

YORKSHIRE DALES NATIONAL PARK AUTHORITY**PLANNING COMMITTEE**

Public minutes of the meeting held at the Dales Countryside Museum, Hawes on Tuesday, 13th December 2005.

Present:

WH Brown in the Chair.

RA Bird, J Blackie, Mrs A Brooks, G Dalton, W Fenten, Mrs N Grace, C Hammond, TRN Harrison-Topham, D Heather, D Ireton, OJ Kendall, HA Kirkbride, KJ Lancaster, C Lis, SR Macaré, Mrs S Marshall, Mrs D Millward, Mrs Y Peacock, JJ Pearlman, Dr KM Petyt, Mrs FG Ramsbottom and J Sayer.

COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK

982. MINUTES**RESOLVED –**

That the public minutes of the meeting held on 8th November 2005, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman.

983. PUBLIC QUESTION TIME

No notifications of public questions or of the intention to make a statement had been received.

984. EXCLUSION OF THE PUBLIC

The Chairman informed members that he had been notified of two late items of business, which had been circulated at the meeting and which he considered should be dealt with as urgent business:

- A 'public' report from the Deputy Head of Planning, circulated in the 'Late Consultations – Received 9 December 2005', which proposed a response to South Lakeland District Council on an application for planning permission for a 20 home holiday park, at land at New Bridge, Killington. The Authority had been invited to comment by prior to the Council's consideration of the application on 5th January, before the next meeting of the Authority's Planning Committee. The Chairman stated that the report would be considered as Item 11A.
- A report from the Committee's Solicitor, tabled as a 'private' report, that updated members on further information obtained in respect of development that had occurred at Daggerstones, Healaugh, which was the subject of enforcement action by the Authority. A member expressed some concern that this report had only been tabled at the meeting without public notice being given on the agenda, and sought deferral of the item. Members were advised that the report had come to the Committee because work had re-commenced on site. They were also reminded that the consideration of items of 'urgent business' was a

matter for the Chairman, who ruled that he matter would be considered as urgent business later in the meeting.

RESOLVED -

That pursuant to Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the items of business listed in column 1 of the following table on the grounds that each involves the likely disclosure of exempt information as defined in the paragraph in column 2:

<u>Item No on the agenda</u>	<u>Paragraph No</u>
13	13
14	13
15 (Daggerstones, Healaugh)	12

985. APOLOGIES FOR ABSENCE

Apologies for absence were received from Mrs S Marshall for lateness and from Ms N Stedman.

986. DECLARATIONS OF THE EXISTENCE AND NATURE OF PERSONAL INTERESTS

The following declarations of the existence and nature of personal interests were made by members:

<i>Member</i>	<i>Interest declared</i>
G Dalton	<ul style="list-style-type: none"> Personal non-prejudicial interest in Plans List No B07 – being a member of the Parish Council of which the applicant is Chairman acquainted with the applicant. Personal and prejudicial interest on a professional basis in Agenda Item 11A.
KJ Lancaster	<ul style="list-style-type: none"> Personal non-prejudicial interest in Plans List No B07 – being a member of the Parish Council of which the applicant is Chairman acquainted with the applicant. Personal and prejudicial interest in Agenda Item 11A, being acquainted with the applicant.
Mrs A Brooks	<ul style="list-style-type: none"> Personal and prejudicial interest in Plans List No B09, being acquainted with the applicant.
HA Kirkbride	<ul style="list-style-type: none"> Personal and prejudicial interest in Plans List No B04, being acquainted with the applicant.
D Heather	<ul style="list-style-type: none"> Personal non-prejudicial interest in Plans List No B09, being acquainted with the applicant.
Dr KM Petyt	<ul style="list-style-type: none"> Personal non-prejudicial interest in Agenda Item 11A, being a local resident and having drawn the matter to the attention of Planning officers.
TRN Harrison-Topham	<ul style="list-style-type: none"> Personal and prejudicial interest in Agenda Item 15, being acquainted with the applicant. Personal non-prejudicial interest in Plans List No A03, being acquainted with the applicant.
WH Brown	<ul style="list-style-type: none"> Personal and prejudicial interest in Plans List No A01, being the owner of the application site. Personal and prejudicial interest in Plans List No A02, being related to the applicant.

