

**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, 21 March, 2024

**Time:** 10.00 am

**Venue:** Ryedale House, Malton, YO17 7HH

**Updates list – 21 March 2024**

- |    |                        |                        |
|----|------------------------|------------------------|
| 5. | <b>ZE23/06955/73</b>   | <b>(Pages 3 - 12)</b>  |
| 6. | <b>23/00348/MFUL</b>   | <b>(Pages 13 - 32)</b> |
| 7. | <b>ZE23/06814/MFUL</b> | <b>(Pages 33 - 34)</b> |
| 8. | <b>22/00102/FUL</b>    | <b>(Pages 35 - 38)</b> |

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# Agenda Item 5

AONB further comments for late pages.

**From:** Estelle Hook

**Sent:** 18 March 2024 14:10

**To:** Alan Goforth

**Subject:** RE: ZE23/06955/73 (as revised on 31/01/24) Dogh, Welburn - Howardian Hills response

Hi Alan,

Many thanks for bringing this new statement to my attention. I have nothing to add and would like my previous response to be considered as it stands.

Best wishes,

Ellie

**Ellie Hook**

Manager

Howardian Hills National Landscape

The Old Vicarage

Helmsley

York

YO62 5BP

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Please scan contributor to ZE23/06955/73

## Comments summary

Dear Sir/Madam,

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 17/03/2024 9:15 AM from Mrs Julie Hopkins.

### Application Summary

Address: Dogh Main Street Welburn Malton North Yorkshire YO60 7DX

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Proposal: Variation of Condition 02 of planning approval 23/00077/73 dated 18.04.2023 to remove the restriction on the number of evening events per month and to allow an increase in the total number of evening events from 10 to 50 occasions per calendar year

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Case Officer: Alan Goforth

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[Click for further information](#)

### Customer Details

Name: Mrs Julie Hopkins

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Address: Endfield, Church Lane, Welburn Malton, North Yorkshire YO60 7EG

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### Comments Details

Commenter Type: Neighbour

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Stance: Customer made comments in support of the Planning Application

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Reasons for comment:

Comments: I don't really understand the objection to this proposal considering that many of the people who did object seemed to support the construction of holiday shepherds huts at the pub, opposite dogh. Surely this will attract far more noise and traffic.

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Plus the pub is already generating many visitors in the evenings. Its not really going to make much difference but will certainly increase job opportunities for local people. This is invaluable at a time of the cost of living crisis which many people are struggling with.

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Kind regards

From: Rob Stansfield

Sent: 18 March 2024 17:25

To: Cllr.Caroline Goodrick

Subject: Planning Application ZE23/06955/73

Dear Caroline,

I am contacting you in your rôle as my elected representative on NYC in relation to the above application.

Unfortunately I will not be able to attend the planning meeting on Thursday morning. I had intended to do so but I am afraid something has arisen which will prevent me doing so and which I cannot avoid.

I have objected to the application and my comments have been uploaded to the planning portal.

In addition as my representative on the council I should be grateful if you could consider the following points I wish to make :

1) The Decision Notice dated 24th November 2008 gave consent for a change of use of the property to permit part café / part retail. At consultation the then Forward Planning Officer advised/ required that areas of retail use only were retained in order to safeguard a local shopping facility for the village. A plan is attached to this consent which defined areas for café use, retail use and for mixed use. The relevant condition in this consent prohibited the area designated for retail use from being used for any other use. The current application is for a previous condition ( last year ) for 'special events' and extended opening hours to be varied to allow an intensification of use by a factor of 500% and the officer's report recommends that this be approved and that a change of use of the retail area protected by the original 2008 consent be allowed. The applicant has not applied for a change of use and I would ask you to raise the question as to whether this application can be allowed to override the conditions in the original change of use consent of 2008. My belief is that it cannot and therefore this application should be refused.

2) in last year's consent ( in itself probably flawed for the same reasons as above ) extended opening hours were approved to allow 10 extended openings for 'special events' subject to there being no more than 1 per month. The Reason given by the case officer for this condition was to protect neighbouring residential properties' amenity etc ( SP20). We now have an application for variation of this condition to allow an intensification of ' special' events ' by a factor of 500% and the same case officer gives the same Reason for recommending a limitation at a new 500% increase!

I would suggest that this is not logical and the reasoning is irrational.

