

North Yorkshire Council

Skipton and Ripon Area Planning Committee

Minutes of the meeting held on Tuesday, 3 December 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 Andrew Williams.

Officers Present: Andrea Muscroft, Development Management Team Manager; Stuart Mills, Development Management Team Manager; Kate Lavelle, Solicitor; Daniel Child, Principal Planning Officer; Daniel Herbert, Highways Officer, Mike Parkes, Senior Planning Officer; Vicky Davies, Senior Democratic Services Officer and David Smith, Senior Democratic Services Officer.

Councillor Williams left the meeting at 3.29pm.
The Committee took a short comfort break at 2.40pm.

Copies of all documents considered are in the Minute Book

127 Apologies for Absence

There were no apologies for absence.

128 Minutes for the Meeting held on 5th November 2024

The minutes of the meeting held on Tuesday 5th November 2024 were confirmed and signed as an accurate record.

129 Declarations of Interests

There were no declarations of interests.

However, Councillor Heseltine in referring to item ZA24/25923/FUL on the agenda, informed the meeting that complaints had been made against him in relation to a previous application ZA23/25403/FUL on land off Marton Road, Gargrave. He stated that the complaints had been investigated and dismissed and there had been no bias or pre-determination. He had never lived on Marton Road and, only for a short while, several years ago, had lived on the High Street, Gargrave. Councillor Heseltine stated that the unfounded allegations had been stressful to him, his family and friends.

Planning Applications

The Committee considered reports of the Assistant Director Planning – Community Development Services relating to applications for planning permissions and variations of conditions. During the meeting, officers referred to additional information by way of a late information report and representations that had been received.

The conditions as set out in the reports, late information reports and the appropriate time conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act.

In considering the reports of the Assistant Director Planning – Community Development Services, regard had been paid to the policies of the relevant development plans, the National Planning Policy Framework and all other material planning considerations.

In granting permission in accordance with the recommendations of the reports this was because the proposals were in accordance with the development plans, the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee deferred consideration the reasons for that decision are as set out below.

- 130 ZC24/03113/DVCMAJ - Section 73 application for the variation of condition 1 of S73 permission ZC24/01066/DVCMAJ to allow changes to proposed window frames, door frames, garage door frames, front doors of dwellings and garage doors to a development of 33 dwellings originally permitted under reserved matters application 20/04874/REMMAJ at Brierley Homes Laverton Oaks development 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 of a Section 73 application for the variation of condition 1 of Section 73 permission ZC24/01066/DVCMAJ to allow for changes to proposed window frames, door frames, garage door frames, front doors of the dwellings and garage door to a development of 33 dwellings originally permitted under reserved matters application 20/04874/REMMAJ on land at Back Lane, Kirkby Malzeard. The application is brought to the Planning Committee because the applicant, Brierley Homes, is owned by the Council.

Having listened to the officer's presentation and being no public speakers, Members were content with the proposed variations as they did not materially affect the reserved matters of the development.

The Decision:

That the Section 73 variation be GRANTED subject to the conditions as set out in the report.

Record of Voting:

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

- 131 ZA24/25923/FUL- Proposed construction of a covered steel portal frame agricultural building at Souber Dairy, Bank Newton, Skipton, North Yorkshire BD23 3NT on behalf of Mr Tom Dodgson.**

Considered –

The Assistant Director Planning – Community Development Services sought determination of a full planning application for a steel framed agricultural building at Souber Dairy, Bank Newton, Skipton. The application had been called-in to be determined by the Planning Committee due to concerns over the impacts upon the highway.

Updating the report the planning officer referred the Committee to a late information report

and photographs submitted by Rachel Berry, Bank Newton Parish Meeting and Gargrave Parish Council. The late information report also set out an additional condition regarding a scheme for the provision of solar panels, to be attached to the permission, if granted.

Following the report and questions to the Planning Officer by Members, the Chair invited the following members of the public to make representations to the Committee:

- Ms Rachael Berry spoke on behalf of the objectors.
- Ms Catherine Downes spoke on behalf of Bank Newton Parish Meeting.
- Mr Geoffrey Butt, spoke on behalf of Gargrave Parish Council.
- Local Division Member Councillor Simon Myers spoke and explained that whilst he was on the side of farm businesses and their expansion he wanted to raise residents' concerns regarding highway safety and damage caused to the canal bridge.
- Mr Tom Dodgson, the applicant, spoke supporting his application.

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

- The potential increase in farm traffic movements, particularly during harvesting would add to the existing concerns regarding highway safety issues for pedestrians, hikers and cyclists.
- The collision history of the surrounding area. The planning officer had noticed the traffic concerns but stated it was an existing farm in a rural area and the Highways Authority's survey resulted in them being satisfied there was no impact on highway safety.
- Concern that the proposal only included one passing place on a narrow road which was thought insufficient. It was noted that the provision of further passing places was not feasible as all the land was not in the applicant's ownership.
- Damage to the canal bridge, drystone walls and ditches by large agricultural vehicles was concerning.
- The Highways Officer stated that the bridge was owned by the Canal and Rivers Trust and a scheme was being developed to repair and strengthen the bridge. The costs would be shared between the Council and the Canal and Rivers Trust.
- Members questioned whether covering the hardstanding with a steel portal frame would enable it to be used for cattle. The planning officer reassured Members that any change of use would require a separate application.
- In relation to the 7.5 tonne weight restriction, Members were advised it was still in force over the full length of Church Street between the A59 and A65 to stop the route being used a short cut by HGVs. It was not related to traffic movements on Marton Road.
- Members debated whether a deferral would be feasible to allow for an independent assessment of any additional traffic at peak season next Year. The planning officer confirmed that there was already an existing lawful use on the development site to transport grain and that an additional traffic survey was unlikely to demonstrate any additional movement in this respect. The Legal Officer reminded Members that a deferral until next Autumn would carry a risk of non-determination of the application.

