

# North Yorkshire Council

## Skipton and Ripon Area Planning Committee

Minutes of the meeting held on Monday, 3rd June, 2024 commencing at 1.10 pm at Belle Vue Square Offices, Skipton.

Councillor Nathan Hull in the Chair plus Councillors Andy Brown, Barbara Brodigan, Robert Heseltine, David Ireton, and David Noland.

Officers present: Kate Lavelle, Solicitor; Neville Watson, Planning Manager; Stuart Mills, Planning Manager; Daniel Child, Principal Planning Officer – Development Management; Mike Parks, Senior Planning Officer – Development Management; Vicky Davies, Senior Democratic Services Officer; and David Smith, Democratic Services Officer.

Apologies: Councillor Andrew Williams.

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

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#### **87 Apologies for Absence**

An apology for absence was received from Councillor Andrew Williams.

#### **88 Minutes for the Meeting held on 2nd April 2024**

Councillor Brown raised the correctness of the legal advice given in relation to Grundy Farm, Carleton and the updated Conservation Area and whether weight could be attached to it. It was agreed that the minutes accurately reflected what was said at the meeting, but that advice had since been updated following further research. Members agreed that the details of the renewed advice should be dealt with later in the agenda under the item Any Other Business.

Additionally, Councillor Ireton didn't recall the words 'North Yorkshire' being used (Minute 82, bullet point 4). The Democratic Services was asked to check the recording, and if required, circulate any modifications to the Committee. Thereafter, the Committee agreed that the Chair sign the minutes as an accurate record.

#### **89 Declarations of Interests**

There were no declarations of interests. Councillor Ireton declared that he had been lobbied for both Gargrave applications. Councillor Noland had been lobbied in respect of the Marton Road, Gargrave application. Councillor Brown had been lobbied for both Gargrave applications as well as the application at Nan Scar, Cowling.

### **Planning Applications**

The Committee considered reports of the Assistant Director Planning – Community Development Services relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the conditions as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

In considering the reports of the Assistant Director Planning – Community Development Services regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred consideration the reasons for that decision are as shown in the report or as set out below.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan, the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee granted planning permission contrary to the recommendation in the report the reasons for doing so are set out below.

- 90 ZC24/1066/DVCMAJ - Section 73 application for the variation of condition 2 of Section 73 permission 22/04925/DVCMAJ to allow for the provision of fenestration and/or internal layout changes, and air source heat pump to all 33 dwellings originally permitted under reserved matters application 20/04874/REMMAJ at land comprising field at 422819 474158 Back Lane, Kirkby Malzeard, North Yorkshire on behalf of Brierley Homes Ltd.**

Considered:

The Assistant Director Planning – Community Development Services sought determination for a variation of conditions to allow for fenestration and/or internal layout changes and air source heat pumps in all 33 dwellings on land in Kirkby Malzeard.

No interested parties had indicated that they wished to make representations to the Committee.

During consideration of the above application, the Committee noted that any potential adverse noise emanating from the heat pumps could be controlled and that the fenestration changes had no impact on overlooking.

The decision:

That, the Section 73 variation be GRANTED subject to the conditions set out in the Assistant Director's report.

Voting record: a vote was taken and declared carried unanimously.

- 91 ZA23/25403/FUL Residential development with access, associated landscaping, green infrastructure and other associated works at land off Marton Road, Gargrave on behalf of RN Wooler & Co.**

Considered:

The Assistant Director Planning – Community Development Services sought determination of a planning application for the residential development of 38 dwellings with access, associated landscaping, green infrastructure and associated works on land at Marton Road, Gargrave. Members had visited the site to aid them in the decision making process.

Mr Mark Bolton spoke on behalf of the objectors.

Parish Councillor Gregory Butt spoke on behalf of Gargrave Parish Council.

Councillor Simon Myers spoke in his capacity as Division Member for Mid Craven.

Mr James Pert spoke on behalf of the applicant.

