

# 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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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.

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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.

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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.

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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;*

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  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.
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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.