

**Item Number:** 14  
**Application No:** 22/00573/FUL  
**Parish:** Malton Town Council  
**Appn. Type:** Full Application  
**Applicant:** Mr & Mrs Corrigan  
**Proposal:** Erection of 1no. three bedroom dormer bungalow with associated access and landscaping (revised detail to refusal 20/00386/FUL dated 10.07.2020)  
**Location:** Land South Of Middlecave Road Malton North Yorkshire

**Registration Date:** 16 May 2022  
**8/13 Wk Expiry Date:** 11 July 2022  
**Overall Expiry Date:** 20 June 2022  
**Case Officer:** Niamh Bonner **Ext:** 43325

#### CONSULTATIONS:

<b>Yorkshire Water Land Use Planning</b>	No response
<b>Malton Town Council</b>	Recommend refusal
<b>Highways North Yorkshire</b>	recommends conditions

**Representations:** Mr Richard Kimber, Dennis And Patricia Bowers, Mr James Dix, Sue And Laurie Thackray, Mrs Ayshea Minchella, Mr Nick Balshaw, Bob & Jacqui Rogers, Mrs Catherine Whittington, Mr Dennis Bowers, Mr John Till,

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#### SITE:

Lindisfarne, no. 63 Middlecave Road is a substantial semi-detached dwelling house which is located to the south side of Middlecave Road, Malton, within the Town Development Limits.

The rear amenity space associated with Lindisfarne is formed via an 'L' shaped area of land. This includes a 'squared off' area of grassed amenity land measuring approximately 25 metres by 28 metres to the south and it is this section, together with an access strip linking it to the highway to the north, between Lindisfarne and the adjoining property to the east no. 61 Middlecave Road which forms the precise application site. The access strip spans c62m in length from Middlecave Road to the aforementioned 'squared off' area and this is currently undivided, with planting located between.

This square shaped area of land incorporates closely mown grass, some small trees and mature hedging to the eastern and western boundaries, to the south a close boarded fence. This area of land is surrounded by the residential property of the recently constructed Beech Cottage to the south, the rear garden of no. 65 Middlecave Road to the west and the rear garden of no. 36 Maiden Greve to the east.

The application site is adjoined by the garden land of no. 63 Lindisfarne and no. 59 Middlecave Road to the north.

At its maximum point, the site spans c91m from north to south. Off street parking is available to the occupiers of Lindisfarne in front of the property in an area of dedicated hardstanding and within a garage building.

## **POLICIES:**

### Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy

Policy SP2 - Delivery and Distribution of Housing

Policy SP4 - Type and mix of new housing

Policy SP16 – Design

Policy SP17 – Managing Air Quality, Land and Water Resources

Policy SP19 - Presumption in Favour of Sustainable Development

Policy SP20 - Generic Development Management Issues

National Planning Policy Framework

National Planning Guidance.

## **HISTORY:**

20/00386/FUL: Erection of 1no. three bedroom dormer bungalow with associated access and landscaping. Refused.

This was proposed to be sited in the square shaped rear part of the site, with a driveway to the side of the property. It was refused for the following reasons:

*1. The proposed development by virtue of its backland position located to the rear of existing dwellings is considered not to be an acceptable infill plot within an otherwise built frontage.*

*The plot is proposed to be access via a long, narrow access and would result in a form of development that does not adequately respect local distinctiveness. The proposal is therefore considered to be contrary to Policies SP2 and SP16 of the adopted Ryedale Plan Local Plan Strategy.*

*2. The proposed dwelling development would give rise to significant adverse impacts on the amenities of the occupiers of the adjacent properties by virtue of the additional noise and disturbance associated with the use of the long narrow access way. The proposal would also result in additional overlooking of private amenity areas of adjacent dwellings with an associated loss of privacy. The proposal is therefore contrary to Policies SP16 and SP20 of the adopted Ryedale Plan Local Plan Strategy.*

20/01207/EX: Relocation of front door and formation of new window in side elevation (Development Enquiry. No planning permission required.)

21/00175/CLOPUD: Certificate of Lawfulness for a proposed use or development in respect of the erection of a detached domestic outbuilding and laying of a permeable hardsurface. Approved.

