

## **PLANNING COMMITTEE**

15<sup>th</sup> January 2018

**Present** – The Chairman (Councillor Sutcliffe) and Councillors Brockbank, Harbron, Heseltine, Hull, Lis, Morrell, Place, Shuttleworth and Thompson.

**Officers** – Legal Services Manager, Planning Manager, Principal Planning Officer, Planning Assistant and Committee Officer.

Ward Representatives : Councillors Brown (Application 2017/18492/OUT), Dawson (Application 2017/18340/FUL), Jaquin ( 63/2016/17313) and Whitaker (Application 2017/18661/FUL).

Apologies for absence were received from Councillors Baxandall and Rose.

Start: 1.40pm

Finish: 4.38pm

Councillor Brockbank left the meeting at 4.15pm.

The minutes of the Committee's meeting held on 18<sup>th</sup> December 2017 were confirmed and signed by the Chairman.

### **Minutes for Report**

PL.851

#### **PUBLIC PARTICIPATION**

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

Application 32/2016/17097 : Mr G Holmes (objector)  
: Ms A Oakden (for the applicant)  
Application 63/2016/17313 : Mr C McGrath (objector / for objectors)  
: Mr L Herring (for the applicant)  
Application 2017/18492/OUT : Mr R Clark (for the applicant)  
Application 2017/18704/FUL : Mr D Claxton (for objectors)  
: Mr C Binns (for the applicant)  
Application 2017/18661/FUL : Mr M Webb (applicant)

PL.852

#### **APPLICATIONS FOR PLANNING PERMISSION**

##### **a. Delegated Matters**

The Strategic Manager for Planning and Regeneration reported the following applications for planning permission which had been dealt with under delegated authority:-

2017/18305/HH Demolition of existing single storey extension and garage and construction of new two storey extension and garage, 3 Queen Street, Cowling - Approved with Conditions

2017/18458/CND Discharge of condition 2 of listed building consent 62/2017/17901 relating to the proposed security lighting and cameras to rear of building, The Folly, Victoria Street, Settle - Condition satisfactorily discharged.

2017/18463/FUL Proposed single storey residential annexe to Intake Farm involving conversion of existing outbuildings along with new build/extensions, Intake Farm, off Park Lane, Cowling - Approved with Conditions.

2017/18500/HH First floor rear extension (re-submission of application ref 63/2017/18054), 11 Greatwood Avenue, Skipton - Approved with Conditions.

2017/18540/CND Application to discharge condition nos 3, 4, 5 and 6 of planning consent reference 2017/18416/VAR, Craven College Aireville Campus, Gargrave Road, Skipton - Conditions satisfactorily discharged.

2017/18552/HH Proposed rear single storey extension, solid construction to existing utility, new window openings and velux windows, Croft House, 1A Shires Lane, Embsay - Approved with Conditions.

2017/18555/FUL New triple garage, Park Cottage, Park Lane, Cowling - Approved with Conditions.

2017/18557/HH Retrospective permission for timber clad summer house, 1 Ivy House Cottages South Street, Gargrave - Refused

2017/18568/COU Change of use of land adjacent to existing developed caravan park to permit the siting of 11 additional static caravans at The Trees Caravan Park, Westhouse, Ingleton - Approved with Conditions

2017/18580/HH Proposed two storey side extension with single storey rear extension, 28 West Lane, Embsay - Approved with Conditions.

2017/18613/VAR Application to vary conditions 7 and 8 of previous approval 32/2015/16220, Burnroyd Avenue, Cross Hills - Approved with Conditions.

2017/18595/HH Proposed single storey rear extension and first floor side extension, 14 Manor Close, Burton in Lonsdale - Approved with Conditions.

2017/18624/CND Application to discharge conditions 3 and 5 of planning permission 63/2017/18025, Pitch and Putt, Aireville Park, Gargrave Road, Skipton - Conditions satisfactorily discharged.

2017/18619/HH Single storey extension to rear of the property and demolition of two rear ground floor windows, ground works and a section of the garden wall, 2 Tillotsons Court, Meadow Lane, Cononley - Approved with Conditions.

