



Agenda

Meeting: Thirsk and Malton Area Planning Committee

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

Date: Thursday, 19 June 2025

Time: 10.00 am

Venue: Council Chamber, Ryedale House, Malton, YO17 7HH

This meeting is being recorded and will be available to view [via our website](#) and uploaded to [our Youtube channel](#).

Late papers

4. **22/01401/MOUT- hybrid planning application on land on the west side of Malton Road, Pickering comprising:** (Pages 3 - 14)
1. Outline planning application for residential planning permission for up to 110 dwellings within 3.70ha of the site, with all matters reserved save for means of access
 2. Full planning permission for change of use to public open space of an adjoining parcel of land extending to some 1.09ha

Contact Details

Enquiries relating to this agenda and meeting please contact:
Nicki Lishman, Senior Democratic Services Officer
E-mail: democraticservices.east@northyorks.gov.uk
E-mail: nicki.lishman@northyorks.gov.uk
Tel: 01653 638476
Website: www.northyorks.gov.uk

Barry Khan
Assistant Chief Executive
(Legal and Democratic Services)
County Hall
Northallerton

Wednesday, 11 June 2025

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Agenda Item 4

From: LUP enquiries
Sent: 12 June 2025 10:11
To: Alan Goforth
Subject: Re: 22/01401/MOUT- land west side of Malton Road, Pickering

Dear Alan,

I have had a look at the planning application in more detail, and looking at the Site Layout plan - 022/042/SL/G June 2023, Rev G, it appears that the open space proposed will not have any facilities proposed that will encourage people to congregate, except for the LEAP proposed. It appears that apart from the LEAP area, the rest of the proposed open space will only have footpaths through the area. As long as the area located within the HSE inner consultation zone (15 metres from the pipeline) does not have any facilities which would encourage people to congregate, such as football pitches and play areas, then this area can be classed within HSE's methodology as landscaping. As long as the LEAP will be located outside of the 15 metre inner consultation zone, then HSE would not advise against the planning application 22/01401/MOUT. Therefore, making those assumptions, I have re-inputted the planning application details into the HSE Planning Advice Web App, and the output is attached to this email.

Therefore, to confirm HSE's advice for planning application 22/01401/MOUT is HSE Does Not Advise Against. However, this is on the condition that any outdoor public space located within the inner consultation zone (15 metres from the major accident hazard pipeline) will not have any facilities that would encourage people to congregate, such as play areas, football pitches. Any play areas/football pitches etc must be located outside of the inner consultation zone.

If you wish to discuss this further, then please feel free to ring me.

Regards,
Kathryn Deakin

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Advice : HSL-25061115142-381 DO NOT ADVISE AGAINST

