



TITLE OF CONSULTATION: PLANNING APPLICATION DECISIONS
OFFICER REQUESTING: GARY HOUSDEN. HEAD OF PLANNING AND REGULATORY SERVICES

1.0 PURPOSE

1.1 To determine three planning applications and one enforcement matter following the consultation meeting of the members of the Planning Committee held on the 4 August 2020.

2.0 RECOMMENDATIONS

2.1 It is recommended that the following applications are determined as follows:

(i) Item 1. Refusal for the following reasons:

1 The proposed use of the site and associated activity would generate noise, odour and disturbance that would be detrimental to the amenities currently enjoyed by the occupants of adjacent dwellings contrary to Policy SP20 of the adopted Ryedale Plan Local Plan Strategy (2013)

2 The site is located in close proximity to the edge of Malton Town Centre at a transition point where the predominant surrounding land use is residential. The proposal, by virtue of the scale of operations and the nature of the uses proposed together with its associated activity, is out of character with the predominant (residential) land use and to the detriment of the ambience of the immediate locality and in this respect the proposal is contrary to Policy SP20 of the adopted Ryedale Plan Local Plan Strategy (2013).

3 The proposed development is by virtue of its height, span, building footprint and external finish, industrial in its scale and appearance. The proposed design is considered to be incongruous in the existing street scene and it would detract from the traditional built form and character of this part of the town and would be contrary to Policies SP16 and SP20 of the adopted Ryedale Plan – Local Plan Strategy

(ii) Item 2. Conditional Approval (pending confirmation from the Secretary of State of a call-in request decision)

(iii) Item 3. Conditional Approval

(iv) Item 4. Approve and proceed to take enforcement action.

3.0 REASON FOR RECOMMENDATIONS

- 3.1 The process for determining those planning applications and the enforcement case (which would otherwise be determined by the planning committee) under Urgency Powers has been agreed.
- 3.2 In order to inform the determination of the applications and the enforcement case, a consultation meeting of the members of Planning Committee was held at 6.00pm on 4 August 2020. Three planning applications and one planning enforcement report were considered by the members of Planning Committee during the virtual meeting. The members that participated in the meeting were as follows:
- Councillor P Andrews
Councillor Cleary
Councillor Goodrick (Chair)
Councillor Graham
Councillor Hope
Councillor Mackenzie
Councillor Mason
Councillor Potter
Councillor Riby
Councillor Windress (Vice Chair)
- 3.3 In advance of the consultation meeting, hard copies of officer reports covering each item, site photographs and update papers were distributed to every councillor attending the meeting. All applicants and third parties were also informed of the decision making process under urgency powers in advance of the virtual meeting and were asked to submit any further representations before 11.00 am on the 4 August 2020.
- 3.4 Further written representations were received in relation to the following items
- Item 1. Written statement/ speech from the applicant.
 - Item 2. Written Statements/speeches from Wombleton Parish Council and 6 Third party objectors.
 - Item 3. Written statement from the applicant.
- 3.5 The Officer reports, site photographs and the further written representations of applicants and third parties are on the application files.
- 3.6 At the start of the meeting the Chair confirmed the purpose of the meeting, meeting etiquette and her intention that the meeting would be conducted in a way that would closely mirror the consideration of applications at formal meetings of the planning committee. For each application this included: a short presentation by officers; written statements from applicants and third parties to be read out in full (in lieu of public speaking); questions to officers; debate, followed by a vote for each item.
- 3.7 Members were advised that Item 2 was the subject of a call in request to the Secretary of State. Officers reported that they had confirmed with the national planning casework unit that a decision would not be issued until the Secretary of State has confirmed whether he will determine the application.
- 3.8 The outcome of the consultation meeting, which is to be followed by the Chief Executive in determining the applications is as follows:

	Item 1	Item 2	Item 3	Item 4
Officer Recommendation	Conditional Approval.	Conditional Approval (subject to further revisions to proposed condition 5)	Conditional Approval	To take Enforcement Action in line with the recommendations in the report.
Moved	Refusal Cllr Andrews	Approval Cllr Windress	Approval Cllr Mason	Officer Recommendation Cllr Mackenzie
Seconded	Cllr Riby	Cllr Goodrick	Cllr Andrews	Cllr Andrews
Vote				
Cllr Andrews	For/Refuse	Against/ Refuse	For/Approve	For/Approve
Cllr Cleary	For/Refuse	For/Approve	For/Approve	For/Approve
Cllr Goodrick	For/Refuse	For/Approve	For/Approve	For/Approve
Cllr Graham	For/Refuse	Abstain	For/Approve	For/Approve
Cllr Hope	For/Refuse	For/Approve	For/Approve	For/Approve
Cllr Mackenzie	Abstain	For/Approve	For/Approve	For/Approve
Cllr Mason	Declared Interest	For/Approve	For/Approve	For/Approve
Cllr Potter	Against/Approve	Against/Refuse	For/Approve	For/Approve
Cllr Riby	For/Refuse	Against/Refuse	For/Approve	For/Approve
Cllr Windress	Against/Approve	For/Approve	For/Approve	For/Approve
Decision/ Recommendation to CEO and Leader	6 Refusal 1 Abstention 2 Approve REFUSE	6 Approve 3 Refuse 1 Abstention MINDED TO APPROVE	10 Approve Unanimous	10 Approve APPROVE /PROCEED WITH ENFORCEMENT ACTION

3.9 The members resolved to refuse Item 1 against officer recommendation. In considering the report and following a site visit, the members expressed concern over the impact of the proposed development on: the residential amenity of the occupiers of nearby residential properties; the nature and character of land uses in the locality and the built form and character of the building group and immediate locality. The members placed greater weight on the impact of the proposal on these issues in the planning balance.