2017/18617/FUL Extension to existing warehouse and formation of additional car park, Unit 5 Enterprise Way, Airedale Business Centre, Skipton - Approved with Conditions.

2017/18628/FUL Construction of former dwelling at Nuttercote Farm, Nuttercote Farm, Church Road, Thornton in Craven – Refused.

2017/18629/LBC Construction of former dwelling at Nuttercote Farm, Nuttercote Farm, Church Road, Thornton in Craven – Refused.

2017/18630/CND Application to discharge condition no 3 of original planning consent reference 2017/18352/VAR, Skipton Golf Club, Short Lee Lane, Skipton - Condition satisfactorily discharged.

2017/18638/LBC Installation of air source heat pumps and timber screen enclosure, Higher Jackfield Farm, Dick Lane, Sutton-in-Craven - Approved with Conditions.

2017/18645/TPO T1 - Horse Chestnut - crown lift to 4.5m all round and crown thin by 20%. T2 - Sycamore - crown lift to 4.5m all round, T3 - Horse Chestnut - crown lift to 4.5m all round and crown thin by 20%, Crossroads Barn, Stirton Lane, Stirton - Approved tree work under tree preservation order.

2017/18656/FUL Erection of 8 semi-detached dwellings (Phase 1), former allotments and garages, Broughton Road, Skipton - Approved with Conditions.

2017/18640/HH Proposed conservatory and extension to rear, Stott Fold Farm, Cowling Hill Lane, Cowling - Approved with Conditions.

2017/18641/LBC Proposed conservatory and extension to rear, Stott Fold Farm, Cowling Hill Lane, Cowling - Approved with Conditions.

2017/18648/HH Extension to farm house to incorporate external WC and store in the yard to form a utility/cloakroom area on the ground floor and the extension of an upstairs bedroom above, Heslaker Farm, Heslaker Lane, Carleton - Approved with Conditions.

2017/18650/HH Single storey extension to provide sunroom, Giffords, Wenning Bank to Reebys Lane, Clapham - Approved with Conditions.

2017/18651/HH Two-storey side extension to provide additional bedroom over kitchen and garage (resubmission of refused application reference 2017/18177/HH), 2 Old Hall Croft, Gargrave - Approve with Conditions

2017/18659/FUL Demolition of existing dwelling and erection of replacement bungalow, 10 Walton Avenue, Gargrave - Approved with Conditions.

2017/18660/FUL Forming new roof over existing livestock pens and extending existing roof to form canopy, Bentham Auction Mart, 3 Main Street, High Bentham - Approved with Conditions.

2017/18666/COU Change of use of first floor from residential flat to mortgage brokers (use class A2), 1 Elliot Street, Skipton - Approved with Conditions.

2017/18662/FUL Retrospective permission for the retention of smoke vent and cowled roof vent to rear roof slope, 4 - 6 High Street, Skipton - Approved with Conditions.

2017/18663/LBC Retrospective permission for the retention of smoke vent and cowled roof vent to rear roof slope, 4 - 6 High Street, Skipton - Approved with Conditions.

2017/18664/OUT Outline application with all matters reserved for the construction of 1 dwelling, land west of Mell Brae, Rathmell – Refused.

2017/18674/COU Change of use of premises from A1 (retail) to A4 (drinking establishments), 16 Otley Street, Skipton - Approved with Conditions.

2017/18671/HH Proposed dormer windows, 4 Holmroyd Avenue, Holme Lane, Sutton-in-Craven – Refused.

2017/18677/FUL Replacement of existing metal framed windows with new UPVC windows, Driver Vehicle Standards Agency, Foundry House, Carleton Road, Skipton - Approved with Conditions.

2017/18681/HH Proposed single storey side extension, Lingcroft, Baxter Wood, Cross Hills - Approved with Conditions.

2017/18683/FUL Construction of agricultural farm building to accommodate animals and machinery, Higher Stone Head Farm, Cowling - Approved with Conditions.

2017/18684/HH Two storey rear extension, 35 Marshfield Road, Settle - Approved with Conditions.

2017/18685/HH Two storey rear extension to provide additional bedrooms with en-suite over new kitchen (resubmission of application reference 30/2016/17367), 22 Skipton Road, Gargrave - Approved with Conditions.

