

[These minutes were 'corrected' at the meeting on 14th March by the replacement of "put" with "be" in the final sentence of the pre-amble prior to Resolution 23/06]

ITEM 16(aii)

YORKSHIRE DALES NATIONAL PARK AUTHORITY

PLANNING COMMITTEE

Minutes of the meeting held at Ingleborough Community Centre, Ingleton on Tuesday, 14th February 2006.

Present:

WH Brown in the Chair.

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

COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK

13/06 MINUTES

RESOLVED –

That the public minutes of the meeting held on 10th January 2006, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman, subject to the following amendments to the recorded votes in respect of Plans List No. A02 R/56/355A Stags Fell View, Hawes (page 6):

- For the motion to approve the application – delete WH Brown (he had declared a personal and prejudicial interest and had left the meeting for the debate and vote)
- Against the motion to approve the application – add Ms N Stedman.

14/06 PUBLIC QUESTION TIME

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

15/06 EXCLUSION OF THE PUBLIC

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:

Item No on the agenda	Paragraph No
12	12 & 13
13	13
14	12

16/06 APOLOGIES FOR ABSENCE

Apologies for absence were received from OJ Kendall and for lateness from HA Kirkbride.

17/06 DECLARATIONS OF THE EXISTENCE AND NATURE OF PERSONAL INTERESTS

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

W Fenten	Personal and prejudicial interest in Plans List No B03, being a Director of the applicant company.
Mrs FG Ramsbottom	Personal non-prejudicial interest in Plans List No B08.
KJ Lancaster	Personal and prejudicial interest in Agenda Item 8 in so far as it relates to Policy H7 Modification 4.16
JJ Pearlman	Personal non-prejudicial interest in Agenda Item 10 in so far as it includes reference to a development in Stalling Busk.
J Blackie	Personal non-prejudicial interest in Agenda Item 8 having submitted a number of objections to the emerging Local Plan.

18/06 DECLARATIONS OF LOBBYING

Members made the following declarations of lobbying that had occurred too late to be notified in the appropriate way:

D Ireton	Lobbied on Plans List No B04 and had requested that the application be brought before the Committee for determination.
Mrs Y Peacock	Lobbied on Plans List No B09
J Blackie	Lobbied on Plans List Nos A01, B04, B08 and B09
RA Bird	Lobbied on Plans List No B03
WH Brown	Lobbied on Plans List No A01

19/06 APPLICATIONS FOR PLANNING PERMISSION

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

Plans List No B04	N Wild in support of the application
Plans List No B09	P Dinsdale 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>Application: A01 R/03/73A Full planning permission for conversion of barn to form dwellinghouse with provision of access and parking for 2 cars, Barn, Harkerside Road, Grinton.</p> <p>Decision: That, on the basis that satisfactory amended plans had been received, the application be approved, on the basis of the following amended Planning Officer's recommendation:</p> <p>That permission be granted, subject to the prior completion of a Section 106 Agreement restricting the occupancy of the dwelling in perpetuity to persons meeting local need as defined in the Local Plan, and subject to conditions based on the following:</p> <ol style="list-style-type: none">1. standard time limit2. amended plans3. removal of permitted development rights (extensions/alterations; development within the curtilage; oil tanks)4. prescription of design standards5. HW09 - existing access to be permanently closed off prior to development being brought into use6. HW07 - specification for crossing of highway verge7. HW17 - access and parking to be retained in accordance with approved details8. details of proposals for treatment and disposal of sewage to be submitted for approval.
<p>Application: B02 C37/17A Full planning permission for conversion of existing outbuilding to form annex, Badger Hill, Hanlith.</p> <p>Decision: That the application be approved on the basis of the following Planning Officer's recommendation:</p>

Application [Plans List No - Application No - Proposal]

Decision

Recommendation is to grant permission subject to a Section 106 Agreement to ensure that the accommodation being provided in the form of an annex is not occupied independently of the dwelling known as Badger Hill and is tied to that property so that it can not be sold off or let separately and conditions based on the following:

1. Standard time limit - 3 years
2. Accordance with approved plans
3. Withdraw permitted development rights
4. No rebuilding works unless agreed
5. Retention of existing/matching roofing materials
6. External doors and window frames to be made of timber and painted/stained a colour to be agreed
7. Other than those shown on the approved plans, no rooflights or solar panels to be installed unless agreed
8. Recessing of window frames - 100mm
9. Rainwater goods fixed to masonry and painted black.

Application: B03 C45/305B Change of use of residential education centre (C2) to form 2 flatted dwellings for holiday occupation, The Stationmaster's House, Ribbleshead Station.