3) There is a history of breach of planning conditions at this property which the planners at the time were very slow to recognise. There would appear to be an existing breach relating to use of the

protected retail area and I would suggest that this is a further reason why this application cannot be approved.

4) I would suggest that both the Highway consultee and the EHO have given purely subjective responses in their "no objection" replies.

Highways have not commented at all on the impact on free and safe passage over the private access road ( case officer's description in his report ). This is an unadopted road with public rights of way over for both pedestrians and vehicles - it is also the access to all the fronting residential properties. The NYC as Highway Authority has a statutory duty to ensure safe and free passage over it. I consider the Highway's comments to be inadequate bearing in mind that this application if approved will have a vastly increased adverse impact on residents' amenity not to mention safety. There are already some very dangerous vehicle manoeuvres taking place regularly.

I am forwarding some photographs separately to you which I believe illustrate the real problems residents suffer on a daily basis. I believe the comment has been made by others that given the owners' aspirations this business has outgrown this property.

The EHO's statements are purely subjective and she cannot possibly know what type of food will be cooked in the future or how cooked.

5) The condition recommended by the case officer effectively giving permission for deliveries to the property to commence from 04.00 hours with the reason given for the condition to be to protect our amenity and to comply with policy SP20 is patently irrational and illogical. Potentially with 'special events' winding down from 22.30 hours and deliveries commencing at 04.00 hours we may get about 5 hours undisturbed sleep! I know you have tried to get to the bottom of how this condition arose last year without success - I too have tried - the case officer advised me it was at the request of a planning committee member! Irrationality is one of the grounds for Judicial Review.

I am sorry this is lengthy but I wished to make my own personal comments to you as my elected councillor.

With very best wishes

Rob Stansfield



Sent from my iPad

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Please scan contributor to ZE23/06955/73

## Comments summary

Dear Sir/Madam,

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 18/03/2024 12:06 AM from Mr Mark Kingaby-Daly.

### Application Summary

Address: Dogh Main Street Welburn Malton North Yorkshire YO60 7DX

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Proposal: Variation of Condition 02 of planning approval 23/00077/73 dated 18.04.2023 to remove the restriction on the number of evening events per month and to allow an increase in the total number of evening events from 10 to 50 occasions per calendar year

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Case Officer: Alan Goforth

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[Click for further information](#)

### Customer Details

Name: Mr Mark Kingaby-Daly

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Address: 2 Cromarty Cottages, Main Street, Birdsall, North Yorkshire YO17 9NN

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### Comments Details

Commenter Type: ie Site/press notice

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Stance: Customer made comments in support of the Planning Application

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Reasons for comment:

Comments: I am submitting this comment in support as a local resident and business owner.

During the current economic uncertainty, a growing rural business should be supported

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wholeheartedly.

I note other comments that if this application is approved, the tranquility will be ruined. I disagree with this. The applicants plans will not spoil the village, AONB or the tranquility of the village - it will enhance it by having a thriving business with facilities for people to use outside of the existing Public House.

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Kind regards

## Planning Committee agenda item 6

### **23/00348/MFUL - APPLICATION FOR THE ERECTION OF 13NO. DWELLINGS COMPRISING 7NO. THREE BEDROOM DWELLINGS, 2NO. TWO BEDROOM DWELLINGS AND 4NO. FOUR BEDROOM DWELLINGS WITH ASSOCIATED INFRASTRUCTURE, GARAGING, PARKING AND LANDSCAPING ON LAND OFF ASPEN WAY, SLINGSBY, MALTON ON BEHALF OF W & W ESTATES**

#### Conditions

##### Commencement time limit

- 1 The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

##### Approved plans

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan ref. 1774/1  
Proposed Site Layout Plan ref. 1774/2D  
Proposed street elevation ref.1774/3B  
Proposed plot 1 house type ref.1774/4  
Proposed plot 2 house type ref.1774/5  
Proposed plot 3 house type ref.1774/6  
Proposed plot 4 house type ref.1774/7  
Proposed plot 5 house type ref.1774/8  
Proposed plot 6 house type ref.1774/9  
Proposed plot 7 house type ref.1774/10  
Proposed plot 8 house type ref.1774/18  
Proposed plot 9 house type ref.1774/11B  
Proposed plot 10 affordable house types ref.1774/12  
Proposed plot 11 affordable house types ref.1774/13  
Proposed plots 12 & 13 affordable house types ref.1774/14A  
Proposed garage plans (plots 2/3 & 7/8) ref. 1774/15  
Proposed garage plans (plots 5 & 9) ref. 1774/16

Reason: For the avoidance of doubt and in the interests of proper planning.

