

**AREA 2 DEVELOPMENT CONTROL COMMITTEE
HELD ON 21 JUNE 2005
(FROM 4.00 PM TO 6.17 PM)**

PRESENT: Councillor Smith in the Chair. Councillors Anthony Alton, Fawcett, Hawkins, Hoult, Peter Phillips, Dr Rothwell, Mrs Smith and Sturdy.

Late Arrivals: None.

Early Departures: None.

1/05 - **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES:** There were no apologies for absence. Notification had been received that Councillor Dr Rothwell was to act as substitute for Councillor Wilson, Councillor Hawkins to substitute for Councillor Anne Jones and Councillor Mrs Smith to substitute for Councillor Bayliss.

2/05 - **DECLARATIONS OF INTEREST:** Declarations of interest were made as detailed in Minute 6/05.

3/05 - **MINUTES:** The Minutes of the meeting of the Committee held on 17 May 2005 were approved as a correct record and signed by the Chair.

(Seven Members voted in favour of the motion, with two abstaining).

4/05 - **EXEMPT INFORMATION:** There were no exempt information items.

MATTERS DEALT WITH UNDER DELEGATED POWERS

5/05 - **COUNTY APPLICATIONS:** There were no further applications submitted by North Yorkshire County Council upon which this Council's observations had been sought.

6/05 - **LIST OF PLANS:** In accordance with the Scheme of Delegation, the Committee considered the undermentioned plans and applications and made the decisions indicated viz:-

Minute 6/05(01)

CASE NUMBER:

05/01314/FUL

GRID REF: EAST 434826 NORTH 458571

APPLICATION NO.: 6.94.75.A.FUL

LOCATION:

Land At Grid Ref434826/458571 North Of Applegarth The Green Scriven
Knaresborough North Yorkshire

PROPOSAL:

Erection of 1 detached dwelling (revised scheme) (site area 0.05ha).

APPLICANT: Mr And Mrs Dowbiggin

The Committee were minded to APPROVE this application on the following basis:-

1. The proposal would not have an adverse effect on the character and appearance of the approach into Scriven, and ultimately Knaresborough, thereby according with Policy HD16 of the Harrogate District Local Plan.
2. The proposed dwelling would not be highly visible or prominent when viewed from the approach from the north and it would not, therefore, have an adverse effect on the character and appearance of the Conservation Area, being in accordance with Policies HD3, HD16 and A1 of the Harrogate District Local Plan. A Tree Preservation Order to be sought to cover the trees in the quarry area to the north of the application site.
3. The access to this site is considered suitable for the level of traffic that would be generated by the proposal, with the visibility at the junction of the driveway with The Green satisfying highway standards. The proposal therefore accords with Policies T1 and A1 of the Harrogate District Local Plan; and

It be DEFERRED for consultation with the CM(P), Chief Solicitor and (if appropriate) DF and brought back to another meeting of the Committee for decision.

(Councillor Hawkins declared an interest in this item, as a Member of Knaresborough Town

Council but, on the basis that the interest was not prejudicial, he remained in the meeting and participated in the debate and vote thereon).

(Ms N Bamford (agent) and Mrs E Dowbiggin (applicant) who both shared the allotted time

attended the meeting and spoke to the item under the Council's Opportunity to Speak Scheme).

(Eight Members voted in favour of the motion with one abstaining).

Minute 6/05(02)

**CASE NUMBER:
04/06378/OUT**

GRID REF: EAST 441000 NORTH 452550

APPLICATION NO.: 6.136.92.C.OUT

LOCATION:

Ruddings Farm Cowthorpe Lane Kirk Deighton Wetherby North Yorkshire LS22 5HR

PROPOSAL:

Outline application for 1 agricultural workers dwelling with access and siting considered (site area 0.097 ha).

APPLICANT: Mr And Mrs R Newby And Mr S Newby

The Committee were minded to APPROVE this application on the following basis:-

1. It is essential to the business that the Farm Manager lives on the premises, and the alternative dwelling at Follifoot has already been demonstrated to be too far away.
2. The proposal would not have a detrimental effect on the character of the countryside.
3. The applicant has clearly demonstrated that he is prepared to accept an agricultural occupancy condition; and

It be DEFERRED for further consultation with the CM(P), Chief Solicitor and (if appropriate)

DF and brought back to another meeting of the Committee for decision.

(Councillor Alton declared an interest in this item and, on the basis that the interest was prejudicial, left the room and did not participate in the debate and vote thereon).

(Dr M Bell (agent) attended the meeting and spoke to the item under the Council's Opportunity to Speak Scheme).

(Seven Members voted in favour of the motion with one abstaining).