Decision: That consideration of the application be deferred at the applicant's request.

Application: B04 C45/262K Full planning permission for conversion of bunkhouse to form 3 bedroom house and 3 bedroom bunkhouse, The Old School Bunkhouse, Chapel-le-Dale.

Decision: Following an unsuccessful proposal that the application be deferred to enable further information to be obtained, 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:

1. The personal circumstances of the applicant, having a young family and being unable to afford to purchase property in the locality.
2. Refusal of the application may result in the closure of this facility.
3. Approval of the application and the continuation of the business will provide economic benefits to other businesses in the locality.
4. The proposal is to sub-divide an existing property, there is no new build involved.
5. A Section 106 agreement would tie the ownership and occupation of the accommodation to the management of the business.
6. The business provides accommodation used by potholers – a traditional and cultural sport of the Yorkshire Dales.

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

For the motion to approve the application:

RA Bird, J Blackie, WH Brown, SHK Butcher, G Dalton, C Hammond, D Ireton, C Lis, SR Macaré, Mrs Y Peacock and S Shaw-Wright.

Application [Plans List No - Application No - Proposal]

Decision

Against the motion to approve the application:

W Fenten, Mrs N Grace, Mrs S Marshall, Mrs D Millward, JJ Pearlman, Dr KM Petyt, Mrs FG Ramsbottom and Ms N Stedman.

Abstentions:

Mrs A Brooks, TRN Harrison-Topham, D Heather, KJ Lancaster and A Osborne.

The Solicitor reminded the Committee that if decisions were to be taken that were clearly contrary to policy, there was a need to provide evidence to substantiate such decisions. She did not believe that in this instance that evidence had been provided by members and, therefore, it would need to be available when the reference back report was considered.

Application: B05 C/52/7A Full planning permission for conversion and extension of garage/workshop to form one no. 4 bedroomed dwellinghouse, Hoyle Hill, 42 Main Street, Long Preston.

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

To APPROVE the application, subject to the prior completion of a Section 106 Legal Agreement restricting occupancy in line with emerging Local Needs Housing Policy, and conditions based on the following:

- 1 Standard time (3 years).
- 2 Adherence to amended plans.
3. Prescription of design standards to include front/rear elevation fenestration detail and materials.
- 4 Requirement to close off existing access and to provide parking area prior to occupation (and requiring subsequent retention).
5. Removal of permitted development rights (new windows / alterations / extensions / satellite antennae).

Application: B06 C/52/668 Full planning permission for sub-division and extensions to existing dwellinghouse to create 2 no. dwellinghouses, Hoyle Hill, 42 Main Street, Long Preston.

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

To APPROVE the application, subject to the prior completion of a Section 106 Legal Agreement restricting occupancy of one unit in line with emerging Local Needs Housing Policy, and conditions based on the following:

- 1 Standard time (3 years).
- 2 Adherence to amended plans.
3. Prescription of design standards to include prior approval of details of new timber panelled door to front elevation.
- 4 Provision of parking area prior to occupation and subsequent retention.
5. Removal of permitted development rights (new windows / alterations / extensions / satellite antennae).

Application [Plans List No - Application No - Proposal]

Decision

Application: B07 C/65/617 Full planning permission for two storey side extension to form bedroom over lounge + utility and single storey rear dining room extension, 1 Sour Lane, Thorlby.

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

Recommendation is to grant planning permission subject to conditions based on the following:

1. Standard time limit – 3 years
2. Accordance with approved plans
3. Materials to match existing building
4. No windows to be inserted in north-east elevation

Application: B08 R/54/79B Full planning permission for use of domestic garage to form family room and erection of sun lounge to rear, Green Gables, West Burton.

Decision: That consideration be deferred to enable a site visit to be held on Friday 24th February 2006, attendance to be an approved duty. The reasons for the site visit being to enable members to judge the impact of the proposals on the privacy and amenity of neighbours and to judge the impact of the proposed design on the built environment of the Conservation Area of West Burton.

Application: B09 R/67/1D/LB Listed building consent for installation of Upvc windows (retrospective), Town Foot Farm and Gable End, Carlton.

Decision: Following an unsuccessful proposal for a site visit, consideration of the application be deferred to enable further information to be the obtained and brought before the Committee, in particular, in relation to the history of the properties, their listing, when conversion took place and any conditions imposed on any permissions granted.

20/06 YORKSHIRE DALES LOCAL PLAN – POST INQUIRY MODIFICATIONS

CONSIDERED –

The report of the Strategic Planning Officer.

Members considered each representation individually, together with the respective recommendations of both the Local Plan Working Group and the Strategic Planning Officer.

