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North Yorkshire Council

Thirsk and Malton Area Constituency Planning Committee

Minutes of the meeting held on Thursday, 21 March, 2024 commencing at 10.00 am.

Councillor Caroline Goodrick in the Chair, plus Councillors Alyson Baker, Lindsay Burr MBE, Sam Cross, Nigel Knapton, Malcolm Taylor and Steve Mason.

Officers Present: Jill Thompson, Alpha Love-Koh, Alan Goforth, Matthew Lishman and Nicki Lishman.

Apologies: Councillor Joy Andrews.

Copies of all documents considered are in the Minute Book

73 Apologies for absence

Apologies for absence were received from Councillor Joy Andrews, Councillor Mason substituted.

74 Minutes for the meeting held on 15 February 2024

The minutes of the meeting held on 15 February 2024 were confirmed and signed as a correct record.

Voting record

Confirmed by general affirmation.

75 Declarations of interests

Councillor Caroline Goodrick declared an interest in Item 4 of the agenda as she had been involved with the project and recused herself from consideration of the item. Councillor Goodrick also declared a personal but non pecuniary interest in Item 5 as she knew the listed objector who was the former Chair of the Parish Council and in Items 8 and 9, as the applications were in her division.

In the absence of the Vice Chair, Councillor Goodrick proposed and Councillor Sam Cross seconded that Councillor Nigel Knapton take the Chair for consideration of Item 4.

Upon being put to the vote the motion was carried.

DECISION

That Councillor Nigel Knapton take the Chair for consideration of Item 4 of the agenda.

Voting record

Unanimous

Planning Applications

The Committee considered reports of the Assistant Director Planning – Community Development Services relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

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

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

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan, the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee granted planning permission contrary to the recommendation in the report the reasons for doing so and the conditions to be attached are set out below.

76 ZE23/06398/FUL - Change of use of agricultural land to 12no. allotments and communal gardens with associated parking, gated internal access track, pavilion, 13no. greenhouses/polytunnels, 13no. sheds and 3no. storage containers

Councillor Nigel Knapton in the Chair.

The Assistant Director Planning – Community Development sought determination of a planning application for the change of use of agricultural land to a community space including allotments with associated paraphernalia on land at Boundales Farm, Back Lane, Leavening.

The application was reported to the Area Planning Committee for determination because the land subject of the application is under Council ownership and therefore, in line with the scheme of delegation, the application was considered to be submitted on behalf of the Council.

Presenting the report, the planning officer drew Members attention to how the proposal supports;

- key policies in the Ryedale Local Plan
- the aspiration of the local community for this type of community space
- the promotion of healthy and safe communities

The officer also explained the measures that have been taken by the applicant to ensure pedestrian safety, car parking, the visual amenity of neighbouring properties, noise and the mitigation of surface water run-off.

Guy Holtby spoke to object to the application.

Sean McDermott, representing the Parish Council, spoke in support of the application.

Councillor Caroline Goodrick, Division Member, spoke in support of the application.

Karen McDermott, the applicant spoke in support of the application.

During consideration of the item, the Committee discussed the following issues:

- Access to the site and concerns about ownership of the lane
- The quality and design of structures on the site
- Car parking
- Events at the site

DECISION

That planning permission be GRANTED subject to the conditions listed in the report and that any amendments to the conditions be delegated to officers.

Voting record

Unanimous

Councillor Lindsay Burr left the meeting at 10.50am.

77 ZE23/06955/73- Application for the variation of condition 02 of planning approval 23/00077/73 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 on land at Dogh, Main Street, Welburn, Malton

Councillor Caroline Goodrick in the Chair.

The Assistant Director Planning – Community Development sought determination of a planning application for the 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 on land at Dogh, Main Street, Welburn, Malton.

The application was reported to the Area Planning Committee for determination because it was considered that significant planning issues had been raised.

Presenting the report, the planning officer drew Members attention to

- The existing condition restrictions and those proposed
- Event management proposals
- The responses of the Environmental Health Officer, AONB Manager and the Local Highway Authority
- Parking and traffic management matters

John Ryan spoke to object to the application.

Georgia Dowkes-White, the applicant, spoke in support of the application.

During consideration of the item, the Committee discussed the following issues:

- Condition 10 regarding no deliveries before 4.00am.
- Parking for this and neighbouring properties
- The introduction of a Traffic Regulation Order
- Noise and disturbance

DECISION

That the granting of planning permission be DEFERRED subject to further consideration of condition 10 regarding deliveries to the premises and further investigation into the proposed Traffic Regulation Order.

Voting record

Unanimous

78 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

The Assistant Director Planning – Community Development sought determination of a planning 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.

The application was reported to the Area Planning Committee for determination because it was considered that significant planning issues had been raised.