Minute 6/05(03)

**CASE NUMBER:
05/01920/FUL**

GRID REF: EAST 432588 NORTH 449119

APPLICATION NO.: 6.141.157.A.FUL

LOCATION:

Tremain Barrowby Lane Kirkby Overblow Harrogate North Yorkshire HG3 1HQ

PROPOSAL:

Erection of 1 replacement detached dwelling (Site Area 0.11ha).(Revised Scheme)

APPLICANT: Mr And Mrs G Kilroy

The Committee were minded to APPROVE this application on the following basis:-

1. It is not considered that the proposed dwelling, by reason of its increased mass, height and bulk would result in harm to the openness and visual amenity of the Green Belt, and therefore accords with Policy GB4 of the Harrogate District Local Plan and PPG 2.
2. A condition to be imposed to exclude the rooflights from the proposed design and to replace them with velux windows in order to lower the roofline. It is considered that the raising of the roof by 1 metre does not have an adverse effect upon neighbouring properties, neither does the proposed footprint of the new dwelling.
3. Approval to be dependent upon the permitted development rights being removed; and

It be DEFERRED for further consultation with the CM(P), Chief Solicitor and (if appropriate) DF and brought back to another meeting of the Committee for decision.

(Mr R Henderson (objector) and Mr A Rollinson (agent) attended the meeting and spoke to the item under the Council's Opportunity to Speak Scheme).

(UNANIMOUS DECISION)

Minute 6/05(04)

**CASE NUMBER:
05/01962/FUL**

GRID REF: EAST 444729 NORTH 460688

APPLICATION NO.: 6.88.73.A.FUL

LOCATION:

Land Between Beech House And The White House Main Street Little Ouseburn York
North Yorkshire

PROPOSAL:

Erection of two detached dwellings and the felling of 6 trees within the Little Ouseburn
Conservation Area. (Site area 0.097ha)(Revised Scheme).

APPLICANT: Mrs Akre And Mrs Kissack

DEFERRED for the following reason(s):-

For a committee site visit.

(Ms K Broadbank (agent) attended the meeting and spoke to the item under the
Council's
Opportunity to Speak Scheme).

(Eight Members voted in favour of the motion with one voting against).

Minute 6/05(05)

CASE NUMBER:

05/01492/FUL

GRID REF: EAST 435215 NORTH 457160

APPLICATION NO.: 6.100.78.D.FUL

LOCATION:

Land Between 25 And 19 Park Row Knaresborough North Yorkshire

PROPOSAL:

Erection of 2 semi-detached dwellings. (Site area 0.015ha)

APPLICANT: Mr Adrian Paul

The Committee were minded to APPROVE this application on the following basis:-

1. The proposal would complete the street scene and significantly improve the site and it is considered that the benefits outweigh any highway safety issues.
2. The proposal represents a good opportunity to utilise this infill site; and

It be DEFERRED for further consultation with the CM(P), Chief Solicitor and (if appropriate)

DF and brought back to another meeting of the Committee for decision.

(Councillors Hawkins, Smith and Mrs Smith all declared interests in this item as members of Knaresborough Town Council, where the application had previously been discussed but, on the basis that the interests were not prejudicial, they remained in the meeting and participated in the debate and vote thereon).

(Six Members voted in favour of the motion with three voting against).

Minute 6/05(06)

**CASE NUMBER:
05/02046/FUL**

GRID REF: EAST 434640 NORTH 457650

APPLICATION NO.: 6.100.1629.H.FUL

LOCATION:

4/6 High Bond End Knaresborough North Yorkshire HG5 9BP

PROPOSAL:

Erection of 1 pair of semi detached dwellings (site area 0.097ha).

APPLICANT: Mr And Mrs J Nimmo

The Committee were minded to REFUSE this application on the following basis:-

1. It is considered that the visibility splays at the proposed access to the site would give rise to acute highway safety problems and lead to situations prejudicial to public safety, including for pedestrians. The proposal is, therefore, contrary to Policies A1 and T2 of the adopted Harrogate District Local Plan.
2. It is considered that there is potential for three times as many cars as currently use the site to use it in future, and that this would lead to significant problems of access and egress.
3. It is considered that the proposal is inappropriate for this particular site which is in a Conservation Area/Listed Building setting; and

It be DEFERRED for further consultation with the CM(P), Chief Solicitor and (if appropriate)

DF and brought back to another meeting of the Committee for decision.

(Councillors Hawkins, Smith and Mrs Smith all declared interests in this item as members of Knaresborough Town Council, where the application had previously been discussed but, on the basis that the interest was not prejudicial, they remained in the meeting and

participated in the
debate and vote thereon).