Your Ref: 22/01401/MOUT

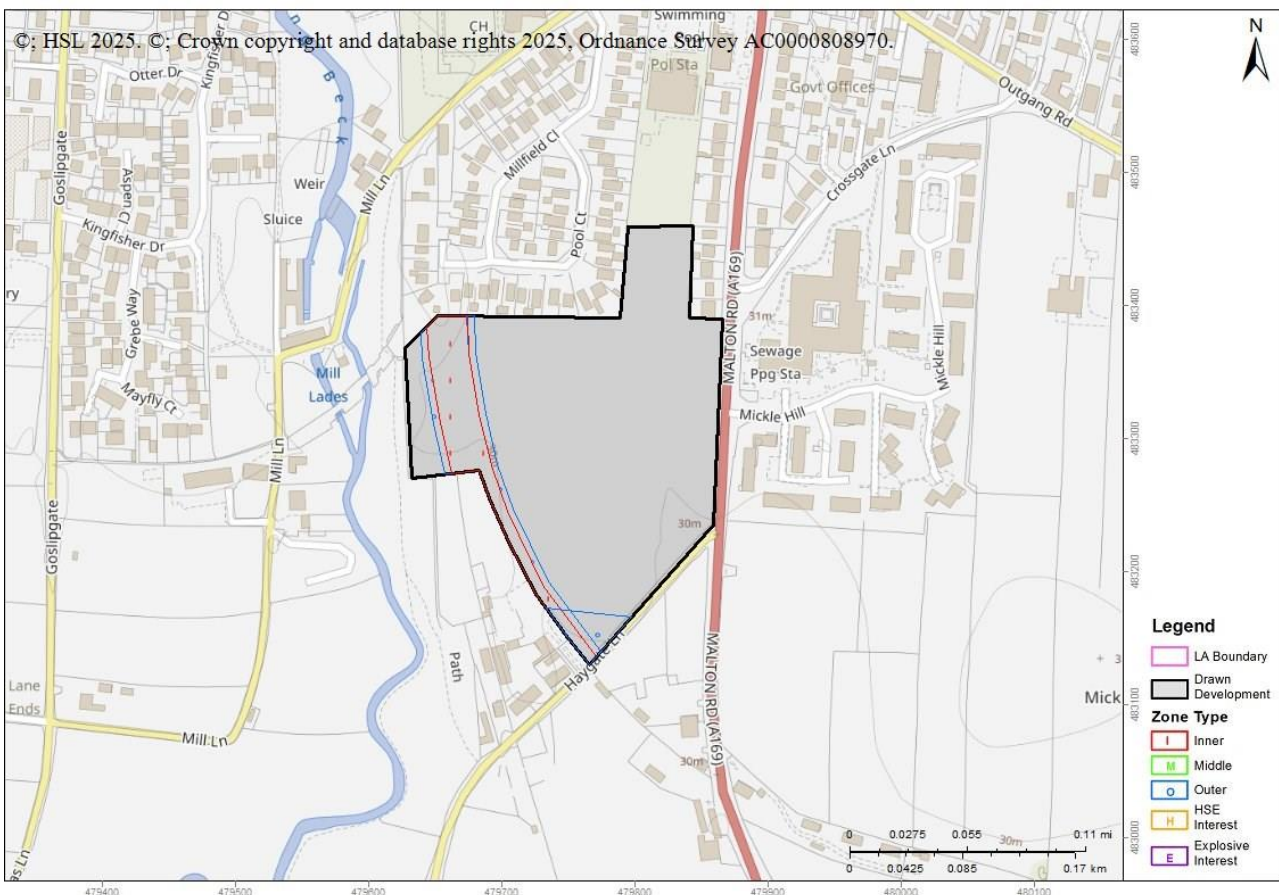
Development Name: Hybrid Planning Application comprising: 1) Outline planning application for residential planning permission for up to 110 dwellings within 3.70ha of the site with all matters reserved save for means of access; 2) Full planning permission for change of use to public open space of an adjoining parcel of land extending to some 1.09ha

Comments: Land At West Side Of Malton Road Pickering North Yorkshire

Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013]

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of HSL.