These proposals were considered by the Local Planning Authority to be development permitted by virtue of Classes E and F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

## **PROPOSAL:**

Erection of 1no. three bedroom dormer bungalow with associated access and landscaping (revised detail to refusal 20/00386/FUL dated 10.07.2020)

This proposal seeks approval for a new 'L' shaped dwelling with independent access onto Middlecave Road. This is a 'dormer' bungalow with an eaves height of c2.6m and a maximum ridge height of c6.5m This would incorporate a ground floor footprint of c221.8 square metres and a first floor level footprint of c171 square metres. The dwelling would be completed with render and concrete roof tiles, with an attached utility/office element to the north east, which would be completed with a hardy board material with final construction material to be decided. This element would also include a pitched roof design with a maximum ridge height of 5.4m.

At first floor level openings would be limited to 3no. pitched roof dormers and 1 rooflight on the principle northern roofslope, 4no rooflights on the southern roofslope and 2no. pitched roof dormers on the inset western roofslope. There would be no openings on the side eastern elevation.

Following receipt of queries during the consultation process, revised elevation plans with 'north, south, east and west' were submitted for clarity and the positioning of a flue was indicated as this was only shown internally previously. Additionally the Case Officer identified that a section of dormer appeared to remain on the eastern elevation drawing which did not correlate with any other floorplan/elevation.

This was removed by the Agent. An incoming email dated 22nd July 2022 also confirmed on various aspects of the scheme and this has been uploaded to the file.

It is considered appropriate for the avoidance of doubt to readvertise the scheme for 2 weeks to allow for any further representations on these elements to be provided. Any such responses received will be communicated to Members at the Planning Meeting. However it is considered appropriate to request that the final decision be delegated to the Head of Planning and Development following review of any further comments on these elements once the consultation period has concluded.

The proposal would be accessed via a new driveway taken from the existing access to the dwelling, between Lindisfarne no. 63 Middlecave Road and no. 61 Middlecave Road. The Agent has confirmed this would be permeable paving.

It is also noted that the existing and proposed site plans were updated following checks on the precise distance between Lindisfarne and the site boundary, where this access would be located to ensure these were precisely correct. This has been rechecked on site and it was noted on the plan that the current fence is not in the correct location. The proposed plans indicated that the minimum distance between the staggered side elevation of Lindisfarne and the land registry boundary is 4.066m. The annotation confirms that the "existing fence to be replaced as agreed with owner of no. 61." Lindisfarne, no. 63 Middlecave Road would retain amenity space to the front and rear of the dwelling as indicated on the plans.

Members may also wish to note that a Design and Access Statement incorporating Planning has been submitted to accompany the application and this can be viewed on the Council's website.

## **REPRESENTATIONS:**

A number of responses have been received in relation to this scheme.

Malton Town Council in a response dated 30th June 2022 noted they recommend refusal. Detail comments were not provided.

The following occupiers of neighbouring properties have written to confirm their support of the proposal

- John Till –Fairtamiddlin, Castle Howard Station Road, Welburn – 20.06.2022
- Nick Balshaw – Lindisfarne, 63 Middlecave Road – 20.06.2022
- Ayshea Minchella – Beech Cottage, Middlecave Close – 20.06.2022
- Catherine Whittington – 11 Thorn Close, Barkham, Wokingham – 20.06.2022

The following summarised reasons for support were received. These can be reviewed in full on the planning file.

- Malton, as a business community, is fast-developing and urgently requires additional housing. It is far better to develop existing areas within the town, to encourage the sustainability of the community, than to develop green-field sites surrounding Malton. Benefits local business and supports the thriving market town.

- Sensible reapplication taking into account all the objections about previous application
- Surprisingly low density when compared to modern developments in Malton, with ample garden space and care to not overlook adjacent properties. The existing landscaping would secure seclusion and be a haven for wildlife. Ideal location for family home, close to school, town centre and shops. Sustainable and ecologically sound, minimising need for additional traffic.
- Small building on an infill site, with space for a driveway and good access, with high hedges/fences – space around houses probably greater than that for the houses on the Showground.
- Minimal light pollution.
- Will allow workers and families to live in the town rather than travelling.
- Given the entire area is filled with families (some young and surprisingly noisy) the objection raised on noise pollution are surprising. Doubt that extra noise would compete with existing disturbances.
- Access is typical of other properties that have been approved in the Middlecave area over the last two decades, several of which have long drives that have been sympathetically built. There is no highways department objection and Middlecave Road has recently had a 20mph restriction imposed, making access even safer.
- Similar proposals approved in the immediate location, Beech Cottage and Beech Lodge both of which have been sympathetically built and fit well into the surrounding area. Plans follow a similar design of a Dorma bungalow and would therefore sit lower than many of the neighbouring properties.
- Further rear garden developments on Middlecave Road, such as Laurels 6a and the 4 detached properties (orchard gardens) these are accessed via a single access road and pose no issues or disruption.

