

North Yorkshire Council

Skipton and Ripon Area Constituency Planning Committee

Minutes of the meeting held on Tuesday, 6th February, 2024 commencing at 1.00 pm.

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

Officers present: Kate Lavelle, Solicitor; Nick Turpin, Planning Manager; Emma Walsh, Senior Development Management Officer; Vicky Davies, Senior Democratic Services Officer and David Smith, Democratic Services and Scrutiny Officer.

Apologies: Andrew Williams (Councillor Nick Brown substituted).

Copies of all documents considered are in the Minute Book

62 Apologies for Absence

An apology for absence was received from Councillor Andrew Williams (Councillor Nick Brown substituted).

63 Minutes for the Meeting held on 17th January 2024

The minutes of the meeting held on Wednesday 17th January 2024 were confirmed and signed as an accurate record.

64 Declarations of Interests

There were none declared.

Planning Applications

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

- 65 Application ZA23/01972/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). Re-consultation and amended plans at Dragon Inn Chinese restaurant, 41 Market Place, Ripon, North Yorkshire HG4 1BZ on behalf of Mr Wang.**

Considered:

The Assistant Director Planning – Community Development Services sought determination of a planning application for change of use to a HMO providing staff accommodation in association with existing ground and basement floor restaurant use, with a communal kitchen and sanitary facilities at 41 Market Place, Ripon. The application was submitted for Committee decision due to raising significant material planning considerations.

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

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

- The perceived level of harm to the designated heritage asset
- The installation of an additional internal staircase to the first floor would cause minimal internal impact.
- The application contributed to the much needed housing in Ripon.
- The public benefit of bringing the building back into use.
- The site was situated in a sustainable location in the town centre.

The decision:

That contrary to officers' recommendation planning permission be GRANTED subject to conditions presented to the Committee's meeting held on 5th September 2023 and replicated below as well as amendments proposed at the meeting by the Planning Officer relating to refuse collections:

Condition 1 - Approved Plans

The development hereby permitted shall be carried out in strict accordance with the following details and plans;

Location Plan; received 09.01.2024.

Proposed Site Plan, 2nd and 3rd Floor plan; drwg no. W28- 3D, received 09.01.2024.

Proposed BF, GF and FF Plan; drwg no. W28, 2C, received 09.01.2024

Proposed Elevations; drwg no. W28, 7A, received 09.01.2024

Reason: For the avoidance of doubt and in the interests of proper planning.

Condition 2 - Window Details (discharge required)

All necessary repairs to existing windows shall match the existing window. If windows are deemed to be beyond reasonable repair, details of replacement windows shall be submitted to and approved in writing prior to the removal of the existing windows. Thereafter the replacement windows shall be constructed and inserted into the

window opening in accordance with the approved details. The following information will be required in such circumstances:

- A means of identifying the location of the windows to be replaced (an elevation drawing or photo of the elevation, for example);
- Scale drawings of the replacement windows – to include an elevation drawing, horizontal and vertical sections (at a scale of 1:10 or 1:5, as appropriate) and a glazing bar cross section (at a scale of 1:1). The drawings shall make clear the relationship of the window to the window opening (to show the proposed reveal).
- Confirmation of materials and finishes;
- If a change in window style is proposed, the proposed change should be clearly identified and justified;
- A report on the condition of the existing windows by an adequately qualified professional experienced with the repair of traditional windows, pertaining to why it is not possible to repair them.

Reason; In the interest of safeguarding the special character of the Grade II Listed Building in line with policy HP2 and the NPPF.

Condition 3 - Occupation Restriction

The development to the first, second and third floor accommodation of 41 Market Place, Ripon as hereby permitted, shall not be occupied other than by the owner, member of staff or dependents thereof of the commercial/business use located on the ground floor and basement level.

Reason; In the interest of safeguarding the amenity of future occupants in line with policy HP4.

