

## North Yorkshire County Council

### Planning and Regulatory Functions Committee

Minutes of the meeting held at County Hall, Northallerton on 24 October 2017 at 10.00 am.

**Present:-**

County Councillors Peter Sowray (Chairman), David Blades, Eric Broadbent, Robert Heseltine, David Hugill, David Ireton (as substitute for Richard Musgrave), Mike Jordan, Zoe Metcalfe, Chris Pearson, and Clive Pearson.

Apologies for absence were submitted from County Councillors John McCartney and Richard Musgrave.

There were four members of the public in attendance.

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**Copies of all documents considered are in the Minute Book**

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**30. Minutes**

**Resolved -**

That the Minutes of the meeting held on 29 August 2017, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

**31. Declarations of Interest**

There were no declarations of interest.

**32. Public Questions or Statements**

The representative of the Assistant Chief Executive (Legal and Democratic Services) referred to an email received from a Member of the Committee, which he had forwarded on behalf of a member of the public, regarding potential breaches of planning conditions in respect of an application determined by the Planning and Regulatory Functions Committee. The Chairman stated that the matter had been referred to the appropriate officers for them to determine the action required in relation to the issues raised, in line with usual practice.

It was noted that, apart from the people who had registered to speak in respect of the application below, and who would be invited to do so during consideration of that Item, there were no questions or statements from members of the public.

**33. C1/17/00548/CM – (NY/2017/0160/73A) - Application to vary Condition No. 2 of Planning Permission Ref. No. C1/13/00022/CM to permit unrestricted hours of use of the sports pavilion at Richmond School, Darlington Road, Richmond**

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application to vary condition no. 2 of Planning Permission Ref. No. C1/13/00022/CM to extend the hours of use of the sports pavilion on land at Richmond School, Darlington Road, Richmond.

The application was subject to objections raised by Richmondshire District Council (Planning), Richmond Town Council and 12 local residents on the grounds of noise and light disturbance, need for extension to permitted hours, traffic movements and parking and management and security of the pavilion and fear of crime and was, therefore, reported to the Committee for determination.

Mr Bruce Hunter, local resident, addressed the Committee, outlining the following:-

- ◆ He emphasised that he had no objection, in principle, to the use of the sports pavilion as a community facility, in line with the existing operational hours and days.
- ◆ He noted that there had been occasions, since the opening of the pavilion, when the conditions relating to operational hours and days had been breached and those breaches had been reported to the Planning Authority.
- ◆ He considered that the proposal would lead to the pavilion being used as a social venue rather than a sports pavilion.
- ◆ He noted that similar sports pavilions in the region did not operate at the times requested, and set out in the proposed conditions, and could see no reason for the sports pavilion at the school to operate differently to those other venues.
- ◆ He noted that extending the hours and days of operation would allow alcohol to be sold during those times, thereby creating a social venue.
- ◆ He noted the significant issues raised by the local community in terms of the effect on local amenity including light and noise pollution and requested that the Committee reject the application in respect of those issues.

A representative of the Head of Planning Services presented the Committee report, highlighting the proposal; the site description; the consultations that had taken place; the advertisement and representations; planning guidance and policy; planning considerations and provided a conclusion and recommendation.

Detailed plans, photographs and visual information were presented to complement the report.

She noted that since the publication of the report there had been two further representations received from members of the public, one objecting to, and, one supporting the application and an email from the local County Councillor whose division the application was in. She noted that the issues highlighted within those further representations did not raise any additional issues to those identified through previous representations, as detailed in the report.