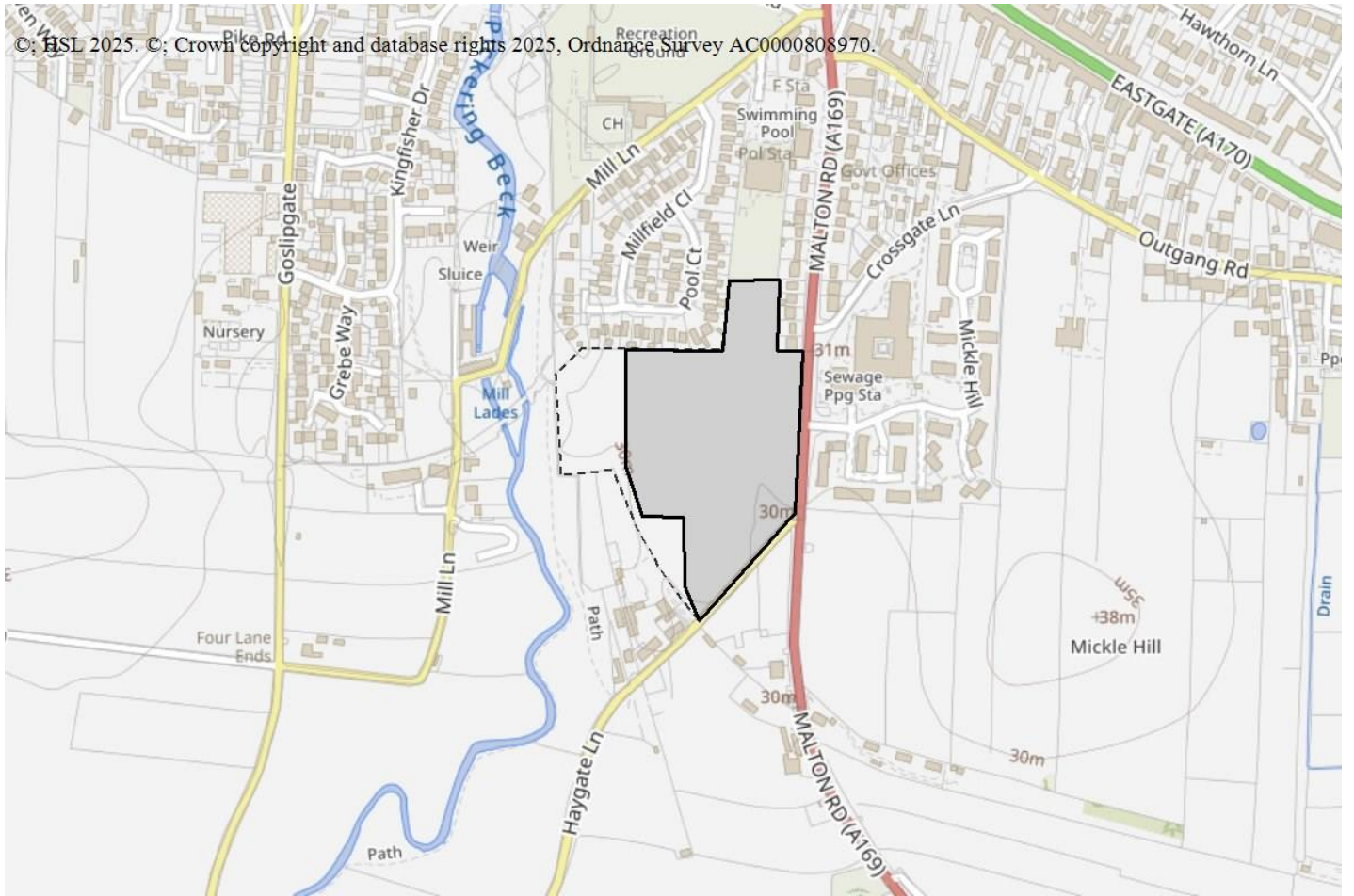
HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.



Breakdown:

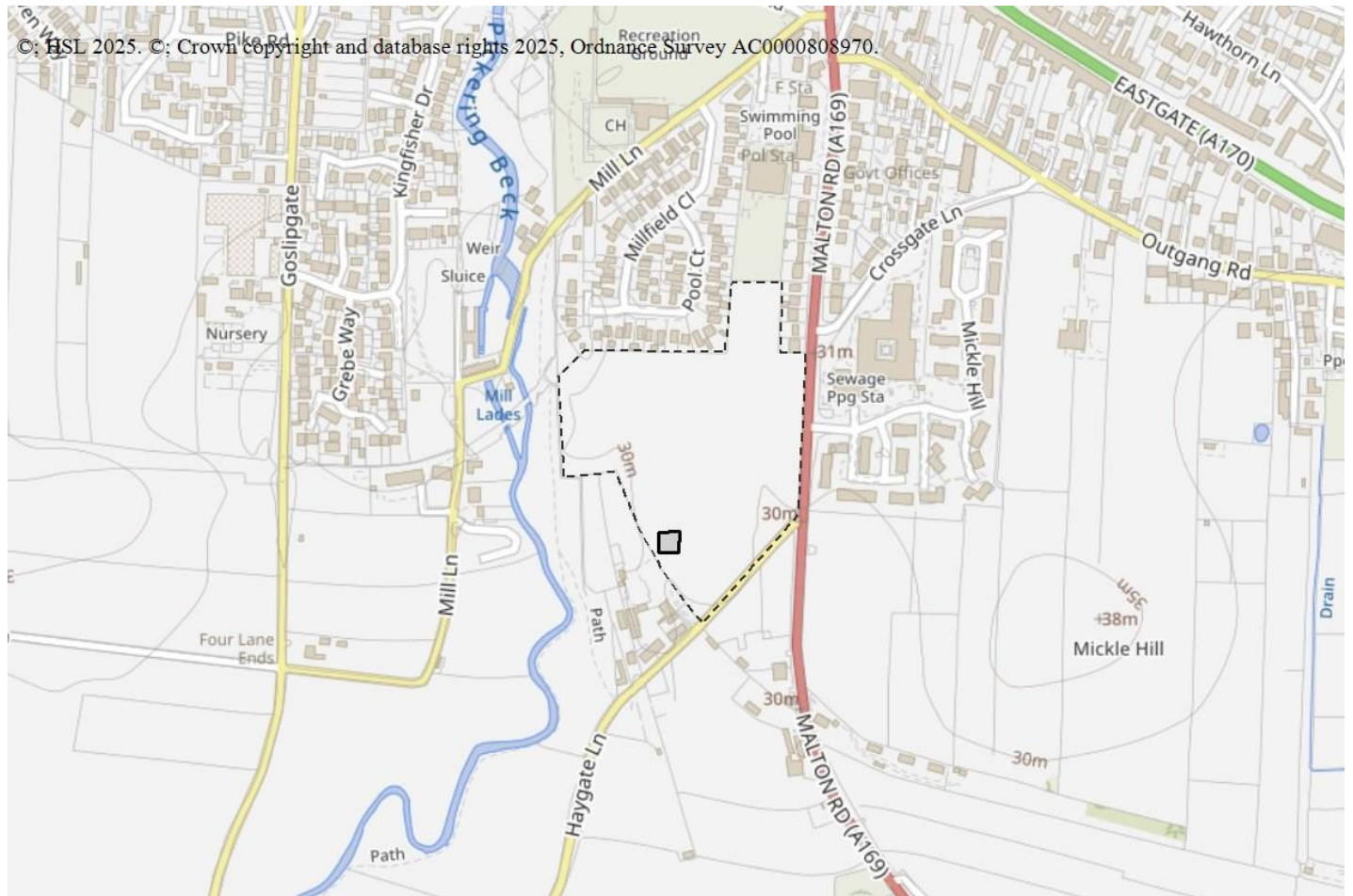
Housing : Do Not Advise Against

How many dwelling units are there (that lie partly or wholly within a consultation distance)? More than 30



