

**Item Number:** 11  
**Application No:** 21/00645/FUL  
**Parish:** Yedingham Parish Council  
**Appn. Type:** Full Application  
**Applicant:** Mr C Hindmarch (DH Multi Services)  
**Proposal:** Formation of a layby to serve the sewage treatment plant, accessing and egressing the existing highway verge  
**Location:** Land Off Malton Road Yedingham Malton North Yorkshire

**Registration Date:** 16 April 2021  
**8/13 Wk Expiry Date:** 11 June 2021  
**Overall Expiry Date:** 28 June 2021  
**Case Officer:** Niamh Bonner **Ext:** 43325

#### CONSULTATIONS:

**Sustainable Places Team (Environment-Agency Yorkshire Area)**  
**Yedingham Parish Council** Object  
**Highways North Yorkshire** Recommend Conditions

**Representations:** Miss Amanda Wain,

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#### SITE:

The site relates to a section of public highway verge, to the north of Malton Road, Yedingham. This is located on the approach to the village when entering from the south west and is located to the south of the residential property, no. 1 Malton Road. This area of land is also located directly adjacent to the sewerage treatment plant that serves the village, which is not on mains sewers.

The site is located within Flood Zone 2 as defined by the Environment Agency.

#### PROPOSAL:

This application seeks permission for the formation of a layby to serve the sewage treatment plant, accessing and egressing the existing highway verge.

Supporting information received from the Applicant dated 10th June 2021 noted that *“the layby is the final stage of a wholesale renewal of the sewerage treatment plant which is of course an asset to the village through the replacement of aging apparatus...the layby will allow tankers and vehicles visiting the site to do so safely without having to park in the carriageway or pull onto the verge potentially causing damage, a scenario which is the best interest of highway safety for operatives and all other road users.”* It was also noted previously that *“Tankers currently attending site either wait in the carriageway of the public highway with the hoses been taken across the verge, or they drive onto the verge to get closer to the pumping station. Yorkshire Housing have become increasingly concerned about highway safety matters for road users and for operatives attending site and have had instances of tankers damaging the verge and in some cases getting stuck requiring recovery. The layby will mitigate these concerns allowing tankers to safely and effectively move of the road.”*

The current proposals relate an updated third scheme, following comments and concerns being raised by NYCC Highways and the Case Officer.

The original scheme incorporated a layby which spanned approximately 30.6 metres in length and 7.5 metres in width, with a grassed island. These plans indicated this layby would be paved with porous

grass seeded truck pave. The second scheme submitted on the 31st May 2021 was identical, with the exception of 6no. bollards to restrict access to authorised personal only.

Following review by the NYCC Highways Officer, who had been in discussion with the NYCC Maintenance Manager concerns were raised over the scale of this installation in the public highway, together with concerns over the of restriction access to what is the public highway via bollards. The Case Officer also raised concerns in relation to the scale of this installation and the impact upon the character of this gateway to the village.

A much reduced revised scheme was submitted on the 10th June 2021. This incorporated a more simple pull on layby, without an island or bollards, spanning approximately 18.7 metres in length and 3 metres in width. As before, this would incorporate porous grass seeded truck pave, the relocation of the village sign and the relocation of an electricity pole, position still to be confirmed.

#### **POLICY:**

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy  
Local Plan Strategy -Policy SP11 Community Facilities and Services  
Local Plan Strategy - Policy SP16 Design  
Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources  
Local Plan Strategy - Policy SP21 Occupancy Restrictions  
National Planning Policy Framework  
National Planning Practice Guidance

#### **HISTORY:**

There is no directly relevant planning history.

#### **REPRESENTATIONS:**

11th May 2021 – Parish Council: *“The council feel it is an unnecessary development in open countryside, with this proposal being the first view as you approach the village. It is appreciated the sewage treatment plant is a constant issue, but if properly invested in would require less attendance by HGVs. It is felt that the lay by proposed is far larger than necessary and a simple pull in would suffice. The council object on the grounds of development in open countryside and the potential for attracting anti-social behaviour as well as potential vehicle incidents when exiting on a bend.”*

12th May 2021 – Occupier of no. 1 Malton Road, Yedingham: *“Whilst I understand the reason for this Lay-by I am concerned that it will encourage more anti-social behaviour and illegal parking with the possibility of travellers making use of it. Therefore I'm afraid I object to this planning application. The amount of times that the treatment plant should require access does not warrant this action in my view. This is a rural area that does not require any urbanisation.”*

Formal reconsultation was undertaken on the plans received on the 10th June 2021, illustrating the smaller layby with additional supporting information on the need for this proposal. The following response was received:

26th June 2021 – Parish Council: *“Please note the parish council still object to the proposed plan. The reason for objection is due to the potential danger of having a lay by on a bend, possibility of attracting anti-social behaviour, cost and existing arrangements appear to be fit for purpose.”*

The Agent wrote to the Case Officer following review of the Parish Council’s second comments on the 29th June 2021 to note the following: *“I am struggling a little with the Parish Councils conclusions as a layby in this location allowing wagons to be clear of the road has got to be better than vehicles parked on the bend. Also in terms of attracting anti-social behaviour, the layby is next to the road with no screening and can be overlooked from the road and neighbouring properties therefore providing that informal natural surveillance which discourages such behaviour.”*

## **APPRAISAL:**

The main considerations within the determination of this application are:

- i. Principle of Development
- ii. Character, Form and Landscaping
- iii. Impact upon Amenity
- iv. Access and Highway Safety
- v. Other matters, including consultation responses.

### i. Principle of Development

Policy SP1 (General Location of Development and Settlement Hierarchy) notes that in all other villages, hamlets and in the open countryside development will be restricted to that 'which is necessary to support a sustainable, vibrant and healthy rural economy and communities.