Members undertook a discussion of the application and the following issues and points were raised:-

- ◆ A Member noted the reference from the public speaker to breaches of the original planning conditions and asked for details in relation to those. In response it was stated that the only reported breach took place in May 2017 and was in relation to the use of the football pitch for a family fun day, on a Sunday, which was not compliant with the existing conditions. It was noted that there had also been some confusion in relation to the hours permitted to use facilities. It was stated that those issues had led to this application being submitted.
- ◆ In terms of compliance with the new conditions set out in the report, should the application be approved by Members, it was noted that this would be managed by the school.
- ◆ Clarification was provided as to where the car parking facilities were on the site and that it was considered that there were adequate parking facilities to serve the site and the sports pavilion.
- ◆ It was clarified that there was no smoking area for the sports pavilion, as the school site was a no smoking site, however, those who wished to smoke could leave the site at the bridleway adjacent to the boundary. It was not considered that anyone wishing to smoke off site would have a significant impact on local residences.
- ◆ A Member noted that a number of issues arising from the application related to licensing regulations and asked whether the District Council had raised any concerns in terms of licensing matters in view of the application. In response it was noted that the relevant licences had been granted by the District Council and that consideration of these was not pertinent to determination of the planning application. A Member suggested that condition 4 was the most appropriate condition that could be applied in terms of musical performances taking place within the pavilion and, therefore, suggested that consideration be given to adding an informative to the decision notice, should Members be minded to grant the application, in relation to the determination of licensing issues, and the need to approach the District Council.
- ◆ A Member stated that the email from the local County Councillor referred to a restrictive covenant placed on the land. In response it was highlighted that this matter was addressed within the report at paragraphs 7.39 and 7.40. It was noted that a restrictive covenant was not a material planning consideration and was a civil matter which fell outside the scope of the planning process.
- ◆ It was stated that a consultation had taken place in relation to the proposed later opening of the pavilion with signs placed along Darlington Road, outside of the school boundary and near to residential properties, with no objections having been received in relation to that.

**Resolved -**

- (i) That the application be approved for the reasons stated within the report and subject to the conditions detailed;
- (ii) That the following informative note be added to the decision notice:

“Please note matters dealt with under the licensing regime would be governed by the District Council and any necessary permissions would need to be sought

directly from Richmondshire District Council.”

**34. Items dealt with under the Scheme of Delegation**

Considered -

The report of the Corporate Director - Business and Environmental Services outlining items dealt with under the Scheme of Delegation between the period 31 July 2017 to 25 September 2017, inclusive.

**Resolved -**

That the report be noted.

**35. Conferment of the Title of Honorary Alderman**

Considered -

The report of the Assistant Chief Executive (Legal and Democratic Services) requesting Members to consider whether it would wish to make recommendation to the County Council to confer the title of Honorary Alderman on former Members of the Council.

A representative of the Assistant Chief Executive noted that, following the County Council elections in May 2017, six Members had served the County Council for 20 years or more and, therefore, were eligible to be conferred with the title of Honorary Alderman, those Members were:-

Margaret-Ann de Courcey-Bayley  
John Fort BEM  
Bill Houlton  
Shelagh Marshall OBE  
Chris Metcalfe  
John Savage

He also noted that, subject to Members' agreement, Bernard Bateman MBE who had been elected partway through the 1997 municipal year, by way of a by-election, could be conferred with the title of Honorary Alderman, should the Committee agree that service commencing partway through a municipal year would be seen as a full year's service, thereby giving 20 years' service to the former Member.

Members were also requested to consider conferring the title of Honorary Alderman to former County Councillor Michael Heseltine, on a posthumous basis, in view of his 40 years of service to the County Council, up until his death late last year.

It was noted that the Committee would make a recommendation to County Council of those former Members they wished to confer the title of Honorary Alderman to and that a special meeting of the Council would take place to undertake that ceremony.

**Resolved -**

That it be recommended to County Council:

- (i) that Margaret-Ann de Courcey-Bayley, John Fort BEM, Bill Houlton, Shelagh Marshall OBE, Chris Metcalfe and John Savage be conferred with the title of Honorary Aldermen;

- (ii) that Bernard Bateman MBE be conferred with the title of Honorary Alderman and that the regulations relating to the conferment of the title of Honorary Alderman be altered to ensure that, in the future, those elected by way of a by-election, part way through a municipal year, are considered as having served a full year, in respect of the years of service required for the conferment of the title; and
- (iii) that former County Councillor Michael Heseltine be conferred with the title of Honorary Alderman, posthumously.

The meeting concluded at 10.45 am.

SL/JR