

YORKSHIRE DALES NATIONAL PARK AUTHORITY**PLANNING COMMITTEE**

Minutes of the meeting held at the Dales Countryside Museum, Hawes on Tuesday, 14th March 2006.

Present:

WH Brown in the Chair.

RA Bird, J Blackie, Mrs A Brooks, SHK Butcher, G Dalton, Mrs N Grace, C Hammond, TRN Harrison-Topham, 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 and Ms N Stedman.

COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK

29/06 MINUTES**RESOLVED –**

That the minutes of the meeting held on 14th February 2006, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman, subject to the sentence before Resolution 23/06 being amended to read "...might best be submitted."

30/06 PUBLIC QUESTION TIME

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

31/06 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 Item Nos 14 and 15 on the agenda on the grounds that each involves the likely disclosure of exempt information as defined in paragraphs 6 and 7 of Schedule 12 A of the above Act.

32/06 APOLOGIES FOR ABSENCE

Apologies for absence were received from Messrs Fenten, Hammond and Heather.

33/06 DECLARATIONS OF THE EXISTENCE AND NATURE OF PERSONAL INTERESTS

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

Mrs D Millward	Personal non-prejudicial interest in Plans List No B10, being a resident of Thornton Rust.
Mrs A Brooks	Personal non-prejudicial interest in Plans List No A05, being acquainted with the applicant
Dr KM Petyt	Personal non-prejudicial interests in Plans List No A04 and Agenda Item 9 being, respectively, acquainted with objectors to the application and with the applicant.
WH Brown	Personal prejudicial interest in Plans List No A02, being the landowner.
J Blackie	Personal prejudicial interest in Agenda Item 12, as his company rents the adjacent Hill Cottage.

34/06 DECLARATIONS OF LOBBYING

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

G Dalton	Lobbied on Plans List Nos A04 and A05
KJ Lancaster	Lobbied on Plans List Nos A04 and A05 and Agenda Item 9
Mrs Y Peacock	Lobbied on Plans List Nos A03, B06 and B07
OJ Kendall	Lobbied on Plans List Nos A02 and A05
HA Kirkbride	Lobbied on Plans List No A03, A05 and B10
SHK Butcher	Lobbied on Agenda Item 14
Mrs A Brooks	Lobbied on Plans List No A05
Dr KM Petyt	Lobbied on Plans List No A04 and Agenda Item 9
C Lis	Lobbied on Plans List Nos A05, B11 and B15
D Ireton	Lobbied on Plans List Nos A05 and B11
WH Brown	Lobbied on Plans List No A05
J Blackie	Lobbied on Plans List Nos A01, A02, A03, A05, B06, B07, B08 and B10 and Agenda Item 10

35/06 APPLICATIONS FOR PLANNING PERMISSION

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

Plans List No A03	Ms D Braide in support of the application Mr Ryding against the application
Plans List No A05	Mrs Gardner in support of the application
Plans List Nos B06 and B07	Mrs Wormwell in support of the application
Plans List No B15	Miss A McKay in support of the application
Plans List No B16	Mr R Marriott in support of the application
Plans List No B18	Mr Cavanagh 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/06/87L Full planning permission for erection of extension and external refurbishment, Kearton Country Hotel, Thwaite.</p> <p>Decision: That consideration of the application be deferred to enable a site visit to be held on Friday 24th March 2006, attendance to be an approved duty. The reasons for the site visit being:</p> <ol style="list-style-type: none">1. because of the importance of the business to Upper Swaledale and the decision regarding Swaledale Youth Hostel, to enable members to assess on site the full implications of the proposals,2. to enable members to judge the potential improvement to the building not brought out fully in the report; and3. to assess on site the proposed design.
<p>Application: A02 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>Decision: That consideration of the application be deferred to enable a site visit to be held on Friday 24th March 2006, attendance to be an approved duty. The reasons for the site visit being:</p> <ol style="list-style-type: none">1. to enable members to judge the impact of the proposed development on existing buildings; and2. to assess the impact of the proposals on the privacy and amenity of neighbours and highway safety.

Application [Plans List No - Application No - Proposal]

Decision

Application: A03 R/54/79B Full planning permission for erection of sun lounge to rear and alterations to garage to form family room, Green Gables, West Burton.