Policy SP11 (Community Facilities) notes support for expansion and improvements to existing facilities in or outside of Development Limits. It is Officer's view that in this instance sewerage treatment plant would form a functional community facility within Yedingham and it is noted that this infrastructure has been recently renewed. This proposal has been noted as necessary from a safety perspective and this is acknowledged.

Policy SP7 (Managing Air Quality, Land and Water Resources) notes support for "*ensuring that necessary sewerage and water treatment infrastructure improvements are provided in tandem with new development.*" This may not be strictly relevant to this specific situation, however these works do relate to supporting works to recently replaced sewerage installation, to enhance the current arrangements from a safety perspective, therefore is considered to accord with the spirit of this policy in principle.

Policy SP20 (Generic Development Management Issues) notes support where "*Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact upon road safety.*" As noted, this is intended to enhance levels of highway safety when works are being carried out at the sewerage treatment plant.

It is not also considered that the works would be proposed should they not be strictly necessary as they represent a significant financial investment.

Therefore, in principle, this proposal which will enhance the safety levels for workers accessing the sewerage treatment plant and for other road users is considered to be acceptable and in accordance with Policies SP1, SP11, SP17 and SP20 of the Ryedale Plan, Local Plan Strategy. This is however to full consideration of the additional key considerations below.

### ii. Character, Form and Landscaping

The approach to Yedingham along Malton Road is attractive and characterised by rural fields and green verges. At the point of the proposed layby, the site could be considered to be visually fairly well connected with the developed land within of the village, positioned approximately 5 metres beyond the formal village development limits. The site is located within 2.5 metres of the sewerage treatment plant and approximately 5 metres from the domestic curtilage of no. 1 Malton Road. The site is also located within the 30mph zone of the village.

As detailed within the 'Proposal' section above, significant changes have been made to the original scheme to reduce the scale and the visual impact of this. It is considered in terms of character and form, that the reductions in length and width, together with the simplification in form are appropriate and have mitigated the potential harm originally identified with the previous schemes that were highlighted to the Agent. The use of porous grass seeded concrete pavers is welcomed and will help to limit the visual prominence of the installation.

It is therefore considered that the proposed development is acceptable and subject to the relevant

conditions this will not detract from the character of the locality. It is considered that the proposal satisfies the requirements of Policy SP16 (Design) and SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy.

### iii. Impact upon Amenity

The concerns raised in relation to potential amenity impacts associated with the use of this layby are acknowledged.

This proposed layby would be closely located to part of the domestic curtilage associated with no.1 Malton Road, Yedingham, which is surrounded by mature and dense hedgerow. This domestic curtilage directly abuts the sewage treatment plant.

However, it is noted that there are a number of laybys across the District in proximity to villages and residential dwellings. The point raised by the Agent is considered relevant where they noted “In terms of attracting anti-social behaviour, the layby is next to the road with no screening and can be overlooked from the road and neighbouring properties therefore providing that informal natural surveillance which discourages such behaviour.”

Additionally there is a personal responsibility for all citizens to not engage in antisocial behaviour and such issues, should they arise can be reported to the Council’s Community Team and North Yorkshire Police.

It is not considered that this proposed change of use would result in material levels of disturbance, nuisance or harmful amenity impacts.

### iv. Impact upon Highway Safety

The proposed layby would be located just within the signed 30mph limit of Yedingham. North Yorkshire Highways were consulted on this application and provided responses in relation to the earlier schemes highlighting concerns. In relation to the revised scheme presently under consideration, they made the following comments on the 22nd July 2021:

*“Notwithstanding the Parish Councils comments regarding safety concerns of the location of the layby, it is deemed that the proposals as outlined in the amended plans received 11 June 2021 are more favourable than the existing arrangement for servicing of the sewerage treatment plant which involves a vehicle remaining stationary on the highway for periods of time.”*

Relevant planning conditions have been recommended relating to construction specification and materials, together with the provision of a Construction Management Plan prior to the commencement of works, to avoid harmful impacts upon the highway and residents during the construction phase.

### v. Other Matters, including consultation responses

No response was received from the Environment Agency and the porous nature of the construction is welcomed in terms of surface water.

Therefore, in conclusion it is considered that this proposal would help to improve the existing access arrangements to the sewerage treatment plant, but that this could be carried out without material harm to amenity, character and form, or access and highway safety. Subject to the recommended conditions, it is considered that this scheme satisfies the relevant policy criteria outlined within Policies SP1, SP11, SP16, SP17 and SP20 of the Ryedale Plan – Local Plan Strategy and the National Planning Policy Framework.

**RECOMMENDATION:****Approval**

1 The development hereby permitted shall be begun on or before .

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

2 The development hereby permitted shall be carried out in accordance with the following approved documents/plan(s):  
Site Location Plan (Drawing no. 105-03 Rev A)  
Proposed Site Block Plan (Drawing no. 105-02 Rev E)

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

3 The crossing of the highway verge and/or footway must be constructed in accordance with the approved details Drawing number 105-02 revision E with the addition of a channel kerb detail to the carriageway edge of the access to provide edge restraint and the following requirements.

- The final surfacing of any private access within 2 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

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:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification\\_for\\_housing\\_\\_\\_ind\\_est\\_roads\\_\\_\\_street\\_works\\_2nd\\_edition.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing___ind_est_roads___street_works_2nd_edition.pdf) .

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

4 Due to the location of the works - No construction activity must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted layby works must be undertaken in accordance with the approved plan. The Plan must include, but not be limited to arrangements for the following in respect of each phase of the works.

1. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
2. the parking of contractors' site operatives and visitor's vehicles;
3. areas for storage of plant and materials used in constructing the development clear of the highway;
4. details of site working hours;
5. 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 accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.