

## **PLANNING COMMITTEE**

24<sup>th</sup> November 2015

**Present** – The Chairman (Councillor Welch) and Councillors Barrett (substitute for Heseltine), Brockbank, Dawson, Green, Harbron, Mason, Place and Sutcliffe.

**Officers** – Development Control Manager, Solicitor, Principal Planning Officer (x2), Planning Officer, Planning Enforcement Team Leader and Committee Officer.

Start: 1.35pm

Finish: 5.10pm

Councillor Place left the meeting at 4.19pm

Duration of Meeting : In accordance with Council Procedure Rule 9, the Committee agreed that the meeting should continue beyond three hours.

Apologies for absence were received from Councillors Heseltine, Jaquin and Quinn.

The minutes of the Committee's meeting held on 26<sup>th</sup> October 2015 were confirmed and signed by the Chairman.

### **Minutes for Report**

PL.774

#### **PLANNING REFERENCE 32/2015/15390 – VARIATION TO OUTLINE PLANNING PERMISSION**

Further to Minute PL.772(b)/15-16, the Strategic Manager for Planning and Regeneration submitted a report asking the Committee to re-consider its decision to refuse an application 32/2015/15390 – application to remove Condition 11 and vary conditions numbered 4,5 and 17 of planning reference 32/2011/11429 in respect of the residential development of land at Green Lane, Glusburn, and advising the Committee on the soundness of the proposed reasons for refusal.

In resolving to refuse the above application the Committee had authorised the Strategic Manager for Planning and Regeneration to formulate reasons, as appropriate, based on grounds that in approving application 32/2011/11429 on appeal, the Planning Inspector had imposed conditions which the Committee believed were intended to secure a development appropriate for the site and in keeping with its surroundings, the Committee had indicated that it had not seen or heard anything which it considered justified setting aside or varying the conditions imposed.

The Committee was advised that as proposed the Committee's decision put the Council at a serious risk of an award of costs at appeal, however, it was also pointed out that if the Committee found only certain aspects of the application to be unacceptable it could refuse to amend those conditions, but still approve the remaining elements of the application.

**Resolved** – That the advice contained within the Strategic Manager's report is noted and that planning application reference 32/2015/15390 is re-considered ( see Minute PL.776(b) below.)

PL.775

#### **PUBLIC PARTICIPATION**

The following persons addressed the Committee under its public participation scheme:-

Application 32/2015/15390 : Mr P Hargreaves (objector / for objector)

Application 63/2015/15792 : Mr P Whitaker (for Skipton Town Council)

: Mr R Beck (objector)

: Mr B Ward (for the applicant)

Application 08/2015/16248 : Ms K Odekunle (for the applicant)

Application 32/2015/16220 : Mr B Sanderson (objector)

: Mr P Kirkman (for the applicant)

Minute PL778 Unauthorised Wind Turbine : Mr R Mather (third party affected by the development)

: Mrs S Moon and Mr T Shepherd (applicant and legal representative)

PL.776

## **APPLICATIONS FOR PLANNING PERMISSION**

### **a. Delegated Matters**

The Strategic Manager for Planning and Regeneration reported the following applications for planning permission within the three areas of the District indicated which had been dealt with under delegated authority.

#### North Craven Area

52/2015/16174 Conversion of barn to dwelling Barn, Mill Lane, Long Preston – Conditional approval.

68/2015/16198 Proposed sheep house and machinery store Trees Farm, Ireby Road to Thorney Croft, Burton In Lonsdale – Conditional approval.

31/2015/16205 Retrospective application for the retention of replacement building for storage and garaging, Close House Cottage, Giggleswick – Conditional approval.

49/2015/16170 Construction of new farm access track Smith Cottage, Eldroth Road, Eldroth – Conditional approval.

72/2015/16196 Two storey extension to existing dwelling with integral garage, Hodge Hill Farm, Higher Mere Syke, Wigglesworth – Refusal.

31/2015/16223 Replacement ground floor window to front elevation and re-instatement of decorative surround to entrance door, 12 Sandholme Close, Settle – Approval.

62/2015/16168 (Listed Building) Damp proof course to interior road-facing wall and part of two adjacent walls to counteract damp. Removal of current asphalt/concrete/poss flagstone flooring, replace with underfloor heating and flagstone slate flooring, 8 Constitution Hill, Settle – Refusal.

62/2015/16102(Listed Building) Application for listed building consent for works to the existing stone boundary garden wall comprising of repositioning of northern section, remedial works to western wall and construction of new eastern wall, land at Kirkgate, Settle – Conditional approval.