(Andy Wright (Knaresborough Town Council), Mrs I Mirams (objector) and Mr A
Rollinson
(agent), attended the meeting and spoke to the item under the Council's Opportunity to
Speak
Scheme).

(Seven Members voted in favour of the motion, with one voting against, and one
abstaining).

Minute 6/05(07)

CASE NUMBER:

05/02034/LB

GRID REF: EAST 434640 NORTH 457650

APPLICATION NO.: 6.100.1629.G.LB

LOCATION:

4/6 High Bond End Knaresborough North Yorkshire HG5 9BP

PROPOSAL:

Listed building application for the demolition of detached outbuilding.

APPLICANT: Mr And Mrs Nimmo

APPROVED subject to the following conditions:-

- 1 CA05L LB - DEVELOPMENT SHALL BE BEGUN BEFORE ... 21.06.2010
- 2 Within 3 months of the demolition occurring the site shall be treated in accordance with a landscaping scheme to be submitted to and approved in writing by the Local Planning Authority prior to the demolition commencing.

Reasons for Conditions:-

- 1 CA05LR TO COMPLY WITH SECTION 18
- 2 CD16R VISUAL AMENITY

(Councillors Hawkins, Smith and Mrs Smith all declared interests in this item as
members of
Knaresborough Town Council, where the application had previously been discussed
but, on the
basis that the interest was not prejudicial, they remained in the meeting and
participated in the

debate and vote thereon).

(Andy Wright (Knaresborough Town Council) attended the meeting and spoke to the item under the Council's Opportunity to Speak Scheme).

(Eight Members voted in favour of the motion with one abstaining).

Minute 6/05(08)

CASE NUMBER:

05/01485/FUL

GRID REF: EAST 427220 NORTH 447910

APPLICATION NO.: 6.147.185.C.FUL

LOCATION:

Holly Beck House Crag Lane Huby Leeds North Yorkshire LS17 0BP

PROPOSAL:

Erection of 1 replacement dwelling. (Site area 0.21ha)

APPLICANT: Mr & Mrs Curtis

DEFERRED for the following reason(s):-

For a committee site visit.

(Mrs J Curtis (applicant) attended the meeting and spoke to the item under the Council's Opportunity to Speak Scheme).

(UNANIMOUS DECISION)

Minute 6/05(09)

CASE NUMBER:

05/01969/FUL

GRID REF: EAST 438561 NORTH 453473

APPLICATION NO.: 6.123.5.D.FUL

LOCATION:

Hillcrest Knaresborough Road Little Ribston Wetherby North Yorkshire LS22 4ET

PROPOSAL:

Erection of detached dwelling with detached double garage (revised scheme, site area 0.095ha).

APPLICANT: Mr & Mrs D Lucking

REFUSED. Reason(s) for refusal:-

- 1 It is considered that the proposed development in such close proximity to Hillcrest and Old Tom's Cottage would, by reason of overlooking, overshadowing, overbearing and the noise and disturbance that would be generated from the use of the access drive, result in an unacceptable detrimental impact on the living conditions of existing and future residents. The development would be contrary to Harrogate District Local Plan Policies H6, HD20, and A1.
- 2 It is considered that this proposed large house in this particular location would be out of character with the area and have a detrimental impact on the street scene contrary to Harrogate District Local Plan Policies A1 and HD20.
- 3 Clear visibility of 90m cannot be achieved along the public highway in either direction from a point 2m from the carriageway edge measured down the centre line of the minor access road and consequently the traffic generated by the development would be likely to create conditions prejudicial to highway safety contrary to Harrogate District Local Plan Policies T2 and A1.

(Mr M Cook (agent) attended the meeting and spoke to the item under the Council's Opportunity to Speak Scheme).

(UNANIMOUS DECISION)

Minute 6/05(10)

**CASE NUMBER:
05/01369/FUL**

GRID REF: EAST 438913 NORTH 460913

APPLICATION NO.: 6.78.25.C.FUL

LOCATION:

Roselea Arkendale Knaresborough North Yorkshire HG5 0QU

PROPOSAL:

Erection of 1 detached dwelling, conversion of outbuildings to form detached double garage and formation of new vehicular access (site area 0.053ha).

APPLICANT: Mr And Mrs A Roberts

WITHDRAWN

At request of applicant - see file

Minute 6/05(11)

**CASE NUMBER:
05/02188/FUL**

GRID REF: EAST 444850 NORTH 461840

APPLICATION NO.: 6.80.27.K.FUL

LOCATION:

Prospect Farm House Main Street Great Ouseburn York North Yorkshire YO26 9RQ

PROPOSAL:

Erection of 1 detached dwelling including removal of 1 Leylandi and 1 Apple tree within Great Ouseburn Conservation Area (site area 0.043ha) (revised scheme).

