

Minutes of the meeting held at Yoredale, Bainbridge on Tuesday, 8 July 2008.

**Present:**

R Alderson, C Armitage, RA Bird, J Blackie, Mrs A Brooks, SHK Butcher, P Charlesworth, G Dalton (in the Chair), W Fenten, TRN Harrison-Topham, C Lis, JK Roberts and W Weston.

***COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK***

**73/08 MINUTES**

**RESOLVED –**

That the minutes of the meeting held on 10 June 2008, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

**74/08 PUBLIC QUESTION TIME**

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

**75/08 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 10 and 11 on the agenda on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 6 and 7 and paragraph 7 respectively of Part 1 of Schedule 12A to the Local Government Act 1972.

**76/08 APOLOGIES FOR ABSENCE AND NOTIFICATIONS OF SUBSTITUTIONS**

Apologies for absence were given from WH Brown.

**77/08 DECLARATIONS OF LOBBYING**

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

<i>Member</i>	<i>Agenda item on which lobbied</i>
J Blackie	Plans List Nos 3, 4 and 5 and Agenda Item Nos 7(a), (c) and (e)
R Alderson	Plans List No 3
SHK Butcher	Agenda Item Nos 7(c) and (d)

## **78/08      APPLICATIONS FOR PLANNING PERMISSION**

CONSIDERED – the report of the Head of Planning, listing applications for planning permission, the recommendations thereon, together with late consultations reports circulated after the despatch of the agenda but prior to the meeting and further late comments 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] and Decision**

*[SHK Butcher declared a personal and prejudicial interest in the item, being related to the applicant and left the meeting during the consideration and determination of the application.]*

**Application:** List No 1 C/60/51F Full planning permission to demolish existing building, erect building for forestry use and replace concrete track, Sunhill Farm Buildings, Fleets Lane, Rylstone.

**Decision:** That the application be approved in accordance with the following Planning Officer's recommendation:

Recommendation is to grant planning permission subject to conditions and a Section 106 legal agreement to ensure that the building remains tied to the farm enterprise.

1. Standard Time Limit
2. Specified Details, date 9 June 2008
3. Coloured Roof Sheets, Specified brown (BS 08B29)
4. Stained Timber
5. Colour of Concrete Block Walls
6. No Signs on Buildings
7. Rooflights
8. Removal of Buildings
9. No electrically powered tools, plant or machinery, including dust extraction equipment, shall be used within the site, other than wholly within the building, unless otherwise agreed in writing by the Local Planning Authority.

## Application [Plans List No – Application No - Proposal] and Decision

*[SHK Butcher declared a personal and prejudicial interest in the item, being related to the applicant and left the meeting during the consideration and determination of the application.]*

**Application:** List No 2 C/60/51G Full planning permission to demolish existing cattle feed building, erect replacement cattle feed building and replace concrete access track, Sunhill Farm Buildings, Fleets Lane, Rylstone.

**Decision:** That the application be approved in accordance with the following Planning Officer's recommendation:

Recommendation is to grant planning permission subject to conditions.

1. Standard Time Limit
2. Specified Details, date 9 June 2008
3. Coloured Roof Sheets, Specified brown (BS 08B29)
4. Stained Timber
5. Colour of Concrete Block Walls
6. Rooflights
7. No signs on Buildings
8. Removal of Buildings

**Application:** List No 3 R/05/210A Full planning permission for conversion of Methodist Chapel to form three apartments, Methodist Chapel, Low Row.

**Decision:** That the application be approved in accordance with the following Planning Officer's recommendation (Condition No 6 having been amended by members, Condition No 7 having been added by the Planning Officer and Condition No 8 having been added by members at the meeting):

It is recommended that permission is granted subject to a S106 agreement restricting occupancy to persons with a local need and conditions including the following:

1. Standard Time Limit
2. Restricting Permitted Rights (extension/alteration of dwelling)
3. The development hereby permitted shall be carried out in accordance with the details of the application as amended by drawings nos.AFR/P871/D4F and D3F received on 16.6.08 except as may be varied by written agreement with the Local Planning Authority.
4. The front (south) boundary retaining wall and railings shall be taken down and rebuilt in the same style and appearance as existing prior to the first occupation of the building as a dwelling.
5. All windows shown on drawing no. AFR/P871/D3F with obscured glazing shall be installed with obscured glazing as shown on the drawings prior to the first occupation of any part of the building as a dwelling and shall be so maintained thereafter.
6. The passage boundary treatment to be in the form of a wall, details to be approved by the Local Planning Authority, which shall be erected prior to the first occupation of any part of the building as a dwelling.
7. Details of the system and its installation for the satisfactory discharge of sewage shall be submitted to and approved by the Local Planning Authority.
8. Any parking area(s) created in connection with the development to be constructed with permeable surface(s).