62/2015/16245 Non-material amendment application for previously approved application 62/2015/15570 former Police Station, Duke Street, Settle – Conditional approval.

#### South Craven Area

11/2015/16131 Extensions to and remodelling of existing house and shop The Moorings, Skipton Road, Low Bradley – Conditional approval.

17/2015/16217 Discharge of condition 3 to approved application 17/2015/15883, 15 Chapel House

Mews, Carleton – Conditional approval.

32/2015/16078 Installation of external lighting, Midland Mills Industrial Estate, Station Road, Cross Hills – Conditional approval.

66/2015/16185 Application for retention of summerhouse and to allow the building to be used for non-domestic purposes, Bankfoot Barn, West Lane, Sutton-in-Craven – Conditional approval.

#### Skipton Area

19/2015/16295 Application to discharge condition no. 3 from planning consent 19/2015/16019 1408 Bell Busk Bridge, Mark House Lane, Bell Busk – Conditional approval.

63/2015/16122 Restoration including modest alterations and replacement of existing rear shed to provide 2 no. commercial units for B1 or equivalent use (resubmission of previous application 63/2015/15795), Devonshire Place, Skipton – Conditional approval.

63/2015/16155 Confirmation of compliance of conditions to applications 63/2005/5032 and 63/2005/5003, 44 Glista Mill, Broughton Road, Skipton – Compliance confirmed.

63/2015/16218 Change of use office to residential to provide 2-bed self-contained flat 46 High Street, Skipton – Conditional approval.

63/2015/16204 Change of use from Class A1 (Retail) to Class A3 (Café/Restaurant), 12 Craven Court, High Street, Skipton – Conditional approval.

63/2015/16192 (1) Replacement wooden window frames to UPVC. (2) Replacement glass in above windows. (3) Replacement wooden front door to UPVC. (4) Fitting perspex to existing open balconies. (5) Repair of any broken roof tiles and pointing, King William Stables, 25 Water Street, Skipton – Conditional approval.

63/2015/16213 Change of use of existing shop (A1) to café (A3) (Prior Notification Application), 21 Coach Street, Skipton – Prior approval granted.

63/2015/16188 Discharge of condition 5 of approved application reference 63/2015/15547 regarding changes to existing ground levels, Skipton Golf Club, Short Lee Lane, Skipton – Conditional approval.

65/2015/16180 Rebuilding existing outbuilding to form home annexe, Stirton Grange, Stirton Lane, Stirton – Approval.

#### **b. Applications**

**Resolved** – That decisions on applications for planning permission are made as follows: -

#### **Permission Granted**

**08/2015/16248 Outline application for the development of 4 dwelling houses, all matters reserved except access, land at Greenfoot Lane, Low Bentham**

#### Summary of Conditions

1. No development shall commence until approval of the details of the layout, appearance of the building(s), the landscaping/boundary treatments, and the scale of development (hereinafter called “the reserved matters”) has been obtained from the local planning authority in writing. An application for the approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission. The

development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

2. The approved plans comprise site location ref 01, and site plan ref 04 Rev A (this plan indicates the access arrangements which have been specifically applied for, but all other matters on this plan are considered to be illustrative), received by the Local Planning Authority on the 29<sup>th</sup> September 2015. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

3. The details submitted in accordance with condition 1 shall include all building facing materials and finishes; surface material finishes for the highways, footpaths, private drives and all other hard surfaces; screen walls, fences and other means of enclosure; existing and proposed ground levels, proposed finished floor levels and building heights.

4. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

- a. The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- b. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
- c. Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- e. That part of the access(es) extending 4.5 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10.
- f. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.
- g. The final surfacing of any private access within 4.5 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

Informative : You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

5. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 45 metres measured along both channel lines of the major road Greenfoot Lane from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Informative : An explanation of the terms used above is available from the Highway Authority.

6. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are

provided giving clear visibility of 22 metres measured along centre line of the major road Cross Lane from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

7. Foul and surface water shall be drained on separate systems.

#### Informatives

1. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).
2. With regard to conditions above please note that it will be necessary to submit a formal application to discharge the conditions. Any samples of materials that require approval should be made available for inspection either on the site or another suitable location and not brought to or delivered to the Council Offices unless specific arrangements to do so have been made with the relevant planning case officer.
3. The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990. Applicants are advised to contact the County Council's Access and Public Rights of team at Country Hall, Northallerton via [paths@northyorks.gov.uk](mailto:paths@northyorks.gov.uk) to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
4. In imposing conditions above relating to highways it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.
5. The hours of operation during construction phase of development and delivery of construction materials or equipment to the site and associate with the construction of the development hereby permitted should be limited to 0730 hours to 1800 hours on Monday to Fridays and 0730 hours to 1300 hours on Saturday. No work should take place on Sundays or Bank/Public Holidays.