The following occupiers of neighbouring properties have written to confirm their objections to the proposal:

- Richard and Dawn Kimber 36 Maiden Grieve - 14.06.2022
- Dennis and Patricia Bowers 37 Maiden Grieve – 16.06.2022
- Dennis Bowers 37 Maiden Grieve – 22.06.2022
- Bob and Jacqui Rogers – 9 Middlecave Drive – scanned 22.06.2022
- Sue and Laurie Thackray 65 Middlecave Road - undated – scanned 22.06.2022
- James Dix Objection Ellerburn, 59 Middlecave Road 06.06.2022

The following summarised reasons for objection were received. These can be reviewed in full on the planning file.

- The planning application does not satisfactorily address the problems that were identified in respect of the previous planning applications No's 20/00386/FUL and 21/00175/CLOPUD
- The height and positioning of the proposed buildings would cause an unacceptable visual impact from neighbouring properties at Maiden Grieve. Evidenced by the ridge height of the single storey utility and office building sited on the boundary of 37 Maiden Grieve.
- The property is yet another back garden development, increasing pressure on already overloaded amenities due to the over development of the area.
- Larger non vernacular dwelling than the original application with less parking and no turning head. The design does not represent those in the wider Middlecave area and would have a detrimental impact upon the surrounding landscaping.
- The proposal will alter the character of what is potentially a beautiful Edwardian House. The drive to the new dwelling will leave less than 800mm between the existing house and the drive, hardly allowing for social distancing. The relocation of the current front door would damage some beautiful original features.
- Proliferation of housing schemes in Malton and Norton to alleviate the shortage of affordable housing, will not, as suggested in the planning application, benefit the community by one house in a 'landlocked back garden'.

- We note that this application has already failed previous planning applications.
- We strongly question some of the reasons put forward by the applicant; what will be the economic benefit to the area? How would adding yet another house in a back garden enhance and maintain the existing character of the residential area? How would it protect local amenities?
- The house to which the land relates is empty and the applicant would be better purchasing that, renewing it internally and leaving it with a garden commensurate with the size of the house.
- The proposed access and subsequent works could lead to structural damage to the existing property which is semi-detached and adjoins our own property. (65 Middlecave Road.)
- Existing services to Beech Cottage could be damaged during construction.
- Drainage needs to be carefully considered. Noted the agent would like to connect to the mains but no route is shown and the distance is lengthy. No surface water discharge. Providing a soakaway to building regulations would not be possible as the boundaries are all too close.
- Concern the mapping isn't fully accurate and the plans don't show the relationship properly with no . 59 Middlecave road.
- Concern plans submitted do not include north points or scale bars and cannot be scaled. (Case Officer Note – a north arrow is shown on the 'Development Plan (Drawing no. 001 Rev C) This is not shown on the floor plans or elevations but it is Officer's opinion that these can be readily identified. The Agent has updated the plans to shown North/South/East/West Elevations for clarity.)
- Concern over indicate of log burner on internal plans but no flue shown. Could be amenity concerns – flue should terminate above ridge line. Case Officer note: This was queried with the Agent and revised plans received.
- No guttering, down water pipes or soil vent pipes shown on the drawings - unrepresentative of the true character of the proposal.
- Car lights will be visible and will cause nuisance to several properties
- Concerns over privacy, including position of second storey windows. If any trees area shrubs are removed from the rear of no. 61 Middlecave Road this would result in even more overlooking. The proposed design of the first floor windows will increase the loss of privacy already experienced by the Beech Cottage development on Maiden Greve properties and would overlook several adjacent properties.
- The noise, privacy and disturbance would compromise other properties in the proximity with the inevitable felling of yet more trees. Concern raised over light pollution.
- The garage encroaches the boundary of 61 and 59 Middlecave Road and should be set back.
- Property/application is too large for the site, will be very imposing for neighbouring properties. The garden plot is significantly smaller than the neighbouring development of Beech Cottage and will result in overdevelopment out of character with surrounding properties, affecting the open aspect of the neighbourhood. The proposal would result in the building being situated in very close proximity to neighbouring properties, potentially causing damage to established trees and hedges. This would make this already overdeveloped site even more unattractive.
- Concern over noise and disturbance from the garden area, with noise echo from rear wall directly impacting properties along Maiden Greve.
- Concern over noise and disturbance from the vehicles using the four car parking spaces, noise and light disturbance for neighbouring properties. This long, narrow access results in a form of development that does not respect local distinctiveness.. This would increase entrance and exit traffic onto an already busy road.
- New access would reduce the amenity of the existing house and future occupants. Large gardens are a feature of the area and should be protected to ensure the history of Malton can be read and preserved. Benefits of garden space have been thoroughly documented during covid 19 pandemic. This would lead to two compromised dwellings.
- Access to the plot would lead to great difficulties for construction vehicles the outcome of which will be major disruption on a busy road.
- Parking provision is not in line with current policy nor is there the facility to provide a prerequisite turning head.
- No details in relation to construction of the driveway, will this be low load bearing, how will it be permeable?

