

Meeting: Thirsk and Malton Area Constituency Planning Committee

Members: Councillors Joy Andrews (Vice-Chair), Alyson Baker, Lindsay Burr MBE, Sam Cross, Caroline Goodrick (Chair), Nigel Knapton and Malcolm Taylor.

Date: Thursday, 15th February, 2024

Time: 10.00 am

Venue: Ryedale House, Malton

Updates list

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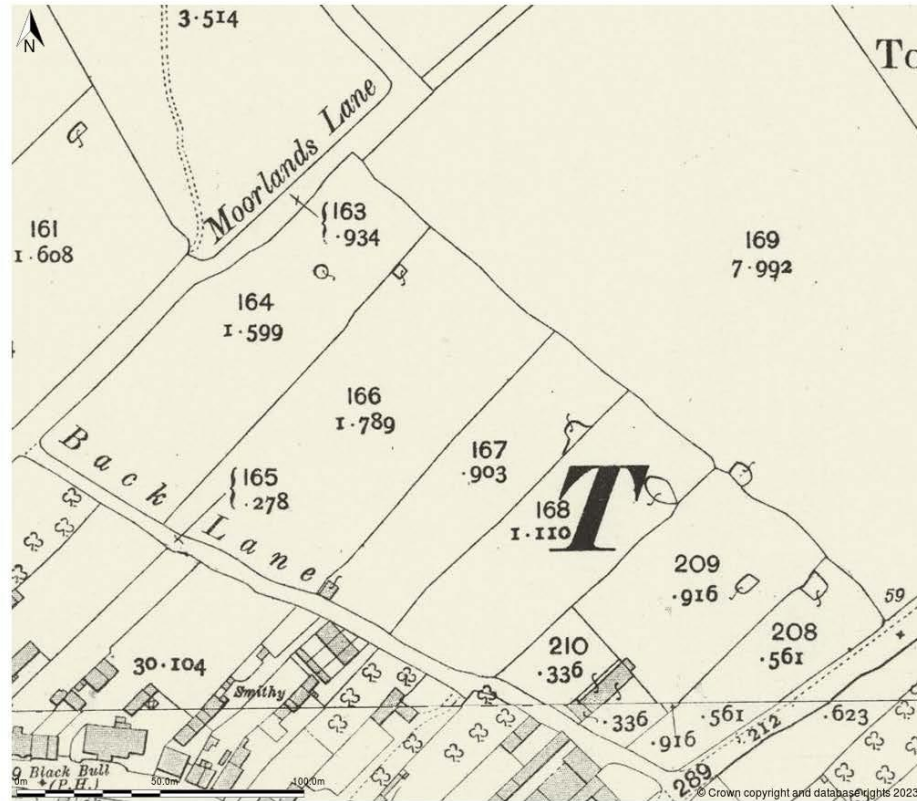
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**THIRSK AND MALTON CONSTITUENCY AREA PLANNING COMMITTEE
SUPPLEMENTARY TO COMMITTEE REPORTS**

15 February 2024

Agenda Item	Application number and Division	Respondent	
1 Page 3	23/00144/FUL Hambleton	Officer note Consultation response Amended condition 11 Consultation response	<p>The Committee report includes duplicate conditions in relation to drainage, conditions 11 and 19. Condition 11 has been updated and 19 deleted. Condition 20 in relation to internal noise levels is renumbered condition 19 (given the deleted drainage condition 19).</p> <p>Yorkshire Water have confirmed they are satisfied with the revised layout and drainage details and recommend a condition. Condition 11 has been amended as follows:-</p> <p>The development shall be carried out in accordance with the details shown on the submitted plan, "'Drainage Strategy' 22418 DR-C-0107 (revision P5) dated 01/12/23 prepared by Topping Engineers, received by the Local Planning Authority on 4 December 2024</p> <p>A consultation response has been received from Environmental Health in relation to the submitted Noise Assessment. They comment as follows:</p> <p>"By the strict application of appropriate noise mitigation measures internal noise levels would be achievable, in accord with the 'No Observed Adverse Effect Level' as detailed in the National Planning Practice Guidance. Section 5.1.1 of the submitted assessment has shown that there will be an exceedance of the required noise criteria thresholds with an open bedroom window. Accordingly, to meet the required internal noise levels I would recommend that should consent be offered to the application site that any bedroom window, with either full or partial line of sight to Moorlands Lane, is fitted with an acoustic trickle ventilator, as proposed in the noise mitigation proposals within section 5 of the</p>

