

North Yorkshire County Council

Planning and Regulatory Functions Committee

Minutes of the meeting held at County Hall, Northallerton on 12 November 2019 at 10.00 am.

Present:-

County Councillors Peter Sowray (Chairman), David Blades, Eric Broadbent, Robert Heseltine, David Hugill, Mike Jordan, Cliff Lunn (as substitute for Richard Musgrave), John McCartney, Zoe Metcalfe, Chris Pearson, and Clive Pearson.

There were three member of the public and a representative of the press present.

Copies of all documents considered are in the Minute Book

107. Minutes

Resolved -

That the Minutes of the meeting held on 10 September 2019, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

108. Declarations of Interest

There were no declarations of interest.

109. 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.

110. **(NY/2019/0005/73) - Planning application accompanied by an Environmental Statement for the purposes of the variation of condition no's 2, 3, 4, 5, 6, 9, 11, 13, 14, 15, 26, 37, 38, 39, 42, 43, 54, 55, 56, 57, 58 & 62 of planning permission ref. no. C8/2013/0677/CPO 'The relocation of colliery activities and construction of an energy centre to recover energy from waste with ancillary development including offices and utility uses (e.g. workshops and electrical rooms); parking; a new access point and improvements to the existing access; internal roads; railway sidings; a weighbridge and gatehouse; a substation and transformer compound; a national grid connection; private wire connection to the colliery; sustainable urban drainage systems; lighting; CCTV; landscaping and fencing on land at Kellingley Colliery, Turver's Lane, Knottingley, West Yorkshire, WF11 8DT.'**The proposed variations relate to:- Increasing the consented annual throughput of waste at the Southmoor Energy Centre, increasing the two way HGV movements, increasing the two way HGV movements during construction of the energy centre, changes to aspects of the consented development to accommodate plant selection including

changes to the Turbine Hall, Boiler Hall, FGT plant and ACC unit, and changes to the consented construction phasing to include the use of the former Kellingley Colliery access at land at the Former Kellingley Colliery, Turvers Lane, Kellingley, Selby

Members were informed that this item had been withdrawn from consideration due to a number of issues having been identified, since the publication of the report that required further clarification. It was suggested, therefore, that the item be considered at a subsequent meeting of the Committee.

Resolved -

That the application be withdrawn from consideration for the reasons stated and considered at a subsequent meeting.

111. C8/2019/0061/CPO - (NY/2018/0229/73) - Variation of Condition No. 2 of Planning Permission Ref. C8/10/3AC/CPO which relates to raising landfill levels at The Old Brick and Tile Works, Riccall Road, Escrick

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine an application for the Variation of Condition No. 2 in respect of Planning Permission Ref C8/10/13A/CPO at the Old Brick and Tile Works, Escrick, as detailed above.

The application was subject to an appeal against non-determination to the Secretary of State and was, therefore, submitted to Members in order that the County Planning Authority's formal view could be submitted to the Planning Inspectorate.

The application was subject to objections having been raised by Escrick Parish Council and the County Council's Landscape Architect in respect of this proposal, on the grounds of impact on amenity, highways, need for the development in terms of the justification for the increase in height and landscape impact and was, therefore, reported to the Committee for determination, taking account of the paragraph above.

Chris Jarvis, representing the applicant, addressed the Committee, outlining the following:-

- The previous permission to landfill at the site dated back to 1992
- The applicant had met the conditions required of the Planning Permission during that time.
- The report provided a number of details that were contested by the applicant.
- The issue relating to complaints about mud being left on the road by the applicant, resulting from operations on the site was disputed, and it was noted that the applicant had received a communication from the County Council's Area Highways Office on 8th November 2019 thanking them for their ongoing work in ensuring the highway was clean, and that their systems for maintaining this were working well.
- In relation to the issues raised in the report regarding residential amenity, noise and dust – it was noted that the site was adjacent to the A19, a major route, which was likely to affect the issues raised. The applicant had also carried out investigations on the control of these issues and was satisfied that these were being maintained effectively and in line with requirements.
- There had been no individual letters of complaint in relation to operations at the

application.