During consideration of the above application, the Committee discussed and noted the following issues:

1. Whilst noting that the Highways Authority had no objections to the proposal, Members voiced concern there was the lack of a pavement between the proposed development and the village centre.
2. It was noted that the current residential properties on Marton Road did not have access to a pavement and to provide one would mean taking garden land from properties already there.
3. It would be difficult to justify refusing the application because the scheme didn't provide a footpath which was legally part of the highway and the Highways Authority had no objections to the scheme.
4. Members stated that residents were worried about walking or cycling safely due to the absence of a pavement.
5. A substantial dairy farm in Bank Newton had increased agricultural traffic on Marton Road.
6. There was only one entrance/exit at the site.
7. There were no conditions in relation to bio-diversity and energy efficiency.
8. The application now before Members had overcome the previous reasons for refusal.
9. The site had been allocated for development in the Craven Local Plan and the Gargrave Neighbourhood Plan.

The decision:

That, the Committee DEFERRED the decision pending the Highways Authority being further consulted to ask that they clarify their position on the impact traffic on Marton Road would have on pedestrians and to see if there are any mitigation measures that could be taken. Secondly that the developers are asked if they have any interest in land beyond the application site (shown in red) on the map shown in the officer's presentation.

Voting record: a vote was taken and declared carried unanimously.

(A short comfort break was taken at 2:50pm.)

- 92 2022/24127/FUL - Proposed removal of twenty five permanent residential caravans, conversion of the existing sawmill building into two apartments and the erection of twelve new dwellings with associated infrastructure, at the Old Sawmill, Marton Road, Gargrave, Skipton BD23 3NN.**

Considered:

The Assistant Director Planning – Community Development Services sought determination of a full planning application for the removal of 25 residential caravans, the conversion of the existing sawmill into 2 apartments and the erection of 12 new dwellings at the Old Sawmill, Marton Road, Gargrave. Members had visited the site to aid in their determination of the application. A late information report had been circulated stating the inclusion of a monitoring fee in relation to any open space. The application was recommended for refusal because the proposal would be contrary to the spatial strategy for the location of new

housing and the flood risk policies of the Development Plan and the National Planning Policy Framework.

Parish Councillor Gregory Butt spoke on behalf of Gargrave Parish Council.

Councillor Simon Myers, spoke in his capacity as Division Member for Mid-Craven.

The applicant's representative Mr Ms Fiona Tiplady spoke in support of the application.

During consideration of the above application, the Committee discussed the following issues:

1. Much of the site was in Flood Zone 2 and historically the site had not been known to flood.
2. The Strategic Flood Risk Assessment flood risk maps were out of date.
3. The proposed application was on a brownfield site and there would be improvements to the character and appearance of the area.
4. A downstream weir in Gargrave was likely to have been a cause of increased flood risk had been removed.
5. The application provided flood resilient permanent dwellings replacing caravans vulnerable to flood risk.
6. Members were pleased to note the proposed restoration of a non-designated heritage asset.
7. There was a requirement to consult with the Secretary of State.
8. Pursuant to advice from the planning officer, the considerations which Members wished to give weight to in arriving at any resolution to grant the application.

The decision:

That, against officer recommendation, the Committee were strongly minded to GRANT the application and that, subject to referral to the Secretary of State, the determination of the application be delegated to the Head of Development Management – Community Development Services, subject to the conditions below and any further conditions as he may deem necessary and, completion of a S.106 obligation in relation to the required off-site open space contribution:

1. Standard time limit for commencement (3 years).
2. Adherence to an approved plans list, unless otherwise required by condition.
3. Contaminated land investigation/remediation/verification.
4. Prior approval of measures in relation to railway safety.
5. External lighting to be wildlife sensitive in accordance with a scheme to be submitted and agreed.
6. Landscaping/implementation.
7. Landscape and ecological enhancement management plan.
8. A scheme for the incorporation of renewable energy and efficiency measures.
9. Details of windows, doors and external surfaces, including sample panels.
10. Sustainable drainage in accordance with a scheme to be submitted.
11. Chimneys in accordance with a scheme to be submitted.
12. Parking provision in accordance with a scheme to be submitted.
13. Adherence to flood mitigation and resilience measures set out in the submitted Flood Risk Assessment.