- Concern over visibility splays and as this is a new dwelling, these should be provided.
- No details to the mitigation to no. 63, the parking area will now be compromised and cannot accommodate the number of vehicles expected. The would not be able to leave on a forward gear as no turning head is provided. The new driveway will reduce the amenity and parking space to a level which will make the existing property unsuitable for habitation.
- The additional access and construction work will put lives of children at Malton School in danger.
- “ 1. Nicholas Balshaw would, of course, object because he is the owner of the plot which he hopes to develop. 2. It is noted that one of the objectors lives at Welburn, York. “
- Case Officer note – It is presumed that this should read “not object” as Mr Balshaw has written in support

## **APPRAISAL:**

The main considerations within the determination of this application are:

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

### i. The Principle of Development and Previous Reasons for Refusal.

As noted within the Officer’s report for the refused scheme 20/00386/FUL the application site lies within the built up area of Malton which is the principal town that is identified within the adopted Ryedale Plan Local Plan Strategy in Policy SP1.

Policy SP2 identified the types of development that are acceptable at each settlement and backland forms of development of the type proposed in the current application are not explicitly supported by this policy. Indeed Policy SP2 amongst other criteria seeks to support the development of small infill plots but where they are located within an otherwise built up frontage.

However, Members will note that there are two other backland plots located to the south of this site, accessed off Middlecave Close which have been granted planning permission. The westernmost of these (Beech Lodge) was initially approved via an earlier appeal decision prior to the adoption of the current development plan and the easternmost dwelling (Beech Cottage) via the grant of permission from this Council in December 2015 following the adoption of the Ryedale Plan, Local Plan Strategy. It is considered that a dormer bungalow within this squared off area of land would relate visually to the existing bungalow developments of Beech Cottage and Beech Lodge, together with those present along Middlecave Close where physically it would be closely co-located.

It is not considered that there is a strong or defensible reason for refusal in principle to prevent further backland development in this site specific location, given the existing and established pattern of surrounding development. The previous reason for refusal (no. 1) of the application 20/00386/FUL indicated that by virtue of its positioning, the backland plot would have “a long, narrow access and would result in a form of development that does not adequately respect local distinctiveness.” This is acknowledged and some concern remains in relation to the position and length of the access. However the position afforded by the Certificate of Proposed Lawfulness is noted. Consequently, irrespective of this application, the rear of the property could at any time be used for garaging with a new access provided in the same location as that currently proposed without the grant of planning permission, under permitted development rights.

Consequently, this fall back position is given significant weight in the consideration of this revised scheme and it is noted that the proposed dwelling and new side access would serve one household, akin to how the fall back position could also provide garaging to serve one family if it were undertaken. The

level of journeys and usage would not be dissimilar. It is therefore not considered that this would relate to materially harmful additional impacts upon the occupiers of no. 61 Middlecave Road, to the east of the proposed new access drive. It is also noted that any use of this access would likely be at very slow speeds.

