

Minutes of the meeting held at Yoredale, Bainbridge on Tuesday, 13 May 2008.

Present:

R Alderson, C Armitage, RA Bird, J Blackie, Mrs A Brooks, WH Brown, SHK Butcher, G Dalton, W Fenten, TRN Harrison-Topham, D Heather, KJ Lancaster (as substitute for C Lis), Dr KM Petyt (as substitute for P Charlesworth) and W Weston.

COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK

45/08 MINUTES

RESOLVED –

That the minutes of the meeting held on 8 April 2008, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

46/08 PUBLIC QUESTION TIME

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

47/08 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 11 and 12 on the agenda (Item 12 being a late report relating to the occupation of social housing units at Embsay Tannery, which the Chairman intended to allow to be considered as an item of urgent business) on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 6 and 7 and paragraphs 1 and 2 respectively of Part 1 of Schedule 12A to the Local Government Act 1972.

48/08 APOLOGIES FOR ABSENCE AND NOTIFICATIONS OF SUBSTITUTIONS

Apologies for absence were given from Messrs Charlesworth and Lis for whom Dr Petyt and KJ Lancaster attended as substitutes.

49/08 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>
W Fenten	Agenda Item No 6(b)
Mrs A Brooks	Agenda Item No 6(b)
WH Brown	Agenda Item No 6(b)
SHK Butcher	Agenda Item No 6(b)
J Blackie	Plans List Nos 1 and 6
TRN Harrison-Topham	Agenda Item No 6(b)

50/08 PLANNING APPLICATION: MILTON BARN, WEST BACKSTONEGILL, DENT

CONSIDERED – the report of the Area Planning Officer.

After an unsuccessful proposal that the application be refused in accordance with the officer recommendation, it was -

RESOLVED –

That the application for full planning permission for enlargement of existing slit window at Milton Barn, West Backstonegill, Dent be approved, subject to the following conditions:

1. Standard time limit of 3 years
2. In accordance with amended plans received 7 April 2008
3. Window reveal to match existing
4. Window materials and finish to match existing

51/08 PLANNING APPLICATION: 5 STATION ROAD, GRASSINGTON

CONSIDERED – the report of the Senior Planning Officer.

RESOLVED –

That consideration of the report be deferred to enable a site visit to be held at 9.30am on Tuesday, 27 May 2008.

52/08 APPLICATIONS FOR PLANNING PERMISSION

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

<i>Plans List No</i>	<i>Reference</i>	<i>Location</i>	<i>Speaker(s)</i>
06	S/01/207	Land to the south of Ghyllside, Dent	KJ Lancaster (Member) Jock Cairns (Parish Council) Ann Wilson (Dent C of E School)

<i>Plans List No</i>	<i>Reference</i>	<i>Location</i>	<i>Speaker(s)</i>
10	C/71/40B	Wood Nook Caravan Park, Threshfield	Mark Southerton (Agent) Peter Thompson (Objecting)

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
<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: List No 1 R/50/168 Full planning permission for change of use of barn to form camping barn, The Barn, rear of The Crown Inn, Askrigg.</p> <p>Decision: That consideration of the application be deferred, as members were minded to refuse 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 reasons for members' decision being that:</p> <ol style="list-style-type: none"> 1. The development will harm the amenity of residents living nearby due to potential noise disturbance by occupants of the Barn and the proposal does not demonstrate any effective management or supervisory regime, or expected rates of occupancy. 2. The proposal would result in additional parking in the village which is already affected by traffic congestion. 3. Due to the elevated nature of the site the development will have an adverse impact on the landscape and nightscape. 4. There is no access to the site for emergency service vehicles. <p>The named vote in respect of this decision being as follows:</p> <p><u>For the motion to refuse the application:</u> R Alderson, C Armitage, RA Bird, J Blackie, Mrs A Brooks, WH Brown, SHK Butcher, G Dalton, W Fenten, TRN Harrison-Topham, D Heather, KJ Lancaster, Dr KM Petyt and W Weston.</p> <p><u>Against the motion to approve the application:</u> None.</p> <p><u>Abstentions:</u> None.</p>

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

Application: List No 2 R/56/164C Full planning permission for installation of bio-diesel fuel station, Dales Countryside Museum, Station Yard, Hawes.

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

It is recommended that permission is granted subject to conditions including the following:

1. Standard Time Limit
2. Landscaping Scheme
3. Landscaping Scheme (replacement)

Application: List No 3 R/57/21C Full planning permission for erection of single storey lean-to extension, Meadow Barn, Newbiggin.

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

It is recommended that permission is granted subject to conditions to include the following:

1. Standard Time Limit
2. Materials (walls - existing) Meadow Barn
3. Materials (roof) Meadow Barn
4. Materials (rainwater goods) black
5. Window frames shall be made of timber and shall be painted/stained a colour as may be agreed in writing by the Local Planning Authority and shall be so maintained thereafter.
6. Windows (reveals) 150
7. Prior to the first use of the extension as living accommodation details of the design, materials and external appearance of the proposed door shall be submitted to and approved in writing by the Local Planning Authority. The door shall be installed and maintained in accordance with the approved details.