Condition 4 - Refuse

Prior to the occupation of the development hereby permitted, suitable and sufficient provision shall be made for:

- i. the storage and containment of refuse prior to collection.

ii. access for the collection of refuse.

iii. adequate frequency of collections to avoid dis-amenity from smell, flies and vermin.

iv. no waste and associated containers used for the storage and containment of waste should be stored off the premises.

The above shall be maintained for the lifetime of the development, unless further details and submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of residential amenity, in line with policy HP4.

Condition 5 - Rear Path (discharge required)

Prior to the occupation of the development hereby permitted, details of the improvements and alterations to the path within the amenity space of the development shall be submitted to and for the written approval of the Local Planning Authority.

Reason; In the interest of upgrading the accommodation to the satisfaction of the Housing Department while safeguarding the special character of the Grade II Listed Building in line Local Plan Policy HP2 and the NPPF.

Condition 6 - Stair details (discharge required)

Prior to the installation of the internal staircase hereby approved, detailed elevation and section drawings, including its fixings and fittings to the existing structure, at a scale of 1:10 or 1:20 shall be submitted to and for written approval of the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved plans.

Reason; In the interest of safeguarding the special character of the Grade II Listed Building in line with policy HP2 and the NPPF.

INFORMATIVES

1. The Council's Estates team provided comments stating that "Land at the rear of the property fronting onto Water Skellgate is in the ownership of North Yorkshire Council. The applicants do not have any rights to access the rear of the application site over North Yorkshire Council's land." Agreement from

third party landowners may be required separate to any planning or Listed Building consent.

2. The business operator has a duty of care with respect to their waste. They must ensure their waste is stored safely and securely on site so that it does not escape their control. It should be given to an authorised person for disposal and with each transfer a waste transfer document must be produced and retained for 2 years. If the business operator wishes to transport their own waste to an authorised or permitted waste disposal site they must hold a waste carriers licence issued by the Environment Agency.

3. The Housing Officer advises the following with regards to Houses of Multiple Occupancy:

“The property would be classed as a House in Multiple Occupation under the Housing Act 2004. The HMO guidance can be found on the North Yorkshire Council website - <https://www.northyorks.gov.uk/housing-and-homelessness/private-renting/houses-multiple-occupation/houses-multiple-occupation-harrogate-area> - This information sets out what facilities and furniture should be provided to the occupants. The HMO would need to comply with The Management of Houses in Multiple Occupation (England) Regulations 2006.

HMO's require a higher level of fire safety than a normal privately rented property. We would expect a fire safety risk assessment to be undertaken. This must include all commercial and residential parts of the property. We would also expect the property to meet the standard set out in the LACORS housing fire safety guidance - <https://www.cieh.org/media/1244/guidance-on-fire-safety-provisions-for-certain-types-of-existing-housing.pdf> - Further information on fire safety is enclosed in the enforcement notices (information below)

In a House in Multiple Occupation bedrooms may be occupied by two people if they are over 15m². I have not been provided with room sizes, but from my approximate measurements bedroom 1 and 3 are suitable for two people. Bedroom 2 is only suitable for occupation by one person.

If the property is to be occupied by 5 persons or more then it would be classed as a licensable House in Multiple Occupation under the Housing Act 2004. The owner would need to make an application to private sector housing, provide relevant information and documentation, have a full inspection of the property carried out, and comply with all relevant legislation prior to a licence being issued. The property will also be required to meet

certain amenity and space standards. The HMO licensing documents and guidance can be found on the North Yorkshire Council website - <https://www.northyorks.gov.uk/housing-and-homelessness/private-renting/houses-multiple-occupation/houses-multiple-occupation-harrogate-area>".

4. Please review the full comments from the Council's Housing Officer dated 15.06.2023, available of Public Access.

Voting Record

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

Reason: The Committee's reasons for granting the application were that the public benefit outweighed the less than substantial harm to a designated heritage asset due to the provision of housing and the intervention by virtue of the staircase in the building.