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

Recommendation

1. Standard time limit (3 yrs)
2. Amended plans (one rooflight only on the garage)
3. Removal of permitted development rights for external alterations to the garage and also to the approved design of the extension once complete
4. retention of the boundary wall between Green Gables and Long Farthings (if in the applicant's control).

with the addition of a further condition to require the retention of the trellis fencing.

[Note: J Blackie requested that his vote against the above decision be recorded.]

Application: A04 S/03/395 Full planning permission for the erection of an extension, 6 Rawthey Gardens, Sedbergh.

Decision: That consideration of the application be deferred to enable a site visit to be held on Friday 24th March 2006, attendance to be an approved duty. The reasons for the site visit being:

1. to assist members appreciation of the layout and relationship of the application site to neighbouring properties; and
2. to enable members to assess better the potential overbearing of the development and light issue.

Application: A05 C/45/640A Full planning permission for erection of farm workers dwelling, Philpin Farm, Chapel-le-dale.

Decision: That, on the Chairman's casting vote, consideration of the application be deferred to enable further advice to be obtained on the availability of Low Mills Farmhouse and its implication for the accommodation requirement of the holding.

Application: B06 R/51/36Y/LB Listed building consent for wooden window boxes and timber trellis (retrospective), The George and Dragon, Aysgarth.

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

1. The development added interest to the listed building.
2. Approval of the application would enable the applicant to recoup their investment.
3. The development enhanced the heritage of the public house.

Application [Plans List No - Application No - Proposal]

Decision

4. A temporary permission would not make the features permanent.

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, TRN Harrison-Topham, D Ireton, OJ Kendall, HA Kirkbride, KJ Lancaster, C Lis, Mrs S Marshall, Mrs Y Peacock and JJ Pearlman.

Against the motion to approve the application:

Mrs A Brooks, G Dalton, Mrs N Grace, SR Macaré, Mrs D Millward and Ms N Stedman.

Abstentions:

Dr KM Petyt.

Application: B07 R/51/36X Full planning permission for installation of garden umbrellas (retrospective), George and Dragon, Aysgarth.

Decision: That, on the Chairman's casting vote, consideration be deferred, as members were minded, to approve the application contrary to policy and/or the officers' recommendation. In accordance with the Members' Code for the Exercise of Development Control a report will be submitted to a future meeting of the Committee for determination of the application. The bases for members' decision were that:

1. The development added interest to the listed building.
2. Approval of the application would enable the applicant to recoup their investment.
3. The development enhanced the heritage of the public house.
4. A temporary permission would not make the features permanent.

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, D Ireton, OJ Kendall, HA Kirkbride, C Lis, Mrs Y Peacock and JJ Pearlman.

Against the motion to approve the application:

Mrs A Brooks, G Dalton, Mrs N Grace, TRN Harrison-Topham, KJ Lancaster, SR Macaré, Mrs S Marshall, Mrs D Millward, Dr KM Petyt and Ms N Stedman.

Abstentions:

None.

Application: B08 R/56/391 Change of use of redundant agricultural barn to form agricultural workers dwellings, Brownmoor Farm, Hawes.

Decision: That consideration of the application be deferred to await the availability of an independent agricultural appraisal.

Application: B09 R/57/40C Full planning permission for erection of boundary wall (retrospective), The Stable, Newbiggin.

Application [Plans List No - Application No - Proposal]

Decision

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

Recommendation is to grant planning permission subject to the following condition:

1. Specified details, date 10th January 2006.

Application: B10 R/59/35F Full planning permission for conversion of barn to provide additional living accommodation, Barn adj to Nettle Cottage, Thornton Rust.

Decision: That consideration of the application be deferred to allow further information about the current and proposed parking arrangements on the site to be obtained.

Application: B11 C/04/78B Full planning permission for conversion of barn to form a 3 bedroom dwelling, Sandford Barn, Wharfe.

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

That, subject to consideration of public/statutory responses received by the expiry date for consultations (16/02/06), planning permission is REFUSED for the following reasons:

1. As contrary to Adopted Local Plan Policy H5 and Emerging Local Plan Policy H3.
2. As contrary to Adopted Local Plan Policy BC9 and Emerging Local Plan Policy B13.

Application: B12 C/31/626C Approval of reserved matters for erection of one 4 bedroom dwelling, The Mains, Giggleswick.