Application: List No 4 R/58/39E Full planning permission for erection of stone-built garage to replace existing and replacement of flat roof on sun lounge with mono-pitch, slated roof, Hallgarth, Thoralby.

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

It is recommended that permission is granted subject to conditions to include the following:

1. Standard Time Limit
2. Sample roof material
3. Materials (walls - sample panel)
4. Materials (rainwater goods) black
5. The garage hereby permitted shall be used only for purposes that are incidental to the enjoyment of Hallgarth as a dwelling and shall not be ancillary accommodation to the existing dwelling and shall not be occupied as primary living accommodation or occupied, sold, leased, rented or otherwise disposed of, as a separate dwelling unit and no separate curtilage shall be created.
6. Windows (reveals)

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

7. Window frames shall be made of timber and shall be painted/stained a colour that shall be agreed in writing by the Local Planning Authority and shall be so maintained thereafter.

Application: List No 5 C/35/12C Listed building consent for replacement of flat roof on sun lounge with mono-pitch, slated roof, Hallgarth, Thoraby.

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

It is recommended that permission is granted subject to conditions to include the following:

1. 3 Year Time Limit – Listed Buildings
2. Sample roof material
3. Materials (rainwater goods) black

[Note: KJ Lancaster declared a personal prejudicial interest in the item, having previously expressed support for the scheme. He spoke, as a 'member of the public', but then left the meeting for the debate and determination of the application.]

Application: List No 6 S/01/207 Full planning permission for erection of 12 affordable dwellings, Land to the south of Ghyllside, Dent.

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

That subject to the following variations approved by members at the meeting:

- the Parishes of Middleton and Firbank to be added to the cascading Parish hierarchy;
- any render to be rough finished and white in colour; and
- the Head of Planning to be authorised if he considers it appropriate, after consultation with the Solicitor, to amend the proposed S106 agreement to control street lighting

planning permission be granted subject to the satisfactory completion of a Section 106 Agreement restricting the units for affordable purposes (with a cascading Parish hierarchy for eligibility beginning with Dent Parish), and conditions based on the following:

1. Standard time - 3 years
2. In accordance with amended plans received on 8 April 2008
3. Prior to commencement - details of construction works,
4. Prior to commencement - submission of landscaping scheme
5. Prior to commencement - scheme for provision of artificial bat roosts, bird boxes
6. Prior to commencement - scheme of lighting
7. Prior to commencement - scheme for the provision of surface water drainage
8. Sample panel of external stonework (houses)
9. Sample of roofing material (houses)
10. Rainwater goods - black
11. Reveals 100 mm
12. Sample of sills and heads
13. All joinery to be of timber, retained as such
- 14.. Windows/doors - sample colour palette
15. Removal of permitted development rights (extension/alteration/oil tanks/satellite dishes, surfacing, walls)

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

16. Highways standards
17. Excavations around beech hedge adjacent to blocks D & E by hand
18. Utility boxes to have timber covers
19. Cattle grid at entrance removed within 3 months of completion.

[Note: D Heather declared a personal non-prejudicial interest in this item, being acquainted with both the applicant and the agent.]

Application: List No 7 C/31/368A Full planning permission for the erection of two three bedroom dwelling houses, Rockwood, The Mains Drive, Giggleswick.

Decision: That subject to an assessment of the accuracy of the site plans and the addition of a further condition to require parking areas to be of a permeable material, the application be approved in accordance with the following Planning Officer's recommendation:

That the application be approved subject to the prior conclusion of a Section 106 Agreement to restrict the occupancy of the dwellings to persons with a local need as identified in the Adopted 2006 Yorkshire Dales Local Plan, subject to conditions based on the following:

1. Standard time (3 years).
2. Adherence to amended plans (to be submitted and approved in writing).
3. Removal of permitted development rights (hardstandings (other than approved)), extensions, curtilage buildings and windows in any elevation (other than approved under condition 2).
4. Provision and retention of approved parking areas.
5. Submission of landscaping scheme to include replacement and boundary planting (enhanced as offered by the applicants' agents).
6. Implementation of replacement planting scheme.
7. Control of external lighting.
8. Provision of additional bin storage areas.

Application: List No 8 C/33/73H Full planning permission for installation of bio-diesel fuel station, Compound to rear of Colvend, Hebden Road, Grassington.

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

Grant planning permission subject to conditions:

1. Standard Time Limit
2. Specified Details, date 29 February 2008
3. When fuel tank the subject of this permission ceases to be used for the purpose for which it was installed, namely for storage of bio-diesel, it shall be removed from the site together with all hardstandings and ancillary equipment to leave the site cleared unless planning permission has been obtained for another use of the tank.
4. Prior to the commencement of the development full details of the design, size, colour and siting of the proposed timber screen fence shall be submitted to the local planning authority for their approval in writing. The agreed fence shall then be erected prior to the first use of the fuel tank.
5. Removal of Buildings.