Statement of Positive Engagement : In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. (\*)

(Councillor Brockbank informed the Committee that the applicant was known to her in his capacity as a local tradesman.)

**32/2015/15390 Application to remove Condition No. 11 and to vary Condition Nos. 4, 5 and 17 of planning permission ref: 32/2011/11429 granted on appeal under ref: APP/C2708/A/11/2165968 (revised description), Green End, Green Lane, Glusburn**

#### Summary of Conditions

1. Details of the appearance (hereinafter called "the reserved matter") shall be submitted to and approved in writing by the local planning authority before any development begins. The development shall be carried out as approved.

2. Application for approval of the reserved matter shall be made to the local planning authority not later than three years from 29<sup>th</sup> May 2012.

3. The development hereby permitted shall begin not later than two years from the date of approval of the reserved matter.

Reason: (for conditions 1- 3): To comply with the requirements of section 92 of the Town and Country Planning Act 1990.

4. (Revised Condition) The development shall not be carried out other than wholly in accordance with the following drawings nos:

- 3901-014 PL-01 revision E (Site Layout Plan) Received 1/7/2015.
- 3901-014 PL-02 (Existing Site Layout) received 1/5/2015.
- 3901-014 PL03 (Location Plan) received 30/4/2015.
- 3901-014 PL-05 revision D (Sales Layout) received 1/7/2015.
- 3901-014 PL06 revision C (Proposed Site Sections AA & BB) received 1/7/2015.
- 3901-014 PL07 revision A (Proposed Site Sections C-C) received 1/7/2015.
- 3901-014 PL08 revision A (Proposed Site Sections DD, EE & FF) received 1/7/2015.
- 3901-014 PL09 revision A (Proposed Site Section GG) received 1/7/2015.

The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

5. (Revised Condition) Notwithstanding the details that are indicated in the cross sections for plots 10, 11 and 12, no dwelling shall have more than 2 storeys. The development shall not begin until revised cross sectional information for Plots 10, 11 and 12 that indicates two storey properties (rather than three storey) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved plans.

6. Development shall not begin until details of the junctions with Green Lane and the continuation of Black Abbey Lane have been submitted to and approved in writing by the local planning authority. No works in connection with landscaping or the construction of buildings shall take place until those accesses have been constructed in accordance with and to a standard specified in the approved details.

7. The access junctions with Green Lane referred to in condition no. 6 above shall be constructed to provide the following sight lines:

- southerly access; 37.0m to the south, 39.0m to the north, both measured along the centre line of the access road from a point 2.4m back from the carriageway edge;
- northerly access: tangential to the south, 37.6m to the north, measured as above.

These visibility splays shall at all times be kept free of any obstruction exceeding 1.05m in height.

8. Development shall not begin until details of the access roads within the site, including all forward visibility and pedestrian inter-visibility at individual accesses, have been submitted to and approved in writing by the local planning authority.

9. No dwelling shall be occupied until the means of vehicular access to it and the parking space for it, whether private or shared, has been constructed in accordance with the approved details.

10. The dwellings numbered 24 and 25 on drawing no. 3901-014 PL-01 revision E shall have no doors or windows opening on to or over the highway.

11. No development shall take place until full details of hard and soft landscaping, broadly as shown on the approved drawings, have been submitted to and approved in writing by the local planning authority. The details shall include: proposed finished levels or contours; existing retained stone walls, new stone walls and other means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; lighting; details of all trees to be retained; planting plans, including written specifications and schedules of plants, noting species, plant sizes and proposed numbers/densities as appropriate; and an implementation and maintenance programme. The works shall be carried out in accordance with the approved details and implementation programme.

12. No development shall take place until a scheme for the protection of all trees to be retained as part of the approved landscaping scheme has been submitted to and approved in writing by the local planning authority. In particular, the details shall include a demolition, excavation and construction specification for the retaining wall on Green Lane adjacent to the protected tree. Approved protective fencing shall be implemented before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all such equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with the approved scheme and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.