987. DECLARATIONS OF LOBBYING

The following declarations of lobbying that had occurred too late to be notified in the appropriate way, were made by members:

Mrs Y Peacock	Lobbied on Plans List No A03
D Ireton	Lobbied on Plans List No B12
W Fenten	Lobbied on Plans List No B13
C Hammond	Lobbied on Plans List No A03
TRN Harrison-Topham	Lobbied on Plans List No A03
J Sayer	Lobbied on Plans List Nos A03, B10 and B12
OJ Kendall	Lobbied on Plans List No A02
HA Kirkbride	Lobbied on Plans List No A03 and A04
D Heather	Lobbied on Plans List No B09
J Blackie	Lobbied on Plans List Nos A01, A02, A03, B04, B06 and B12 and Agenda Item 15 (Daggerstones)
WH Brown	Lobbied on Plans List No A03

988. APPLICATION FOR FULL PLANNING PERMISSION FOR CHANGE OF USE FROM HOTEL TO PRIVATE DWELLING AT AMERDALE HOUSE HOTEL, ARNCLIFFE

CONSIDERED –

The report of the Senior Planning Officer.

RESOLVED –

That, notwithstanding the officer's recommendation for refusal, the application for full planning permission for change of use from hotel to private dwelling at Amerdale House Hotel, Arncliffe, be approved, subject to the applicant first entering into a Section 106 agreement to restrict the occupancy of the dwelling to local occupancy, and subject to the following conditions:

1. Standard time limit – three years
2. Withdraw permitted development rights.

989. APPLICATION FOR FULL PLANNING PERMISSION AND LISTED BUILDING CONSENT FOR ERECTION OF AN EXTENSION AND ALTERATIONS TO THE OLD POST OFFICE, ARNCLIFFE

CONSIDERED –

The report of the Senior Planning Officer.

Following an unsuccessful proposal that the applications be approved, it was -

RESOLVED –

That the applications for full planning permission and listed building consent for the erection of an extension and alterations to the Old Post Office, Arncliffe be refused for the following reason:

The proposed works would be harmful to the character and special interest of the Grade II Listed building, contrary to Policies B11 and B12 of the Local Plan.

990. FULL PLANNING PERMISSION FOR CONVERSION OF EXISTING STORE BUILDING TO FORM LIVING ROOM, ERECTION OF LINK BUILDING TO PROVIDE UTILITY ROOM AND OFFICE AND ERECTION OF A DETACHED GARAGE/STORE AT RENSHAW FARM, CONISTONE

CONSIDERED –

The report of the Senior Planning Officer.

After an unsuccessful proposal that the application be refused, it was -

RESOLVED –

That the application for full planning permission for conversion of existing store building to form living room, erection of link building to provide utility room and office and erection of a detached garage/store at Renshaw Farm, Conistone be approved, subject to conditions based on the following:

1. Time Limit on Commencement.
2. Amended Plans drawings 22 August 2005.
3. Materials (roof) Renshaw Farmhouse.
4. Materials (walls - existing) Renshaw Farmhouse.
5. Materials (windows) timber dark stained.
6. Windows (reveals) 100.
7. Materials (rainwater goods) black.
8. Garage to be used for domestic purposes Renshaw Farmhouse.

991. LISTED BUILDING CONSENT FOR CONVERSION OF EXISTING STORE BUILDING TO FORM LIVING ROOM, ERECTION OF LINK BUILDING TO PROVIDE UTILITY ROOM AND OFFICE AND ERECTION OF A DETACHED GARAGE/STORE AT RENSHAW FARM, CONISTONE

CONSIDERED –

The report of the Senior Planning Officer.

RESOLVED –

The application for listed building consent for conversion of existing store building to form living room, erection of link building to provide utility room and office and erection of a detached garage/store at Renshaw Farm, Conistone be approved, subject to conditions based on the following;

1. Time Limit on Commencement.
2. Amended Plans drawings 22 August 2005.
3. Materials (roof) Renshaw Farmhouse.
4. Materials (walls - existing) Renshaw Farmhouse.
5. Materials (windows) timber dark stained.
6. Windows (reveals) 100.
7. Materials (rainwater goods) black.

