

Planning Committee

held at Council Chamber, Ryedale House, Malton
Tuesday 15 March 2016

Present

Councillors Burr MBE, Cleary, Farnell, Frank (Vice-Chairman), Goodrick, Hope, Maud, Shields, Thornton and Windress (Chairman)

Substitutes:

In Attendance

Tim Goodall, Gary Housden, Ellis Mortimer, Mel Warters and Anthony Winship

Minutes

176 **Apologies for absence**

There was no apologies.

177 **Minutes of meeting held on 16 February 2016**

Decision

That the minutes of the Planning Committee held on 16 February 2016 be approved and signed as a correct record.

[For 10 Against 0 Abstain 0]

178 **Urgent Business**

There was no urgent business.

179 **Declarations of Interest**

Councillor	Application
Cleary	5, 14
Farnell	5, 8
Frank	5, 8
Goodrick	5, 8
Hope	5, 7
Windress	5, 8

Maud	5
Thornton	5, 7
Shields	5, 8, 9, 15
Burr	5, 15

180 **15/00971/CPO - Land At Alma Farm, Kirkby Misperton**

15/00971/CPO - To hydraulically stimulate and test the various geological formations previously identified during the 2013 KM8 drilling operation, followed by the production of gas from one or more of these formations into the existing production facilities, followed by wellsite restoration. Plant and machinery to be used includes a workover rig (maximum height 37m) hydraulic fracture equipment, coil tubing unit, wireline unit, well testing equipment, high pressure flowline, temporary flowline pipe supports, permanent high pressure flowline and permanent pipe supports

The Planning Committee considered the report of the Head of Planning and Housing which had previously been circulated.

The Council Solicitor advised the Planning Committee on the legality of the resolution of Council on the 8 October 2015 to call for a fracking moratorium.

The Council Solicitor reminded Members that the Planning Committee had received advice on this issue in a previous report to the Planning Committee meeting on 10 November 2015.

The resolution of Ryedale District Council does not suspend the operation of the planning system in relation to the determination of planning applications for fracking by the County Council or the exercise of the District Council's discretion to make a consultation response in relation to a fracking application.

Only Parliament and the Government can legally put in place a moratorium on fracking. In addition the District Council cannot fetter its discretion by the adoption of a blanket policy of a moratorium when considering consultation responses.

Against that background the statutory duty of the County Council to determine planning applications for fracking on planning grounds and the District Council's legal power to exercise its discretion to make a consultation response in relation to a fracking application subject to the normal public law principles are not affected by the resolution.

The Planning Committee was also advised that the District Council is subject to the common law principles which apply to all decision-making by local authorities, including the requirement to take a reasoned decision based upon all material information. When the District Council exercises its discretion it abuses its discretion if it takes into account irrelevant considerations or failing to take into account relevant considerations.

Members of the Planning Committee were reminded that the responsibility for declaring interests is for each Member. If a Member of the Planning Committee has a closed mind on the issue and has pre-determined the issue they should not participate as a Committee Member and should stand down from the Planning Committee for that item.

In accordance with the Members Code of Conduct Councillors Cleary, Farnell, Frank, Goodrick, Hope, Windress, Maud, Thornton, Shields and Burr declared a personal non pecuniary but not prejudicial interest.

Councillor Burr indicated she had an open mind on this application.

181 **Schedule of items to be determined by Committee**

The Head of Planning & Housing submitted a list (previously circulated) of the applications for planning permission with recommendations thereon.

182 **15/01384/FUL - Land East Of Sheriff Hutton Industrial Estate, Sheriff Hutton**

15/01384/FUL - Change of use of agricultural land to form a holiday park to include the erection of 10no. holiday lodges, biomass heating store and refuse store together with formation of associated gravel track, car parking spaces and vehicular access

Decision

PERMISSION GRANTED - Subject to conditions as recommended

[For 7 Against 1 Abstain 2]

In accordance with the Members Code of Conduct Councillors Hope and Thornton declared a personal non pecuniary but not prejudicial interest.

183 **15/01517/73A - Land North Of, Broughton Road, Malton**

15/01517/73AM - Variation of Conditions 11, 14 and 33 of approval 14/00346/73AM dated 27.08.2014 by submission of amended and additional plans in relation to road arrangements and associated landscaping

Decision

DEFERRED

[For 9 Against 1 Abstain 0]

In accordance with the Members Code of Conduct Councillors Farnell, Frank, Goodrick, Windress and Shields declared a personal non pecuniary but not prejudicial interest.

