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North Yorkshire Council

Thirsk and Malton Area Planning Committee

Minutes of the meeting held on Thursday, 16 January 2025 commencing at 10.00 am.

Councillor Caroline Goodrick in the Chair and Councillors Joy Andrews, Alyson Baker, Lindsay Burr MBE, Sam Cross, Nigel Knapton and Sanderson.

Officers Present: Nicki Lishman, Peter Jones, David Walker, Alan Goforth, Kelly Dawson, Marc Pearson and Eleanor Hardie.

Apologies: Councillor Malcolm Taylor

Copies of all documents considered are in the Minute Book

148 Apologies for absence

Apologies for absence were received from Councillor Malcolm Taylor, Councillor Janet Sanderson substituted.

149 Minutes for the meeting held on 19 December 2024

The minutes of the meeting held on 19 December 2024 were agreed and signed by the Chair as a correct record.

Voting record

5 For

2 Abstentions

150 Declarations of interests

For transparency, all Councillors declared a non-pecuniary non prejudicial interest in Item 4 as they had been lobbied and in Item 7 As they were colleagues of Councillor Lindsay Burr.

In the interest of transparency Councillor Joy Andrews declared an interest in Item 4 as she was North Yorkshire Council's representative on the North York Moors National Park Authority (NYMNP). She had taken no part in any NYMNP decisions on the application and would leave the Chamber while the application was considered by the Area Planning Committee.

Councillor Alyson Baker declared a non-pecuniary non prejudicial interest in Item 5 as she was a resident of Thornton le Beans but her property was not directly affected by the application.

Councillor Caroline Goodrick declared a non-pecuniary non prejudicial interest in Item 5 as she had been lobbied.

Councillor Lindsay Burr declared a pecuniary interest in Item 7 as it was an application by a

family member and would leave the Chamber while the application was considered.

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.

The conditions as set out in the reports 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 reports, 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 and update note this was because the proposal was 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

Councillor Joy Andrews left the meeting during consideration of the following item.

151 ZE24/04403/MFUL - Construction of office building with associated workshop and vehicle storage space (Class E) along with external site compound, covered cycle storage building and associated accesses, car parking and landscaping at land south of Riccal Drive, Helmsley

The Head of Development Management – Community Development Services sought determination of a planning application for construction of office building with associated workshop and vehicle storage space (Class E) along with external site compound, covered cycle storage building and associated accesses, car parking and landscaping on land south of Storey Close, Helmsley, for the North York Moors National Park Authority.

In the interests of transparency, the solicitor made a statement in relation to this item that both the case officer and Development Service Manager had previously worked for the applicant 10 years ago and 19 years ago respectively. Legal had been consulted and did not consider that there were any conflicts of interest arising given the time passed and advised that the decision maker was the planning committee which would determine the application on its planning merits.

This matter was brought to Committee due to the degree of public interest and the nature of the planning issues raised in representations.

The application was considered by the Area Planning Committee held on 19 December 2024 and was deferred for the following matters to be considered:

- Clarification of the number of users of the site along with the likelihood of other, third-party users of the site.
- Confirmation of the hours of operation for works and deliveries to form part of the Construction Management Plan.
- The addition of a condition to remove permitted development rights for fencing.
- The addition of gates or barriers across the entrances to the car parks to restrict access out of working hours.

- Consideration of the footpath route through and adjacent to the site and its use and risk of loss.
- The addition of a condition to restrict use class.

The Development Management Team Manager drew Members' attention to the information in points 2.9 to 2.38 of the accompanying report, which addressed each of the above concerns and also addressed additional matters of Biodiversity Net Gain (BNG), external lighting, the co-ordination of site development and further representations received since the December Committee meeting.

The officer drew attention to the proposed amended wording to conditions 19 and 20.

Mrs Jean Harrod spoke to object to the application.

Councillor George Jabbour spoke as the Division Member.