##### Phasing

- 3 No development shall commence until a detailed construction phasing plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory progression of construction works in compliance with Policy SP20.

#### Access road

- 4 No later than 3 months from the date of the formation of the adoptable vehicular access link within the development site to the west ('the Castle Howard site') the corresponding and connecting vehicular access link to the western boundary of the application site as shown on approved drawing ref. 1774/2D shall be made up and surfaced in accordance with approved details and highways specification.

Reason: In the interests of providing unfettered access between the two fields/sites to comply with Policies SP16 and SP20 of the Ryedale Plan- Local Plan Strategy (2013) and Policy SD11 of the Ryedale Plan- Local Plan Sites Document (2019).

#### Closure/downgrading of Aspen Way access (between numbers 12 & 14 Aspen Way)

- 5 No later than 1 month from the date of the formation of the adoptable vehicular access link within the development site to the west ('the Castle Howard site') the applicant/developer shall submit a detailed scheme for the closure/downgrading of the Aspen Way vehicular access (between numbers 12 & 14 Aspen Way) as shown on approved drawing ref. 1774/2D for written approval by the Local Planning Authority. The works for the closure/downgrading of the access shall be completed in accordance with the approved details and within 3 months of receipt of written approval of the scheme.

Reason: In the interests of highway safety and the amenity and convenience of all highway users in compliance with Policy SP20.

#### Detailed Plans of Road and Footway Layout

- 6 Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority.

The development must only be carried out in compliance with the approved engineering drawings.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users in compliance with Policy SP20.

#### Construction of Adoptable Roads and Footways

- 7 No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation.

The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users in compliance with Policy SP20.

#### Closing of Existing Access (B1257) at Land at Aspen Way Slingsby

- 8 The development of plots 12 & 13 as shown on approved drawing ref. ref. 1774/2D must not be brought into use until the existing access onto the B1257 Malton Road has been permanently closed off in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenity of the area in compliance with Policy SP20.

#### Pedestrian Visibility Splays at Land at Aspen Way Slingsby

- 9 There must be no access or egress by any vehicles between the highway and the application site at Land at Aspen Way Slingsby until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety in compliance with Policy SP20.

#### Parking for Dwellings

- 10 No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development in compliance with Policy SP20.

#### Garage Conversion to Habitable Room Plots 1, 2, 3, 5, 7, 8 & 9

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason: To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development and in compliance

with the adopted minimum parking standards for residential dwellings as given in the NYCC document Interim Parking Standards 2015 in compliance with Policy SP20.

### Construction Management Plan

- 12 No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. Details of any temporary construction access to the site off the B1257 including appropriate size and specification, the making and implementation of a temporary Traffic Regulation Order for a lower local speed limit in the vicinity of the access and measures for removal following completion of construction works;
2. Restriction on the use of the direct Aspen Way access for construction purposes in advance of the completion of the adoptable vehicular access link through the development site to the west as indicated on the submitted drawings unless as otherwise approved in writing by the Local Planning Authority;
3. Wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. The parking of contractors' site operatives and visitor's vehicles;
5. Areas for storage of plant and materials used in constructing the development clear of the highway;
6. Measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
7. Details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
8. Protection of carriageway and footway users at all times during demolition and construction;
9. Protection of contractors working adjacent to the highway;
10. Details of site working hours;
11. Erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
12. Means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
13. Measures to control and monitor construction noise;
14. An undertaking that there must be no burning of materials on site at any time during construction;
15. Removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
16. Details of the measures to be taken for the protection of trees;
17. Details of external lighting equipment;
18. Details of ditches to be piped during the construction phases;
19. A detailed method statement and programme for the building works; and
20. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity in compliance with Policy SP20.



#### Site levels

- 13 Prior to the commencement of the development hereby approved precise details of the existing ground levels and the proposed finished ground floor levels measured in relation to a fixed datum point shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory external appearance and to satisfy Policy SP20.

#### Hours of construction

- 14 Any excavation or construction work associated with the development hereby approved shall be carried out only between the hours of:-

0800 -1800 hours Mondays to Fridays  
0800 -1300 hours Saturdays  
and at no time on Sundays and Bank (or Public) Holidays.

