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AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Monday, 9 May 2016

Dear Councillor

NOTICE OF MEETING

Meeting **COUNCIL**
Date **Tuesday, 17 May 2016**
Time **2.00 pm**
Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

To: All Members of Hambleton District Council

AGENDA

	<u>Page No</u>
1. MINUTES	1 - 2
	To confirm the minutes of the meeting held on 5 April 2016 (C.32 - C.35), attached.
2. APOLOGIES FOR ABSENCE	
3. ANNOUNCEMENTS BY THE CHAIRMAN OR CHIEF EXECUTIVE	
4. VERBAL STATEMENT OF THE LEADER	
5. QUESTION TIME	
	None received.
6. NOTICES OF MOTION	
	None received.

Agenda Item 1

Minutes of the meeting of the COUNCIL held at
2.00 pm on Tuesday, 5th April, 2016 at Council
Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor S P Dickins (in the Chair)

Councillor	R A Baker P Bardon M A Barningham D M Blades Mrs B S Fortune R W Hudson R Kirk N A Knapton C A Les J Noone	Councillor	Ms C Palmer C Patmore B Phillips M S Robson Mrs I Sanderson Mrs J Watson S Watson D A Webster P R Wilkinson
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Apologies for absence were received from Councillors Mrs C S Cookman, G W Dadd, G W Ellis, K G Hardisty, D Hugill, C Rooke and A Wake

C.32 COUNCILLOR TONY HALL

The Council stood and observed a minute's silence in memory of Councillor Tony Hall who had recently passed away.

C.33 MINUTES

THE DECISION:

That the minutes of the meeting held on 25 February 2016 (C.24 - C.31), previously circulated, be signed as a correct record subject to the reference to Lambeth Hospital being amended to Lambert Hospital (Minute C.25 refers) and the deletion of the paragraphs relating to the named vote in Minute C.30.

C.34 STATEMENT OF THE LEADER AND REFERRALS FROM CABINET

The Leader and Members of the Council paid tribute to the late Councillor Tony Hall who had recently passed away. Councillor Hall had been a Member of the District Council since being elected in 1999, had been a Cabinet Member and a Member of other various Committees. Councillor Hall worked tirelessly for Northallerton Ward, the residents and the District as a whole. The Council's thoughts went out to Mrs Hall and the family. Councillor Hall would be sadly missed and his passing was a huge loss to the Authority.

The Leader moved Cabinet minutes CA.63 – CA.64 and made a statement to the Council on the following matters:-

- Budget March 2016

- Devolution
- Council 'Tour of the District'

THE DECISION:

That the reports, resolutions and recommendations of the following meetings of the Cabinet be received, approved and adopted:-

<u>Body</u>	<u>Date of Meeting</u>	<u>Minute Nos</u>
Cabinet	15 March 2016	CA.63 – CA.64

C.35 CABINET PORTFOLIO STATEMENTS

- (a) Councillor P R Wilkinson, Portfolio Holder for Economic Development and Finance made a statement regarding Dalton Bridge; the Prison development; Hambleton Strategic Business Forum; broadband; the Wensleydale Railway and the ten-year Vibrant Market Towns strategy. Councillor Wilkinson also reported that the Scrutiny Committee would be asked to review the Apprentice and Graduate Scheme as part of their work programme.
- (b) Councillor Mrs B S Fortune, Portfolio Holder for Customer and Leisure Services made a statement Sports Club support; 'Ey Up Stand Up' comedy and poetry event; the Community Awards; running groups; Thirsk and Sowerby Leisure Centre changing room and poolside developments; an update on Grants and Safeguarding training.
- (c) Councillor B Phillips, Portfolio Holder for Environmental and Planning Services made a statement regarding the North Northallerton Development; Housing Options; the new recycling scheme and the new Local Plan
- (d) Councillor N Knapton, Portfolio Holder for Support Services made a statement regarding the Council's financial position; electric bollards for Northallerton Market; Northallerton Prison and ICT.

The meeting closed at 2.20 pm

Chairman of the Council

Agenda Annex

MINUTES FOR INFORMATION

<u>Committee</u>	<u>Date</u>	<u>Page</u>
Planning Committee	28 April 2016	5
Licensing and Appeals Hearings Panel	3 May 2016	9

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Minutes of the meeting of the PLANNING
COMMITTEE held at 1.30 pm on Thursday,
28th April, 2016 at Yorkshire Suite, Golden
Lion Hotel, Northallerton

Present

Councillor D A Webster (in the Chair)

Councillor	P Bardon D M Blades G W Ellis K G Hardisty C Rooke	Councillor	Mrs I Sanderson A Wake Mrs J Watson S Watson
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Also in Attendance

Councillor	M A Barningham C Patmore	Councillor	B Phillips M S Robson
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Apologies for absence were received from Councillors S P Dickins and J Noone

P.27 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 31 March 2016 (P.25 - P.26), previously circulated, be signed as a correct record.