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

To APPROVE, subject to conditions based on the following:

1. Adherence to amended plans received on 16 January 2006.
2. Completion of screen planting prior to occupation.
3. Approval of sample panel of stone.
4. Removal of permitted development rights (extension/alteration/new windows in east elevation/development within curtilage).
5. Prescription of design/highways standards.

Application: B13 C/41/83B Full planning permission for siting of hut (for pet hens), (retrospective), installation of treatment plant, oil tank, retention of garden and wall Green Farm Barn, Church Lane, Hebden.

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

Application [Plans List No - Application No - Proposal]

Decision

Grant planning permission subject to the following :

1. Oil tank to be repositioned and wall completed within 6 months of date of permission.
2. Development in accordance with approved details
3. removal of permitted development - sheds, greenhouses etc.

Application: B14 C/44/234 Full planning permission for formation of footpath and installation of a 14m footbridge to carry diverted prowl footpath No.5 (Horton), Land adj to/north of Nether Lodge Farm, Horton.

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

To APPROVE, subject to the consideration of public/Environment Agency responses received by the expiry of the consultation period (15/02/06), and subject to conditions based on the following:

1. Standard Time Limit
2. Specified Details, date 02 Feb 2006
3. The external walls of the abutments shall be built up in local natural stone.
4. Such design amendments as may be required by the Environment Agency and which are considered acceptable.

Application: B15 C/44/235 Full planning permission for installation of radio telescope and equipment box (retrospective), 2 Bransghyll Terrace, Horton in Ribblesdale.

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

1. The site, being in a radiologically dark area, is appropriate for the development.
2. The development could provide educational benefits.
3. There is significant community support for the development.
4. The facility would be an asset for the community.

The reference back report, in addressing the recorded reasons for members' decision, should also address the possibility of a 5 year temporary permission personal to the applicant, and screening.

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

For the motion to approve the application:

RA Bird, J Blackie, Mrs A Brooks, WH Brown, SHK Butcher, G Dalton, TRN Harrison-Topham, OJ Kendall, HA Kirkbride, KJ Lancaster, SR Macaré, Mrs S Marshall, Mrs Y Peacock, JJ Pearlman and Dr KM Petyt.

Against the motion to approve the application:

None.

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

Abstentions:

Mrs N Grace, D Ireton, C Lis, Mrs D Millward, and Ms N Stedman.

Application: B16 C/46/207A Full planning permission for variation of conditions 5 and 9 of planning permission C/46/207 and erection of a garden shed, Battery Barn, Kettlewell.

Decision: That the application, which the Planning Officer stated at the meeting excluded the garden shed, be refused on the basis of the following Planning Officer's recommendation:

Refuse permission for the following reasons

The proposal by virtue of the introduction of an unduly suburban residential appearance to the site would be detrimental to the character of former barn and the Conservation Area. As such the proposal would be contrary to policies B13 and B8 of the Yorkshire Dales Local Plan 2005.

The proposal results in a lack of off street car parking and the provision of a parking space that would involve manoeuvring on the highway in order to access it. This could result in an increase in parking on the highway in a location which could be detrimental to the safety of users of the highway. As such the proposal would be contrary to policies TA14 and TA12 of the Yorkshire Dales Local Plan 2005.

Application: B17 C/52/638A Full planning permission for erection of conservatory to rear (part replacement), The Heath, 48 Main Street, Long Preston.

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

Application: B18 C/64/67D Full planning permission for erection of detached garage and detached garden room, Stockhill House, Stainforth.

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

To APPROVE subject to the conditions based on the following:

1. Standard time – 3 years
2. In accordance with amended plans
3. External walls to be constructed from local stone to match existing dwelling
4. Roof material to be constructed from stone slate to match existing dwelling
5. Window frames and doors to be constructed from timber, finish to be agreed
6. Rainwater goods to match existing property.

36/06 CONSULTATION DRAFT: YORKSHIRE AND HUMBERSIDE REGIONAL SPATIAL STRATEGY – 2005-2021

CONSIDERED –

The report of the Strategic Planning Officer.

