

North Yorkshire Council

Skipton and Ripon Area Constituency Planning Committee

Minutes of the meeting held on Tuesday, 5th September, 2023 commencing at 2.05 pm at Ripon Town Hall.

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

In attendance: Councillor Carl Les.

Officers present: Nick Turpin, Planning Manager (Harrogate), Kelly Dawson, Senior Solicitor, Stuart Mills, Planning Manager (Harrogate), Emma Howson, Senior Development Management Officer, Emma Walsh, Senior Development Management Officer, and Alice Fox, Democratic Services and Scrutiny Manager.

Copies of all documents considered are in the Minute Book

21 Apologies for Absence

There were no apologies for absence.

The Chair welcomed everyone to the meeting and advised that due to a technical issue, the meeting could not be audio recorded.

22 Minutes for the Meeting held on 1st August 2023

The minutes of the meeting held on Tuesday 1st August 2023 were confirmed and signed as an accurate record.

23 Declarations of Interests

Councillor Andrew Williams declared an interest in Items 4 and 5 on the agenda as he was the Division Member for the site location of applications ZC23/01972/FUL and ZC23/01973/LB. He stated he would keep an open mind and intended to speak and vote.

Councillor Nathan Hull declared an interest in Item 6 on the agenda as he was Division Member for the site location of application ZC23/02678/FUL and had asked the application to be referred to committee. He also declared that he had been contacted in that capacity by the applicants and as such had met the applicants on site. He confirmed that he had advised the applicants that he could not give them any specific planning advice and advised them to seek their own independent advice. He also declared that the firm he works for managed the sale of the site to a previous owner, who subsequently sold it to the applicants and confirmed that his company had no dealings with the applicants. Whilst not a declarable interest, to avoid any perception of bias Councillor Hull announced that he would not participate in Agenda Item 6 and asked Councillor Andy Brown (Vice-Chair) to chair this part of the meeting.

24 ZC23/01972/FUL - Change of use to first, second and third floors to a HMO providing staff accommodation in association with existing ground and basement floor restaurant use, with a communal kitchen and sanitary facilities (use Class C4). At Dragon Inn Chinese Restaurant 41 Market Place Ripon North Yorkshire HG4 1BZ on behalf of Mr Wang.

Considered:

The committee considered a report of The Assistant Director – Planning relating to planning application ZC23/01972/FUL.

The applicant's agent, Jonathan Green, spoke in support of the application.

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

- Although the flats would be occupied by restaurant staff, it was pointed out that they would be affected by noise and odour generated by the restaurant when they were not working. Therefore, the impact of the residential amenity to the occupants should be taken into consideration.
- There was concern that refuse cannot be collected from the rear of the building due to the applicant not currently being granted right of way. This means that rubbish bags would have to be left at the front of the building. Some Members were concerned that Building Control only advises a Building Regulations application rather than enforcing it. However, it was pointed out that rights of way and refuse collection are not issues for Planning Committee to consider. The Planning Manager confirmed that the Fire Service would address appropriate fire exits.
- Members noted that this application provides additional affordable accommodation without impacting on further brownfield sites. The application would also prevent the building from falling into disrepair.

The decision:

That planning permission be DEFERRED.

Reason:

The Committee deferred the application for the following reasons:

- (i) They were not able to fully assess the application without further information regarding adequate access to the rear of the building, details of fire escape and confirmation that refuse can be collected from the rear of the building.

Voting Record

For Deferral 4; Against Deferral 3

25 ZC23/01973/LB - Listed building application for works associated with change of use to first, second and third floors to a HMO providing staff accommodation in association with existing ground and basement floor restaurant use, with a communal kitchen and sanitary facilities (use Class C4). At Dragon Inn Chinese Restaurant 41 Market Place Ripon North Yorkshire HG4 1BZ on behalf of Mr Wang.

Considered:

The Committee agreed that this application should be deferred until application ZC23/01972/FUL is presented back to Planning Committee with the requested information.
The decision:

That planning permission be DEFERRED.

Reason:

The Committee deferred the application for the following reason:

- (i) The listed building application was deferred for consideration so that it can be considered alongside the full planning application when additional information is received.

Voting Record

For Deferral 7; Against Deferral 0

At this point the Chair withdrew for item 6 and Councillor Andy Brown took over as Chairperson

26 ZC23/02678/FUL - Full planning permission for part conversion/part new build of agricultural building to form a new dwelling at Hew Green Farm, High Lane, High Birstwith, HG3 2JL on behalf of Mr P Saddington.

Considered:

The Committee considered a report of The Corporate Director – Planning relating to planning application ZC23/02678/FUL.

The applicant, Mr and Mrs Saddington, spoke in support of the application.

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

- Members asked how this application differed to the one submitted in May 2023. The Case Officer confirmed that additional photographs to demonstrate the landscape impact and SAP calculations relating to energy efficiency have been added to this application.
- Members queried whether the neighbouring houses are new builds, Officers clarified the surrounding properties comprise of 1 no. replacement dwelling (which replaced the existing farmhouse) and 2 no. rural building conversions. All of which are supported by local and national policy. This application was originally granted permission for a conversion and not new build, which the report considers to be no longer possible due to the level of demolition. Policy guidelines should be followed.
- Some Members felt that on this occasion, the applicant should be granted permission for a new build rather than conversion. The proposed plans would not cause any serious harm to the environment and would be more attractive than its current condition.

The Senior Solicitor to the Council drew Members attention to consider the application before them on its own merit, and not the other neighbouring buildings in the area.

Member's attention was drawn to the fact that the application should be considered in accordance with the development plan based on material planning considerations and not the personal circumstances of the applicant. The application that was previously approved was for a conversion, with the only alteration being that to the exterior and the roof which no longer exist.

- It was asked whether there were other avenues that could be explored as a new build rather than a conversion and it was confirmed that the applicant could look at bringing forward a fresh application that falls within the development policy.
- It was pointed out that if the application is refused today, the applicant has the right to appeal, and it would be down to the Planning Inspector to decide.

The decision:

That planning permission be REFUSED for the following reasons.

- (i) The building is no longer considered to be of permanent and substantial construction, and thus is not considered to represent a conversion and thus is contrary to Local Plan Policy HS6 and there are no other local or national planning policies which would support the provision of market housing in this location. The proposed development would create an isolated dwelling in the countryside in an unsustainable location which is contrary to paragraph 80 of the NPPF and would undermine the growth strategy for the District set out in Policies GS2 and GS3 of the Local Plan.

Voting Record

For Refusal 3; Against Refusal 2

27 Any other items

There were no urgent items of business.

28 Date of Next Meeting

Tuesday, 3rd October 2023 – venue to be confirmed.

The meeting concluded at 3.50 pm.