Mr Tom Hind, Chief Executive of the NYMNP, spoke in support of the application.

Members questioned officers on and debated the following issues during consideration of the application.

- The allocations for the site as contained in the Helmsley Plan and the Ryedale Local Plan
- The key principles for development as outlined in the Helmsley Plan, which included a co-ordinated development with adjacent sites
- Traffic and associated traffic movements
- Biodiversity Net Gain (BNG)
- The legal status of the adjacent footpath not currently listed on the Definitive Map

A number of issues that had been raised during the debate were clarified by the case officer and by the solicitor as follows.

- BNG may be secured either on site, off site or by way of statutory credits. For this application it was proposed that this would be off site and secured within the Section 106 agreement. It therefore complied with statutory BNG.
- The footpath adjacent to the site was on third party land outside the application site, so could not be a planning consideration in respect of this application. It was open to any third party to make an application to the Council to seek an update to the Definitive Map to establish the route as a public right of way and this process was separate and distinct to this application.
- The statutory position when determining an application was that the application be determined in accordance with the Local Plan unless any other material considerations dictated otherwise. The policy did not prevent any application for this and adjacent sites to be submitted individually.
- Members also needed to be mindful that the applicant may appeal non-determination if the decision was to defer for the application to be submitted at the same time as an application for an adjacent site. There was no adjacent application scheduled for consideration.

Councillor Knapton proposed and Councillor Burr seconded that the decision be deferred to enable further work on progressing the inclusion of the footpath adjacent to the site onto the Definitive Map and to allow the co-ordination of the application with other development on adjacent sites.

Upon being put to the vote the proposal was lost by 2 votes for and 4 votes against.

Councillor Goodrick proposed and Councillor Cross seconded that the planning permission be granted.

Decision

That planning permission be GRANTED subject to the conditions listed in the updated report, the updated conditions 19 and 20 and the completion of a S106 agreement with terms as detailed in point 10.81 of the officer report.

Voting record

4 For

2 Abstentions

Councillor Joy Andrews rejoined the meeting after the vote on this item.

152 ZB23/02504/FUL - Change of use of land, for the siting of holiday homes and a wardens home at field north of Moor Lane, Thornton le Beans, North Yorkshire

The Assistant Director Planning – Community Development Services sought determination of an application for full planning permission for the change of use of land, for the siting of holiday homes and a warden’s home at field north of Moor Lane, Thornton le Beans, North Yorkshire.

The application was considered appropriate to be determined by the Planning Committee due to the proposal raising significant planning issues, the level of public interest in the proposal and following a referral request by Cllr Baker, as considered by the Director of Community Development.

The proposal had been amended a number of times during the course of the application, following concerns raised by officers, consultees and public observations. The amendments related to a revised access position, provision of landscape impact assessments, a revised site layout, potential diversion of the public footpath and omission of the pond. Further amendments were sought by officers to re-position the lodges out of identified surface water flooding at the northern end of the site.

Mr Paul Higgins spoke to object to the application.

Mr Geoff Davis spoke on behalf of the Parish Council.

Councillor Baker spoke as the Division Member.

Ms Cheryl Farrow, agent, spoke on behalf of the applicant.

During consideration of the item concerns were raised with regard to

- the visual impact of the site, particularly on the southern approach
- the size of the proposed lodges
- illustration of the orientation and context within the landscape of the lodges
- the usability and condition of the footpath across the site
- conflict with the policies of the Hambleton Local Plan
- impact on the amenity of visitors to and users of the Chapel of Ease
- the lack of a Management Plan

Councillor Burr proposed and Councillor Baker seconded that planning permission be refused for the following reasons:

- The potential harm to the amenity of visitors to the neighbouring Chapel of Ease.
- Detrimental visual impact on the local landscape
- Does not meet local plan policies

As full reasons for refusal were not able to be produced within the meeting the solicitor advised that members should either defer for the detailed reasons to be prepared or take a minded to decision and delegate authority to officers to prepare the detailed reasons to be consulted with the Chair and to determine the application.