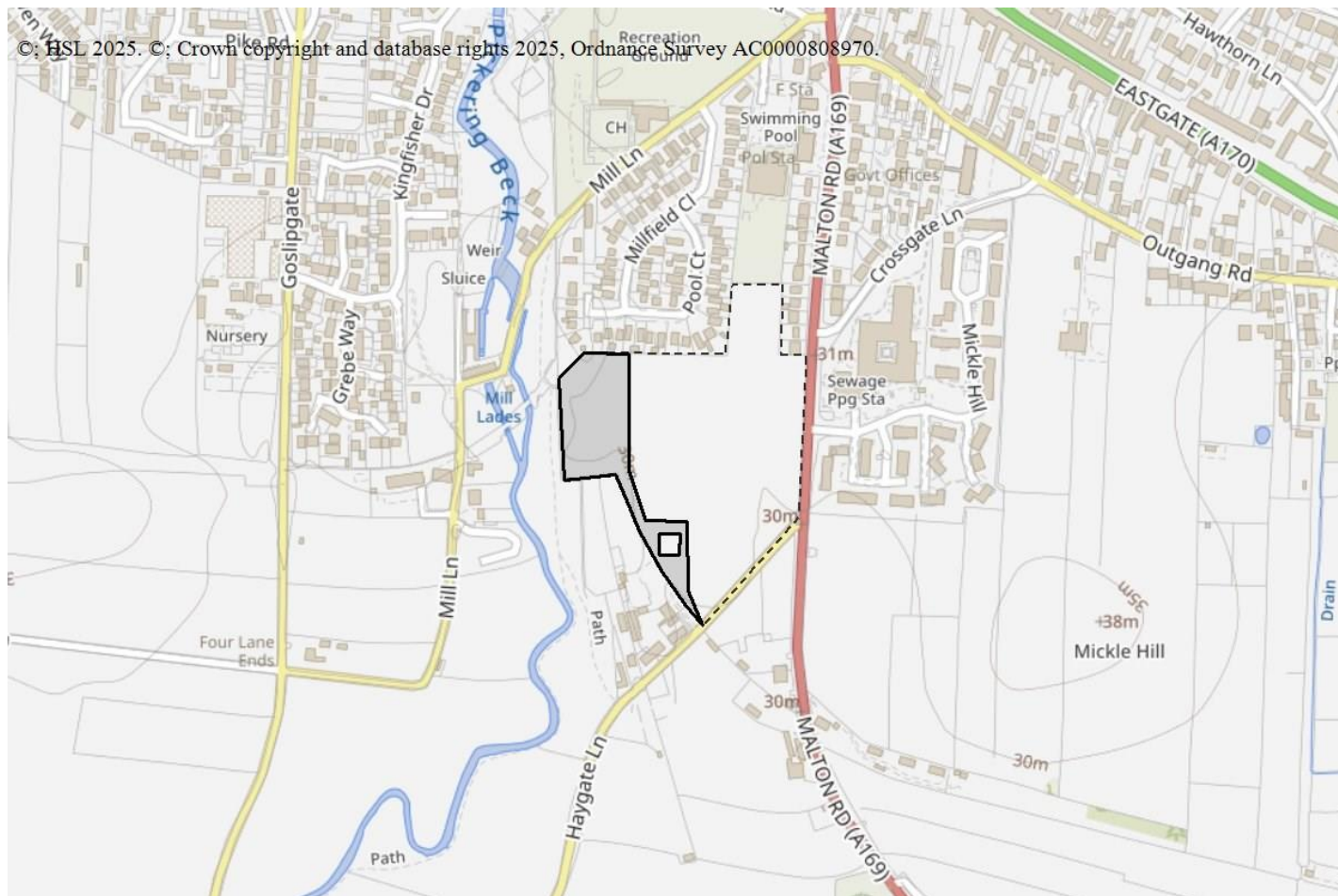
Outdoor Use By Public : Do Not Advise Against

What is the maximum number of people likely to be present at any one time? Up to 100 people



Landscaping : Do Not Advise Against

There are no questions for landscaping



Pipelines

- 7710_1962 Northern Gas Networks
- 7724_1976 National Gas

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on the situation as currently exists, our advice in this case will not be altered by the outcome of any consultation you may have with the pipeline operator.

This advice report has been generated using information supplied by Kathryn Deakin at HSL on 11 June 2025.

Note that any changes in the information concerning this development would require it to be re-submitted.

Comments summary

Dear Sir/Madam,

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

Comments were submitted at 12/06/2025 10:53 PM from Mrs Karen Beer.

Application Summary

Address: Land At West Side Of Malton Road Pickering North Yorkshire

Proposal: Hybrid Planning Application comprising: 1) Outline planning application for residential planning permission for up to 110 dwellings within 3.70ha of the site with all matters reserved save for means of access; 2) Full planning permission for change of use to public open space of an adjoining parcel of land extending to some 1.09ha

Case Officer: Alan Goforth

[Click for further information](#)

Customer Details

Name: Mrs Karen Beer

Email: REDACTED

Address: 31 Pool Court, Pickering, North Yorkshire YO18 8DR

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: I strongly object to this planning application because of the increased traffic, on an already very busy/over used road.

