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North Yorkshire Council

Thirsk and Malton Area Constituency Planning Committee

Minutes of the meeting held on Thursday, 21st December, 2023 commencing at 10.00 am.

Councillor Joy Andrews (Vice-Chair in the Chair), plus Councillors Alyson Baker, Lindsay Burr MBE, George Jabbour (as a substitute for Councillor Goodrick), Nigel Knapton and Malcolm Taylor.

Officers Present: Niamh Bonner (Planning), Alex Gardner (Highways), St John Harris (Democratic Services), Nicki Lishman (Democratic Services), Alpha Love-Koh (Legal), Ann Rawlinson (Planning), and Jill Thompson (Planning)

Apologies: Councillors Sam Cross and Caroline Goodrick

Copies of all documents considered are in the Minute Book

51 Apologies for Absence

Apologies noted (see above).

52 Minutes for the Meeting held on 16 November 2023

The minutes of the meeting held on Thursday 16 November 2023 were confirmed and signed as an accurate record.

53 Declarations of Interests

Councillor Jabbour declared a personal interest in Agenda Item 4 in his capacity as Vice-Chair of Howardian Hills AONB Joint Advisory Committee which had commented on the planning application.

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.

54 23/00249/FUL- Change of use of agricultural land to a seasonal camping site to allow 24no. tent and 6no. motor home pitches to include erection of an associated toilet block

The Assistant Director Planning - Community Development Services sought determination of a planning application for the change of use of agricultural land to a seasonal camping site to allow 24no. tent and 6no. motor home pitches to include erection of an associated toilet block on land at Cotril Farm, New Road, Terrington, North Yorkshire YO60 6NT.

Updating the report, the planning officer referred to a further representation from the occupier of Rose Cottage Farm which was published within the late pages, together with a representation received on 20 December from the occupier of Sawmill Cottage. This raised concerns in relation to the state of repair of New Road, potential safety impacts for pedestrians/cyclists and loss of privacy associated with the proposed use.

An updated site location plan had been submitted, with an amended blue line, to correct and make clear the wider land ownership. According to legal advice this did not affect the administration of the application.

Since the site visit, confirmation had been received from the agent that the six solar powered lights would be on a PIR sensor, to prevent any static lights. This would be included within the recommended condition.

The Noise and Amenity Management Plan had been updated to prevent dirt bikes, scramblers and quad bikes from being brought into the site or used within the public right of way network. It would also be made clear to guests that the lake to the west of the site was private.

As detailed in the late pages, an ecological enhancement plan had been submitted which was considered suitable and this would be secured by condition, replacing the original ecology condition.

Finally, the Council's Solicitor had been able to check the precise wording of the condition to remove permitted development rights for tourism uses from land under the applicant's ownership. A slightly amended condition was recommended and would be used.

The applicant's agent, Sam Harrison, spoke in support of the application.

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

- The use of native trees in the proposed landscaping
- The section of the access road which was unadopted but which was in the applicant's interest to maintain
- The low key and sensitive appearance of the proposed toilet block which in itself would not justify further development on the site

- How well the application struck a balance between its sensitivity to the AONB landscape and its farm diversification benefits and contribution to the local tourism offer

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 declared carried unanimously.

Note: Councillor Jabbour, having declared a personal interest as Vice-Chair of Howardian Hills AONB Joint Advisory Committee which had commented on the application, took no part in the discussion and voting on the above application.

55 ZE23/00416/FUL- Erection of replacement dwelling and associated landscaping

The Assistant Director Planning - Community Development Services sought determination of a planning application for the erection of replacement dwelling and associated landscaping at Middleton House, Finkle Street, Sheriff Hutton, North Yorkshire, YO60 6RD.

Updating the report, the planning officer related Councillor Goodrick's comments to the committee as the local elected member for Sheriff Hutton and Derwent. Councillor Goodrick was very disappointed at the loss of this valued undesignated heritage asset, whilst accepting that the structure did not meet today's building standards and the importance of the decision to remove the porches area to create a better visual splay for vehicles. Councillor Goodrick hoped that the cobbled turning area for the horse and dray could be retained and expressed her preference for smaller units in this location to encourage younger people in to the village.