Reason: To protect local amenity during construction in accordance with Policy SP20.

#### Materials (surfaces)

- 15 Prior to installation details of the ground surfacing materials shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance in compliance with Policies SP16 and SP20.

#### Materials (samples)

- 16 Prior to the commencement of any aboveground construction work details and samples of the materials to be used on the exterior of the buildings the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority. The materials shall be substantially in accordance with the details contained in Section 4.33 of the Planning, Design & Access Statement, dated March 2023.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20.

#### Materials (panels)

- 17 Prior to the commencement of any aboveground construction work the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel(s) of the external walling to be used in the construction of buildings. The panel so constructed shall be retained only until the development has been completed.

Reason: To ensure a satisfactory external appearance and to satisfy the

requirements of Policy SP20.

#### Windows and doors

- 18 Prior to the commencement of any aboveground construction work details of all windows, doors and garage doors, including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an appropriate appearance and to comply with the requirements of Policy SP20.

#### Obscure glazing

- 19 The first floor window in the side (north) elevation of the dwellings in plot 1 as shown on drawing 'Proposed plot 1 house type' ref.1774/4) shall be permanently obscure glazed with glass of Pilkington Level 5 obscuration or equivalent. The obscure glazing shall be retained for the lifetime of the development.

Reason: In the interests of residential amenity to comply with Policy SP20.

#### Restriction on additional windows (plot 1)

- 20 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, (or any Order revoking, re-enacting or amending that Order), no first floor windows or door openings shall be formed in the side (north) elevation of the dwelling in plot 1 without the prior written consent of the Local Planning Authority following a specific application in that respect.

Reason: In the interest of residential amenity in accordance with Policies SP16 and SP20.

#### Lighting

- 21 Prior to the commencement of any aboveground construction work details of all public lighting at the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position, height, angle of lighting, illuminance level and hours of operation. All lighting shall be installed and maintained in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure safe access to the public open space in compliance with Policies SP16 and SP20.

#### Boundary treatments

- 22 Prior to the commencement of any aboveground construction work details of the proposed means of enclosure and boundary treatments, including a schedule of materials and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority. The details shall provide for a replacement fence along the western side of the public open space parallel to the

Balk suitable to ensure the safety of pedestrians using the public open space. The details so approved shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality in compliance with Policies SP16 and SP20.

#### Retention of existing planting

- 23 No trees, shrubs, or hedges within the site that are shown to be retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without prior written agreement with the Local Planning Authority.

Reason: To ensure the desirable retention of all landscape elements that are considered to be of amenity value in compliance with Policies SP16 and SP20.

#### Retention of southern boundary hedge

- 24 The existing hedgerow along the southern boundary of the site that is shown on the approved Proposed Site Layout Plan ref. 1774/2D as being retained and reinforced shall be maintained at a minimum height of 1.6 metres for the lifetime of the development. Upon the completion of the construction phase and prior to the occupation of the final dwelling within the application the existing field gate in the southern boundary shall be removed and the access permanently closed off with the planting of a native hedgerow.

Reason: To ensure the desirable retention of all landscape elements that are considered to be of amenity value in compliance with Policies SP13, SP16 and SP20.

#### Tree Protection

- 25 All works shall be carried out in accordance with the approved Arboricultural and Landscape Report dated March 2019 produced by Mark S Feather unless any variation is first agreed in writing by the Local Planning Authority. No site clearance or construction work shall commence on site in connection with the development hereby approved until the root protection areas (RPA), ground protection works and protective fencing required by the Arboricultural and Landscape Report are in place. The developer shall maintain such fences and ground protection until all development the subject of this permission is completed.

Reason: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area in compliance with Policies SP13, SP16 and SP20.

#### Landscape scheme

- 26 No development of the site shall take place without the prior written approval by the Local Planning Authority of a landscape scheme for the site that indicates numbers, species, heights on planting, and positions of all trees and shrubs, specifications and schedules, phasing of planting, seeding or turfing, existing plants to be retained and

showing how new landscaping relates to any underground services and existing landscape features. The scheme shall include details of the hedgerow enhancement the subject of the BNG calculations which accompany the application. Thereafter the scheme shall be implemented as approved unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to achieve a high standard of landscaping in compliance with Policies SP13, SP16 and SP20.