The Committee voted to defer the decision to allow for an independent assessment of any additional traffic at peak season. A vote was taken and the motion was defeated with 4 votes against and 3 for.

Given that the above motion was lost, Members debated the original recommendation as set out in the Assistant Director's report and the decision of the Committee is set out below:

The Decision:

That, the application is GRANTED subject to the conditions detailed in the report and an additional condition as set out in the late information report.

Record of Voting:

A vote was taken and the motion was declared carried with 4 for, 2 against and 1 abstention.

Additional Condition:

A scheme for the provision of solar panels including details of appearance shall be submitted to, and approved in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To help mitigate against climate change and to accord with Policy ENV3 (t) of the Craven Local Plan 2012-2032.

132 ZA24/26255/FUL - Residential development with associated parking provision, public open space, soft and hard landscaping and associated infrastructure, on land to the north of Airedale Avenue, Skipton, on behalf of Skipton Properties Ltd.

Considered –

The Assistant Director Planning – Community Development Services submitted a report and a late information report seeking determination of a planning application for the construction of 53 dwellings with off-street parking and associated infrastructure. The application had previously been reviewed by the former Craven District Council Planning Committee in September 2020 and was to be developed in partnership with a developer. Members resolved to approve the scheme, subject to a legal agreement, however, no legal agreement was signed, thus the resolution to approve fell away.

The application is brought to Committee because it is Council owned land which is currently being transferred to the applicant and is considered to raise issues appropriate for consideration. The site is an allocated site in the Local Plan and therefore the principle of housing on this site is acceptable.

Mr Eric Jaquin spoke as an objector.

Ms Sarah Barraclough representing the applicant, Skipton Properties, spoke in support of the application.

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

- Concerns over the amount of construction traffic using town centre roads to access the site as this could have an impact on residents.
- Car parking for construction workers could be an issue. The Planning Officer stated that this would be controlled by a condition.
- In response to the question about why had the Yorkshire Dales National Park been consulted, the Planning Officer stated that it was part of the policy on design principals and out of courtesy it was normal practice to consult them.
- The poor visibility at the junction with Hurrs Road, Airedale Avenue and Shortbank Road.

The Decision:

That planning permission is GRANTED subject to conditions as set out in the report and late information report and a draft Section 106 agreement being agreed with terms as detailed in Table 1 of the report to secure the affordable housing provision, off site highway works, off site open space provision, biodiversity net gain enhancements and long term monitoring.

Record of Voting

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

133 2020/22109/FUL - Construction of eleven dwellings with landscaping, infrastructure, associated works and off-street parking on an allocated site on land at Richard Thornton School, Burton-in-Lonsdale, on behalf of Permahome Ltd.

The Assistant Director Planning – Community Development Services submitted a report seeking determination of a planning application in respect of the construction of eleven two-storey dwellings on part of an allocated housing site previously in educational use at the former Richard Thornton 's Primary School, Burton in Lonsdale.

The application was brought back to Committee because planning permission was sought in revised terms to those which Members had previously resolved to grant, following the submission of a viability report and independent appraisal.

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

- Dissatisfaction that the evidence of viability, independently assessed on behalf of the Council, concluded that the scheme would not be viable with affordable housing or off-site public open space obligations.
- The piecemeal development of the site instead of the whole site coming forward as one application, thereby avoiding the obligation to provide affordable housing.
- The planning officer informed Members that as this proposal was for only part of the site should a further application come forward for the remainder of the site then viability would be re-visited at that time. Additionally, if the undeveloped part of the site was sold it would still attract the re-consideration of another viability appraisal.
- The mix of dwellings did not meet the housing mix as required by the Local Plan policies.
- The site was in a Conservation Area and near heritage assets.

The Decision:

1. That, the application is DEFERRED as the Committee is minded to conclude that the overall balance of planning gain and loss is negative in circumstances where:
 - a. The site cannot deliver any affordable housing and contribute to that important need.
 - b. The proposal would not meet Local Plan Policy INF3 and the Green Infrastructure and Biodiversity SPD.
 - c. The proposal would not meet the required housing mix.
 - d. The proposal would have a negative impact on local heritage assets.
2. That officers are allowed the opportunity to consider the above planning reasons for the deferral and a report is brought back to Committee for a decision.

Record of Voting

A vote was taken and the motion was declared carried with 5 voting for and 1 abstention.

134 Any other items

There were no urgent items of business.

135 Date of Next Meeting

Tuesday 7th January 2025 at 1pm.

The meeting concluded at 4.05 pm.