



# Record of Decisions

## CEO Urgent Decision Session - Planning

Venue: Chief Executive's Office  
Date: Thursday, 16 April 2020  
Time: 9.00 am

Officers Present Janet Waggott - Chief Executive, Martin Grainger - Head of  
Remotely via Teams: Planning, Ruth Hardingham - Planning Development  
Manager, Glenn Sharpe - Solicitor, Victoria Foreman  
Democratic Services Officer

### 3 PLANNING APPLICATIONS RECEIVED

#### 3.1 2018/1116/DOV: WAREHOUSING DEPOT, STATION ROAD, HAMBLETON

**Location:** 2018/1116/DOV – Warehousing Depot, Station Road, Hambleton

**Proposal:** Request for a Deed of Variation to a Section 106 agreement seeking the payment of a commuted sum to be used towards: (1) the provision of a children's play area and play equipment elsewhere in Hambleton; and/or (2) the enhancement of existing areas of recreational open space in Hambleton; in lieu of the provision of a children's play area and play equipment on the land in respect of planning approval 2005/0876/FUL for residential development comprising of 89 (2 storey and 2 1/2 storey) dwellings and associated works on 2.3 ha of land, following demolition of existing buildings on land off Station Road

The matter had been brought back to the Chief Executive for consideration under urgency following consideration at the 7 November 2018 Planning Committee meeting, where the applicants sought a Deed of Variation to the original Section 106 agreement seeking the payment of a commuted sum to be used towards the provision of a children's play area and play equipment elsewhere in Hambleton, in lieu of the provision of a children's play area and play equipment on the land in respect of

planning approval 2005/0876/FUL. Members resolved to approve the request for a Deed of Variation and delegate authority to Officers to complete a Deed in accordance with the application. This variation was to be time limited for a period of 3 years from the date of the decision.

Officers presented the application to the Chief Executive who noted the details of the request for a Deed of Variation to a Section 106 payment.

As part of the decision-making process Members were consulted on the applications. These comments were collated and presented to the Chief Executive as part of her decision making.

Comments had been received from some Members of the Planning Committee expressing their support for the application, and a query raised about consultation of the Parish Council on the matter. Officers explained that the Parish Council were consulted on the Deed of Variation at the time it was submitted and had raised no objections. The Parish Council also supported the commuted sum being used to provide play facilities in the Hambleton area, which would still be the case with the revised recommendation.

The Chief Executive suggested that the Scheme of Delegation in the Council's Constitution could be looked at in the future, as decisions on Deeds of Variation may be better considered by Officers under delegated powers.

The Chief Executive, having considered the report and representations from Members and Officers in full, confirmed that she agreed with the Officer's recommendation to approve the Deed of Variation.

**RESOLVED:**

**To APPROVE the request for a Deed of Variation, with delegation being given to Officers to complete a Deed of Variation to the original Section 106 agreement to allow the payment of a commuted sum to be used towards: (1) the provision of a children's play area and play equipment elsewhere in Hambleton; and/or (2) the enhancement of existing areas of recreational open space in Hambleton; in lieu of the provision of a children's play area and play equipment on the land in respect of planning approval 2005/0876/FUL for residential development**

**comprising of 89 (2 storey and 2 1/2 storey) dwellings and associated works on 2.3 ha of land, following demolition of existing buildings on land off Station Road.**

### **3.2 2019/1018/PROW: LOW STREET, CARLTON**

**Location:** 2019/1018/PROW – Low Street, Carlton

**Proposal:** Request for a Public Path Diversion Order relating to Footpath 35.18/6/1 at Land off Low Street, Carlton

The application had been brought before the Chief Executive for consideration under urgency due to it being a proposal to divert a public highway affected by development.

Officers presented the application to the Chief Executive who noted that it was for sought approval for the making of the Public Path Diversion Order, which would then be subject to the required consultation. Notice of sealing was to be advertised for 28 days via site notice, press notice, and letter to Auto-Cycle Union; British Horse Society; Byways and Bridleways Trust; Open Spaces Society; Ramblers Association; Cyclists Touring Club; NYCC Highways; NYCC Public Rights of Way Officer; Parish Council, and all immediate neighbours.

As part of the decision-making process Members were consulted on the applications. These comments were collated and presented to the Chief Executive as part of her decision making.

Comments had been received from some Members of the Planning Committee expressing their support for the Officer's recommendation, but also querying why the application required consideration by Planning Committee. Officers explained that there had been clear legal advice from the Solicitor to the Council that the application needed to go before Members having regard to Part 3 of the Constitution of the Council.

The Chief Executive suggested that any consultation on the scheme, to be undertaken once the decision had been made, should be delayed until there was a chance that the notices would be seen by those people using the Public Right of Way, which under the current circumstances due to the Covid-19, could be a number of weeks away. Officers agreed with this approach and agreed that a delay in the consultation was sensible.

The Chief Executive, having considered the report and representations from Members and Officers in full, confirmed that she agreed with the Officer's recommendation to approve the making of the Public Path Diversion Order which would be subject to the required consultation, and to also approve the related appropriate delegations to Officers.

**RESOLVED:**

- i) To GRANT the making of the Public Path Diversion Order, which will be subject to the required consultation.**
- ii) That consultation be delayed for a period of three weeks due to the Covid-19 lockdown across the United Kingdom; this delay would be subject to review in light of any decisions on the lockdown taken by Central Government on or after 7 May, following which Officers would assess if the consultation could take place.**
- iii) To APPROVE the delegation to Officers to confirm the Public Path Diversion Order following the expiry of a 28 day consultation period, subject to no objections being received or objections that are received through the consultation period being subsequently withdrawn within two months after the expiration of the objection period. Where objections are received within the specified time limit and not subsequently withdrawn within two months after the expiration of the objection period, that delegation be given to Officers to refer the Public Path Diversion Order to the Secretary of State.**
- iv) To APPROVE delegation to Officers to certify the Public Path Diversion Order following the completion of the diversion works in accordance with the Order (where the Public Path Diversion Order has been confirmed in ii. above).**

**3.3 2020/0137/FUL: LAND ADJACENT TO 2 PROSPECT VILLAS, BARLOW COMMON ROAD**

This application had been withdrawn by the applicant and was not considered.

The meeting closed at 9.35 am.