YORKSHIRE DALES NATIONAL PARK AUTHORITY **ITEM 2**
PLANNING COMMITTEE

Minutes of the meeting held at the Yorkshire Dales National Park Authority offices, Yoredale, Bainbridge, Leyburn DL8 3EL on Tuesday 6 December 2022.

Committee Members Present:

John Amsden, Libby Bateman, Mark Corner, Richard Foster, Richard Good, Liz Hall (as substitute), Neil Heseltine, Robert Heseltine, Sandy Lancaster, Carl Lis, Ian Mitchell, Jim Munday, Andrew Murday, Yvonne Peacock, Neil Swain (in the Chair) and Derek Twine (as substitute).

48/22 APOLOGIES FOR ABSENCE and NOTICES OF SUBSTITUTION

Apologies had been received from David Ireton, Lizzie Bushby (who had sent notice substituting Derek Twine), and Allen Kirkbride (who had sent notice substituting Liz Hall).

49/22 MINUTES

RESOLVED – That the minutes of the meeting held on 25 October 2022, having been printed and circulated, be taken as read and be confirmed and signed by the Chair as a correct record.

50/22 PUBLIC QUESTIONS/STATEMENTS

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

51/22 DECLARATIONS OF LOBBYING

Members made the following declarations of lobbying:

Member	*Agenda item(s) on which lobbied*	*For or Against*
Neil Heseltine	5.2	For
Ian Mitchell	5.3	For and against
Yvonne Peacock	5.2	For

52/22 APPLICATIONS FOR PLANNING PERMISSION

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

Item 5 Schedule No.	**Reference**	**Location**	**Speaker**
02	R/56/527	Barn north of Burtersett Road, Hawes	Emma Blades (on behalf of the applicant)
03	S/03/606A	Kings Yard, Bainbridge Road, Sedbergh LA10 5AU	Peter Marshall (on behalf of the applicant)
04	S/10/18	Land immediately east of Old Scotch Road to land immediately west of Fell Lane Old Town, with highway works along Old Scotch Road	James Cullen (on behalf of the applicant)

CONSIDERED – the report of the Head of Development Management, listing applications for planning permission and the recommendations thereon, together with late consultations and update reports circulated after the despatch of the agenda but prior to the meeting.

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

[Note: These decisions are recorded in the order in which they appeared in the Schedule of Planning Applications NOT necessarily the order in which they were considered by the Committee.]

Application: List No 1: R/56/20F – Full planning permission for change of use from retail use to a dwelling at The Shop on the Bridge, Town Foot, Hawes DL8 3NL.

In response to Members' questions, the Planning Officer confirmed that the condition "holiday use restriction" in the report meant that the use of the building would be restricted to holiday use only; and that withdrawal of permitted development rights had been considered but was not thought necessary given the area of the curtilage was so small.

Decision: That permission be GRANTED subject to conditions including the following:

- Time limit
- Amended plans;
- Restriction - holiday use only;
- Development in accordance with Flood Risk Assessment;
- Nesting birds;
- Biodiversity enhancement; and
- Doors and windows not to open over highway.

Application: List No 2: R/56/527 – Full planning permission for conversion of traditional stone barn to create 2 bedroom living accommodation for local occupancy, reinstatement of existing access track and installation of package treatment plant at Barn north of Burtersett Road, Hawes.

The Head of Development Management advised the Committee that planning approval granted in 2018 for a nearby barn conversion could be distinguished from the current application due to the following key differences:

- The previous application met the requirements of policy L2 and the development would not have such a harmful impact on the landscape (being lower down and situated amongst drumlins);
- The current application did not meet the requirements of policy L2, the development would have significant harmful impact on the landscape, and the Highways Authority has recommended refusal.

Following an unsuccessful motion to grant planning permission,

Decision: That permission be REFUSED for the following reasons:

1. In the opinion of the Local Planning Authority, the proposal would have a significant harmful effect on the visual quality and intrinsic pastoral character of the site, surroundings and National Park landscape by virtue of the proposed use and associated development including the conversion, the creation of a new domestic curtilage, parking areas and access track. As such, the proposal is contrary to the guidance in the National Planning Policy Framework (2021) (para 176), the Statutory Purposes of the National Park, and to policies SP2, SP3, SP4, L2 and L3 of the Yorkshire Dales Local Plan 2015 – 2030; and

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

2. In the opinion of the Local Planning Authority, the proposed access by which vehicles associated with this development would leave and re-join the County Highway (the A684) is unsatisfactory, since the required visibility of 2.4 metres x 160 metres (based upon the results of a speed survey undertaken by the applicant) cannot be achieved at the junction with the County Highway when looking to the west with the proposed alignment and elevation. As such, the proposal is contrary to the guidance in the National Planning Policy Framework (2021) (para 111) and to policy SP4 of the Yorkshire Dales Local Plan 2015 – 2030.