#### Commencement of planting

- 27 All planting, seeding or turfing set out in the details approved in Condition 26 shall be carried out in accordance with the approved phasing plan and beginning the first planting season following commencement of development or such longer period as may be agreed in writing with the Local Planning Authority. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to achieve a high standard of landscaping in compliance with Policies SP13, SP16 and SP20.

#### Preliminary Ecological Appraisal

- 28 All works shall be carried out in accordance with the details contained within paragraphs 8.2.5.1 to 8.2.5.3 (enhancements for bats including provision of at least 4 bat boxes); Section 8.4.5 (nesting birds and provision of at least 8 bird nesting boxes); Section 8.7.4 (precautions to reduce risks to Hedgehogs) of the Preliminary Ecological Appraisal, dated 21 October 2022 produced by Wold Ecology Ltd.

Reason: To comply with the requirements of Policy SP14.

#### Archaeology

- 29 No development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. Community involvement and/or outreach proposals
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition.

Reason: The site is of archaeological significance and to comply with the NPPF and Policy SP12.

- 30 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 29 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site is of archaeological significance and to comply with the NPPF and Policy SP12.

#### Flood Risk and drainage

- 31 The Development shall be built in accordance with the following submitted designs;
- Plot Drainage, Shaun Tonge Engineering, Reference STE/233/01/03, Revision C, Dated 29/02/2024.
  - Exceedance Plan, Shaun Tonge Engineering, Reference STE/233/01/14, Revision 1, Dated 04/01/2024.
  - Drainage Management Plan, Shaun Tonge Engineering, Reference STE/233/01/18, Revision 1, Dated 20/02/2024.
  - Impermeable Areas, Shaun Tonge Engineering, Reference STE/233/01/04, Revision B, Dated 20/02/2024.
  - Highway Soakaway and Silt-trap Details, Shaun Tonge Engineering, Reference STE/233/01/16, Revision 1, Dated 17/01/2024.
  - Domestic Soakaway Typical Detail, Shaun Tonge Engineering, Reference STE/233/01/09, Revision 1, Dated 09/02/2023.
  - Plot 1&2 Calculations, Shaun Tonge Engineering, Dated 20/02/2024.
  - Plot 3&4 Calculations, Shaun Tonge Engineering, Dated 20/02/2024.
  - Plot 5 Calculations, Shaun Tonge Engineering, Dated 20/02/2024.
  - Plot 6&7 Calculations, Shaun Tonge Engineering, Dated 20/02/2024.
  - Plot 8 Calculations, Shaun Tonge Engineering, Dated 20/02/2024.
  - Plot 9 Calculations, Shaun Tonge Engineering, Dated 20/02/2024.
  - Plot 10&11 Calculations, Shaun Tonge Engineering, Dated 20/02/2024.
  - Plot 12&13 Calculations, Shaun Tonge Engineering, Dated 20/02/2024.
  - Highway Drain Calculations, Shaun Tonge Engineering, Dated 20/02/2024.
  - Highway Soakaway Calculations, Shaun Tonge Engineering, Dated 20/02/2024.
  - Trial Hole Location Plan, Rawcliffe Associates Ltd, Dated 26/01/2023
  - Section 38 Plan, Shaun Tonge Engineering, Reference STE/233/01/15, Revision 1, Dated 17/01/2024.
  - Section 104 Plan, Shaun Tonge Engineering, Reference STE/233/01/11, Revision A, Dated 17/01/2024.
  - Flood Risk Assessment, ARP Associates, Reference 1180/01r1a, Revision A, Dated 24/05/2018.
  - Soakaway Tests, Rawcliffe Associates Ltd, Reference Misc.W&WEstates.Dan Warrington.AprinWay.Slingsby, Dated 26/01/2023.

A 40% allowance has been included for climate change and an additional 10% allowance for urban creep for the lifetime of the development. Storage has been provided to accommodate the minimum 1 in 100 year plus climate change plus urban creep critical storm event. The scheme includes a detailed maintenance and management regime for the storage facility. Principles of sustainable urban drainage shall be employed wherever possible.

Reason: To ensure that the development is built to the submitted drainage design; to prevent the increased risk of flooding; to ensure the provision of adequate and sustainable means of drainage in the interests of amenity and in compliance with the NPPF and Policy SP17.