It is appreciated that in this theoretical fall back position, the occupiers of no. 63 would be afforded control of this access whereas if the scheme were approved they would not and the land would be subdivided. Therefore careful consideration on the amenity of future occupiers of a separate no. 63 Middlecave Road has been undertaken. The Agent has provided plans of the internal ground floor space of the dwelling, which would be potentially most affected by new vehicle movements if this permission were approved. This included limited openings, a door that would become a window to a hallway, a small window serving what would be a 'non-habitable' room and a secondary window to a living room. The opening nearest to the proposed new access on the front elevation would become the new entrance.

These openings are likely to experience more limited impacts than standard habitable rooms as a result of a closely co-located access and sufficient space for maintenance would be provided.

An annotation on the plan indicates the rear amenity space of this dwelling would be completed with a 1.8m high close boarded fence. This will be confirmed in the amenity section, but it is considered that an appropriate level of amenity could be secured for this property and this would limit impacts of the new access on the rooms to the rear of this property.

It is therefore considered that on balance, the first reason for refusal of the 20/00386/FUL application has been overcome. Part of the second reason for refusal relating to impacts of the proposed access is also considered to have been overcome. The remainder of the second reason for refusal relating to privacy is considered to have been addressed and will be clearly reviewed in the amenity section below. However this 'in principle support' is separate to full consideration of the remaining material planning considerations being fully reviewed with satisfactory outcomes.

## ii. Character, Form and Landscaping

Policy SP16 requires new development to reinforce local distinctiveness, and places emphasis on views, vistas and skylines and protect amenity. The policy also requires that new development: "respects the character and context of the immediate locality and the wider landscape/townscape" and "The grain of the settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings"

The proposed dwelling as noted would incorporate a dormer bungalow style and it is considered the form, scale and design as outlined above are acceptable in this location and would relate to the existing development to the south, Beech Cottage and Beech Lodge, which are also dormer bungalows with dormer roofs, incorporating similar height proportions. The scheme is considered to be consistent with the requirements of Policy SP16 of the Local Plan Strategy.

The proposed use of render and concrete roof tiles is considered acceptable and it is noted following discussion with the Agent during a telephone call on the 22nd July 2022 that the office/utility room will be completed with a 'hardy plank' style cladding material. The Agent has indicated that this material is preferred due to its fire retardant quality and proximity to the boundary. However given the Case Officer is unfamiliar with this material it has been agreed that a sample of this will be provided and if not suitable, a fire retardant timber utilised instead. This retains control on this point.

A condition to seek details and samples of materials is therefore considered appropriate.

It is not considered that this would relate to harmful impacts upon the character of the wider locality, nor relate to harmful street scene impacts. It is acknowledged that the host dwelling is an attractive traditional building, but the distance of the proposed dwelling from this and the existing surrounding development allows Officers to consider this likely to assimilate without material harm.

Confirmation on the proposed surfacing of the new permeable access track will be sought via condition to ensure that this incorporates a suitable appearance.

It is considered appropriate that a full landscaping scheme is recommended for the proposed dwelling and to cover the remainder of the blue line land this will ensure that sufficient landscaping along the new access route will be achieved. The Agent has confirmed that new planting to the original dwelling and new dwelling would be proposed. A condition to seek alignment of protective fencing/infrastructure to ensure the hedging is maintained and protected throughout the construction process will also be recommended.

### iii. Impact upon Amenity

In terms of amenity, the range of consultation responses are noted and acknowledged.

It is considered that the existing boundary treatments at the site would ensure that no loss of privacy would be experienced as a result of the proposed ground floor level openings. However, the position of the first floor level openings and their relationships with neighbouring dwellings have been carefully considered.

The windows on the northern elevation at first floor level would be sited at a sufficient distance from the rear elevations of the properties along Middlecave Road so that there would not be materially harmful loss of privacy. The 'back to back' distance of a recommended 21/22 metres between openings would be well exceeded at a minimum of c42m.

The proposed rooflights on the southern roof slope would be positioned so that there would not be a material loss of privacy to the occupiers of the nearest property to the south, Beech Cottage, whose side elevation would be sited at a distance of c31m from the proposed rooflights, again exceeding the required distances.

The nearest property to the south east, no 36 Maiden Greve would be at[NB1] a distance of c20.7m from the south eastern corner of the proposed dwelling, but there are no openings proposed on the eastern elevation at first floor level and the only openings on the southern elevation (the rooflights) would be obscured via the projecting element to the south.