APPLICANT: Duncan Biggin

WITHDRAWN

At request of applicant – see file

Minute 6/05(12)

**CASE NUMBER:
05/02190/LB**

GRID REF: EAST 444850 NORTH 461840

APPLICATION NO.: 6.80.27.J.LB

LOCATION:

Prospect Farm House Main Street Great Ouseburn York North Yorkshire YO26 9RQ

PROPOSAL:

Listed building application for the erection of 1 detached dwelling including alterations to existing garden wall (site area 0.043ha) (revised scheme).

APPLICANT: Duncan Biggin

WITHDRAWN

AT request of applicant – see file

Minute 6/05(13)

**CASE NUMBER:
05/01738/OUTMAJ**

GRID REF: EAST 435816 NORTH 457349

APPLICATION NO.: 6.100.819.A.OUTMAJ

LOCATION:

1 Chain Lane Knaresborough North Yorkshire HG5 0DH

PROPOSAL:

Outline application for the erection of 23 dwellings with siting and access considered (site area 0.402).(Revised scheme)

APPLICANT: Yorkshire Housing

That the application be DEFERRED and HOPS be authorised to APPROVE the application in consultation with the Chairman subject to the following conditions and such other conditions HOPS considers to be necessary and following the completion of a S106 Agreement requiring:

- 0 To secure the long term provision of affordable housing through a Registered Social Landlord.

Other Reasons/s for Deferral: To resolve highway matters.

- 1 CA06 OUTLINE/RESERVED MATTERS
- 2 No development shall take place without the prior written approval of the Local Planning Authority of all details of the following matters:-
 - I. The landscaping of the site.
 - II. The means of sewage and surface water disposal.

Thereafter the development shall not be carried out otherwise than in strict accordance with the approved details.

- 3 CL12 OPEN SPACE TO BE PROVIDED - POLICY R4
- 4 CC01 AMENDED DRAWINGS/LETTERS RECEIVED ... 18.05.2005 and
- 5 Possible highway conditions

Reasons for Conditions:-

- 1 CA06R TO COMPLY WITH SECTIONS 91-94
- 2 CA01R SAFEGUARD RIGHTS OF CONTROL
- 3 CL12R COMPLIANCE WITH R4 - OPEN SPACE POLICY
- 4 CC01R ACCORDANCE WITH DRAWINGS

(Mr P F Welch (objector) attended the meeting and spoke to the item under the Council's Opportunity to Speak Scheme).

(UNANIMOUS DECISION)

7/05 - PLANNING APPLICATIONS: The Head of Planning Services submitted a list of planning applications determined under delegated powers, and also those delegated to himself, in consultation with the Chair and Vice-Chair, as well as those determined by the Solicitor of the Council after consultation with himself, which had been approved since the last meeting of the Committee.

RESOLVED (UNANIMOUSLY):

That the report be received.

(D)

8/05 - TREE PRESERVATION ORDER: THE GRANARY, BILTON-IN-AINSTY – TPO NO 3, 2003: The Director of Development Services submitted a written report, which requested that a provisional Tree Preservation Order was not confirmed.

RESOLVED (UNANIMOUSLY):

That (1) the Committee find it unnecessary to confirm the Tree Preservation Order at The Granary, Bilton-in-Ainsty;

(2) the Head of Legal and Democratic Services be authorised to undertake the necessary procedural arrangements.

(D)

9/05 - TREE PRESERVATION ORDER: CEDAR CROFT, MAIN STREET, GREAT OUSEBURN – TPO NOS 8, 2002 AND 14, 2002: The Director of Development Services submitted a written report which requested that two provisional Tree Preservation Orders were not confirmed.

RESOLVED (UNANIMOUSLY):

That (1) the Committee find it unnecessary to confirm the Tree Preservation Orders at Cedar Croft, Main Street, Great Ouseburn;

(2) the Head of Legal and Democratic Services be authorised to undertake the necessary procedural arrangements.

(D)

10/05 – TREE PRESERVATION ORDER: CHURCH OF ST ANDREWS, LOW ROAD, ALDBOROUGH – TPO NO 65, 2004: The Director of Development Services submitted a written report, which requested the non-confirmation of a provisional Tree Preservation Order and the serving of a new Tree Preservation Order in its place.

RESOLVED (UNANIMOUSLY):

That (1) the Committee find it expedient, in the interests of amenity, to not confirm the existing provisional Tree Preservation Order on Yew Trees within the churchyard at the Church of St Andrew's, Low Road, Aldborough;

(2) a new provisional Tree Preservation Order be placed upon all the 14 Yew trees subject to the original Section 211 Notice for the reasons outlined in the report.

(D)