

North Yorkshire Council

Skipton and Ripon Area Constituency Planning Committee

Minutes of the meeting held on Tuesday, 5th December, 2023 commencing at 11.02 am at Ripon Community House, Ripon.

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

Officers present: Kate Lavelle, Solicitor; Neville Watson, Planning Manager; Andrea Muscroft, Principal Planning Officer; Owen Holmes, Planning Officer; Stuart Mills, Planning Manager; Nick Turpin, Planning Manager; Emma Howson, Senior Development Management Officer; Kate Exley, Planning Officer; Vicky Davies, Senior Democratic Services Officer; and David Smith, Democratic Services and Scrutiny Officer.

Apologies: Councillor David Ireton (Councillor Nick Brown substituted).

Copies of all documents considered are in the Minute Book

45 Apologies for Absence

An apology for absence was received from Councillor David Ireton, and Councillor Nick Brown substituted.

46 Minutes for the Meeting held on 7 November 2023

The minutes of the meeting held on Tuesday 7th November 2023 were confirmed and signed as an accurate record.

47 Declarations of Interests

Councillor Nathan Hull declared an interest in respect of Item 8 on the agenda as he was to speak on the item as Division Member and therefore left the room during the debate of this item. Councillor Hull also declared that he had been lobbied in respect of Items 4, 5 and 6 on the agenda.

Councillor Barbara Brodigan declared that she had been lobbied in respect of Items 5 and 9 on the agenda.

Councillor David Noland declared that he had been lobbied in respect of Item 5 on the agenda.

Councillor Andrew Williams declared that he had been lobbied in respect of Items 4 and 5 on the agenda.

Councillor Andy Brown declared that he had been lobbied in respect of Items 4, 5, 6, 8 and 9 on the agenda.

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 condition 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 report 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 or refused planning permission 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 and the conditions to be attached are set out below.

48 Application ZA23/24941/FUL - Erection of 25 no. Dwellings with Off-Street Parking and Associated Infrastructure (Resubmission of 2022/23854/FUL) at Land Off Meadow Lane/Moorfoot Lane, Cononley on behalf of Calvert Homes (Cononley) Ltd.

Considered:

The committee considered a report of the Assistant Director Planning – Community Development Services relating to planning application ZA23/24941/FUL.

The case Officer introduced the report and informed the Committee that the appeal against the decision made on 19th December 2022 had been announced as successful by the Planning Inspectorate.

The Applicant, Charles Calvert, spoke on behalf of his agent, Jamie Pyper, as Mr Pyper was taken ill.

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

- That this application is more appealing as it includes a review of viability at the completion of the 15th dwelling. Members hoped that the applicant would be willing to provide affordable housing if it was deemed viable to do so.
- The impact of the development on traffic and the statement from NYC Highways.
- The amended plans have considerably minimised the harm to the setting of the conservation area and adjacent listed building.
- The previous application for this development has been allowed by the Planning Inspectorate and therefore there is already a planning permission granted for this site.

The decision:-

That planning permission be GRANTED subject to the conditions and S106 obligations detailed in the Committee report.

Voting Record

A vote was taken, and the motion was carried:

For Approval 5; Against Approval 1; Abstentions 1.

49 Application ZA23/25358/FUL - Conversion and Reconstruction of Two Barns as Two Dwellings, and the Construction of Three New Dwellings (Revised Scheme Following Determination of 2022/23773/FUL) with Associated Works at Town End Barn, Colne Rad, Glusburn on behalf of Burley Developments Group.

Considered:

The committee considered a report of the Assistant Director Planning – Community Development Services relating to planning application ZA23/25358/FUL.

The case Officer introduced the report, emphasising paragraphs 2.3 – 2.9 in connection with the previous appeal decision on this site.

Philip Morris spoke as an objector.

Mike Smith spoke as the applicant.

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

- That no affordable housing is required as the development is providing too few houses to trigger the requirement. If subsequent applications relating to the other areas of land nearby are submitted, they may be seen as phased development in which case the housing provision and any other contributions for this application could be reassessed.
- That the end of the footpath tapers off. Members asked that the developer keeps the footpath as it is, but members were advised that no further condition was considered to be necessary.
- That the development will increase traffic on Beanlands Drive but that NYC Highways hadn't raised concerns.

The decision:-

That planning permission be GRANTED subject to the conditions detailed in the Committee report.

Voting Record

A vote was taken, and the motion was carried:

For Approval 4; Against Approval 0; Abstentions 3.

50 Application 2022/24459/FUL - Proposed Gymnastics & Children's Role Play Building on Land to South East of New Laithe Farm, Station Road, Cross Hills, Keighley, BD20 7DT on behalf of Mr and Mrs Wade.

Considered:

The Committee considered a report of The Corporate Director – Community Development Services relating to planning application 2022/24459/FUL.

The Chair raised that he had been contacted by a member of the public wishing to speak as an objector to this application but informed the Committee that the individual had missed the deadline for requesting to speak. In exceptional circumstances, the Chair has discretion to allow those that have missed the deadline to speak, but the Chair informed the Committee that in this instance exceptional circumstances had not been provided. The Committee were informed that the Opportunity to Speak letters had been sent on time, with no errors, and that the procedure had been correctly followed.

The case Officer introduced the report.

Georgina Mitchell spoke on behalf of the applicant.