992. APPLICATIONS FOR PLANNING PERMISSION

The following members of the public addressed the meeting on the Plans List items indicated:

Plans List No A03	Mrs/Mr Stephenson in support of the application
Plans List No B11	Mr R Newhouse in support of the application
Plans List No B12	Mr R Beck in support of the application
Plans List No B13	Mr S Green in support of the application

CONSIDERED –

The report of the Head of Planning listing applications for planning permission, the recommendations thereon, together with a late consultations report circulated after the despatch of the agenda but prior to the meeting and further late consultations circulated at the meeting.

RESOLVED -

That the applications for planning permission be determined as set out below, subject to: -

- (a) the imposition of the conditions required in accordance with the provisions of Sections 91 and 92 of the Town and Country Planning Act 1990 except in those instances where an alternative condition is approved, and
- (b) the Head of Planning being authorised to add such conditions as he may consider necessary in the light of observations received from District Councils and/or the Highway Authorities in the specified time period but not warranting reconsideration of the application by the Committee: -

Application [Plans List No - Application No - Proposal] Decision
<i>[Note: These decisions are recorded in the order in which they appeared in the Schedule of Planning Applications NOT the order in which they were considered by the Committee.]</i>
<p><u>Application:</u> A01 R/07/105A Full planning permission for change of use of field barn and land to form bike hire, service and repair centre and bunkhouse accommodation and café, Field Barn, Parks Field, Fremington.</p> <p><u>Decision:</u> That consideration of the application be deferred at the request of the applicant.</p>
<p><u>Application:</u> A02 R/56/355A Full planning permission for erection of single storey dwelling for disabled person's use, Stags Fell View, Hawes.</p> <p><u>Decision:</u> Consideration deferred to enable a site visit to be held on Friday 23rd December 2005, attendance to be an approved duty. The reasons for the site visit being to enable members to view, at first hand, the potential planning gain that could result from the proposed removal of the farm building and the possible environmental enhancement to the Market Place in Hawes.</p>
<p><u>Application:</u> A03 R/85/9F Full planning permission for erection of agricultural workers dwelling, Land at West Scafton.</p> <p><u>Decision:</u> That the application be approved on the basis of the following Planning Officer's recommendation reported orally at the meeting (amended from that contained within the Schedule of Planning Applications) following the receipt of correspondence dated 12th December 2005 from Ms JE Hogg and from PT, AH and DR Stephenson:</p>

Application [Plans List No - Application No - Proposal]

Decision

That delegated authority be granted to the Head of Planning to approve the application, subject to the satisfactory conclusion of a Section 106 Agreement to

- tie farmland at West Scafton to Howsyke Farm;
- preclude building of a farmhouse at Howsyke Farm in lieu of the building of the agricultural workers dwelling on land at West Scafton;
- restrict occupancy of the existing farmhouse at Howsyke Farm to agriculture

and also subject to highway and design issues being satisfactorily concluded and for the Head of Planning to determine appropriate conditions.

[Note: RA Bird declared a personal non-prejudicial interest in this application, being acquainted with the applicants' agent.]

Application: B04 R/50/82B Full planning permission for change of use of part of barn to form a micro brewery, Seata Barn, Elm Hill, Askrigg.

Decision: That consideration of the application be deferred to await responses from a number of consultees.

Application: B05 R/48/72D Full planning permission for erection of a two storey extension including one room down stairs and one bedroom to provide additional living accommodation, Low Camms House, Askrigg.

Decision: That the application be approved on the basis of the following Planning Officer's recommendation:

That planning permission be approved subject to conditions based on the following –

- i) standard time limit – 3 years
- ii) specified details – 18th November 2005
- iii) external stonework to match existing
- iv) roofslates to match existing
- v) windowframes to be timber in a colour to be agreed
- vi) rainwater goods to be black, fixed with rise and fall brackets.

Application: B06 R/56/322A Full planning permission for change of use from store/workshop to form one "affordable housing" dwelling, Turpits Barn, Hawes.

Decision: That the application be approved on the basis of the following Planning Officer's recommendation, having been amended in the 'Late Consultations – Received 9 December 2005':

Either:

A) Subject to the submission by the Applicant of details setting out a satisfactory mechanism for securing affordability in perpetuity, for inclusion in a s106 agreement, **b** APPROVE subject to a S106 Legal Agreement, restricting occupancy to local people and to ensure that the dwelling remains available for affordable rent, and conditions based on the following:

- 1) Standard time (3 years)
- 2) Removal of permitted development rights (to include satellite dishes, extension/alteration of the building and development within its cartilage).