- 32 The development shall be carried out in accordance with the details shown on the approved Flood Risk Assessment (rev A)1180/01r1a prepared by ARP, dated 24/05/2018, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage in compliance with the NPPF and Policy SP17.

Removal of permitted development rights (means of enclosure)

- 33 Notwithstanding the provisions of Schedule 2, Part 2 the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modifications), no fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwellinghouse other than as shown on the approved plans, or as may be approved by the Local Planning Authority following specific application in that respect.

Reason: To ensure that the appearance of the area is not prejudiced by the introduction of unacceptable materials and/or structure(s) in compliance with Policies SP13, SP16 and SP20.

Removal of permitted development rights

- 34 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or amending that Order) development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Classes A & AA: Enlargement, improvement or other alteration of a dwellinghouse  
Class B: Additions etc to the roof of a dwellinghouse  
Class C: Other alterations to the roof of a dwellinghouse  
Class D: The erection or construction of a porch outside any external door of a dwellinghouse  
Class E: Buildings etc incidental to the enjoyment of a dwellinghouse  
Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse

Reason: To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s) in compliance with Policies SP13, SP16 and SP20.

## Electric Vehicles Charging Points

- 35 Prior to the commencement of any aboveground construction work a scheme for the provision of one electric vehicle charging point per house shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the EV charging points shall be installed in accordance with the approved details prior to occupation of the dwelling.

Reason: To promote sustainable transport and in accordance with the development principles for the site in compliance with Policy SP18.

## **INFORMATIVES**

### Condition 6- Detailed Plans of Road and Footway Layouts

It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made.

To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority.

The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition

### Condition 9- Pedestrian Visibility Splays

An explanation of the terms used above is available from the Local Highway Authority.

### Condition 12 (sub-section 1)- New and altered Private Access or Verge Crossing

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site: Road adoption | North Yorkshire Council.

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

### Other Permissions required from the Local Highway Authority

Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions).

Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

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# NORTH YORKSHIRE COUNCIL

## LOCAL HIGHWAY AUTHORITY CONSIDERATIONS and RECOMMENDATION



**Application No:** **23/00348/MFUL**

**Proposed Development:** Erection of 13no. dwellings comprising 6no. three bedroom dwellings, 2no. two bedroom dwellings and 5no. four bedroom dwellings with associated infrastructure, garaging, parking and landscaping.

**Location:** Land Off Aspen Way Slingsby Malton

**Applicant:** W & W Estates

<b>CH Ref:</b>	N/A	<b>Case Officer:</b>	Stephen Boyne
<b>Area Ref:</b>	3/123/160C	<b>Tel:</b>	
<b>County Road No:</b>	Aspen Way U/C & Malton Road B1257	<b>E-mail:</b>	

<b>To:</b>	North Yorkshire Council [Ryedale]	<b>Date:</b>	14 March 2024
<b>FAO:</b>	Alan Goforth	<b>Copies to:</b>	

**Further to my initial response dated 26 July 2023 and formal re-consultation following receipt of further information and drawings on 31 January 2024 :**

The propose development includes an adoptable link into the development site to the west (planning approval ref. ZE23/05729/MFUL) which similarly includes a link up to the eastern boundary of that site, thus enabling an adoptable highway to link through both sites and access onto the existing adopted highway Aspen Way further to the west.

The development also provides for an interim adoptable link direct onto Aspen Way at the north end of the site, for use pending completion of the above for vehicular access, whereupon this north link would be changed in format to that of pedestrian / cycle / emergency access only.

Continued

<b>Signed:</b>  <b>Stephen Boyne</b>  <i>for Corporate Director of Environment</i>	<b>Issued by:</b> <i>Kirby Misperton Highway Office</i> Beansheaf Industrial Park Tofts Road Kirby Misperton YO17 6BG  <b>e-mail:</b>
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**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**



Continuation  
sheet:

Application No:

**23/00348/MFUL**

Construction access has been discussed with the applicant, and this will be provided for by modifying and enlarging the existing access direct into the site off the B1257, for the duration of the site construction period. No construction access will be permitted via the direct north link onto Aspen Way unless approved in writing by the local planning authority (IE. for the sole purpose of completing plots 12 and 13 and associated parking and servicing arrangements, and permanent reinstatement to verge of the existing access onto the B1257) in advance of the adoptable highway link into the development site to the west being made available to such construction traffic routing as maybe required.