It is not considered that no. 59 Middlecave Road would be materially affected by overlooking or loss of privacy due to the distance of the proposed 2no. dormer windows on the inset eastern elevation which would be located over 23m from the shared boundary.

It is considered appropriate to remove householder permitted development rights and also to specifically remove any rights to create new openings at first floor level within the walls or roofslope of the property. This will secure neighbouring amenity in perpetuity.

As part of the previous application 20/00386/FUL, the second reason for refusal related to concern about loss of privacy and the report confirms this was as a result of the first floor level within the garage. This is now omitted and the condition referenced above would overcome this becoming a potential future issue.

It is not considered that the inclusion of another single residential property would result in materially additional harm to residential amenity in this built up location within the principle town of Malton. The consideration of the impacts of a new access in this location and potential impacts upon neighbouring residents has been considered in the 'Principle' section above.

Furthermore, whilst the garden of Lindisfarne, no 63 Middlecave Road would be subdivided and reduced, it remains the views of Officers that sufficient private amenity space would be afforded to future occupiers of each dwelling.



#### iv. Access and Highway Safety

North Yorkshire Highways have confirmed no objection to the proposal subject to a range of conditions in their original response dated 14th June 2022. They confirmed “in assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

The existing vehicular access is adequate in construction and available visibility to facilitate safe access and egress from the development site and there is provision for the minimum required parking amenity. I should like a small sites, construction management plan prior to the construction phase to mitigate any impact on the adjacent highway network.”

The Case Officer following review of the incoming consultation responses noted the following to the Highways Officer in an email dated 20th July 2022. This was intended to relate to the response from the occupiers of no. 65 Middlecave Road but no. 6 was mentioned in error. This was not critical in the consideration of the comments raised.

*“I am writing up an app you have provided a consultation response on for committee and I am working through the objections.*

*One from Sue and Laurie Thackray of no 6 Middlecave Road amongst other issues, raises the following highway concerns:*

- 1. Access to the potential plot is very limited leading to great difficulties for construction vehicles the outcome of which will be major disruption on an already busy residential road.*
- 2. The parking provision for the property is not currently in line with the local policy for the dwelling size nor is there the facility to provide a prerequisite turning head in the site to ensure the safe manoeuvring of vehicles and the existing of the site in a forward gear. A parking space should not form part of this turning head as such this application fails this criteria.*
- 3. There are no details in relation to the proposed accessway or the construction of this. Is this to be low load bearing? It is noted that this is to be permeable, but how? Creating a driveway will create compaction. This information needs to be considered.*
- 4. As this is a new dwelling the provision of sufficient visibility splays should be provided on the highways, set at 2m back. Utilising an existing accessway does not mean this does not need to be upgraded. Due to the additional traffic, this needs to be upgraded in line with current standards and as such visibility splays needs to be sufficient. At present this is not possible.*
- 5. There are no details of the mitigation to No. 63. The parking area to this property will now be compromised and cannot accommodate the number of vehicles expected in this property size. This property also cannot leave on to the highway in a forward gear as no turning head is provided. In essence, the addition of this new driveway to the side of No. 63 will reduce the amenity and parking space to a level which will make the existing property unsafe for habitation. This needs to be carefully considered.*
- 6. Addition of an additional access and the subsequent disruption by construction work will potentially put the lives of pupils at Malton School in danger. Whilst understanding this would be a temporary matter, the proximity to the school and the nature of the road need to be considered in this application.”*

I believe you will have considered these aspects in your assessment of the site, but for the avoidance of doubt, are you content that the parking provision for the new and existing property will be sufficient, that visibility will be acceptable and that this would not have an undue impact upon road users or school children and that permeable hard surfacing is achievable?”

The Highways Officer in their response dated 22nd July 2022 noted:

*“In response to the below concerns raised by Mr and Mrs Thackray:*

- 1 – I have requested a construction management plan to establish foresight of the management of the construction phase to mitigate impact the public.*
- 2 – The minimum parking standard for dwellings of 3 or more bedrooms in local market towns like Malton is 2 no. designated parking spaces – 2 designated parking spaces are proposed for each*

*dwelling.*

*3 – No changes were proposed in terms of widening the access or making changes to the adjacent public highway – all changes proposed to the access road are within the application sites extents.*

*4 – Middlecave Road - speed restricted limit is 20 mph, the footway width adjacent to the site is 2.8 metres the street is residential and has an obvious residential street scene.*