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

- suggesting that there should be a cross-reference to the Northern Way;
- a need for appropriate context of reference to the issue of hydro power and endorsing the need for representation on renewable energy;
- regretting the absence of any reference to Section 62 of the Environment Act
- questioning the clarity of the reference to the development of the Wensleydale Railway
- suggesting that the needs of the rural economy should not be underestimated
- the need for consistency of policies between the various authorities and agencies in the region, for example, with regard to transport
- concern at the possibility of conflict with the Local Development Framework on the issue of free market housing in key service centres.

RESOLVED –

That, subject to the comments raised being taken into account, in relation to the consultation draft of the Yorkshire and Humberside Regional Spatial Strategy 2005-2021:

- the strategy of conservation and economic diversification of the remote rural area be supported;
- the absence of housing and renewable energy targets for the National Park be welcomed;
- the Regional Assembly be requested to provide specific safeguards in relation to the impact of major development on its designated landscapes; and
- the specific suggestions and modifications referred to in the report of the Strategic Planning Officer be drawn to the attention of the Regional Assembly.

37/06 APPLICATION TO SOUTH LAKELAND DISTRICT COUNCIL FOR PLANNING PERMISSION FOR 22 STATIC CARAVANS – FILED NO 290, WATERSIDE FARM, FIRBANK, SEDBERGH

CONSIDERED –

The report of the Deputy Head of Planning. Members endorsed the Authority's representation at appropriate meetings of the District Council to present the comments contained in the report.

RESOLVED –

That, South Lakeland District Council be informed that the Authority objects to the proposed development detailed in Planning Application SL/2006/0055 for the reasons set out in the report of the Deputy Head of Planning.

38/06 PLANNING APPLICATION - TURPITS BARN HAWES

CONSIDERED –

The report of the Senior Planning Officer.

RESOLVED –

That:

(a) approval be given to the mechanism proposed by the applicant by which Turpits Barn, Hawes will remain available for local affordable housing needs, and

(b) subject to that mechanism being agreed by the District Council and the prior completion of the Section 106 agreement, the necessary planning permission be issued.

39/06 ENFORCEMENT ACTION – BATTERY BARN, KETTLEWELL

The report of the Enforcement Officer was withdrawn from the meeting.

40/06 REMOVAL OF TREE – BAINBRIDGE CONSERVATION AREA

CONSIDERED –

The report of the Conservation Officer (Trees & Woodlands).

RESOLVED -

That:

(a) no legal action be taken regarding the felling of one ash tree at Tiplady Cottage, Syke Lane, Bainbridge; and

(b) the Authority write to Mr Smallshire to explain that he has committed an offence under the Town and Country Planning Act, but on this occasion the Authority considers it prudent not to pursue the matter.

41/06 REPORT OF THE HEAD OF PLANNING

CONSIDERED –

The report of the Head of Planning.

Members were reminded that at the December 2005 meeting, a group of members had been selected from which a panel would be appointed to consider and determine an issue relating to objections received to Tree Preservation Order No 10, Giggleswick. It had not proved possible, due to the unavailability of members, to convene that meeting and further panel members were sought in order to give greater options for a meeting.

The Deputy Head of Planning informed members that a letter had been received from the Secretary of State for Trade and Industry that endorsed the Inspectors' decision to refuse the Whinash windfarm appeal.

RESOLVED –

That:

- (a) the report be noted;
- (b) Messrs Dalton and Kirkbride be added to the members from which a panel will be formed to consider objections to Tree Preservation Order No 10, Giggleswick; and
- (c) the Deputy Head of Planning be thanked for his contribution towards the Whinash windfarm outcome.

The remainder of business was considered in private.

PUBLIC SUMMARY OF BUSINESS CONSIDERED IN PRIVATE

(a) Enforcement matter – Dykelands Farm, Airton

The Committee considered a report that summarised unauthorised works that had taken place to a barn at Dykelands Farm, Airton. The barn was within the curtilage of a listed building and, in March 2003, planning and listed building consent had been granted for its conversion and extension to form a holiday cottage.

Members were asked to consider what action, if any, should be taken in respect of the unauthorised works and decided that the applicant:

- be advised formally that due to the extent of the demolition which has occurred, the creation of a holiday cottage could not now be pursued under planning permission reference C/61/33C; and
- be invited to submit an application for planning permission for the creation of a holiday cottage on the site of the demolished barn.

(b) Planning Enforcement Closures Report

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