Members were advised that whilst it would be possible for them to change a policy contrary to the Inspector's recommendation, any such decision would need justified reasons and could run the risk of judicial review and a possible 2nd public inquiry if called in by the Secretary of State.

RESOLVED –

That, having considered each representation individually:

- (a) the Local Plan be modified in accordance with the Summary of Recommendations and Responses appended to the report of the Strategic Planning Officer and the recommendations of the Local Plan Working Group, as set out in the report of the Strategic Planning Officer, with the exception of the following variations:
- Policy H7 (MOD 4.16) – delete criterion (iv) – it should be sufficient to meet the objectives of the policy by demonstrating that the building has been used as a former dwelling for a significant period of its existence.
 - Policy F3 (MOD 6.2) – Amend criterion (v) to read: 'Secure arrangements by way of a legal agreement will be required relating to only so much of the farm holding that is necessary to ensure the accommodation will remain as part of the farm business'.
- (b) there being no significant changes to its policies, the Local Plan as amended by (a) above, be adopted.

21/06 UNAUTHORISED ERECTION OF STABLE AT OS FIELD NO 1646, OFF STATION ROAD, LANGCLIFFE

CONSIDERED –

The report of the Enforcement Officer.

RESOLVED –

That:

- (a) the Authority's solicitor be authorised to serve an Enforcement Notice to secure the removal of the unauthorised stable at OS Field No 1646, off Station Road, Langcliffe; and
- (b) the compliance period in respect of the above works to be 6 months.

22/06 NON-COMPLIANCE WITH CONDITION – FORMER SCHOOL, HIGHGATE, SETTLE

CONSIDERED –

The report of the Enforcement Officer.

RESOLVED –

That:

- (a) the Authority's solicitor be authorised to serve an enforcement notice to require the following remedial works to be carried out at the former Church of England, Highgate, Settle, specifically;
- i) installation of a dished channel drain, and

ii) installation of kerbing with a kerb face of 4cm;

to ensure compliance with condition 6 part (v) of planning permission C/62/612B;
and

(b) the compliance period in respect of the above works to be 6 months.

23/06 ENFORCEMENT COMPLAINTS – SKEB SKEUGH, ANGRAM

CONSIDERED –

The report of the Planning Enforcement Officer, who added that enforcement authority was also sought to secure the removal of an unauthorised advertising sign.

A member referred to the possible submission of a planning application for development at the site and sought authority for officers to offer advice and assistance to the applicant on how any such application might best ~~not~~ be submitted.

RESOLVED -

That, in respect of the unauthorised use of land and a building at Skeb Skeugh, Angram, the Authority's solicitor be authorised to pursue enforcement action to require:

- (a) the use of the land and buildings for the operation of a trekking centre to cease, the compliance period to be three months;
- (b) the use of the land and buildings for equestrian purposes to cease, including cessation of the horse training business, the compliance period to be three months;
- (c) the removal from the site of the agricultural building and the restoration of the land to its former condition to the satisfaction of the Local Planning Authority, the compliance period to be six months; and
- (d) the removal of the advertising sign, the compliance period to be three months.

24/06 ANALYSIS OF APPLICATIONS AND APPEALS

CONSIDERED –

The report of the Senior Planning Technician.

RESOLVED –

That the report be noted.

25/06 REPORT OF THE HEAD OF PLANNING

CONSIDERED –

The report of the Head of Planning.

RESOLVED –

That the report be noted.

The remainder of business was considered in private.

26/06 PRIVATE MINUTES

RESOLVED –

That the private minutes of the meeting held on 10th January 2006, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman,

27/06 BREACH OF PLANNING CONDITIONS – FOUR LANE ENDS, MARTHWAITE, SEDBERGH

CONSIDERED –

The report of the Planning Enforcement Officer that addressed a number of enforcement issues that had been brought to the Authority's attention by local residents. Their concerns arose as a result of alleged breaches of conditions that formed part of the approval of planning permission in respect of development at Four Lane Ends, Marthwaite, Sedbergh. The permission that contained those conditions had been granted on 19th April and was for a period of one year from that date.

RESOLVED –

That with regard to breaches of planning conditions at Four Lane Ends, Marthwaite, Sedbergh:

- (a) no enforcement action be taken pending the submission of an application for renewal of the planning permission;
- (b) if no application for renewal of the permission is received by 19th April, a report be presented to the May 2006 meeting of the Committee.

28/06 PLANNING ENFORCEMENT CLOSURES REPORT

CONSIDERED –

A report listing enforcement cases resolved and recommended for closure.

RESOLVED –

That the report be noted and the list of enforcement cases resolved since 19th December 2005 be closed.