13. Development shall not begin until a scheme for the laying out and landscaping of the proposed public open space, including details of the play area, its equipment and any means of enclosure, have been submitted to and approved in writing by the local planning authority. The scheme shall include details of the future management and maintenance of both the public open space and the play area. Both shall be provided in accordance with the approved scheme before completion of the 25th dwelling and retained thereafter for those uses.

14. Development shall not begin until a scheme for foul sewage and surface water drainage has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied before foul sewage and surface water drainage has been provided in accordance with the approved scheme.

15. Development shall not begin until a scheme for the management and maintenance of all shared car parking areas, including the area intended to serve existing properties on Green Lane, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

16. (Revised Condition) The development shall not begin until a scheme for the provision of affordable housing has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme. Affordable housing shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:

- i). the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units (subject to viability);
- ii). the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii). the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no Registered Provider involved);

- iv). the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v). the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced; or
- vi). details of an equivalent affordable housing contribution to be provided in lieu of affordable housing on site and the means by which such a contribution shall be provided (alternatively, this may be a contribution that is to be provided partly on site and partly in lieu).

Informative\_ : A viability assessment undertaken on behalf of the Council suggests that 16 affordable houses can be provided as part of the scheme. CDC Strategic Housing further advise that if HCA funding is provided for this development then the full 40% of affordable housing is likely to be achievable for the scheme in which case the Council's assessment of the financial viability appraisal may be re-considered.

Statement of Positive Engagement : In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. In particular the Council has

- engaged in pre-application discussions
- requested amended design approaches / information to address the planning issues which have arisen in relation to dealing with this application.
- accepted additional information / changes to the scheme post validation. (\*)

\$Note : In declining to vary Condition 5 as requested, Members accepted advice given at Paragraph 3.18 of the report presented at Minute PL.774 and also drew attention to both the appeal decision letter and reference therein to the character of the surrounding area, and the design and access statement submitted with application reference 32/2011/11429.

### **32/2015/16220 Proposed residential development of three, two-storey, two bedroomed town house starter homes with associated off street parking, Burnroyd Avenue, Glusburn**

#### Summary of Conditions

1. The development hereby permitted shall not be begun later than the expiration of three years beginning with the date of this permission.

2. The development hereby permitted shall be carried out wholly in accordance with the following plans:

914 - 02 Rev A received by the Local Planning Authority 25<sup>th</sup> September 2015.

914 - 03 received by the Local Planning Authority on 22<sup>nd</sup> September 2015.

914 - 04 received by the Local Planning Authority on 22<sup>nd</sup> September 2015.

The development hereby approved shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

3. Prior to the first use of external building materials on site samples of the external materials and roofing materials (including stone, colour of render) to be used in the construction shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

4. Notwithstanding any details shown on the approved plans, the site's internal and external boundaries shall be enclosed in accordance with a detailed scheme and programme of implementation which shall first have been submitted to and approved by the Local Planning



Authority. The programme shall ensure that the approved boundary treatments for each dwelling are completed prior to the occupation of that dwelling, and the approved boundary treatments for the whole site are completed prior to the occupation of the last dwelling.

5. Prior to the first occupation of the dwellings hereby approved the refuse storage facilities indicated on the approved plans shall be fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

6. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellings.

7. Unless otherwise approved in writing by the local planning authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the water main, which crosses the site. Or alternatively, measures to divert or otherwise formally close the water main that is laid within the site have been implemented in accordance with details that have been submitted to and approved by the local planning authority.

8. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

9. Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

10. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by WDP ref: KL2533/SA and the following mitigation measures detailed within the FRA:

- a. Finished floor levels are set no lower than 300mm above existing ground levels.
- b. The flood proofing/resilient measures detailed within the FRA are incorporated into the development.

The mitigation measures shall be fully implemented prior to occupation.

11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

- a. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Details number E6.
- b. Any gates or barriers shall be erected a minimum distance of 4.5m back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- c. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or specification of the Highway Authority and maintained thereafter to prevent such discharges.
- d. The final surfacing of any private access within 4.5m of the public highway shall not contain any loose materials that are capable of being drawn on the existing or proposed public highway.