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

- That the development will increase traffic and whilst NYC Highways haven't raised concerns on Station Road, they have not looked at the roundabout to the North as this was not a requirement of the application.
- That the site lies within an area designated as Green Wedge but that the benefits of this application outweigh the loss of the land. Members and Officers reinforced that the Green Wedge was important and that on the whole its size should not be reduced slowly.
- That the venue falls under Use Class E (d) and so it could change its use to anything else under that class. A condition was introduced that removed these rights and meant that if the venue changed use, the application would have to be considered by NYC.

The meeting was adjourned between 1.15pm and 1.45pm so that information could be retrieved.

It was moved and seconded that this application be deferred for a site visit.

Voting Record

A vote was taken, and the motion was not carried:

For Deferral 1; Against Deferral 5; Abstentions 1.

The decision:-

That planning permission be GRANTED subject to the conditions detailed in the Committee report and the additional condition below:

- i. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the premises shall be used for gymnastics & children's role play with associated cafe, and for no other purpose (including any other uses falling within classes E(d) of the Town and Country Planning (Use Classes) Order 2020 (as amended) or in any provision equivalent to those classes in any statutory instrument amending or replacing that Order).

Voting Record

A vote was taken, and the motion was unanimously carried:

For Approval 7; Against Approval 0; Abstentions 0.

51 Application ZC23/02219/FUL - Proposed Additional MOT and Service Building to Service Existing Auto Services Business Including Removal of Existing Overflow Car Park at Grayston Plain Farm, Felliscliffe, HG3 2LY on behalf of Simon Graeme Autos Ltd.

Considered:

The Committee considered a report of the Corporate Director – Community Development Services relating to planning application ZC23/02219/FUL.

The Case Officer introduced the report.

Alistair Flatman spoke on behalf of the applicant.

During consideration of the application, the Committee discussed the following issue:-

- That following the revisions to the landscaping proposal and the provision of additional information in relation to sustainability of design and waste a sensible position has been arrived at since deferring the application.

The decision:-

That planning permission be GRANTED subject to the conditions detailed in the Committee report.

Voting Record

A vote was taken, and the motion was carried:

For Approval 7; Against Approval 0; Abstentions 0.

At this point Councillor Nathan Hull, the Chair, removed himself from the meeting and Councillor Andy Brown, the Vice Chair, took his place.

52 Application ZC23/03777/FUL - Erection of 1 no. Self-Build 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 – Community Development Services relating to planning application ZC23/03777/FUL.

The Case Officer introduced the report. They informed Members that since the report was circulated the Parish Council has not objected and that there has been an additional letter of support.

Councillor Nathan Hull spoke as Division Member.

Mrs Saddington spoke as the applicant. Hard copies of the statement were handed out to Members.

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

- Details regarding self-build properties.
- The history of the site as seen at 3.2 of the report and the reason for not raising concerns over the stability of the building in the past.
- Whether the site is isolated or not as it is close to High Birstwith but there is no public transport route.
- That NYC is currently behind on the development of self-build properties.

The decision:-

That planning permission be GRANTED subject to:

- i) The 13 conditions submitted by the Case Officer;
- ii) The development being undertaken in accordance with the sustainability benefits set out in the planning statement submitted;
- iii) A legal agreement to ensure that the dwelling will be built and occupied as a self-build dwelling.

Reason:

The Committee approved the application, contrary to the Case Officer's recommendation, because it was felt that on balance, the proposal provides 1 no. self-build dwelling that is surrounded on all sides and leads to an improvement in terms of the visual appearance of the AONB, and so it is considered that these benefits outweigh the harm of permitting a new dwelling in an unsustainable location isolated from services and facilities.

Voting Record

A vote was taken, and the motion was carried:

For Approval 6; Against Approval 1 (Councillor Robert Heseltine); Abstentions 0.

At this point Councillor Nathan Hull, the Chair, re-joined the meeting as Chair.

Councillors Nick Brown and Andrew Williams left the meeting at 3.23pm.

53 Application ZC23/03121/FUL - Conversion of Vacant/Redundant Outbuildings to Form 1 no. Holiday Cottage Including External Alterations at The Former Henry Jenkins Inn (Part), Main Street, Kirkby Malzeard, North Yorkshire on behalf of Mr Justin Claybourn.

Considered:

The Committee considered a report of the Assistant Director – Planning relating to planning application ZC23/03121/FUL.

The Case Officer introduced the report.

Richard Sadler spoke on behalf of the objectors.

Jane Aksut spoke on behalf of Kirkby Malzeard, Laverton and Dallowgill Parish Council.

Mr Fielder spoke on behalf of the applicant.

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

- The differences between assets of community value and community facilities.
- Whether a pub would require the land on this site in order to viably run as a community facility. Members were informed that part of the car park area could not be used as a reason for refusal because the Planning Inspectorate had previously upheld an appeal based on the fact that the pub could viably run without this area. The Committee were of the opinion that the other land that would be lost in this development was essential for the pub to run viably.

The decision:-

That planning permission be REFUSED for the following reason.

- i) The Committee refused the application, contrary to the Case Officer's recommendation, because it is considered that the loss of the application site would cause demonstrable harm to the prospect of the Henry Jenkins site continuing as a community facility and therefore approval would be contrary to Policy HP8: Protection and Enhancement of Community Facilities in that there would be no reasonable prospect of the facility being used viably.

Voting Record

For Refusal 3; Against Refusal 1 (Councillor Robert Heseltine); Abstentions 1.

54 Any Other Items

None.

55 Date of Next Meeting

It was reported that whilst the next meeting was scheduled for 2nd January 2024, the Committee were arranging for it to be rescheduled for 17th January 2024 at 1.00pm. The venue of this meeting is to be confirmed.

The meeting concluded at 4.37 pm.