- 66 Application 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). Reconsultation. Amended Plans at Dragon Inn Chinese Restaurant, 41 Market Place, Ripon, North Yorkshire HG4 1BZ on behalf of Mr Wang.**

Considered:

The Assistant Director Planning – Community Development Services sought determination of a planning application for Listed Building consent for works associated with change of use to a HMO providing staff accommodation in association with existing ground and basement floor restaurant use, with a communal kitchen and sanitary facilities at 41 Market Place, Ripon. The application was on submitted for Committee decision due to raising significant material planning considerations.

There were no public speakers in respect of the application for Listed Building consent.

The decision:

That contrary to officers' recommendation Listed Building consent be GRANTED subject to conditions presented to the Committee:

Condition 1 Approved Plans

The development hereby permitted shall be carried out in strict accordance with the following details and plans;

Location Plan; received 09.01.2024.

Proposed Site Plan, 2nd and 3rd Floor plan; drwg no. W28- 3D, received 09.01.2024.

Proposed BF, GF and FF Plan; drwg no. W28, 2C, received 09.01.2024

Proposed Elevations; drwg no. W28, 7A, received 09.01.2024

Reason: For the avoidance of doubt and in the interests of proper planning.

Condition 2 Window Details (discharge required)

All necessary repairs to existing windows shall match the existing window. If windows are deemed to be beyond reasonable repair, details of replacement windows shall be submitted to and approved in writing prior to the removal of the existing windows. Thereafter the replacement windows shall be constructed and inserted into the window opening in accordance with the approved details. The following information will be required in such circumstances:

- A means of identifying the location of the windows to be replaced (an elevation drawing or photo of the elevation, for example);
- Scale drawings of the replacement windows – to include an elevation drawing, horizontal and vertical sections (at a scale of 1:10 or 1:5, as appropriate) and a glazing bar cross section (at a scale of 1:1). The drawings shall make clear the relationship of the window to the window opening (to show the proposed reveal).
- Confirmation of materials and finishes;
- If a change in window style is proposed, the proposed change should be clearly identified and justified;
- A report on the condition of the existing windows by an adequately qualified professional experienced with the repair of traditional windows, pertaining to why it is not possible to repair them.

Reason; In the interest of safeguarding the special character of the Grade II Listed Building in line with policy HP2 and the NPPF.

Condition 3 Rear Path (discharge required)

Prior to the occupation of the development hereby permitted, details of the

improvements and alterations to the path within the amenity space of the development shall be submitted to and for the written approval of the Local Planning Authority.

Reason; In the interest of upgrading the accommodation to the satisfaction of the Housing Department while safeguarding the special character of the Grade II Listed Building in line Local Plan Policy HP2 and the NPPF.

Condition 4 Stair details (discharge required)

Prior to the installation of the internal staircase hereby approved, detailed elevation and section drawings, including its fixings and fittings to the existing structure, at a scale of 1:10 or 1:20 shall be submitted to and for written approval of the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved plans.

Reason; In the interest of safeguarding the special character of the Grade II Listed Building in line with policy HP2 and the NPPF.

Condition 5 sprinkler and smoke alarm system (discharge required)

Prior to the installation of smoke alarm of sprinkler systems in relation to the development hereby approved, details of such systems shall be submitted to and for written approval of the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved plans.

Reason; In the interest of safeguarding the special character of the Grade II Listed Building in line with policy HP2 and the NPPF.

A vote was taken and the vote was carried unanimously.

Reason: The Committee's reason for granting the Listed Building consent was that public benefit outweighed the less than substantial harm.

67 Any other items

A Member queried why an application deferred from the last Committee relating to the dog field at Mickley had not been on today's agenda as there was considerable public interest. As the case officer for the particular application was not present it had not been possible to provide details at the meeting

68 Date of Next Meeting

5th March 2024, venue to be agreed.

The meeting concluded at 2.10 pm.