Also the impact to the environment and noise pollution concerns me significantly!

Impact on local amenities and services are already over stretched!

Lastly the building on this land would immensely impact on neighbouring properties and privacy.

Kind regards

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Question from Simon Thackray

Re: 22/01401/MOUT

The Court of Appeal Judgment of 2 April 2025 in the case of the 'SECRETARY OF STATE FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS (Appellant) - and – (1) THE KING (on the application of PICKERING FISHERY ASSOCIATION by MARTIN SMITH) Respondents – and – (2) ENVIRONMENT AGENCY – and – OFFICE FOR ENVIRONMENTAL PROTECTION' states:

“49: It is agreed that at present the ecological potential of UCB (Upper Costa Beck) is not “good”, but “moderate”. It is also agreed that, at least in part, this has been the result of pollution by sewage spills from the Pickering Waste Water Treatment Works, and discharges from two fish farms, one of them also a watercress farm, and other facilities, including the Flamingo Land Amusement Park”.

Before the Planning Committee can safely approve this application for 110 new dwellings in Pickering, it must first secure the commitment of Yorkshire Water to carry out the necessary upgrade to its Pickering sewerage system, which Yorkshire Water has confirmed “*does not have sufficient available capacity.*” (See Yorkshire Water letter of 15 May 2025).

If the Committee approves this application, without first ensuring the completion of the necessary upgrade to the Pickering WWTW and network, it will trigger an increase in sewage pollution and deterioration of the aquatic environment of the Upper Costa Beck, and undermine the Court of Appeal decision of 2 April 2025 and the successful delivery of

“(1) Environmental Objectives (“EOs”) for Costa Beck [] firstly, to prevent deterioration in its ecological and chemical status and secondly, to enhance and restore that status so as to achieve certain standards within set timescales; (2) a Programme of Measures (“POM”) for achieving those EOs. Programme of Measures (PoM), designed to achieve the Environmental Objectives (EOs).”

Ofwat lists Pickering Waste Water Treatment Works (WWTW) non-compliant and in breach of Regulation 4(4) of the Urban Waste Water Treatment Regulations (UWWTR)". The EA EDM (Event Duration Monitoring) records for 2023 record the Pickering WWTW spilling sewage into Upper Costa Beck on 84 occasions for a total 711.50 hours.

Re Application 22/01401/MOUT the case officer's report states:

10.100. It is proposed that foul sewage would connect to mains sewer. **Yorkshire Water have not raised any concern in relation to sewerage capacity in the area** and have applied standard conditions to require separate systems for foul and surface water drainage and prior approval of full details of the proposed drainage works.

The officer's statement is incorrect.

Yorkshire Water wrote to the LPA, in a letter of 15 May 2025, stating that:

“The [Pickering] sewer network does not have sufficient available capacity to support the development proposed.”

In its letter of 15 May, Yorkshire Water was responding to an application for 150 new houses off Whitby Road, Pickering, and whilst the letter refers to another site in Pickering, the lack of sewage treatment capacity described is common to the whole of Pickering - **'the area'**. There is only one Pickering sewerage system.

My concern is not that new houses will be built, but when they can be occupied. When can additional houses be connected to the Pickering sewerage system without causing an increase in sewage pollution and deterioration of the aquatic environment of the Upper Costa Beck.

The Court of Appeal has ruled that a 'Programme of Measures' must be carried out in order to obtain the Environmental Objectives (EOs) for the Upper Costa Beck (UCB), and it is important that the LPA does not approve a new development that will cause a deterioration of the aquatic environment. The necessary infrastructure must come first and future occupancy conditions should be unambiguous.

Question:

Will the committee please commit to protecting the aquatic environment in Pickering from sewage pollution by ensuring that all approvals of applications for new developments in Pickering are accompanied by a water-tight set of conditions that guarantee that no buildings shall be brought into use until the necessary upgrade of the Yorkshire Water sewerage system has been completed?

Reason: In order to prevent the pollution of the Upper Costa Beck with sewage.