With respect to the proposed highway soakaway, it should be noted that the North Yorkshire Council Interim Guidance Note 16 (Drainage and Sustainable Drainage Systems (SuDs) at section 16.5.6 deals with pollution prevention methods, and advises that any requirements for oil separators should be confirmed with the Environment Agency.

The re-submitted highway layout and engineering details are considered acceptable, and the local planning authority recommends that the following **Conditions** are attached to any permission granted :

1. MHC-01 Detailed Plans of Road and Footway Layout

Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority.

The development must only be carried out in compliance with the approved engineering drawings.

Reason for Condition

To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

Continued

**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**



Continuation  
sheet:

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**23/00348/MFUL**

1. (Continued)

MHi-B Detailed Plans of Road and Footway Layouts \_(MHC-01)

It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made.

To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority.

The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition

2. MHC-02 Construction of Adoptable Roads and Footways

No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation.

The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason for Condition

To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

Continued

**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**



Continuation  
sheet:

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**23/00348/MFUL**

3. MHC-04 Closing of Existing Access at Land at Aspen Way Slingsby

The development of *plots 12 & 13* must not be brought into use until the existing access onto B1257 Malton Road has been permanently closed off in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason for Condition

In the interests of highway safety and the amenity of the area.

4. MHC-06 Pedestrian Visibility Splays at Land at Aspen Way Slingsby

There must be no access or egress by any vehicles between the highway and the application site at Land at Aspen Way Slingsby until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason for Condition

In the interests of highway safety.

MHi-E Pedestrian Visibility Splays –(MHC-06)

An explanation of the terms used above is available from the Local Highway Authority.

5. MHC-10 Parking for Dwellings

No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Continued

**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**



Continuation  
sheet:

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**23/00348/MFUL**

5. (Continued)

Reason for Condition

To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

6. MHC-11 Garage Conversion to Habitable Room (Plots 1; 2; 3; 5; 7; 8 & 9)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason

In accordance with policy number and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development *and in compliance with the adopted minimum parking standards for residential dwellings as given in the NYCC document Interim Parking Standards 2015.*

7. MHC-15A Construction Management Plan

No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. details of any temporary construction access to the site *off the B1257 including appropriate size and specification, the making and implementation of a temporary Traffic Regulation Order for a lower local speed limit in the vicinity of the access and measures for removal following completion of construction works;*
2. restriction on the use of *the direct Aspen Way access for construction purposes in advance of the completion of the adoptable vehicular access link through the development site to the west as indicated on the submitted drawings unless as otherwise approved in writing by the local planning authority;*

.....continued

**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**



Continuation  
sheet:

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**23/00348/MFUL**

7. (Continued)

3. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. the parking of contractors' site operatives and visitor's vehicles;
5. areas for storage of plant and materials used in constructing the development clear of the highway;
6. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
7. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
8. protection of carriageway and footway users at all times during demolition and construction;
9. protection of contractors working adjacent to the highway;
10. details of site working hours;
11. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
12. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
13. measures to control and monitor construction noise;
14. an undertaking that there must be no burning of materials on site at any time during construction;
15. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
16. details of the measures to be taken for the protection of trees;
17. details of external lighting equipment;
18. details of ditches to be piped during the construction phases;
19. a detailed method statement and programme for the building works; and
20. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

.....continued

**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**



Continuation  
sheet:

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**23/00348/MFUL**

7. (Continued)

Reason for Condition

In the interest of public safety and amenity

***In respect of sub-section 1:*** MHi-C New and altered Private Access or Verge Crossing  
–(MHC-03)

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site: Road adoption | North Yorkshire Council

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

**INFORMATIVE**

MHi-A Other Permissions required from the Local Highway Authority

Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions).

Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

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## Comments summary

Dear Sir/Madam,

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 18/03/2024 12:07 AM from Mr Mark Kingaby-Daly.

### Application Summary

Address: Land North Of Edenhouse Avenue Old Malton North Yorkshire

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Proposal: Erection of 3 no. drive thru units, together with associated landscaping, boundary treatments, car parking, servicing, internal roads, access and associated works

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Case Officer: Alan Goforth

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[Click for further information](#)

### Customer Details

Name: Mr Mark Kingaby-Daly

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Address: 2 Cromarty Cottages, Main Street, Birdsall, North Yorkshire YO17 9NN

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### Comments Details

Commenter Type: ie Site/press notice

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Stance: Customer made comments in support of the Planning Application

---

Reasons for comment:

Comments: I am submitting this comment in support as a local resident and business owner.