P.28 **PLANNING APPLICATIONS**

The Committee considered reports of the Executive Director relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the condition as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

The abbreviated conditions and reasons shown in the report were to be set out in full on the notices of decision. It was noted that following consideration by the Committee, and without further reference to the Committee, the Executive Director had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Executive Director regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the

Committee granted planning permission contrary to the recommendation in the report the reasons for doing so and the conditions to be attached are set out below.

THE DECISION:

That the applications be determined in accordance with the recommendation in the report of the Executive Director, unless shown otherwise:-

- (1) 16/00463/FUL - Glazed rear extension to kitchen and family room at Heselton, 5 Wycar Terrace, Bedale for Mr Stephen Prince

DEFER for site visit.

(The applicant's agent, Rob Backhouse-Cook, spoke in support of the application).

- (2) (a) 15/01524/FUL and (b) 15/01525/LBC - Applications for retrospective planning permission and listed building consent for partial removal of garden wall, widening of permeable hard standing access track and replacement timber fence at Hill Top Cottage, Crakehall for Mr J Kent

(a) 15/01524/FUL - PERMISSION GRANTED

(b) 15/01525/LBC - PERMISSION GRANTED

(The applicant, James Kent, spoke in support of the application.)

(Tim Coulter spoke objecting to the application.)

- (3) 15/00015/TPO1 - Report following objection to the making of TPO 15/00015/TPO at Crayke Castle, Crayke

THAT TREE PRESERVATION ORDER 2015/15 BE CONFIRMED

(Steve Hill spoke objecting to the application.)

- (4) 16/00480/OUT - Outline planning permission for 17 dwellinghouses and associated parking (considering access with other matters reserved) at Land at Primrose Hill, Dalton for DH Land Strategy

PERMISSION REFUSED

(The applicant, Ben Holmes, spoke in support of the application.)

- (5) 15/02581/OUT - Outline planning permission with some matters reserved (considering access) for the construction of a single dwelling at Land adjacent Fencote House, Little Fencote for Mr N McElroy

PERMISSION GRANTED

- (6) 16/00534/FUL - Construction of a domestic open fronted double garage at The Rosary, Kirklington for Mr Carl Les

PERMISSION GRANTED subject to an additional condition withdrawing permitted development rights to carry out alterations to the roof including the insertion of roof lights

- (7) 16/00222/FUL - Construction of a detached bungalow at Ash Brae, Langthorne for Mr & Mrs C McGee

PERMISSION GRANTED

(The applicant's agent, Ian Harrison, spoke in support of the application).

- (8) 16/00387/OUT - Outline application with all matters reserved for the construction of five dwellings at Land adjacent to Applegarth Cottages, Main Street, Linton on Ouse for Mr William Kirby

PERMISSION GRANTED subject to the completion of a planning obligation in respect of the delivery of affordable housing

(The applicant, Lucy Kirby, spoke in support of the application.)

- (9) 16/00211/OUT - Outline application with some matters reserved (including access and layout) for the construction of an agricultural worker's dwelling at Riverside Farm, Newby Wiske for Mr & Mrs C Cook

PERMISSION GRANTED

- (10) 15/02512/FUL - Construction of Use Class A3/A4 public house with parking, associated works and removal of trees at Land adjacent Barkers, Finkills Way, Northallerton for Marstons Pubs and Taverns Limited

PERMISSION GRANTED subject to the addition of a condition connecting the occupation of the flat to the operation of the Public House

(The applicant's agent, Paul Harris, spoke in support of the application).

- (11) 16/00430/FUL - Revised retrospective application for permanent retention of log cabin for agricultural workers dwelling at The Baggins, Thornton Lane, Thornton Hill for Mr Parker-Nicholls

PERMISSION GRANTED subject to an additional condition to require a landscaping scheme to be supplied for approval and implemented

(The applicant, Mr Parker-Nicholls, spoke in support of the application.)

- (12) 15/02803/FUL - Proposed construction of fabrication workshop and associated hard standing for the manufacture of agricultural buildings at Land on the north side of Dalton Old Airfield Industrial Estate, Dalton for J.M.W. (Property) Ltd

PERMISSION GRANTED subject to an additional condition relating to the control of activities to be undertaken outside of the approved building, and conditions 16 and 17 are varied to allow work to be undertaken only between 07:00 and 18:00 Monday to Saturday

(The applicant, John Walker, spoke in support of the application.)