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

**Application:** List No 4 R/52/197 Outline planning permission for erection of one dwelling with disabled and accessible facilities, Carr End Farm, Marsett.

**Decision:** That the application be approved in accordance with the following Planning Officer's recommendation:

It is recommended that permission is granted subject to a S106 Agreement restricting occupancy to a disabled person in the first instance, and then occupants demonstrating a local need.

Conditions including the following are recommended:

1. Standard Time Limit for Outline Consent.

2. Notwithstanding the submitted details no development shall take place on the site in pursuance of this permission until all of the following details, drawn to scale in the case of plans and drawings, (hereafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, namely:-

i) the siting, design and external appearance of each building, the floor level of buildings relative to existing and proposed site ground levels, a description of the nature of the external materials to be used and in the case of external windows and doors, an illustration, drawn to scale, of a typical example including a description of the colour of its frame, the depth of external reveals and the dimensions of external heads, sills, jambs and mullions.

ii) in the case of dwellings the extent of the curtilage attaching to each dwelling and the means of enclosing that curtilage.

iii) the alignment, layout, dimensions and surface treatment of the means of vehicular and pedestrian access to the site and the standard of inter-visibility to be provided within the boundaries of the application site between the vehicular access and the existing highway.

iv) landscaping; ie: tree and shrub planting and 'hard' features such as surface treatments and enclosures (including existing site features to be conserved).

v) the provision to be made for on-site car parking showing the number of car parking spaces and including any on-site areas within which cars can turn around.

vi) any above ground works required in connection with the provision of a water supply and/or foul and surface water drainage; whether works on or outside of the application site. In the case of a septic tank or its equivalent its siting, design standard and relation to ground levels.

*[TRN Harrison-Topham, declared a personal interest in the application, having previously opposed development at the site and being related to the Chairman of Coverham with Agglethorpe Parish Meeting which had objected to the proposed development, and left the meeting during the consideration and determination of the application.]*

**Application:** List No 5 R/60/30B Full planning permission for variation of Condition No. 7 of planning permission R/60/30 to increase number of coaches from two-four per day, Forbidden Corner, Tugill Park Estate, Coverdale.

**Decision:** That the application be approved in accordance with the following Planning Officer's recommendation:

It is recommended that permission is granted for a permanent variation of the condition subject to

### **Application [Plans List No – Application No - Proposal] and Decision**

the original conditions of the permission and conditions limiting the number of coaches to 4 during term time only and 2 on week ends and school holidays (condition no.6 (v) below):

1. A scheme for the provision of a vehicle park for 90 vehicles within the part of the site identified as OS parcels 4175 and 4776 has been submitted for the approval of the local planning authority within 28 days from the date of this decision. The scheme shall be completed and brought into use in accordance with the approved details within 3 months from the date when the Local Planning Authority gives written notification of its approval of the scheme. Thereafter, visitor parking shall not take place other than within the vehicle park provided in accordance with this condition.
2. The scheme referred to in condition 2) above shall include details of a scheme of landscaping in and around the proposed vehicle park. The landscaping scheme shall provide details of the following:
  - i. all existing trees, hedgerows and other plants, wall, fences and other features which it is proposed to retain;
  - ii. the areas within and adjoining the site in which new planting is to take place; the species, size, spacing, and number of trees and shrubs to be planted and the means of supporting and protecting all new plantings;
  - iii. surface treatments, means of enclosure, remodelling of any landforms and any other landscape treatments to be carried out;
3. All planting and other operations comprised in the landscaping scheme referred to in condition 3) above shall be carried out in accordance with the approved details during the first planting season following completion of the vehicle park. Any plants, trees or shrubs which die, become diseased and are seriously damaged during the first five years after planting shall be replaced during the first planting season following their demise by specimens of similar size and species unless agreed otherwise in writing by the Local Planning Authority;
4. The urns and statue of Venus on the wall fronting “The Long Walk” shall be permanently removed within three months of the date of this decision;
5. In any period of 12 months, The Forbidden Corner shall not be open to the public except on the following dates:
  - i. any day from the Thursday before Easter (or 1 April, whichever is the sooner) to 31 October;
  - ii. any Sunday from 1 November to 25 December;
6. Within 28 days of a date of this decision, a visitor management scheme, including an agreed booking and recording system, shall be submitted for the approval of the Local Planning Authority. The scheme shall be based on the following principles:
  - i. Monday to Saturday opening times shall be noon to 1800 hrs, (or dusk if earlier);
  - ii. Sunday and Bank Holiday opening times shall be 1000 hrs to 1800 hrs, (or dusk if earlier);
  - iii. Entrance to The Forbidden Corner by visiting members of the public shall be by pre-booked ticket identified for a specified time. A maximum of 150 individual tickets will be issued for any one-hour period;
  - iv. Tickets shall be sold to the public only from sales offices located in Middleham and/or Leyburn, or by telephone, fax or e-mail direct from the Forbidden Corner;
  - v. Coach parties shall be limited to a maximum of four in any one day on school days only, with the maximum of two in any one day still applying on weekends, bank holidays and school holidays. Coach parties shall not be admitted to The Forbidden Corner other than by prior arrangement and shall be admitted for educational purposes only by schools, institutions or special interest groups;
  - vi. coaches shall not exceed the maximum size to be agreed in writing with the Local Planning Authority
7. Following the approval of the visitor management scheme, the use shall not be carried out otherwise than in accordance with the approved visitor management scheme;
8. The use hereby permitted shall cease within 28 days of any of the following circumstances applying:
  - i. any of the schemes required by conditions 1), 2), 3), and 7) above have not been submitted in accordance with those conditions;
  - ii. the Local Planning Authority has not approved the schemes referred to in conditions 1), 2), 3) and 7) above within 9 months of the date of this decision and no appeal has been lodged with the