**Application [Plans List No - Application No - Proposal]
Decision**

or:

B) Should the Applicant not provide details setting out a satisfactory mechanism for securing affordability in perpetuity, for inclusion in a s106 agreement, to REFUSE for reasons based on the following:

- 1) As contrary to Emerging Local Plan Policies H5 and E3.

In taking the above decision, Members also requested that, if the application is to be approved, before the application is granted, details of the mechanism for determining the affordable rent and the mechanism for ensuring its future application shall be reported to the Committee.

Application: B07 S/02/59B Full planning permission for change of use of agricultural building to form domestic dwelling for letting, Gardsale Foot Chapel, Garsdale.

Decision: That consideration be deferred, in accordance with the Members' Code for the Exercise of Development Control, members being minded to approve the application contrary to policy and/or the officers' recommendation, a report to be submitted to a future meeting of the Committee for determination of the application, the bases for members' decision being that:

1. The building is a simple disused Methodist Chapel of local historic and architectural interest.
2. The property would meet a need for housing in the area.
3. Precedent exists, in particular with the permission granted in Bishopdale for a similar development, but also of conversions of other former chapels within the Park.
4. The property is considered to "...form part of the core of the farm holding and to be located within an existing group of buildings ...".
5. The development is of modest proportions (less than 90 square metres).

The named vote in respect of this decision being as follows:

For the motion to approve the application:

RA Bird, J Blackie, WH Brown, G Dalton, C Hammond, TRN Harrison-Topham, D Heather, OJ Kendall, HA Kirkbride, KJ Lancaster and J Sayer.,

Against the motion to approve the application:

Mrs A Brooks, W Fenten, D Ireton, C Lis, Mrs S Marshall, Mrs D Millward, JJ Pearlman, Dr KM Petyt and Mrs FG Ramsbottom.

Abstentions:

Mrs N Grace and SR Macaré.

Application: B08 C/26/707 Full planning permission for erection of 3 bedroom dwelling, 1 Sandy Lane, Emsay.

Decision: That the application be approved on the basis of the following Planning Officer's recommendation, having been amended in 'Late Consultations – Received 9 December 2005':

Following receipt of revised plans reducing the floorspace to 90 square metres, recommendation is to GRANT planning permission subject to a Section 106 local needs agreement and conditions as outlined in the officers' report, being:

Application [Plans List No - Application No - Proposal]

Decision

Time limit – 3 years
Compliance with approved plans
Withdrawal of permitted development rights
Materials
Highway conditions – formation of access and parking
Planting scheme

Application: B09 C/48/40C Full planning permission for erection of full time worker's dwelling, Langcliffe Kennels, Langcliffe.

Decision: That the application be approved on the basis of the following Planning Officer's recommendation:

That planning permission is granted, subject to the prior completion of a S106 legal agreement, restricting occupancy of the dwelling to those working full-time in the kennel business, tying ownership of the dwelling to the business, and conditions based on the following:

1. Standard time for commencement (2 years)
2. Adherence to submitted plans
3. Prescription of design standards (to include use of stone, inspection of sample panel of stonework, prior approval of sample of roofing slate).
4. Removal of permitted development rights (to include fences, means of enclosure, oil tanks, extensions/alterations and cartilage structures).
5. Provision and subsequent retention of parking/turning facilities.
6. Prior approval of, and subsequent adherence to, precise details of means of disposal of foul/surface water.
7. Protection of trees during construction.

Application: B10 C/51/19C Full planning permission for erection of garage, garden shed and extension of domestic cartilage (part retrospective), Barn Garth, Litton.

Decision: That the application be approved on the basis of the following Planning Officer's recommendation:

To grant planning permission subject to conditions based on the following:

1. time limit – 3 years
2. compliance with approved plans
3. materials to match existing house and boundary walls to match existing
4. withdraw permitted development rights within new domestic cartilage
5. highway conditions

Application: B11 C/52/666 Full planning permission for erection of agricultural building, Green Gates Croft, Long Preston.