The meeting closed at 4.00 pm

Chairman of the Committee

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Minutes of the meeting of the LICENSING AND APPEALS HEARINGS PANEL held at 9.30 am on Tuesday, 3rd May, 2016 at HDC Meeting Room, Civic Centre, Stone Cross, Northallerton

Present

Councillor Mrs I Sanderson (in the Chair)

Councillor D Hugill

Councillor R Kirk

LAHP.16 APPLICATION FOR NEW PREMISES LICENCE - 4 EMGATE, BEDALE

Bedale

The Executive Director submitted a report seeking consideration of an application for a Premises Licence in respect of 4 Emgate, Bedale, DL8 1AL. The application was for the provision of alcohol sales, the performance of live music indoors and the playing of recorded music indoors.

Alternative options considered:

1. To grant the application and impose additional conditions.

The Panel was satisfied that the licensing objectives would be adequately promoted by the conditions consistent with the applicant's operating schedule and therefore it was not appropriate to impose additional conditions.

2. To reject the whole or the part of the application.

The Panel was satisfied that the licensing objectives would be adequately promoted by the conditions consistent with the applicant's operating schedule and therefore it was not appropriate to reject the whole or the part of the application.

The reason for the decision:

The Panel considered the relevant representations of the parties both written and oral, the Licensing Act 2003 as amended, the Council's Statement of Licensing Policy and the guidance issued under Section 182 of the Licensing Act 2003.

The Panel considered representations relating to the licensing objective for the prevention of public nuisance. The representations related to concerns regarding noise emanating from the premises as a result from the playing of live or recorded music and as a result of the large front window to the premises. Concerns raised regarding compliance with planning conditions were not considered relevant for licensing purposes.

The Panel was satisfied that the conditions consistent with the applicant's operating schedule (as amended following liaison with the Council's Environmental Health department) would address concerns raised regarding noise nuisance.

The Panel noted that live and recorded music does not generally require a licence between the hours of 8am and 11pm and therefore any conditions relating to live or recorded music during these hours would have no effect.

The Panel was satisfied that the applicant's proposed use of the premises as a micro pub in a quiet setting did not pose a significant risk to the prevention of public nuisance objective. The Panel noted the applicant was going to take steps to provide backed seating and soft furnishings in the front window to limit noise emanating through the glass and that this would promote the prevention of public nuisance objective.

THE DECISION:

The Panel resolved to grant the application as applied for (subject to any conditions consistent with the applicant's operating schedule).

LAHP.17 EXCLUSION OF THE PUBLIC AND PRESS

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the item of business at minute no LAHP.16 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act as the Panel was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

LAHP.18 CONDUCT OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER

All Wards

The subject of the decision:

The Panel was asked to consider whether to grant or refuse an application for a hackney carriage and private hire driver licence submitted by the applicant ("Mr J").

Alternative options considered:

The Panel concluded that it was not necessary to refuse the application because the applicant was a fit and proper person to hold a licence.

The reason for the decision:

The Panel considered the Executive Director's report, Mr J's application for a hackney carriage and private hire driver licence, the Disclosure and Barring Service enhanced criminal record check for Mr J, oral and written representations from Mr J, a character reference submitted on behalf of Mr J, the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Panel reached the following conclusions:

- The Panel considered the Disclosure and Barring Service enhanced criminal record check for Mr J and was satisfied that the offences relating to dishonesty and violence were relevant for the purposes of determining an application for a hackney carriage and private hire driver licence. The Panel concluded the convictions against Mr J took place many years in the past.

- The Panel considered the written and oral representations made in respect of Mr J's character since his last conviction in 1994. In particular the Panel considered Mr J's remorse and embarrassment for his criminal history, his representations regarding his reformed character and the importance of being a role model to his family as an upstanding member of society. The Panel noted Mr J's employment history over the last 20 years which consisted of working for individual employers for long stretches of time without incident and gave appropriate weight to this. The Panel noted Mr J was accompanied at the hearing by an existing member of the taxi trade who would employ Mr J should he be successful in his application and appropriate weight was given to this support.

THE DECISION:

Taking account of the above and having given appropriate weight to the evidence the Panel reached the following conclusions:-

The Panel was satisfied Mr J was a fit and proper person to hold a hackney carriage and private hire driver licence and the application was granted.

The meeting closed at 10.45 am

Chairman of the Panel

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