184 **15/01522/73A - Land North Of, Broughton Road, Malton**

15/01522/73AM - Variation of Conditions 04 and 08 of approval 11/01182/MREM dated 26.10.2012 by submission of amended and additional plans in relation to landscaping

Decision			
DEFERRED			
[For 9	Against 1	Abstain 0]	

In accordance with the Members Code of Conduct Councillor Shields declared a personal non pecuniary but not prejudicial interest.

185 **15/01521/MFUL - The Homestead, Scarborough Road, East Heslerton**

15/01521/MFUL - Change of use of garden/small holding land to a Glamping holiday site with the siting of 16no. glamping tents on moveable sleds and 16no. associated individual toilet/shower service pods on moveable sleds together with upgrading of existing vehicular access from Carr Lane, communal parking and turning area for 20no. cars and clearer definition of the residential domestic curtilage of The Homestead dwelling

Decision			
PERMISSION GRANTED - Subject to conditions as recommended			
[For 9	Against 0	Abstain 1]	

186 **15/01435/FUL - The Methodist Church And Garden, Steelmoor Lane, Barton-le-Willows**

15/01435/FUL - Change of use and alteration of chapel to form a 3no. bedroom dwelling to include parking/turning area, amenity area and formation of vehicular access

Decision			
PERMISSION GRANTED - Subject to conditions as recommended			
[For 10	Against 0	Abstain	0]

187 15/01467/73A - 20 Eastgate, Pickering

15/01467/73A - Variation of Condition 04 of approval 11/00943/HOUSE dated 16.11.2011 to replace Drawings 'Site and Floor Plan', 'East Elevation', 'West Elevation' and 'North and South Elevation' with Drawing no. 081 215 1 B - revised garage details (retrospective).

Decision			
PERMISSION GRANTED - Subject to conditions			
[For 8	Against 0	Abstain	2]

188 15/01482/FUL - Grange Cottage, Grange Lane, Scackleton

15/01482/FUL - Extension and alteration of existing dwelling to form a five bedroom dwelling to include incorporation of unused adjacent dwelling as additional domestic accommodation, erection of two storey rear extension, removal of detached outbuilding and remains of other outbuildings and change of use of agricultural land to form extension to domestic curtilage and formation of vehicular access track to Grange Lane - part retrospective application (revised details to approval 13/01402/FUL dated 06.03.2014)

Decision			
PERMISSION GRANTED - Subject to conditions as recommended			
[For 10	Against 0	Abstain	0]

189 **16/00053/HOUSE -Low Meadow, Church Lane, Welburn**

16/00053/HOUSE - Erection of a single storey extension to rear elevation, erection of a front porch, attached timber clad storage shed to the side (west elevation) and erection of a detached outbuilding (part retrospective application)

Decision			
PERMISSION GRANTED - Subject to conditions as recommended			
[For 9	Against 0	Abstain 1]	

In accordance with the Members Code of Conduct Councillor Cleary declared a personal non pecuniary but not prejudicial interest.

190 **16/00147/CPO - 68 Langton Road, Norton**

16/00147/CPO - Conversion of existing building, grounds and single storey extension to existing building (currently a D2 Use) to provide a new satellite primary school to Norton Primary School, associated grassed play area (circa 4841 sq. m) and playground (circa 1362 sq. m), widened 2 way vehicular access, controlled 'raising arm' access barrier, hardstanding and 17 car parking spaces (2 disabled) (circa 4274sq. m), bin store, 2 No. cycle shelters (for 40 cycles), 12 No. 6 metre high lighting columns, 5 No. low level lighting bollards, a delivery/turning area and pedestrian walkways, timber walkway raised to up to 2 metres in height depending on ground level, 2 metre high mesh security fence, access ramps, roof-mounted extract fan and air conditioning units and removal of prefabricated unit, sheds and storage containers and soft landscaping works

Decision			
RECOMMEND TO SUPPORT			
[For 8	Against 0	Abstain 2]	

In accordance with the Members Code of Conduct Councillors Shields and Burr declared an interest as Members of NYCC.

191 **Any other business that the Chairman decides is urgent.**

There was no urgent business.

192 **List of Applications determined under delegated Powers.**

The Head of Planning & Housing submitted for information (previously circulated) which gave details of the applications determined by the Head of Planning & Housing in accordance with the scheme of Delegated Decisions.

193 **Update on Appeal Decisions**

Members were advised of the following appeal decision

Appeal Ref - APP/Y2736/D/15/3136405 - 44 Wold Street, Norton, Malton, YO17 9AA

The meeting closed at 10.40pm