Reason for decision:

The proposal would result in the regeneration of a brownfield site, improvements to the character and appearance of the area, and the restoration of a non-designated heritage

asset. Flood resilient dwellings would replace caravans vulnerable to flood risk and for which a certificate of lawfulness has been granted for permanent residential occupancy, thus creating a fallback position. Furthermore, a downstream weir in Gargrave likely to have contributed to an increased risk of flooding has been removed. Further still, historically the site has not been known to flood. Therefore, having regard to the submitted evidence, including the submitted Flood Risk Assessment, the benefits, cumulatively, outweigh conflict with the spatial strategy of the development plan Policy ENV6 Flood Risk and the flood risk policies of the National Planning Policy Framework.

Voting record: a vote was taken and declared carried unanimously.

**93 ZA24/25646/FUL - 4 no. Proposed semi-detached dwellings with associated works at land adjacent to Freegate House, Nan Scar, Ickornshaw, Cowling, BD22 0DJ on behalf of Mr Scott Edmondson**

Considered –

The Assistant Director Planning – Community Services sought determination of a planning application for the erection of 4 no. semi-detached dwellings with associated work at land adjacent to Freegate House, Nan Scar, Ickornshaw, Cowling. A site visit had been undertaken by Members of the Committee to assist with their deliberations. The application had been brought to Committee as it had been called in by Councillor Brown due to concerns of overdevelopment at the site.

During consideration of the above application, the Committee discussed the following issues:

1. The main difference between this scheme and the previously approved scheme was an increase in the number of dwellings from two to four.
2. Four smaller homes would be provided rather than two larger ones.
3. Some work had already started on retaining walls.
4. The abbreviated comments on the heritage aspect in the officer's report seemed not to fully reflect those contained in the full Heritage report.
5. The Heritage Advisor had recommended refusal as the principle of development was contrary to S.16 of the NFFP and the site should be returned to its original condition. The Planning Manager stated that it was unrealistic to believe the site would be returned to its original state as there was already a permission in place.

The decision:

That, Members were minded to APPROVE planning permission, the decision to be delegated to the Head of Planning – Community Development Services, subject to the conditions set out in the report as well as a further condition requiring the prior approval of materials to be used before development commences.

Voting record: Five Members voted for the motion; one Member voted against. The motion was declared carried.

**94 Any other items**

The Solicitor to the Committee gave a verbal update on legal advice provided at the last meeting in relation to Conservation Area Appraisals as follows:

“The legal advice regarding the issue of weight to be given to the proposals for extended conservation areas contained in Conservation Area Appraisals (CAA's) has been updated following further research. The minutes of Council for Craven on 30<sup>th</sup> March 2023 which

have now been made public confirm that the CAA's have been adopted and now carry weight in the context of planning decisions. The proposals for extended conservation areas contained within the CAA's are considered to carry limited weight rather than no weight as these are subject to further consultation and notice processes as was detailed in the report to Craven's Policy Committee on 28<sup>th</sup> February 2023."

The Planning Manager and Principal Planning Officer gave a verbal update on the current position regarding the application known as Hellifield Flashes. The application was complex and contentious and further information and answers from the applicant were awaited so that further screening could be done enabling a decision to be taken on whether an Environmental Impact Assessment was required. Officers could not confirm when the application might be presented to Committee for determination.

## **95 Date of Next Meeting**

The Chair suggested that the next meeting scheduled for 2<sup>nd</sup> July should be rescheduled to a later date due to its closeness to the Parliamentary Election on 4<sup>th</sup> July 2024. Venue to be confirmed.

The meeting concluded at 3.39 pm.