*Thus, the design standard for the site is Manual for Streets, the required visibility is 2.4m measured down the centre of the access from the public highway x 24 metres looking left or right from the access. The achievable visibility is in excess of 2.4 metres x 70 metres in both directions.*

*5 – The proposed parking arrangement for the host dwelling is changed slightly, however not all driveway parking provides a turning head – no.63 did not previously have a turning head within its parking amenity and continues not to have a turning head this is not dissimilar to other parking arrangements along this residential street. Again there remains 2 no. parking spaces achievable for the host dwelling which meets LHA minimum parking standards*

*6 – The request for construction management plan is deemed necessary to provide information pertaining to the developers intentions through the construction phase which must be signed off prior to commencement of”.*

The Highways Officer recommended a further condition in relation to improvements to the access.

Therefore it is noted that the proposed scheme has been carefully considered by Highways and it not considered that this would result in materially adverse impacts upon access or highway safety. The further condition was confirmed in writing and will be included within the list of recommended conditions.

v. Other matters, including consultation responses.

The concern raised by the occupiers of no. 59 Middlecave Road that the plans were not accurate was raised with the Agent, it was queried “Are you content that the mapping you have used is fully accurate and that the garage would not encroach onto any neighbouring land? Is perhaps that the hedge is under the ownership of the property to the east no. 36 Maiden Greve?” They confirmed the “ Drawing has been based on OS map purchased from Promap licence number 100022432.”

The point raised relating to the flues not being shown has been addressed and the scheme readvertised.

The two flues have been shown terminating above the ridge line which was indicated as preferable by the objector.

It is not standard procedure for all guttering and soil pipes to be shown on planning documents.

Concerns have been raised in relation to drainage details. The Case Officer sought confirmation from the Agent, highlighting “*I also note it appears from the form, SW would go to the mains sewer and FW is unknown, is this still the case, can you update me any further?*” it is noted that the Agent in their most recent correspondence dated 22nd July 2022 confirmed “*The surface water would go to water-butts and then soakaways. Foul water would go to mains if a pumping station could be installed if not a septic tank would be installed.*”

It is noted that whilst Yorkshire Water did not respond on the basis of the information on the application form, the use of soakaways is preferable for surface water. The connection to mains sewers is also preferable in terms of the drainage hierarchy, with connection to a package treatment plant second preference and then septic tanks last.

Contact has been made with Building Control to seek confirmation if soakaways would be feasible in theory. No response has been received at the time of writing, but notwithstanding this, it is considered that this would be adequately controlled at the Building Control stage. A condition would normally therefore be recommended to ensure that Foul Water and Surface Water are completed to the satisfaction of an approved Building Control Officer.

However given there is a level of uncertainty, the Agent has suggested a condition to seek drainage details prior to the commencement of development and that they would engage a drainage engineer. This is considered a pragmatic approach and will be recommended.

It is considered that potential construction related harm to existing services is not a material planning consideration and structural issues between properties would be a civil matter. Nor is whether no. 63 is presently inhabited or that one of the supporters is the owner of the site or that other supporters do not live in Malton. The ownership certificates have been appropriately completed.

To conclude, it is considered that the proposed dormer bungalow development can be accommodated within this backland location. It is acknowledged that this is a very similar scheme to that refused under the 2020 application, however the proposed access route being achievable under permitted development rights following submission of the Certificate of Proposed Lawfulness application weights in favour of the application. The persons most likely to be affected are the occupiers/future occupiers of Lindisfarne, no. 63 Middlecave Road, therefore on balance, given the internal arrangement of that property, the proposal is considered to be acceptable in amenity terms.

Whilst this does relate to 'backland' development, given the prevailing character of the surrounding dwellings at this point, it is not considered that this would be unacceptable or materially harmful, particularly as following careful consideration there are no material harmful amenity impacts identified. It is also considered that this would be acceptable in terms of access and highway safety.

Therefore on balance, Officers recommend this proposal is approved, subject to the range of conditions.

**RECOMMENDATION:** Approval – with delegated authority to the Planning and Development Manager following satisfactory review of any further consultation responses following completion of additional 2 week readvertisement period. Members will be advised on the precise date which this ceases at the meeting.