2017/18686/HH Two storey rear extension, 24 Skipton Road, Gargrave - Approved with Conditions.

2017/18690/HH Proposed conservatory and other associated alterations, 19 Lords Close, Giggleswick – Refused.

2017/18691/CPL Certificate of lawfulness (proposed use or development) for change of use of Retail Unit (Use Class A1) to Estate Agent (Use Class A2), 12 High Street, Skipton - Application withdrawn.

2017/18692/MMA Application to vary condition no 2 relating to the approved plans of original planning consent reference 2017/18264/HH, 63 Shortbank Road, Skipton - Approved with Conditions.

2017/18693/HH Single storey side extension with first floor balcony above, 21 Newton Way, Hellifield - Approved with Conditions.

2017/18695/TCA T1 and T2 - Sycamore. Remove dead wood and thin crown by 5% T3 - Lime - Remove dead wood and epicormic shoots, G1 - 3x Paperbark Birch, crown lift to 4m, Dyneley House Surgery, Newmarket Street, Skipton - Approved tree works in conservation area.

2017/18696/TCA T1 - Silver Birch. Reduce height and spread by 15% to old cuts, 5 Marton Close, Gargrave - Approved tree works in conservation area.

2017/18700/CND Application to discharge condition no's 3 (Written Statement of Investigation - Archaeologist), 5 (External materials) and 6 (Windows and doors) of original planning permission referenced 2017/18170/FUL approved 22/09/2017, The Barn, Peel Green, Hellifield - Conditions satisfactorily discharged.

2017/18701/TCA T1 - Larch - Fell. T2 - Robinia - Fell, The Bay Horse Inn, Ravens View, Ellers Road, Sutton-in-Craven - Approve tree works in conservation area.

2017/18703/TPO T1 - 5 Larch - Remove group of 5 trees, land to south west of Skelton Industrial Park, Hardings Lane, Cross Hills - Approved tree work under tree preservation order.

2017/18708/CPL Certificate of lawfulness (proposed) for rear dormer extension, 22 Gisburn Street, Skipton - Certificate of Lawful Development approved.

2017/18713/CND Application for partial discharge of condition no 2 of original planning consent reference 32/2015/15768 with regard to roofing materials for plots 4 to 29, land to east of Green Lane, Glusburn - Condition satisfactorily discharged.

2017/18718/OTHERS Prior approval for change of use from retail (use class A1) to creperie and coffee shop (use class A3) under Schedule 2, Part 3, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015, 6 Swadford Street, Skipton – Prior notification approval.

2017/18719/OFFRES Prior approval for change of use of existing offices (use Class B1(a)) to 26 apartments (use class C3) under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015, Cavendish House, 12 Newmarket Street, Skipton – Prior notification approval.

2017/18721/CND Application to discharge conditions 3, 4, 5 and 7 of planning permission referenced 63/2015/16296 approved 16/02/2016, Waller Hill Beck, Ginnel Mews, Devonshire Place, Spindle Mill and Morrisons, Skipton - Conditions satisfactorily discharged.

2017/18724/HH Proposed car port and garden room, 10 Hazel Grove Road, Sutton-in-Craven - Approved with Conditions.

2017/18726/HH Two storey side and rear extension, single storey rear extension with conservatory and the erection of a detached garden room, 63 Shortbank Road, Skipton – Refused.

2017/18727/TCA T1 Maple, Crown lift to 3m reduce height and spread of tree by 2m, 17 Raines Court, Giggleswick - Approved tree works in conservation area.

2017/18731/TPO T1 Self Seeded Ash – Fell, Ex Service Mens Flat, Bell Horse Gate, Bank Bottom, Ingleton - Approved tree work under tree preservation order.

2017/18755/OTHERS Change of use from shop to cafe/restaurant, 18 - 20 Coach Street, Skipton - Prior approval granted.

2017/18754/TCA T1 - Willow - pollard T2 - Cherry – prune, T3 - Magnolia – prune, Ingleview, 20 Low Street, Burton in Lonsdale - Approved tree works in conservation area.

2017/18778/PNAG Proposed agricultural building, Sixpenny Syke Farm, Carleton Lane, Carleton - Prior approval not required.