The planning officer advised that in response to comments made by members, the agent had provided an additional plan to demonstrate the horse mill being taken up, retained during the construction period, then reinstated in accordance with members' wishes. A condition to secure this would be recommended.

Further, the response from the Internal Drainage Board had been received that morning which confirmed their support for the proposed amendment to the precise wording of the drainage condition as referenced in paragraph 10.19 of the report.

The applicant's agent, Saura Beattie, spoke in support of the application.

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

- The importance of preserving the cobbled turning area and of salvaging and reusing bricks from the demolished building in the wider development

The decision :-

That planning permission be GRANTED subject to the conditions detailed in the Committee report, and an additional condition to secure the retention of the cobbled circular horse mill and an amended 'in compliance with' style drainage condition.

Voting Record

A vote was taken and the motion was declared carried unanimously.

56 22/01117/FUL - Application for continuation of site operations as a petrol station and retail shop, including preparation area for hot and cold food for sale on premises. Alterations to the arrangement for the provision of parking, manoeuvring with turning area. (Amended description, illustrative food items for sale (13.9.2023), amended site layout plan (18.8.2023) and amended highways statement 13.9.2023)

The Assistant Director Planning - Community Development Services sought determination of a planning application for the continuation of site operations as a petrol station and retail shop, including preparation area for hot and cold food for sale on premises. Alterations to the arrangement for the provision of parking, manoeuvring with turning area. (Amended description, illustrative food items for sale (13.9.2023), amended site layout plan (18.8.2023) and amended highways statement 13.9.2023) at Brookes, North Road Garage, Shipton by Beningbrough, York, North Yorkshire, YO30 1AL.

Updating the report, the planning officer shared Councillor Goodrick's written comments with the committee. Whilst Councillor Goodrick recognised the importance of this retail venue to the village of Shipton by Beningbrough, she had voiced concern at the efficacy of the proposed one way system and its potential negative impact on the A19, and also that the increased traffic generated by the scheme may impact on road safety. In response, Highways had commented that consideration had been given to a clockwise circulation as opposed to the proposed anti clockwork circulation. However, this arrangement would not fit with the existing layout of the petrol filling pumps. The garage site had been operating for a number of years without a formal one-way system to inform vehicle routing and there was no record of collision history (on the highway) linked to the current operation in the last five years to suggest that there was an evidenced highway safety issue. It was considered that the proposed arrangement would not be detrimental to highway safety compared to the existing and therefore officers considered that vehicles would be able to circulate around the one-way system and there was sufficient space within the private site for the circulation of vehicles and to allow vehicles to turn around and exit to the A19 in a forward gear. The petrol retail and shop use were long established at this location. It could be argued that the food preparation and shop use was a trip generator in its own right, however the scale of this use was relatively minor and many trips would be pass-by, diverted or transferred trips rather than primary trips. Therefore, officers considered the number of additional trips potentially generated to be negligible in the context of the local transport network. As this use had already been operating for some time and there was no history of injury collisions or a persistent issue with vehicles queueing or parking on the A19, it would be difficult to conclude that there was a highway safety or capacity issue. This section of the A19 carried around 10,000 vehicles per day, so traffic associated with the garage was likely to be negligible in the context of the wider highway network.

The planning officer then referred to several amendments to the report. Parking was proposed to the north and south sides of the site, not east and west as stated. There were 4 full time staff and 5 part time staff existing, not 2 and 6 as stated. The planning officer further noted that the National Planning Policy Framework had been updated on 19 December. This had no material impact on the proposals, recommendation or weight given. The most relevant aspect was in relation to green belts, however the change related to there no longer being a requirement for green belts to be reviewed when updating the local plan. The planning officer also referenced amendments to paragraph numbers in the NPPF quoted in the report, but not to the wording of those paragraphs.

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

- The efficacy of the one way circulation system and whether it would be adhered to by drivers
- Whether it was adhered to or not, could not be enforced and did not have highway safety implications
- The application sought to rectify a breach of planning control by proposing alternative traffic management arrangements and the preparation of hot and cold food for sale on the premises

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 declared carried unanimously.

57 Any other items

There were no urgent items of business.

58 Date of Next Meeting

To be confirmed

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