The named vote in respect of the unsuccessful motion to grant planning permission being as follows:

For the unsuccessful motion:
John Amsden, Richard Foster, Richard Good, Liz Hall, Ian Mitchell and Yvonne Peacock.

Against the unsuccessful motion
Libby Bateman, Mark Corner, Neil Heseltine, Robert Heseltine, Sandy Lancaster, Carl Lis, Jim Munday, Andrew Murday, Neil Swain and Derek Twine.

Application: List No 3: S/03/606A – Full planning permission and relevant demolition of an unlisted building in a conservation area in respect of demolition of the existing commercial buildings and erection of 7 No. residential dwellings with associated means of access, parking and landscaping, at Kings Yard, Bainbridge Road, Sedbergh LA10 5AU.

In response to a Member's question, the Planning Officer advised that the conditions would include a limit on the hours of construction as recommended by Environmental Health – South Lakeland District Council, confirmed as being from 8am to 6pm Monday to Friday, from 8am to 1pm Saturday and no construction work on Sundays or Bank Holidays.

Decision: That permission be GRANTED, subject to conditions based on the following:

- Three year time limit;
- Compliance with approved Plans;
- Materials to be agreed – walls, roofs, hard-surfacing, boundary treatments, railings, steps;
- Details to be agreed – heads, cills, quoins, windows, doors, reveals, eaves/soffits, meter box positions and colour, secure cycle storage;
- Obscure glazing where necessary;
- Landscaping;
- Solar panels – matt black, non-reflective, dark frames;
- Drainage details to be agreed;
- Access to highway to be agreed;
- Parking and manoeuvring spaces to be kept available for their intended use;
- Land remediation;
- Construction Management Plan;
- Hours of construction;
- Archaeological Written Scheme of Investigation, implementation and publication;
- Overseeing of soft demolition works by ecological Clerk of Works;
- Requirement for biodiversity enhancements;
- Requirement for Electric Vehicle Charging points to be installed;
- Requirement for footpath links to be carried out and retained; and
- Removal of permitted development rights for extensions, alterations, outbuildings, additional renewable energy installations.

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

Application: List No 4: S/10/18 – Full planning permission for proposed works for and use of replacement section of aqueduct, including earthworks and ancillary infrastructure including: a new valve housing building within fenced compound with permanent vehicular access provision; open cut connection area within a temporary construction compound, to include site accesses, storage areas, plant and machinery, and drainage infrastructure; and a series of local highway works at land immediately east of Old Scotch Road to land immediately west of Fell Lane Old Town, with highways works at various locations along Old Scotch Road (Swarther section).

In response to a member's question it was confirmed that an application could have been submitted to the Secretary of State for permission under the provisions for nationally significant infrastructure, but the applicant was mindful of the need to avoid delay and, on their independent legal advice, decided instead to submit nine planning applications to seven planning authorities, this being one of these applications.

At the request of the Committee, the Head of Development Management was requested to consider if further mitigation measures could be put into place to counter the disturbance from construction traffic to residents and to recreational users of the highway, in particular to see if the hours when the highway would be free of construction traffic could be increased. Whilst some Members expressed concern about Saturday working, it was acknowledged that reduced hours may have other adverse knock-on effects such as increasing the numbers of lorries or the length of time to complete the construction. Parish Councils should be consulted as part of this exercise.

The Head of Development Management was also requested to liaise with the applicant and the Highways Authority to see whether the additional passing places could be kept, rather than re-instated at the end of the project; and to see if the net bio-diversity gain contribution could be increased.

Decision: That subject to delegating authority to the Head of Development Management to deal with those matters detailed above, that permission be GRANTED, subject to the following:

a) Adoption of the Proposed Swarther Section, Habitats Regulations Assessment Addendum (SLDC-YDNPA-SW-APP-010_01) produced by the Environment Partnership and dated February 2022, to meet the Authority's responsibilities as a competent authority in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) – with the mitigation and conditions contained in the Habitats Regulations Assessment incorporated into the obligations and conditions below;

b) A section 106 agreement incorporating the following obligations:
   - Temporary Traffic Restriction Orders;
   - Traffic Signage;
   - Hauliers Rules;
   - Highway Stakeholder Group;
   - Biodiversity Net Gain; AND

c) Conditions based on the following:
   - Phasing;
   - Access;
   - Onsite parking and manoeuvring;
   - Offsite highway works;
   - Travel Plan;
   - Surface water management;
   - Materials management;
   - Site waste management;
   - Private water supplies;

Application [Plans List No – Application No - Proposal] and Decision
- Noise and vibration; - Air quality; - Working hours; - Contamination; - Site reinstatement and restoration plan; - Trees; - Landscaping and tree replacement; - Biodiversity; AND - Archaeology.

There being no other business the meeting closed at 3:05pm.