- The limited number of similar sites, available for this use, in the Country was outlined, particularly those with Washing Plant facilities.
- The site manages this particular waste for 8 authorities, with the next nearest similar facility being in Derby.

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. Issues from the report were highlighted specifically to address the concerns that had been expressed during the public statements.

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

- It was asked whether there was an application for similar activities on adjacent land and whether this related to the same applicant. In response it was noted that an application had been submitted in relation to an adjacent site and would use the same site entrance, however, this was the subject of a separate application and was not relevant to the matter being considered.
- In terms of landscape visual impact, a Member noted that the photographs had shown a number of mature trees at the site, and wondered whether these would screen the proposal. In response it was noted that there were a small number of mature trees at the site, however, the proposed mound would be above those trees, and the remainder of the site opened out onto a flat landscape with few trees in place. The County Council's Landscape Architect had described the proposed scheme as an incongruous feature adversely affecting landscape character and setting.

Resolved -

That, the County Council submits to the Secretary of State the formal view that Planning Permission be refused for the reasons outlined in the report.

- 112. NY/2019/0123/FUL - Demolition of an existing pre-fabricated classroom unit (68 sq. metres) and the erection of a new double pre-fabricated classroom unit (170 sq. metres), 2no. external staircases, a brick built electrical kiosk (32.4 sq. metres), creation of a tarmac footpath (110 sq. metres), 4no. air coil units, 6no wall mounted external lighting at Brompton On Swale Church Of England Primary School, Brompton Park, Brompton On Swale**

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine an application at Brompton-on-Swale Church of England Primary School as detailed above.

The application was subject to an objection having been raised in respect of the proposal on the grounds of need and highway impacts, 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.

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

- A Member requested clarification that there was no intention to raise the numbers on roll through the application, in line with the concerns expressed by the Parish Council. In response it was confirmed that there would be no increase in the number of staff or pupils should the proposal be approved.
- It was asked whether there would be any detrimental effect on neighbouring residential properties from the development. In response it was stated that there would not be.
- A Member noted that, for a number of years, the Committee had been pursuing a policy of replacing temporary structures, at schools, with permanent buildings, and asked why this had not been followed for this application. The circumstances relating to this application were outlined, with a temporary structure being far more convenient for the local area, in terms of putting this in place, as it would fit easily into the footprint of the existing temporary building, and would enable a closer monitoring of the site, going forward. It was noted that the temporary structure would be in place for 10 years, if granted, and, following that time period, a permanent structure would be sought for the site, if required. Members noted that the new Temporary Classroom would bring a number of facilities to the school that were not available in the previous structure, and would be of benefit to the children. It was also noted that the low levels funding available to the school limited their opportunity to provide a permanent structure, resulting in the perusal of a temporary solution. The Chair reminded Members that their consideration of the application should relate only to planning issues.

Resolved -

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

- 113. C1/19/00549/CM – NY/2019/0125/FUL - Dismantling and rebuilding of all sections of parapet walls and sections of the downstream spandrel wall mainly using existing stone, re-pointing of parapet walls and adding stone around the base of the spandrel wall at Skeeby Bridge, Richmond Road, Skeeby, Richmond**

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine an application at Skeeby Bridge, Skeeby, as detailed above.

The application was subject to two objections having been raised in respect of the proposal on the grounds of design and cumulative impact to the heritage of the bridge through the proposed development and was, therefore, reported to the Committee for determination.

It was noted that The Planning (Listed Buildings and Conservation Areas) Regulations 2015 require that only in cases where Historic England, or one of the National Amenity Societies, objects (where there is a requirement to notify them of the application), and where the authority did not propose to refuse the application, would the application be referred to the Secretary of State for Communities and Local Government (National Planning Casework Unit) for determination. In this instance, following the objections received from two amenity bodies, the application would be referred to the District Council, who would then refer it to the Secretary of State for Communities and Local Government (National Planning Casework Unit) for determination, should Members be minded to grant it.

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.