Informative : You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

12. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on 914/02/A for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

#### Informatives

1. The garages may contain asbestos and removal of such material from the site should be carried out in an appropriate manner by a suitably qualified company.
2. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire Country Council, the Highway Authority, is available at the County Council's offices. The local offices of the Highway Authority will also be pleased to provide the detailed construction specification referred to in this condition.
3. The hours of operation during construction phase of development and delivery of construction materials or equipment to the site and associate with the construction of the development hereby permitted should be limited to 0730 hours to 1800 hours on Monday to Fridays and 0730 hours to 1300 hours on Saturday. No work should take place on Sundays or Bank/Public Holidays.
4. The developer should identify all areas of the site and the site operations where dust may be generated and identify control measures to ensure that dust does not travel beyond the site boundary. Once in place, all identified measures shall be implemented, retained and maintained for the duration of the approved use.
5. With regard to Condition Nos. 3, 4, and 8 above please note that it will be necessary to submit a formal application to discharge the conditions. Any samples of materials that require approval should be made available for inspection either on the site or another suitable location and not brought to or delivered to the Council Offices unless specific arrangements to do so have been made with the relevant planning case officer.

Statement of Positive Engagement : In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. In particular the Council has engaged in pre-application discussions. (\*)

#### **66/2015/16004 Variation of Condition 12 to approved application 66/2014/14652 relating to affordable housing units, Little Croft, West Lane, Sutton-In-Craven.**

#### Summary of Conditions

1. The planning permission shall be implemented in accordance with the requirements of this permission and the reserved matters approval of 28 July 2014 (ref. 66/2014/14652), or alternatively, in accordance with a further reserved matters approval (the reserved matters being a) appearance and b) landscaping) that has been made before 30 July 2016.

2. Any revised details submitted in accordance with condition 1 shall include all building facing materials and finishes; surface material finishes for the highways, footpaths, private drives and all other hard surfaces; screen walls, fences and other means of enclosure; existing and proposed ground levels, proposed finished floor levels and building heights. The submitted reserved matters shall accord with the parameters and objectives laid out in the Design and Access Statement dated May 2013 and accompanying the planning application. The development shall be carried out in accordance with the approved details.

3. Any revised detailed scheme for landscaping, including the planting of trees and/or shrubs shall be submitted to and approved in writing by the Local Planning Authority. Any such a scheme shall specify types and species, a programme of planting and the timing of implementation of the scheme, including any earthworks required.

4. The plans and particulars submitted in accordance with condition 3 above shall include:

- a. a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
- b. details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and to which paragraphs (c) and (d) below apply;
- c. details of any proposed topping or lopping of any retained tree;
- d. details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site;

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

5. The erection of fencing for the protection of the retained trees and hedgerows (including the trees protected by a Tree Preservation Order) shall be maintained in accordance with the approved layout plan (Drawing No. 2438 Revision B, received on 8 July 2013). The fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of Craven District Council.

Informative : The fencing in relation to Condition 5 should be erected in accordance with BS5837:2012 'Trees in Relation to Construction'. The fencing should be sufficiently strong to withstand impacts likely to be caused during any building operations undertaken in the vicinity. The recommendations BS5837:2012 should be consulted and employed. Standards indicate that the minimum recommended for fencing erected is to be at least 2.3m in height, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either herras fencing or chain link in accordance with the plan on page 13 figure 2 of the above British Standard.

6. Outfall for surface water shall be in accordance with details approved under discharge of conditions application reference 66/2015/15391, or alternatively in accordance with amended details that have first been submitted to and approved by the local planning authority.

7. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

8. Foul and surface water drainage from the development shall be in accordance with the details approved under discharge of conditions application reference 66/2015/15391, or alternatively no further development shall take place until amended details of the proposed

means of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed the approved surface water drainage scheme shall be based on Sustainable Drainage Systems (SUDS) principles. The development shall thereafter be implemented in accordance with the amended approved scheme.

9. Archaeological investigation and protection measures shall be in accordance with the details approved under discharge of conditions application reference 66/2015/15391, or alternatively, no further development shall take place within the application area until the applicant has secured the implementation of an amended programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall thereafter be undertaken in strict accordance with the amended approved details.

10. Within one month of the date of this permission, a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:

- a. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% provision of housing units and shall be, in matters of tenure and type, in accordance with the findings of the North Yorkshire Strategic Housing Market Assessment 2011 or any replacement thereof;
- b. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- c. the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;
- d. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- e. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- f. details of an equivalent affordable housing contribution to be provided in lieu of affordable housing on site and the means by which such a contribution would be provided (alternatively, this may be a contribution that is to be provided partly on site and partly in lieu)

11. Highway construction shall be carried out in accordance with the details approved under discharge of conditions reference 66/2015/15391, or alternatively there shall be no further excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following amended drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

- a. Detailed engineering drawings to a scale of not less than 1:250 and based upon an accurate survey showing:
  - i. the proposed highway layout including the highway boundary.
  - ii. dimensions of any carriageway, cycleway, footway, and verges.
  - iii. visibility splays.
  - iv. the proposed buildings and site layout, including levels.
  - v. accesses and driveways.
  - vi. drainage and sewerage system.
  - vii. lining and signing.
  - viii. traffic calming measures.
  - ix. all types of surfacing (including tactiles), kerbing and edging.
- b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
  - i. the existing ground level.