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

Secretary of State with respect to the Local Planning Authority's refusal to approve or failure to give notice of its decision on the schemes;

iii. the Secretary of State has not approved the schemes referred to in conditions 1), 2), 3) and 7), upon final determination of any appeal against the Local Planning Authority's refusal to approve or failure to give notice of its decision on the schemes;

iv. the approved schemes have not been implemented in accordance with the requirements of conditions 1), 2) and 4) above;

v. condition 5) above has not been complied with;

9. No illumination shall be provided at The Forbidden Corner except where such illumination cannot be seen from any public place;

10. No fences, walls, other means of enclosure or obstructions of any kind to walkers or horse riders shall be built, erected, placed or grown within a margin of 2 metres either side of the bridleway No 6 from the entrance to Tuppill Park off Coverham Lane to the point where the bridleway meets footpath No 8.

**79/08      ENFORCEMENT ISSUE: UNAUTHORISED UMBRELLAS – GEORGE AND DRAGON, AYSGARTH**

CONSIDERED – the report of the Enforcement Officer.

A member suggested that the owners of the public house did not understand the system and, whilst supporting the recommended action, requested that a final letter of explanation should be sent before prosecution action was commenced.

The Head of Planning stated that, as part of the normal procedure, a letter would be sent to the owners of the public house advising them that the Committee had authorised the commencement of prosecution proceedings.

**RESOLVED –**

That in respect of the unauthorised umbrellas at the George and Dragon, Aysgarth, the Authority's solicitor be authorised to pursue prosecution proceedings for failure to comply with the terms of the enforcement notice dated 28 July 2006.

**80/08      ENFORCEMENT ISSUE: UNAUTHORISED USE OF LAND AS CARAVAN SITE – EWEGALES FARM, COWGILL, DENT**

CONSIDERED – the report of the Deputy Head of Planning. Members were advised of a change to the recommendation to replace the proposal that the Enforcement Notice come into effect on 1 January 2009 with the inclusion of a six month compliance period.

**RESOLVED –**

That in respect of the unauthorised use of land at Ewegales Farm, Cowgill, Dent, the Authority's solicitor be authorised to serve an Enforcement Notice to secure cessation of use of the site for:

1. The stationing of more than 3 caravans; and
2. The stationing of between 1 and 3 caravans for in excess of 28 days a year;

with a compliance period of six months.

**81/08      ENFORCEMENT ISSUE: UNAUTHORISED ERECTION OF BUILDING, CREATION OF ACCESS TRACK AND ACCESS – BARN AT FINKLE STREET, MALHAM**

CONSIDERED – the report of the Enforcement Officer.

The Head of Planning stated that, following protracted discussions with the owners and their agent, the latter had requested postponement of members' consideration of the report to allow for the submission and consideration of a retrospective planning application for the development.

**RESOLVED –**

That consideration of the report in respect of proposed enforcement action for the unauthorised erection of building, creation of access track and access at barn at Finkle Street, Malham be deferred for one month to allow a planning application to be submitted with an explanation of agricultural need and confirmation that the building will be used for agriculture in the long term.