Decision: That the application be approved on the basis of the following Planning Officer's recommendation, revised at the meeting, following the receipt of satisfactorily amended plans:

To APPROVE, subject to conditions based on the following:

1. Standard time limit (3 years)
2. Adherence to amended plans
3. Prescription of design standards (to include prior agreement of roof tile, walls to be of

Application [Plans List No - Application No - Proposal]

Decision

- natural local stone, sample panel of stonework to be inspected, prior approval of doors/windows)
4. Removal when no longer required for agriculture, unless alternative use approved
 5. Prior approval of precise details of access prescribing local natural stone drystone walling for access formation.

Application: B12 C/58/20B Full planning permission for conversion of barn to for office with ancillary one bedroom flat, The Barn, Otterburn.

Decision: That consideration be deferred, in accordance with the Members' Code for the Exercise of Development Control, members being minded to approve the application contrary to policy and/or the officers' recommendation, a report to be submitted to a future meeting of the Committee for determination of the application, the bases for members' decision being that:

1. The barn is located in the centre of a small settlement.
2. The business use of the property will be tied to the residential
3. Residential use of the property will be ancillary to the business use.
4. The development is of modest proportions (less than 90 square metres).
5. Approval of the application will ensure retention of the building.
6. The property is located in close proximity to services.
7. The District Council Housing Needs survey establishes a need for accommodation in the area.
8. The intended occupier meets the profile identified in the Housing Needs Survey.

The named vote in respect of this decision being as follows:

For the motion to approve the application:

RA Bird, J Blackie, WH Brown, G Dalton, C Hammond, D Heather, D Ireton, OJ Kendall, HA Kirkbride, KJ Lancaster, C Lis, Mrs Y Peacock, JJ Pearlman, Mrs FG Ramsbottom and J Sayer.

Against the motion to approve the application:

Mrs A Brooks, W Fenten, Mrs N Grace, SR Macaré and Mrs D Millward.

Abstentions:

TRN Harrison-Topham and Dr KM Petyt.

Application: B13 C/62/609B Full planning permission to erect a replacement chalet (retrospective) and erection of shed and internal retaining wall, The Banks, Settle.

Decision: That the application be approved on the basis of the following Planning Officer's recommendation, having been amended in 'Late Consultations – Received 9 December 2005' and in 'Late Consultations – Received 12 December 2005' by the addition of Conditions 5 and 6 and further amended at the meeting by members by the addition of Condition 7:

Subject to the consideration of public/consultee responses received within the publicity/consultation period (expiry 15 December 2005), to APPROVE the application subject to conditions based on the following:

- 1) No external lighting to be installed without prior written approval. Any lighting to be of the minimum luminosity reasonably required, and not resulting in light spillage upwards or out of the site.
- 2) Railings to balcony to be black painted/factory supplied black, or such other finish as may have first been approved in writing by the Local Planning Authority. Thereafter the railing

Application [Plans List No - Application No - Proposal]
to be so retained. 3) External timber to roof eaves and gable to be retained as black painted, or such other colour as may have first been approved in writing by the Local Planning Authority. 4) No felling of trees without prior written approval. 5) Submission and completion of, within two months of the date of permission, a scheme of works to remove excess soil dumped around tree bases within the crown spread of the trees. 6) Surfacing and drainage of access. 7) Any trees that are felled shall be replaced with species of a type and size to be agreed by the Authority's Trees and Woodland Officer.

Decision
to be so retained. 3) External timber to roof eaves and gable to be retained as black painted, or such other colour as may have first been approved in writing by the Local Planning Authority. 4) No felling of trees without prior written approval. 5) Submission and completion of, within two months of the date of permission, a scheme of works to remove excess soil dumped around tree bases within the crown spread of the trees. 6) Surfacing and drainage of access. 7) Any trees that are felled shall be replaced with species of a type and size to be agreed by the Authority's Trees and Woodland Officer.

993. YORKSHIRE DALES LOCAL PLAN – ANNUAL MONITORING REPORT

CONSIDERED –

The report of the Strategic Planning Officer.