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

- It was asked whether the proposal related to planned maintenance or whether there was an urgent need for repairs. In response it was stated that some of the repairs were required to ensure the bridge could continue to be used effectively, and, from there, it would be ensured that it was included in a regular maintenance programme, as there were clear issues with dis-repair currently.
- Members highlighted their concerns regarding objections having being raised on heritage grounds. They recognised that the structure was of historical interest but did not consider that it was of aesthetic value.
- It was clarified that the Environment Agency had made no comments on the proposal.
- It was noted, from the photographs provided, that debris appeared to be getting caught in the gates that had been placed under the arches of the bridge. It was suggested that the gates should be removed to allow water to flow evenly under the bridge, as the debris would displace the flow, potentially causing flooding and damage to the bridge, It was suggested that conventional flood gates should be fitted that allowed the water to flow appropriately.
- Members welcomed the pro-active approach to bridge maintenance being developed and suggested that the repairs be carried out as soon as possible.

Resolved –

That the application be forwarded to Richmondshire District Council with a recommendation that the Secretary of State for Local Government and Communities grant the application Listed Building Consent for the reasons outlined in the report and subject to the conditions outlined.

114. C6/19/03583/CMA – NY/2019/0141/FUL - Variation of Condition No. 2 of Planning Permission Ref. C6/19/01378/CMA for changes to location and quantity of external lighting, consisting of erection of 9 No. 6m high lighting columns, 7 No. 4m high lighting columns, 4 No. 1m high lighting bollards and, 16 No. external mounted lighting at Moorside Infant & Junior School, Harrogate Road, Ripon, North Yorkshire

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a part retrospective application for the variation of Condition No. 2 of Planning Permission Ref. C6/19/01378/CMA, as detailed above.

The application was subject to an objection having been raised by Ripon City Council in respect of the proposal on the grounds of light pollution 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.

The representative of the Head of Planning Services circulated an additional Condition relating to the application for Members to consider in respect of the proposal. The Condition outlined the following:-

Lighting Operation

The hereby approved lighting columns detailed on the plan (Electrical Building Services Proposed Car Park Lighting Layout – 4m columns, Ref. 18010/E/607 Rev P8) dated August 2019 must only be used between the following times:

Monday to Friday 07:30 – 20:30;
Saturday, Sunday and Bank/Public Holidays No usage

Reason: to protect local/residential amenity.

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

- Members welcomed the changes outlined, considering them to be beneficial to the proposal, particularly the provision of movement detectors allowing the lighting to switched on and off dependent upon movement around it.

Resolved –

That the application be granted for the reasons stated within the report and subject to the additional condition, as detailed below, in line with the conditions highlighted in the report:

Lighting Operation

The hereby approved lighting columns detailed on the plan (Electrical Building Services Proposed Car Park Lighting Layout – 4m columns, Ref. 18010/E/607 Rev P8) dated August 2019 must only be used between the following times:

Monday to Friday 07:30 – 20:30;
Saturday, Sunday and Bank/Public Holidays No usage

Reason: to protect local/residential amenity.

115. 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 12 August 2019 to 13 October 2019 inclusive.

Resolved -

That the report be noted.

116. Publication by Local Authorities of information about the handling of planning applications for Quarter 1 – the period 1 July 2019 to 30 September 2019

Considered -

The reports 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 the year 2019/20, Quarter 2 (the period 1 July 2019 to 30 September 2019).

The Head of Planning Services stated that Table 3 within the report outlined the applications that were currently awaiting decisions having been with Planning Services for 13 weeks or more. She noted that many of these were now drawing to a conclusion and would be submitted for consideration at forthcoming meetings. She emphasised that the Service remained well above the threshold for being placed into "Special Measures" in terms of the length of time taken to determine applications.

A Member raised concerns in relation to the item outlined in Table 2 – Updates on 'live' complaints/alleged breaches of planning control – in respect of the Stobarts Site at Great Heack, in terms of this stating that work "appeared" to be in compliance with the Planning Permission, and considered the wording to be ambiguous. The Head of Planning Services stated that she would check this matter and advise the Member accordingly.

Resolved -

That the reports be noted and the issue highlighted be acted upon as stated.

