



TITLE OF CONSULTATION: PLANNING APPLICATION DECISIONS

OFFICER REQUESTING: GARY HOUSDEN. HEAD OF PLANNING AND REGULATORY SERVICES

1.0 PURPOSE

1.1 To determine four planning applications following the virtual consultation meeting of the members of the planning committee held on the 5 May 2020.

2.0 RECOMMENDATION(S)

2.1 It is recommended that:

- (i) Item 1. Application ref: 20/00128/MFUL – Land off Butterwick Road, Butterwick. Approval subject to the prior completion of a Section 106 Legal Agreement to secure the ecological monitoring of the site; conditions listed in the officer report and further conditions as required by the Local Lead Flood Authority.
- (ii) Item 2. Application ref: 20/00069/HOUSE – 6 Herongate, Pickering. Approval subject to conditions listed in the Officer report.
- (iii) Item 3. Application ref: 20/00091/73A – 54 Westlands, Pickering. Approval subject to conditions listed in the officer report
- (iv) Item 4. Application ref: 20/00214/HOUSE – Broughton Lodge, Broughton Road, Malton. Refusal for the reasons detailed in the officer report

3.0 REASON FOR RECOMMENDATION(S)

3.1 The process for determining those planning applications (which would otherwise be determined by the planning committee) under Urgency Powers has been the agreed.

3.2 In order to inform the determination of applications, a virtual consultation meeting of the members of the planning committee was held at 6.00pm on 5 May 2020. Four applications were considered by the members of the planning committee during the virtual meeting. The members that participated in the meeting were as follows:

Councillor P Andrews
Councillor M Cleary
Councillor C Docwra (Sub)
Councillor J Frank (Sub)
Councillor C Goodrick (Chair)
Councillor S Graham
Councillor S Mason
Councillor M Potter
Councillor A Riby
Councillor J Windress

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 5 May 2020 .

3.4 Further written representations were received in relation to the following items

- Item 1. A written statement from the youngest son of the applicant
- Item 3. A written statement from the applicant and four written representations from three third parties
- Item 4. A written statement from the applicant and a written statement from Councillor L Burr (Ward Member)

3.5 The Officer reports, site photographs and the further written representations of applicants and third parties are available on the Council's planning portal.

3.7 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; representations 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.

3.8 The outcome of the consultation meeting, which is to be followed by the Chief Executive in determining the applications is as follows:

	Item 1 20/00128/MFUL	Item 2 20/00069/HOUSE	Item 3 20/00091/73A	Item 4 20/00214/HOUSE
Officer Recommendation	Approval subject to the prior completion of a Section 106 Legal Agreement to secure the ecological monitoring of the site; conditions listed in the officer report and further conditions as required by the Local Lead Flood Authority	Approval subject to conditions listed in the officer report	Approval subject to conditions listed in the officer report	Refusal for the reasons detailed in the officer report
Moved	Approve Cllr Cleary	Approve Cllr Potter	Approve Cllr Potter	Approve Cllr Andrews
Seconded	Cllr Andrews	Cllr Andrews	Cllr Windress	Cllr Frank
Vote				
Cllr Andrews	For	For	For	For
Cllr Cleary	For	For	For	Against
Cllr Docwra	For	For	For	Against
Cllr Frank	For	For	For	For
Cllr Goodrick	For	For	For	Against
Cllr Graham	For	For	For	Against
Cllr Mason	For	For	For	Against
Cllr Potter	For	For	For	Against
Cllr Riby	For	For	For	Against
Cllr Windress	For	For	For	Against
	10 For approval Unanimous	10 For approval Unanimous	10 For approval Unanimous	2 For approval 8Against approval

- 3.9 The members of the meeting unanimously voted to approve Items 1, 2 and 3, in line with the officer recommendation. A move to approve Item 4 against officer recommendation was defeated.
- 3.10 Two of the written representations received from third parties expressed concern that the taking of decisions by an unelected official under urgency powers is undemocratic. In response, the Council has carefully followed its own constitution in enacting and operating within its urgency powers. The process for the determination of planning applications has been given careful consideration. The planning committee consultation meeting has been established to ensure that elected members/ members of the planning committee are able to fully consider applications and to provide a view to the Chief Executive on whether an application should be approved, refused or deferred. The Council's agreed process whilst operating under urgency powers is that the Chief Executive will make decisions on applications which will follow the view of the planning consultation meeting. The process also ensures that third parties and applicants have the right to make further representations to elected members before decisions are made.
- 3.11 It is considered that the process by which applications are determined in Ryedale under emergency powers ensures that democracy is not undermined, that decisions are made in a transparent way and that no person is disadvantaged by not being able to make their views known to elected members.

4.0 SIGNIFICANT RISKS

- 4.1 There are no significant risks associated with the recommendations. 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: 20/00128/MFUL. Officer Report. Written statement by Henry Mason on behalf of the applicant
Item 2: 20/00069/HOUSE. Officer Report

Item 3: 20/00091/73A. Officer Report. Written statement by the applicant (Mr Catterall). X 4
Third party written representations (Mr Stirzaker; J Verrill (x2); C & A Jennison
Item 4: 20/00214/HOUSE. Officer Report. Written statement by the applicant (Mrs
Hopkinson) . Written statement of Councillor Lindsay Burr

Site Photographs

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	07-05-20

8.0 DECISION

Decision of the CEO based on consultation	The recommendations are agreed.
Date	07-05-20

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