		<p>Amended condition 19</p> <p>Officer note</p>	<p>report. Or alternatively to meet a comparable outcome offering noise attenuation (sound reduction) levels of no less than $D_{n,e,w} + C_{tr} 42dB(A)$".</p> <p>Condition 19 has therefore been amended as follows:-</p> <p>Development shall take place strictly in accordance with the mitigation requirements set out at paragraph 5.1.1 of the noise impact assessment received by the Local Planning Authority on 10 January 2024, requiring any bedroom window, with either full or partial line of sight to Moorlands Lane, is fitted with an acoustic trickle ventilator as proposed in the noise mitigation proposals of the report.</p> <p>Affordable Housing</p> <p>The Committee report sets out at paragraph 10.23 "Evidence has been provided to demonstrate the field was once divided, and the south-eastern part of the field has remained is in a different ownership to that of the north-western part of the field. The OS map of 1909 shows all the paddocks then on Back Lane, Tollerton and which all have 3-digit numbers. The application site is paddock number 164 and the land to south-eastern is paddock number 166. The application site is to be purchased from Steven Otterburn whose family have owned paddock 164 for 102 years. Paddock 166 was owned by the Ramsden family prior to its development. Therefore, whilst the site is part of the same field as the adjoining site, both parcels of land are in different ownerships and have been so for some time". Land registry titles for both parcels of land have been submitted, and the agent has advised further "I have been informed that Ramsden have been registered owners since 2017 but there is a clause in the title which suggests a longer period of ownership through a trust arrangement going back to 1990. Re the Otterburn title, this has been in the same ownership since 2001 however has been within the family for over 100 years, presumably just transferred to different family members over the years. A solicitor's letter can be provided if necessary"</p> <p>The 1909 plan is copied below:-</p>
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Whilst in recent years there has been no physical division between the two paddocks the separate ownership of the different parcels of land has remained. The applicant and owner shown on the application form for the adjacent site recently developed is Mr Ramsden before being developed by Mulgrave Properties. The applicant for the current application is Stephenson Estate agents with notice served on the owner Mr Otterburn as owner and on Mulgrave Properties to use their access.

		Officer note	<p>The submitted Planning Statement on the current application advises design principles include delivering a design which is appropriate to the site setting and surroundings, particularly drawing upon neighbouring developments on Back Lane; and states the design approach is to continue the architectural style and detail of the adjacent development to achieve a visual cohesion.</p> <p>The agent has advised a developer for the site has not been identified yet.</p> <p>Application 21/02712/FUL at the site next door was approved with a turning head extending towards the site boundary with the application site. This was amended by application ZB23/01708/NMC submitted in August 2023, which included extending the turning head up to the site boundary. The report states “As constructed some roads within the site are wider than originally approved, particularly to the north west of the access, and the north west turning head has been extended up to the site boundary at both edges rather than just the north edge as currently approved. Whilst this amendment has potentially taken place to facilitate future development in the adjacent field, in the context of the current application site this amendment is not considered to be material. Overall the proposed non-material amendments are acceptable in design terms, and are not considered to impact on the amenity of neighbours, highway safety or landscaping. It has been considered the amendment details are acceptable and are considered non-material under Section 96A of the Town and Country Planning Act.</p> <p>In relation to the access route for construction vehicles the agent has advised they would expect the route would be from Alne Road to Moorlands Lane due to this being the more direct route. Recommended condition 6 requires the submission and approval of a Construction Management Plan which includes clause iv) measures to manage the delivery of materials and plant to the site including the routes and timings of deliveries and provision of loading/unloading areas.</p>
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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 7</p>	<p>2</p> <p>ZB23/01987/REM Hambleton</p>	<p>Officer note and additional condition</p>	<p>Following discussions between Officers and the agent, it has been clarified that a field gate and access will be included within the application site to ensure access is still available to maintain the parcel of land in the centre of the wider site and the protected trees located there. An additional condition is therefore recommended as follows:</p> <p>“Prior to the development commencing a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing access arrangements into the parcel of land between plots 1 and 2 in order to facilitate maintenance of the said land and protected trees therein. The details shall include a field gate into said land to accommodate vehicles, route and surfacing of accessway, provision of arrangements to ensure vehicles can access the field gate and maintenance and management arrangements of the accessway to the field gate. The approved access arrangements shall be maintained in perpetuity.</p> <p>Reason: To ensure provision is made to enable and maintain access to the intervening open land for the maintenance of the land and protected trees following implementation of the the development in the interests of the visual and landscape amenity of the area.</p>
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