3.10 The members were minded to approve item 2 and in the knowledge that further minor revisions were required to condition 5. The condition is proposed to read as follows:

5 The land edged in Blue and the land edged in Red as shown in the site Layout Plan 24.02.2020. Is subject to the following requirements:

Within the Runway_Strip as defined by CAA CAP 168 for a Code 1A non-instrument runway by there shall be no obstacles under any circumstances including fences and trees, positioned on or above the ground in accordance with site layout plan WA-HL-1.1.

Within the extended_30 degree zones from the marked take off points 105 metres in from each end and which are sectors either side of the runway centre line identified as safety areas for the purposes of CAA CAP 793 (RESA CAP 168 3.68) there shall be no obstacles under any circumstances including fences and trees, positioned on or above the ground in accordance with site layout plan WA-HL-1.1.

No obstacles (including trees) shall penetrate or protrude through the Transitional Surface as identified in CAA CAP 168 for a Code 1A non-instrument runway.

No obstacles (including trees) shall penetrate or protrude through the Approach Surface as identified in CAA CAP 168 for a Code 1A non-instrument runway.

In the event of cranes being required during construction they either do not penetrate the Transitional Surface or notice is provided to the owner of runway 17/35 of the timing and duration of such events.

Reason: To ensure that the safe operation of the runway is not prejudiced, in accordance with Policy SP20 (General Development Management Issues) of the adopted Ryedale Plan- Local Plan Strategy which requires that adjacent land uses are not compromised by new development, and in accordance with the hereby approved plans.

INFORMATIVES

The Runway_Strip includes_a defined zone around the runway. It should be at least 32.4 metres wide from the centreline of the runway in the case of runway 17/35 in accordance with CAA CAP 168, and it also extends, notionally, 30m from the runway threshold (ends).

There_are also zones of land forming 30o sectors from the marked take off points 105 metres in from each runway end to either side of the centre line of the runway extending away from the runway thresholds (ends). These_are identified at either end of the runway as safety areas for the purposes of CAA CAP 793. (RESA CAP 168 3.68)

The Transitional Surface sometimes known as Slope-of the Transitional Obstacle Limitation Surface, is a non-physical boundary. It starts at the outer side edge of the Runway_Strip, and representing a 1:5 rising slope identified the area within which no obstacle is allowed to be higher (penetrate) that level rising up to a height of 45 metres.

The Approach Surface is an Obstacle Limitation Surface and commences at ground level at each end of the Runway Strip (thus 30m from the runway end) with a corresponding width and rising away from the Runway Strip and away from ground level at a slope of 1:20 and with a diverging angle of 10 degrees each side. It comprises a non-physical surface above which a plane may fly to land safely.

4.0 SIGNIFICANT RISKS

- 4.1 The recommendations are made taking into account planning decision making principles, including the policies of the development plan and material planning considerations. The Council's agreed process under urgency powers has been followed.

5.0 IMPLICATIONS

- 5.1 The following implications have been identified:

a) Financial
Not applicable

b) Legal
The Council's agreed process under urgency powers has been followed

- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)
There are no other specific implications associated with the recommendations.

Supporting documents to planning applications are available on the Council's [planning portal](#). Please note that any documents not currently accessible online due to the covid-19 public health emergency will be made available as soon as possible.

Relevant documents for the applications considered in this decision notice are as follows:

Item 1: Officer reports, application supporting material, consultation responses, applicant's statement

Item 2: Officer reports, application supporting material, consultation responses, Statements from the Parish Council and objectors

Item 3: Officer report, application supporting material, consultation responses, Statement from the applicant

Item 4: Officer report

<https://planningregister.ryedale.gov.uk/caonline-applications/simpleSearchResults.do?action=firstPage>

6.0 MONITORING OFFICER ADVICE

Consultation has been undertaken with the Planning Committee Chair and its members, as agreed under the approved process for dealing with planning applications under urgency powers, which would normally have gone to Committee. Consultation is now required with the Leader.

7.0 CONSULTATION RECORD

According to the Constitution, under urgency powers, decisions usually taken by the Council and its committees are taken by the CEO following consultation with the appropriate elected members.

The appropriate elected members are:

- The Leader of the Council
- The Chair of the appropriate committee, for matters relating to that specific committee¹
- Relevant Ward member(s), if any, for matters of particular relevance to that ward²

Name of consultee	Cllr Duncan – Leader of Council
This is agreed as the decisions reflect the outcome of the consultation planning meeting.	
Date consultation completed	07-08-20

8.0 DECISION

Decision of the Acting CEO (Louise Wood) based on consultation	The recommendations are agreed.
Date	07-08-20

¹ “Chairman of the appropriate Committee” refers to committee specific matters and does not mean that all Committee Chairs will be consulted on everything

² “Relevant Ward Member(s), if any” refers to ward specific matters and does not mean that all Members will be consulted on everything