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

Application: List No 9 C/64/69B Full planning for installation of bio-diesel fuel station, Compound at Stonedykes Barn, Stainforth.

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

GRANT planning permission subject to the following conditions ::

1. Standard Time Limit
2. The development hereby permitted shall be carried out in accordance with the details of the application as shown on submitted drawings entitled "Stonedykes Barn – Location Plan" and "Proposed Bio-diesel Tank Location" no. 3159 and specification entitled "Harlequin Bio-fuel Stations" (received 6th March 2008) except as may be varied by written agreement with the Local Planning Authority.
3. The bio-fuel tank hereby approved shall be that identified as tank "1400BFS – Standard" in submitted specification details entitled "Harlequin Bio-fuel Stations" received 6th March 2008.
4. When the tank hereby permitted ceases to be used for the purpose for which it was built, namely for the re-fueling of Yorkshire Dales National Park Authority vehicles, it shall be removed from the site together with all ancillary equipment and fittings, to leave the site cleared unless further planning permission has been obtained.

[Note: WH Brown declared a personal non-prejudicial interest in the item as the owner of a caravan site.]

Application: List No 10 C/71/40B Full planning permission for variation of condition 3 of planning consent YD5/71/40 to allow an extension of the season of use, Wood Nook Caravan Park, Threshfield.

Decision: That, after an unsuccessful proposal that the application be approved as recommended which was defeated on the casting vote of the Chairman, consideration of the application be deferred, again on the casting vote of the Chairman, as members were minded to refuse 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 reason for members' decision being that:

1. If approved it would be difficult to enforce against the use of the caravans as permanent residences.
2. A shorter period of closure would make it more likely that the caravans would be used as permanent residences.

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

For the motion to refuse the application:

RA Bird, Mrs A Brooks, G Dalton, W Fenten, TRN Harrison-Topham and W Weston.

Against the motion to refuse the application:

R Alderson, J Blackie, WH Brown, SHK Butcher, D Heather and KJ Lancaster.

Abstentions:

C Armitage and Dr KM Petyt.

53/08 UNAUTHORISED SITING AND OCCUPATION OF CARAVAN, GARTH NOOK STAINFORTH

CONSIDERED – the report of the Enforcement Officer.

RESOLVED –

That the Authority's Solicitor be authorised to serve an Enforcement Notice to secure the removal of the unauthorised caravan from land at Garth Nook, Stainforth, with a period for compliance of 3 months.

54/08 ANALYSIS OF APPLICATIONS AND APPEALS: 1 JANUARY TO 31 MARCH 2008

CONSIDERED – the report of the Senior Planning Technician.

RESOLVED –

That the report be noted.

55/08 REPORT OF THE HEAD OF PLANNING

CONSIDERED – the report of the Head of Planning.

A member raised the issue of the removal of trees from a plantation opposite Dent station which had resulted in damage to the Coal Road. A number of members echoed this concern and questioned the influence available to the Authority on these occasions. Comparison was made to the recent similar situation in Walden and the possibility of future action in Snaizeholme.

The Head of Planning stated that such instances were not planning matters, although he believed that the Authority was consulted on certain aspects of the proposals. A member suggested that the Authority would be consulted before a Certificate of Extraction was issued and should be able to exert some influence at that stage. Members sought a report to the full Authority on the processes by which these extractions were authorised and controlled.

RESOLVED –

That:

- (a) the report be noted;
- (b) Tree Preservation Order No1 (Horsehouse) 2008 be confirmed if no objections have been received following the 28day objection period; and
- (c) a report be submitted to the full Authority, setting out the process by which the Authority is consulted on forestry extractions and the opportunity(ies) available to the Authority and others to influence the method of extraction and removal of trees.

The remainder of business was considered in private

56/08 PLANNING ENFORCEMENT CLOSURES REPORT

CONSIDERED – the report of the Deputy Head of Planning that informed members of enforcement cases that had been resolved since 26 February 2008. He informed members that Cases 1634 and 1560 were withdrawn from the list of cases recommended for closure.

RESOLVED –

That:

- (a) the report and those cases recorded as 'Closed Cases' be noted, and
- (b) Case Nos 1618 and 1600 recommended for closure listed in the report of the Deputy Head of Planning, be closed.

57/08 OCCUPANCY OF SOCIAL HOUSING UNITS AT EMB SAY TANNERY

CONSIDERED - the report of the Deputy Head of Planning which sought members' views on the eligibility of three prospective occupiers of social housing units at Embsay Tannery.

The Chairman had agreed that this report could be considered as urgent business in order to avoid leaving the houses empty for another month, and prolonging, unreasonably, the uncertainty for the potential residents.

RESOLVED –

That the three prospective occupiers listed in the report of the Deputy Head of Planning be accepted as occupiers of the social housing units at the Embsay Tannery development, under the terms of the s106 Agreement attached to planning permission C26/353B.