Members, in welcoming the report, raised a number of issues, including:

- Querying the accuracy of the figure of 250 on page 8 as the shortfall of affordable housing in Craven.
- Requesting, in addition to the average house price in the National Park (page 5) information on average prices in other Parks and the Country generally, together with average incomes.
- Expressing concern at the comment in the covering report that “National Park Purposes are not being significantly prejudiced.”
- Requesting a summary of the statistical information in the report and an analysis of the 60 applications for new or extended agricultural buildings which would seem to contradict the perception of a decline in farming.

RESOLVED –

That, subject to account being taken of issues raised, the findings of the Yorkshire Dales Local Plan Annual Monitoring Report 2004 - 2005 be noted.

994. ANALYSIS OF APPLICATIONS AND APPEALS: 1ST JULY – 30TH SEPTEMBER 2005

CONSIDERED –

The report of the Senior Planning Technician.

It was suggested that a reference of ‘A’ or ‘R’ against each application to indicate ‘Approved’ or ‘Refused’ would be helpful

A member asked whether two applications (C/44/61B Camm Farm, Oughtershaw and R/48/115A Barn at Cams House, Askrigg), on which Section 106 agreements were required and on which there appeared to be no progress, could be rescinded. The Head of Planning confirmed that there were several such applications that were conditional on Agreements and which, for one reason or another may not have progressed. A report would be coming to a future meeting to address some of these such cases.

RESOLVED –

That, subject to members' and officer comments being taken into account, the report be noted.

995. REPORT OF THE HEAD OF PLANNING

CONSIDERED –

The report of the Head of Planning.

RESOLVED –

That :

- (a) the report be noted; and
- (b) two Panels of members be established to consider outstanding objections to Tree Preservation Orders at Skyreholme and Giggleswick and be given delegated authority to decide whether or not to confirm the orders, the panels to consist of the following members:
 - Skyreholme – KJ Lancaster, Mrs D Millward and J Sayer (G Dalton as substitute)
 - Giggleswick – Mrs A Brooks, D Heather and Dr KM Petyt (C Hammond as substitute).

996. URGENT BUSINESS: APPLICATION FOR PLANNING PERMISSION FOR CHANGE OF USE OF AGRICULTURAL FIELD TO HOLIDAY PARK OF 20 HOLIDAY HOMES WITH MANAGER'S OFFICE, LAND AT NEW BRIDGE, KILLINGTON

CONSIDERED –

The report of the Deputy Head of Planning circulated with 'Late Consultations – Received 9 December 2005'.

RESOLVED –

That South Lakeland District Council be informed that:

- i. the Yorkshire Dales National Park Authority objects to the development proposed in planning application SL/2005/1037 on the basis that it would be detrimental to the objectives of the Authority; and
- ii. would offer their assistance in the event of an appeal against refusal of planning permission.

The remainder of business was considered in private.

PUBLIC SUMMARY OF BUSINESS CONSIDERED IN PRIVATE

(a) Langcliffe Chapel, Langcliffe

The Committee considered a report on the issue of non-compliance with a condition included as part of a permission for the conversion of the former Methodist Chapel at Langcliffe to a single dwelling. The condition relates to the rendering of the front elevation and requires it to “..match exactly, or in any other manner as may have been agreed in writing by the Local Planning Authority.”

The Authority has received a complaint that the render does not match exactly the existing render and has a pinkish hue. Having considered and discounted alternative treatments, the Committee concluded that the finish applied to the front elevation matches the original in every respect bar one. It is considered that through time, due to natural weathering, the render will naturally discolour and the hue will become less pronounced. The finish in its current form is not considered to cause sufficient harm to the character and appearance of the original building or the conservation area to warrant removal of the re-application.

The Committee decided, therefore, that it would not be expedient to pursue enforcement action in this instance.

[Messrs Fenten and Lis requested that their abstentions from the above decision be recorded.]

(b) Planning Enforcement Closure Report

Members considered and approved a report that listed planning enforcement cases that had been resolved and were recommended for closure.

(c) Development at Daggerstones, Healaugh

The Committee considered a report from the solicitor that provided an update on further information obtained in respect of development that had occurred at Daggerstones.

The recommendation of the Solicitor, that the formal enforcement action that had been authorised by members at the October meeting of the Committee should be issued, was endorsed.

[Messrs Bird, Kendall and Kirkbride requested that their votes against the above decision be recorded.]