**82/08      ENFORCEMENT ISSUE: UNAUTHORISED REPLACEMENT OF FRONT ELEVATION WINDOWS, THE DEVONSHIRE ARMS, CRACOE**

CONSIDERED – the report of the Enforcement Officer who added that since the production of the report, a retrospective planning application had been submitted in respect of the unauthorised works. She therefore recommended that consideration of the circulated report should be deferred to enable the Committee, at a future meeting, to consider that application.

**RESOLVED –**

That consideration of the report in respect of proposed enforcement action for the unauthorised replacement of front elevation windows at The Devonshire Arms, Cracoe be deferred, to enable the Committee, at a future meeting, to consider the submitted retrospective planning application.

**83/08      ENFORCEMENT ISSUE: NON-COMPLIANCE WITH LANDSCAPING CONDITIONS, TOWN HEAD FARM, THORALBY**

CONSIDERED – the report of the Deputy Head of Planning.

In response to comments, the Head of Planning stated that, depending on the assessment of the vegetation by the Authority's Trees and Woodland Officer, it may still be necessary to require the stone cladding of lower walls as originally required.

A member suggested that the Authority was seeking to take enforcement action too quickly, reminding the Committee that the applicant was a busy dairy farmer. He hoped that there could be time for a final letter to be sent to farmer rather than immediate enforcement action being taken.

The Head of Planning reminded the Committee that one of the crucial aspects of the application when it had been approved in June 2004, had been the requirement for a landscaping scheme to be implemented. He pointed out that the proposed enforcement action had almost a six month lead-in time, requiring implementation of a scheme by 31 December. As the planting season did not start until October, there would be adequate time to get a scheme agreed and to prepare the land.

It was pointed out that landscaping had been fundamental to the permission being granted and that without that element some members may not have been prepared to approve the application.

There was also concern at the general state of the site which should have been cleared of “all tyres, concrete, building and other general debris, leaving only topsoil (including a natural proportion of stones) visible”.

**RESOLVED –**

That the Authority’s solicitor be authorised to pursue enforcement action for the non-compliance with landscaping conditions in respect the erection of agricultural building at Town Head Farm, Thoraby, to ensure that a modified landscaping scheme acceptable to planning officers, will be implemented by 31 December 2008.

**84/08      SUMMARISING REPRESENTATIONS**

CONSIDERED – the report of the Head of Planning.

Members welcomed the proposals, although it was suggested that, because of the importance within the local community of any comments submitted by Parish Councils/Meetings, they should be reported more fully than at present.

**RESOLVED –**

That:

(a) all representations and consultee responses received in respect of planning applications on the Planning Committee agenda will be scanned and placed on the Members’ Extranet at the time the Planning Committee Agenda is sent to Members;

(b) Planning Officers will summarise or attach all correspondence, third party representations and consultee responses as part of their report, with the aim of best illustrating the arguments being made for and against the application. Where a number of parties make similar points Officers will provide a collective summary and state how many representations have been received;

(c) in summarising correspondence Planning Officers will focus on points which in the Officers’ judgement relate to the key material planning considerations in the case;

(d) any submissions from Parish Councils/Meetings will normally be included in full in Committee reports, subject to, at the discretion of Planning Officers, irrelevant information being excluded; and

(e) Planning Committee Agendas will contain a standard statement advising Members and the public that in addition to the information within the Agenda, Members have access to every document received in full.

**85/08      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*

**86/08 PLANNING ENFORCEMENT CLOSURES REPORT**

CONSIDERED – the report of the Deputy Head of Planning that informed members of enforcement cases that had been resolved since 27 May 2008.

**RESOLVED –**

That:

- (a) the report and those cases recorded as 'Closed Cases' be noted, and
- (b) the five cases recommended for closure listed in the report of the Deputy Head of Planning, be closed.

**87/08 ENFORCEMENT ISSUE: RAWTHEY BANK, SEDBERGH**

CONSIDERED – the report of the Deputy Head of Planning that recommended that prosecution in respect of the unauthorised demolition of a building within the Sedbergh Conservation Area be not pursued.

The Head of Planning confirmed that the matter could be partially remedied by the erection of a building of similar size, character and appearance to the original building and that the owner of the property would be invited to submit such an application.

It was suggested that the Parish Council should be advised of the Authority's decision.

**RESOLVED –**

That prosecution be not pursued in respect of the unauthorised demolition of an outbuilding at Rawthey Bank, Sedbergh.