My overarching reason for supporting this development is the creation of jobs in the local area.

I note that some (notably Malton Town Council) object to this development as it may impact upon the town centre economy. It is disappointing that the creation of jobs in the district is not being supported during the current economic climate. More jobs should be created in this area for the people living here without the need for them to travel to work in York, Beverley or Scarborough.

I would argue that any out-of-town development (which this is) would benefit the wider towns of Malton and Norton, and those who visit the area. There is no threat to the "Food Capital".

In addition, there is inadequate provision for drivers on the A64 after York. If drivers need rest or refreshments, they are forced to drive into Malton/Norton itself, causing an increase in town centre traffic.

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Kind regards



# Agenda Item 8

**From:** Guy Newbury  
**Sent:** 18 March 2024 13:29  
**To:** Cllr. Caroline Goodrick  
**Subject:** Urgent - 22/00102/Ful

Good Afternoon Councillor Goodrick,

I am the owner/occupier of Millers Barn, the property approximately 300m adjacent to the proposed Gypsy/Traveller site on Cornborough Road, Sheriff Hutton. I tried to get a speaking spot at the meeting on Thursday 21<sup>st</sup> March for the objectors but it has been taken unfortunately.

In lieu of this, as our representative on the council, I wanted to contact you so that you could get my objections across to the other councillors please.

The site is located in open countryside and under the criteria of SP5, new traveller site development should **be strictly limited**. To mitigate this, the planning officer has attached a “significant amount of weight on the personal circumstances of the family”.

However, it is clear from conversations with the local community that those member of the family that suffer from a series of chronic health related issues are no longer on site , nor do they attend the local school. This has been the case for at least 6 months. That family unit has left the area and, in this case, surely the balance of weight tips back towards the government advice that new development should be strictly limited.

The number of children in the school currently is 2-3, not the 7 that the Planning Officer suggests.

Further, I appreciate the need to find more sites to accommodate the travelling community and I support that initiative, however to accept this site as reducing the number of pitches that the Planning Office will need to secure, is to accept that your hand has been forced in where you would site such developments. Is this really the site that the Planning Office would have chosen for a new development?

The current site has been occupied intentionally illegally since at least June 2021, the Planning Officers mitigation for which, seems to be that the occupier keeps birds. However, the cockerels (fighting cockerels potentially) did not arrive until after the illegal site had been there for at least 6 months and should not be a consideration.

There is an assertion that the limited provision that exists at Tara Park is not a realistic option for the applicant and the wider family and I accept that they found Tara Park was not to their liking. However, that is not their only option, it is just their only option withing this planning jurisdiction. The City of York is planning on spending over £5m on creating 38 more pitches over their sites and many of these are actually closer to Sheriff Hutton than Tara Park is.

This is an extremely important local issue that is attracting strong views, evidenced by the 76 objections and zero supports on the original application. Please could the councillors choose not to abstain from voting and make their voices heard on this subject.

Thank you

Guy Newbury

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## MY OBJECTIONS.

### EXTREMELY CONCERNED RESIDENT

Are the council going to be proactive or reactive The Council's decision could have far reaching effects on time and expenditure on other agencies.

I will be brief to ensure your continued attention..

- 1 The applicant and associates have repeatedly acted unlawfully and the council has been UNWILLING to act. Are they intimidated and frightened of the fallout. It is untenable to expect law abiding citizens to share their space with those who have proven total disregard for the law.

### REWARDING BAD BEHAVIOUR HAS SERIOUS CONSEQUENCES FOR LOCAL RESIDENTS.

2. The council has failed in their duty to uphold planning laws and are INMO guilty of dereliction of duty.
3. Should the Council submit to pressure and allow this illegal development which allows the floodgates to open for many illegal developments. Will they treat other applications and actions with the same indifference or will the Council only discriminate in favour of gypsy developments.  
What is good for one is good for all
4. Although not shown on this application I received notification that an intended 'puppy farm. was also attached to this planning. The Council has to issue a licence for the breeding of dogs. Would they monitor this to ensure that all legal practices and requirements are being adhered to and that the welfare of the animals is protected.

THE RSPCA CAN ATTEST TO A HISTORY OF HOW SECTIONS OF SOCIETY TREAT ANIMALS.

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