- ii. the proposed road channel and centre line levels.
  - iii. full details of surface water drainage proposals.
- c. Full highway construction details including:
- i. typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths.
  - ii. when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels.
  - iii. kerb and edging construction details.
  - iv. typical drainage construction details.
- d. Details of the method and means of surface water disposal.
- e. Details of all proposed street lighting.
- f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- g. Full working drawings for any structures which affect or form part of the highway network.
- h. A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details.

Informative: In imposing condition number 10 above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

12. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to base course macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

13. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 60 metres measured along both channel lines of the major road (West Lane) from a point measured 2.0 metres down the centre line of the access road. The eye height will be 1.05m and the object height shall be 1.05m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

14. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

15. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number:

- a. have been constructed in accordance with Drawing Number 2438 rev.C
- b. are available for use unless otherwise approved in writing by the Local Planning Authority.

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

16. The site compound shall be provided in accordance with the details approved by discharge of condition application reference 66/2015/16028, or alternatively there shall be no further works until amended proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

- a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- b) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The amended approved areas shall be kept available for their intended use at all times that construction works are in operation.

17. The management of construction traffic shall be in accordance with the details approved by application reference 66/2015/16028, or alternatively there shall be no further development until a construction traffic management plan to demonstrate how highway safety risks and disruption to other road users is to be controlled has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the requirements of the amended approved construction traffic management plan.

Statement of Positive Engagement : In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework.

### **Delegated Authority**

**63/2015/15792 Outline application for mixed use development comprising business/employment floorspace (Use Classes B1, B2 and B8) and residential dwellings (Use Class C3) with access from the A629 and Carleton Road, provision of infrastructure and associated landscaping, land north of A692 and west of Carleton Road, Skipton – the Development Control Manager was authorised to approve this application subject to the conditions listed below and to the applicant first entering into a Section 106 Planning Obligation to provide the following:**

a. Highway works comprising

- Replacement of signs directing HGV's on the A629 approach to the junction with Keighley Road.
- Car parking bays and traffic calming improvement on Carleton Road.
- Signage and road marking to reduce traffic speeds on the A629 County Road.
- Improvements to Carleton Road/Carleton New Road junction to narrow the kerb radii and provide a raised table.
- Provision of a footway from the residential part of the site through the sports ground directly north of the site to provide a shorter pedestrian link to the town centre.
- Shared footway/cycleway between the west of the site and Ings Lane/Engine Shed Lane
- Widening works on the A629/A65 roundabout to mitigate the impact of the development

b. A programme for the phasing and delivery of the employment land.

### Summary of Conditions

1. No development shall commence until approval of the details of the layout, scale, appearance of the building(s), and the landscaping/boundary treatments (hereinafter called "the reserved matters") has been obtained from the local planning authority in writing.

An application for the approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

2. The approved plans comprise DE166-02, DE166-03, DE116-04, DE166-05, DE166-007, LDH/2112/F1 Rev F1, LDH/2112/004/Rev P2, LDH/2112/005/Rev P2 and LDH/2112/007/Rev P1 received by the Local Planning Authority on the 8 May 2015. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

3. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance.

4. The proposed flood plain compensation must be designed such that there is no net loss of available floodplain capacity on the proposed site.

5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

a. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:

- the proposed highway layout including the highway boundary
- dimensions of any carriageway, cycleway, footway, and verges
- visibility splays
- the proposed buildings and site layout, including levels
- accesses and driveways
- drainage and sewerage system
- lining and signing
- traffic calming measures
- all types of surfacing (including tactiles), kerbing and edging.

b. Full highway construction details including:

- typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
- when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
- kerb and edging construction details
- typical drainage construction details.

c. Details of the method and means of surface water disposal.

d. Details of all proposed street lighting.

e. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.

- f. Full working drawings for any structures which affect or form part of the highway network.
- g. A programme for completing the works.

6. No part of the development to which this permission relates shall be brought into use until the carriageway and any footway/footpath from which it gains access has been constructed to base course macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before any part of the development is brought into use.

7. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

8. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the following highway works have been constructed in accordance with the details that have previously been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority):

a. The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:

- i. A new roundabout on the A629 to access the development. The highway improvement shall be designed to meet current standards for highway works set out in the Design Manual for Roads and Bridges.
- ii. A mini roundabout at Carleton Road / Burnside Crescent Junction again to current standards as set out in the design manual for roads and bridges.
- iii. A new junction to North Yorkshire County Council highway specification on Carleton road to access the development south of the cemetery.

b. An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works.

c. A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority in consultation with the Local Highway Authority.

9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- a. tactile paving
- b. vehicular, cycle, and pedestrian accesses
- c. vehicular and cycle parking
- d. vehicular turning arrangements
- e. manoeuvring arrangements
- f. loading and unloading arrangements.



10. No part of the development shall be brought into use until the associated approved vehicle access, parking, manoeuvring and turning areas approved under condition number 9 have been constructed in accordance with the approved drawing. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

11. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

12. No external lighting equipment shall be used other than in accordance with details previously approved in writing by the Local Planning Authority in consultation with the Highway Authority.

13. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

- a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
- c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

14. Unless otherwise approved in writing by the Local Planning Authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.

15. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

- a. the appointment of a travel co-ordinator
- b. a partnership approach to influence travel behaviour
- c. measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- d. provision of up-to-date details of public transport services
- e. continual appraisal of travel patterns and measures provided through the travel plan
- f. improved safety for vulnerable road users
- g. a reduction in all vehicle trips and mileage
- h. a programme for the implementation of such measures and any proposed physical works
- i. procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

16. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- e. wheel washing facilities
- f. measures to control the emission of dust and dirt during construction
- g. a scheme for recycling/disposing of waste resulting from demolition and construction works
- h. HGV routing to avoid Skipton High Street and Carleton Road. Some vehicles will be allowed between the new mini roundabout and the access to the business site south of the cemetery.

17. There shall be no access or egress by any vehicles between the highway and the application site(except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 65 m. measured along both channel lines of Carleton Road from a point measured 2.4 , down the centre line of the access road. The eye height will be 1.05 m. and the object height shall be 0.6 m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for its intended purpose at all times.

18. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

19. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

20. No development shall take place until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.

21. Unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

22. Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

23. The development shall not begin until a scheme for the provision of affordable housing has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme. Affordable housing shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:

- a. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units;
- b. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

- c. the arrangements for the transfer of the affordable housing to an affordable housing provider for the management of the affordable housing] (if no Registered Provider is involved);
- d. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- e. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced;
- f. details of an equivalent affordable housing contribution to be provided in lieu of affordable housing on site and the means by which such a contribution shall be provided (alternatively, this may be a contribution that is to be provided partly on site and partly in lieu).

24. No development shall take place until either:

- a. Full details of public open space to serve the development in accordance with Saved Policy SRC2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan have been submitted to and approved in writing by the Local Planning Authority and agreement has been reached with the Local Planning Authority as to the provision of the same and its subsequent implementation, management and maintenance.
- b. Alternative arrangements for the provision of open space have been secured and approved in writing by the Local Planning Authority.

25. No development, including site clearance, shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted to, and approved in writing by, the Local Planning Authority.

26. Prior to the commencement of development, an investigation of land contamination and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- a. a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- b. an assessment of the potential risks to human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface waters ; ecological systems, archaeological sites and ancient monuments;
- c. an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency; Model Procedures for the Management of Land Contamination.

27. A detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

28. The approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be

produced and is subject to the approval in writing of the Local Planning Authority.

29. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

30. The application for the approval of reserved matters shall include an assessment and scheme for the mitigation of possible noise nuisance from the industrial units on the proposed residential dwellings shall be submitted for the written approval of the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved details.

31. Prior to the first installation of any external lighting for the industrial units details shall be submitted for the written approval of the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved scheme.

32. No residential development shall commence until details of the design and layout of ball stop netting or fencing in relation to the cricket field have been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The ball stop netting or fencing shall be designed to meet the requirements of a risk assessment undertaken by a suitably qualified consultant and will include a timetable for the construction and completion of the ball stop netting or fencing.

33. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk assessment (FRA) by BWB dated February 2015 and the following mitigation measures detailed within the FRA

a. Provision for compensatory flood storage as detailed in Sections 3.11-3.15 on page 16 of the FRA.

b. Finished floor levels that are set no lower than 96.67 m. above Ordnance Datum and no lower than 300 mm. above the 1 in 100 year flood level

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

#### Informatives

1. In imposing conditions above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

2. The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at [www.northyorks.gov.uk](http://www.northyorks.gov.uk)

#### Statement of Positive Engagement

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF. In particular the Council has: -

- engaged in pre-application discussions.
- accepted additional information / changes to the scheme post validation. (\*)

Note : During the course of the discussion a motion to refuse this application was lost.

(Councillor Green informed the Committee that his family owned land adjacent to the South Skipton Site but having considered his position was of the view that this had no effect in terms of a need to declare an interest.)

(Councillor Harbron drew the Committee's attention to his appointment as the Council's representative to the Coulthurst Craven Sports Centre which had submitted representations in respect of the above application, having considered his position he did not declare an interest.)

(\*Representations received were reported within the case officer's report / were reported at the meeting.)

PL.777

### **PLANNING ENFORCEMENT**

The Strategic Manager for Planning and Regeneration submitted details of enforcement cases closed, and new enforcement complaints registered in the period 1<sup>st</sup> to 31<sup>st</sup> October 2015.

PL.778

### **ERECTION OF UNAUTHORISED WIND TURBINE - WEST THORNER**

The Strategic Manager for Planning and Regeneration submitted a report seeking a decision as to whether the Committee considered it expedient to take formal enforcement action in respect of a wind turbine erected at West Thornber, Wigglesworth.

Members were reminded that in September 2012 consent had been granted for the erection of a wind turbine at West Thornber Farm, that turbine had been erected, and in February 2015 consent had been granted for a second turbine. Unfortunately that second turbine had been erected away from its approved location and was therefore considered to be unauthorised development. In the absence of a retrospective application the currently unauthorised turbine could not be made the subject of planning conditions, for example relating to removal at the end of its lifespan and measures to mitigate potential noise nuisance. The applicant was also still entitled to implement the consent granted in February 2015, potentially resulting in three turbines on the site and an unacceptable impact on the landscape.

The Development Control Manager stated that only minutes before the start of the meeting he had been informed by the applicant's representative that an application seeking to regularise the situation had been submitted, it was therefore recommended, and

**Resolved** – That formal enforcement action is taken to require the removal of the unauthorised second wind turbine at West Thornber Farm, Wigglesworth should the retrospective application received on 24<sup>th</sup> November 2015 not be validated promptly or be refused by the Local Planning Authority.

( Councillor Mason informed the Committee that the applicant was known to him, but not to such a degree as to warrant a declaration under the Council's Code of Conduct.)

PL.779

### **AFFORDABLE HOUSING CONDITION**

The Strategic Manager for Planning and Regeneration submitted a report drawing the Committee's attention to the impact of Government budget decisions on the ability of registered providers to

deliver affordable homes in the District, and seeking confirmation that where a developer had been unable to transfer affordable dwellings to a registered provider (or the Council) a commuted sum would be acceptable in discharging the affordable housing condition.

Members were reminded that the determination of discharge of condition applications was delegated to the Strategic Manager for Planning and Regeneration, and the standard condition which delivered on-site affordable housing had been amended to specifically allow for the payment of commuted sums in lieu of some, or all, of the approved on-site homes. The use of a commuted sum would be a last resort, however on a number of sites, the circumstances now affecting registered providers had not been envisaged at the time and the need for a “fall back” position had become increasingly necessary to allow developers to bring sites forward where they already had planning permission and avoid the delays that were currently being experienced through lack of a registered provider. The revised condition was published within the Council’s planning guidance and now formed part of reports to Planning Committee for all new applications.

Use of the proposed condition would give developers the certainty to start on site and the Council the comfort that affordable contributions would be met in full, albeit through a combination of on and off site contributions, until such time as providers business plans adjusted to take account of the changing financial climate in which they now operated. The Committee was therefore now asked to approve replacement of the standard affordable housing condition with the revised condition on all existing relevant permissions.

Details of how the alternative arrangement would operate in practice were presented within the Strategic Manager’s report.

- Resolved** – (1) That the advice regarding the current position of registered providers is noted and that it is confirmed that the affordable housing condition can be discharged by payment of a commuted sum where a developer has been unable to transfer the affordable dwellings to a registered provider, or this Council.
- (2) That the Strategic Manager for Planning and Regeneration is authorised to determine the number and type of affordable dwellings to be replaced by commuted sums.
- (3) That a report is presented to a future meeting of this Committee on the outcome in respect of existing permissions.

### **Minutes for Decision**

- None -

Chairman.