Presenting the report, the planning officers drew Members attention to the planned accesses to the site, which were linked to the development of application ref ZE23/05729/MFUL on the adjacent land. Vehicular access between 12 and 14 Aspen Way was proposed until such time as the access via the adjacent application was completed. In addition, access from the B1257 for construction traffic only, was proposed until such time as the construction had been completed.

Tim Waring spoke to object to the application.

Fiona Farnell, on behalf of the Parish Council, spoke to register the Parish Council's concerns regarding access to the site.

Paul Butler, agent, spoke in support of the application.

During consideration of the item, the Committee discussed the following issues in depth:

- Members were concerned that the proposed access between 12 and 14 Aspen Way would become a permanent arrangement, as its removal or downgrading was dependent upon the progression of the neighbouring application site.
- Members considered whether the temporary construction traffic access to and from the B1257 could be an alternative option for residential traffic.

DECISION

That the granting of planning permission be DEFERRED to allow further consideration of the proposed accesses to the site.

Voting record

5 for

1 abstention

79 ZE23/06814/MFUL - Application for the erection of 3 no. Drive Thru units, together with associated landscaping, boundary treatments, car parking, servicing, internal roads, access and associated works on land north of Edenhouse Avenue, Old Malton

The Assistant Director Planning – Community Development sought determination of a planning application for the erection of 3 no. drive thru units, together with associated landscaping, boundary treatments, car parking, servicing, internal roads, access and associated works on land north of Edenhouse Avenue, Old Malton.

The application was reported to the Area Planning Committee for determination because it was considered that significant planning issues had been raised.

Presenting the report, the planning officer advised Members that the drainage design was not yet fully resolved and the LPA was awaiting the Lead Local Flood Authority's final recommendation. The site is within an area of high flood risk and is subject to a site-specific flood risk assessment, which has been deemed acceptable by the Environment Agency and has passed a sequential test process. The officer confirmed that the final lighting scheme would be approved by condition and an application for advertisement consent would be required in the future.

Paul Brailsford, agent, spoke in support of the application.

During consideration of the item, the Committee considered the following matters:

- The impact of lighting on the highway and any planned landscaping to mitigate this.
- Littering of the local surroundings and beyond and what conditions could be implemented to minimise this risk.
- Any potential impact on the status of Malton as the Food Capital of North Yorkshire.

DECISION

That planning permission be GRANTED and that delegated authority be given to officers to agree conditions on flood mitigation and drainage following the receipt of a consultation response from the Lead Flood Authority and an informative in respect of the management of litter.

Voting record

Unanimous

80 22/00102/FUL - Change of use of land to a gypsy/traveller site with 4no family pitches each with 1no static caravan, 1no touring caravan pitch and parking spaces, erection 1no. amenity building and installation of 1no bio-disc treatment plant with associated parking and landscaping

The Assistant Director Planning – Community Development sought determination of a planning application for the change of use of land to a traveller site at Cornborough Road, Sheriff Hutton.

The application was referred to committee for determination on the basis of the Planning issues raised by the application.

Presenting the report, the planning officer updated Members on current capacity at the Tara Park Gypsy and Travellers site at Malton, which as of this date had only one vacant pitch. The officer also confirmed the circumstances of the number of family members living at the Sheriff Hutton site. National government policy with regard to the development of travellers

sites in open countryside was explained within the context of this application, in that need and personal circumstances may be considered.

John Hamilton spoke to object to the application.

Trevor Mennell, agent, spoke in support of the application.

Members were given the opportunity to read details of a "Personal circumstances" document and, as this information met the provisions of section 100A of the Local Government Act 1972 as the information related to an individual, Members agreed to move into closed session for consideration of this information.

The public meeting resumed at 1:54pm.

During consideration of the item, the Committee discussed the following matters:

- The need for the amenity building and the use of the existing building on the site.
- The link of the application to the named family members and their dependent children.
- The possibility of the future removal of the structures.
- Any commercial activity of the site.
- The proposed pitches located in the wider, open area of the site.

DECISION

That the granting of planning permission be DEFERRED to allow further discussion on the design and permanence of the amenity building and the extent of the proposed pitches into the wider site to reduce landscape impact.

Voting record

Unanimous

- 81 ZE23/00437/FUL - Change of use of former agricultural building for use as a (small breeds) dog breeding kennel and domestic storage together with an extension to the building to provide toilets and external alterations including the installation of insulated acoustic sheeting to the exterior of the building (part retrospective) and the change of use of agricultural land to dog exercise area.**

The Assistant Director Planning – Community Development sought determination of a planning application for land at Cornborough Road, Sheriff Hutton.

The application accompanied another application (planning application ref 22/00102/FUL) in the same location which raised a range of planning issues. It was considered that both applications should be considered by the Committee in view of the cumulative issues raised.

DECISION

As this application was dependant on the outcome of the previous application, which was deferred by the Committee, it was agreed that this application should also be DEFERRED.

- 82 Any other items**

There was no other business.

83 Date of next meeting

18 April 2024 at 10am.

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