117. Application for a Safety Certificate Pursuant to Section 26 of the Fire Safety and Safety of Places of Sport Act 1987 – Report of the Corporate Director, Business and Environmental Services

Considered –

The report of the Corporate Director, Business and Environmental Services, requesting Members to determine an application for the issue of a general safety certificate under section 26 of the Fire Safety and Safety of Places of Sport Act 1987 in respect of the regulated stand, 'the East Stand', at the Scarborough Athletic Football Club.

A representative of the Assistant Director, Growth, Planning and Trading Standards presented the report, highlighting the following:-

The County Council is responsible for issuing safety certificates for any designated sports ground or regulated stand at a sports ground in its area - The Secretary of State for Culture, Media and Sport may designate any sports ground which in his opinion has accommodation for more than 10,000 persons, or more than 5,000 persons in the case of Premiership or Football League grounds

Any sports ground which is not a designated sports ground and which provides covered accommodation in stands for 500 or more spectators, known as a designated stand, must hold a general safety certificate issued by the local authority.

The local authority makes a preliminary determination that the stand is a regulated stand which becomes a final determination once two months has elapsed.

A safety certificate was sought by Scarborough Athletic Football Club Limited for the regulated stand, known as the East Stand at the Flamingo Land Stadium, Scarborough Athletic Football Club. Details of the stand, the accommodation provided and the status of the Football Club were outlined.

Officers and Safety Advisory Group members inspected the ground, plans and operational plan documentation and the preliminary determination was notified to Scarborough Athletic Football Club by letter dated 27 June 2019. No appeal against this determination was received and so this became a final determination on 27 August 2019.

The person who qualifies for the issue of a general safety certificate is the person responsible for the management of the ground and who, in accordance with section 3 of the Safety of Sports Grounds Act 1975, is a person likely to be in a position to prevent contravention of the terms and conditions of a certificate. The applicant, Mr Mick Davison, is the Match Day operations Director of Scarborough Athletic Football Club and has been a board member at the club for two years. He has confirmed at the Safety Advisory Group that he is responsible person for the management of the ground and is an active member of the Board of Directors to Scarborough Athletic Football Club.

Section 28(10) of the Fire Safety and Safety of Places of Sport Act 1987 states that a copy of the application must be sent to the Chief of Police, the Fire Authority and the Building Authority and that the local authority shall consult with them about the terms and conditions to be included in the certificate. Details of the responses from the following consulted

bodies were outlined in the report:-

- North Yorkshire Police
- North Yorkshire Building Partnership
- North Yorkshire Fire and Rescue Service
- North Yorkshire County Council
- Scarborough Borough Council
- Yorkshire Ambulance Service (YAS)

There is no requirement to advertise the application for a safety certificate in advance of the determination, however, once a certificate is issued the fact of its issue and details of how it can be inspected must be published in a newspaper circulating in the area of the ground.

Safety Advisory Group members had been consulted in relation to this application and have not requested the addition of any conditions within the safety certificate. The certificate would provide opportunities for different activities to take place at the Stadium.

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

- It was clarified that the consultation period, allowing responses to be provided from the appropriate bodies to ensure that there was compliance with the Operational Plan, had led to the delay in the application for the General Safety Certificate.
- A Member sought clarification around the comments within the report relating to the response to the consultation from the North Yorkshire Fire and Rescue Service. It was noted that the details discussed had not related specifically to the Stand, as they related to cooking facilities which were not located there. The changes made to the operational plan had been agreed with the relevant partner agencies and the Club, in line with the requests from the Fire and Rescue Service. It was noted that the Certificate was not intrinsically linked to the Plan, and use of the Certificate was delegated to the relevant officers to determine how that was utilised.

Resolved –

That a general safety certificate under section 26 of the Fire Safety and Safety of Places of Sport Act 1987 be issued to Scarborough Athletic Football Club in respect of the regulated East Stand, at Scarborough Athletic Football Club subject to the following conditions:

- Officers should review the terms of the general safety certificate at least annually and make any amendments to capacity as required under the Officers' Delegation Scheme. Any amendments to be reported to the Planning and Regulatory Functions Committee following the annual meeting of the multi-agency Safety Advisory Group.

The meeting concluded at 11.15 am

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