amended details.

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

- ◆ A Member asked whether the application was fully retrospective. In response it was stated that the landscape planting had not been carried out and would take place in October/November 2019 and the fencing could not be put in place until the planting had taken place. In view of that, the application was not fully retrospective.
- ◆ Clarification was provided in relation to the landscape planting that would take

place and the species of planting that would be utilised, which were native species. It was noted that Hornbeam had been accepted by the developer as an appropriate species of planting to screen the elevated aspects of the application.

- ◆ A photograph was provided to highlight the aspects of the elevated sections of the development in relation to the screen planting provided. It was noted that this would be more visible when leaves had fallen from the trees, however, the provision of Hornbeam would assist in screening those aspects.
- ◆ Members welcomed the additional aspects that included screen planting and painting, agreed by the developer, to ensure that the development was less obtrusive to nearby local residents.

Resolved -

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

104. C6/500/277/CMA - (NY/2015/0306/ENV) - Planning Application, accompanied by an Environmental Statement, for the variation of condition Nos 10 (duration of development), 11 (definition of development), 43 (maintenance) and 44 (landscape and restoration) of Planning Permission Ref. No. C6/500/95B and C2/99/045/0011 for the continuation of sand and gravel extraction for a further 4 years after 31 December 2015 and the submission of a revised restoration scheme at Ripon Quarry, North Stainley, Ripon

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application, accompanied by an environmental statement, as detailed above.

The application was subject to objections having been raised on the grounds of the type of impact of the amended restoration of the site and was therefore, reported to the 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.

As an update to the report it was noted that an appropriate assessment screening, concluding that the proposal would not have a negative impact upon the Special Area of Conservation (SAC), had now been provided, as required under the Conservation of Habitats and Species Regulations. This had been carried out by the NYCC Ecologist and had determined that there were no likely significant effects in respect of the proposal. It was noted that this negated the second paragraph in section 9.3 of the report, contained within the recommendation.

Members considered the report and discussed the application, outlining the following:-

- ◆ In terms of sections 9.1 to 9.3 of the recommendation within the report it was suggested that the actions be delegated to officers, should Members be minded to

approve the report. It was re-emphasised, in relation to that proposal, that paragraph 2 of 9.3 within the recommendation relating to the appropriate assessment screening had now been undertaken to the satisfaction of officers.

- ◆ It was noted that a Section 106 Agreement was still required in relation to the application.

Resolved -

That, subject to prior completion of an updated planning obligation (legal undertaking) under the provisions of Section 106 of the Town and County Planning Act 1990 (as amended) to secure amendments to the management plan and site plan to include changes to the restoration of the site, considered necessary to make the development acceptable in planning terms, directly related to the development and were fairly and reasonably related in scale and kind to the development, and that this matter be delegated to the Head of Planning Services to undertake, in conjunction with appropriate officers, the planning application be approved for the reasons stated within the report and, subject to the inclusion of the condition detailed below, in line with the conditions set out in the report:-

- Within 12 months of the date of this permission full details of the removal of the river crossing works must be submitted to the County Planning Authority for written approval and the works completed by the 31 December 2024, having regards to sensitive species including but not exclusive to river lamprey.

105. 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 24 June 2019 to 11 August 2019 inclusive.

Resolved -

That the report be noted.

106. Proposed Site Visit - Went Edge Quarry, Kirk Smeaton

Resolved -

That the site visit agreed by Members at the meeting of the Committee held on 23 July 2019 be undertaken on 15 October 2019 at 10 am.

The meeting concluded at 10.30 am

SL/JR