Decision

Members were unanimously minded that planning permission be REFUSED for the reasons discussed and delegate authority to the Assistant Director Planning – Community Development Services in consultation with the Chair of the Thirsk and Malton Area Planning Committee to determine the application.

153 ZE24/00421/73AM - Variation of conditions of planning approval 15/01451/73AM (18/03/2016) to allow amendments to the layout of the site, design of lodges, removal of public access to the football pitches and amendments to timescales of the submission of details to satisfy conditions at Pickering Showground, Malton Road, Pickering

The Assistant Director Planning – Community Development Services sought determination of a planning application for the variation of conditions 02, 03, 04, 05, 06, 09, 14, 15, 16, 18, 20, 21, 24, 26, 29, 32, 33, 38, 44 and 47 of planning approval 15/01451/73AM dated 18.03.2016 to allow amendments to the layout of the site, design of the lodges, removal of the public access to the football pitches and amendments to the timescales of the submission of details to satisfy conditions at Pickering Showground.

The application had been referred to the Committee for determination due to the proposal raising significant planning issues.

The officer explained that if members were minded to approve the application, it would be subject to an amendment to a number of the recommended conditions (1, 3, 14, 15, 17, 23, 25, 28, 31, 32, 37, 43 and 46) to reflect the correct site layout plans with the plans made available on the public website for further comments to be made and considered prior to the issuing of a decision.

Mark Lane, agent, spoke to the application.

During the debate of the item Members considered:

- The availability of the cycle path, its connection to the Pickering to Malton cycle path and active travel
- The effect on traffic on the A169 during events
- The availability of alternative football pitches
- Management of all areas of the extensive site
- The progress of the site to an operational business on the outskirts of Pickering

The officer reassured Members that their concerns were addressed by the proposed amendments to the conditions.

Decision

Members were unanimously minded to GRANT planning permission and delegate authority to the Assistant Director Planning – Community Development Services following amendments to conditions 1, 3, 14, 15, 17, 23, 25, 28, 31, 32, 37, 43 and 46 to reflect a corrected site layout plan.

Councillor Lindsay Burr left the meeting following the vote on this item.

154 ZE24/07435/73 - Removal of Condition 05 (housing numbers and type) of planning approval 20/00770/OUT (09/12/2020) to delete the self-build limitation relating to the 5no. dwellings at land at Sutton Grange, Langton Road, Norton, North Yorkshire

The Head of Development Management – Community Development Services sought determination of a planning application for the removal of Condition 05 (housing numbers and type) of planning approval 20/00770/OUT dated 09/12/2020 to delete the self-build limitation relating to the 5no. dwellings on land at Sutton Grange, Langton Road, Norton, North Yorkshire.

The application was brought to the Area Planning Committee for determination because it was submitted by the spouse of Councillor Lindsay Burr MBE.

The applicant sought the removal of the self-build restriction imposed on the outline permission in 2020 and asserted that self-build housing was no longer a viable proposition and the removal of the self-build restriction would accelerate the delivery of new housing at the site.

The Principal Planning Officer gave the Committee a brief history of housing development adjacent to the site, showed images of the planting and screening that had been done around the site boundaries with adjacent developments and images of the site in relation to its neighbours.

Mr Graham Holbeck, agent, spoke on behalf of the applicant.

During consideration of the item, it was confirmed to Members:

- That the access road would remain unadopted
- The difficulties of self-build that did not have easily accessible associated infrastructure.

Councillor Knapton proposed and Councillor Cross seconded that the application be approved.

Decision (unanimous)

That planning permission be GRANTED subject to the conditions listed in section 12 of the officer report.

155 Any other items

There were no items of urgent business.

156 Date of next meeting

The date of the next meeting was confirmed as Thursday, 20 February 2025.

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