**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):  
Location and Block Plan (Drawing no. 004 Rev A)  
Development Plan (Drawing no. 001 Rev E)  
Proposed Elevations (Drawing no. 003 Rev D)

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

- 3            Notwithstanding the approved plans, prior to any above ground construction of the dwellings hereby approved, or such longer period as may be agreed in writing with the Local Planning Authority, further details and samples of all 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.  
Informative: As discussed with the Agent, given the Case Officer is unfamiliar with the proposed 'hardy plank' material it has been agreed that a sample of this will be provided and if not suitable, a fire retardant timber utilised instead.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 4 Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of development, plans showing details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the planting of any trees/shrubs and show any areas to be grass seeded or turfed and indicate the accurate positioning of all existing landscaping to be retained. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs. All planting seeding and/or turfing comprised in the above scheme shall be carried out during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Informative: As discussed with the Agent on the 22nd July 2022, this shall related to land within the red and blue lined land.

Reason: To enhance the appearance of the development hereby approved in accordance with policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 5 Prior to the commencement of the development a drawing showing the alignment for protective for the protection of those trees and hedgerows to be retained shall be submitted to the Local Planning Authority for approval in writing. The design of the protective fencing and its alignment shall be in accordance with BS 5837:2012 Trees in relation to demolish, design and construction - Recommendations, or a similar design agreed in writing with the Local Planning Authority. The approved fencing shall be erected prior to the commencement of the development including any demolition or soil stripping.

Reason: To ensure that the long-term health of the landscaping to be retained is not compromised as a consequence of development and in accordance with Policy SP13 - Landscapes - Ryedale Local Plan Strategy.

- 6 Prior to its installation, full details of any hard surfacing within and fencing within/adjoining the application site shall be submitted for the prior written approval of the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 7 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 1995 (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:

Class A: Enlargement, improvement or alteration of a dwellinghouse

Class B: Roof alteration to enlarge a dwellinghouse

Class C: Any other alteration to the roof of a dwellinghouse

Class D: Porches

Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure

Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse

Class G: Chimneys, flues, etc on a dwellinghouse

Reason: To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s).

- 8 No further doors, windows, or other openings shall be installed on the dwelling hereby approved at first floor level or within the roof slopes without the submission of an appropriate planning application.

Reason: To protect the privacy of adjoining properties and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 9 No further doors, windows, or other openings shall be installed on the dwelling hereby approved at first floor level or within the roof slopes without the submission of an appropriate planning application.

Reason: To protect the privacy of adjoining properties and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 10 No development must commence until a Construction Management Plan 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 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.

- 11 The IMPROVED crossing of the highway footway must be constructed in accordance with the approved details and/or Standard Detail number E50 REV A 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.

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.

- 12 Unless otherwise agreed in writing, prior to the occupation of the new dwelling hereby approved, the main access door to Lindisfarne, no. 63 Middlecave Road shall be moved from the side eastern elevation to the front elevation under permitted development rights.

**Informative:** This is on the basis of the condition for permitted development rights included in a letter from the Local Planning Authority to Mr and Mrs Corrigan on the 23rd December 2020. This noted "The decision is subject to the following condition: The Materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse."

Reason: To ensure a satisfactory means of access to the original dwelling in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

- 13 Prior to the commencement of development, a drainage strategy shall be submitted to the Local Planning Authority for its prior written approval to confirm on proposed measures for foul and surface water discharges. All drainage works should only be undertaken in accordance with the agreed details.

The suitability of soakaways, as a means of surface water disposal, should first be ascertained in accordance with BRE Digest 365 or other approved methodology. If soakaways are feasible, surface water shall be directed to a soakaway in accordance with the British Standard requirements to the satisfaction of the approved Building Control Inspector.

If soakaways are not feasible, details of an alternative means of surface water disposal must be sought.

**Informative:** The drainage strategy should follow the guidance set out in the Environment Agency's "Advice for local authorities on non-mains drainage from non-major development." This is available at the following link: [https://ecab.planningportal.co.uk/Uploads/EA\\_LPA\\_advice\\_non\\_major\\_dev\\_non\\_mains\\_drainage\\_2019.pdf](https://ecab.planningportal.co.uk/Uploads/EA_LPA_advice_non_major_dev_non_mains_drainage_2019.pdf)

Reason: In the interests of satisfactory and sustainable drainage in accordance with Policy SP17 of the Ryedale Plan, Local Plan Strategy.