2017/18784/CND Application to discharge condition no 13 of application reference 2017/18613/VAR, Burnroyd Avenue, Cross Hills - Condition satisfactorily discharged.

2017/18788/CND Application to discharge condition no 3 of previously approved application 63/2017/18072, Tarn Moor Memorial Woodland, Grassington Road, Skipton - Condition satisfactorily discharged.

## **b. Applications**

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

### **Permission Granted**

**2017/18492/OUT Outline application for a residential development of 4 dwellings with associated garages (access and layout applied for with all other matters reserved), land off Meadow Lane/Moorfoot Lane, Cononley.**

#### Conditions

##### Time Limit for Commencement

1. Application for approval of reserved matters must be made not later than three years from the date of this permission and the development must be begun not later than: (i) the expiration of three years from the date of this permission; or (ii) two years from the date of approval of the last of the reserved matters to be approved..

##### Approved Plans

2. The permission relates to the following plans:

- Scale 1:1250 Location plan received 30<sup>th</sup> October 2017.

- Drawing no. 2590A – Scale 1:500 block plan.

Any application for approval of reserved matters submitted pursuant to this permission shall accord with the outline permission insofar as it relates to the means of access to the site, the layout of the development, the maximum number of dwellings and the site area.

#### Before Development Commences

3. The approval of the Local Planning Authority shall be sought in respect of the following matters before the development is commenced:- the scale and external appearance of the buildings and the landscaping of the site (hereinafter referred to as the “reserved matters”).

4. Any application for approval of reserved matters shall include details of attenuation measures to be put in place to mitigate the effects of noise and vibration from passing railway traffic on future occupiers of the dwellings. The attenuation measures shall demonstrate compliance with the requirements of BS8233:2014: ‘Guidance on Sound Insulation and Noise Reduction for Buildings’ and shall ensure that vibration dose values do not exceed 0.4m/s<sup>1.75</sup> between 07:00 and 23:00 hours, and 0.26m/s<sup>1.75</sup> between 23:00 and 07:00 hours as calculated in accordance with BS 6472-1:2008: ‘Guide to Evaluation of Human Exposure to Vibration in Buildings’. The duly approved attenuation measures shall be implemented before any of the dwellings hereby approved are first occupied, and shall be retained as such thereafter.

5. Any application for approval of reserved matters shall include a scheme for the layout, design and construction of a pedestrian footway through the site to Moorfoot Lane unless the Local Highway Authority advise that the provision of such a footway is undesirable and/or detrimental to highway safety. Note : Actual wording of this condition to be formulated by the Planning Manager.

6. No development shall take place until a scheme including details of the following have been submitted to and approved in writing by the Local Planning Authority:

- tactile paving;
- vehicular, cycle, and pedestrian accesses;
- vehicular and cycle parking;
- vehicular turning arrangements;
- manoeuvring arrangements;
- loading and unloading arrangements.

The development shall be implemented in accordance with the duly approved scheme and the areas for access, parking, manoeuvring and turning shall be made available for use before any of the dwellings are first occupied.

7. No above ground works shall take place until a scheme for the layout, design and construction of all roads and footways for the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

a. Detailed engineering drawings to a scale of not less than 1:250 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. 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:

- the existing ground level;
- the proposed road channel and centre line levels;
- full details of surface water drainage proposals.

c. Full highway construction details including:

- typical highway cross-sections to scale of not less than 1:50 showing a specification for all - types of construction proposed for carriageways, cycleways and footways/footpaths;
- 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.

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 timetable for completion of the works detailed in a) to g).

All roads and footways shall be provided in full accordance with the duly approved scheme and the timetable contained therein, and shall be made available for use before any of the dwellings to be served by that road and/or footway are first occupied.

8. No development shall take place until a scheme for the design and construction of the site access at the junction with Meadow Lane (the position of which is shown on drawing no. 2590A) has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include provision for:

a. Splays giving clear visibility of at least 35 metres in both directions measured along both channel lines of Meadow Lane from a point measured 2 metres down the centre line of the access road. The eye and object heights shall be 1.05 metres.

b. The crossing of the highway verge and/or footway to be constructed in accordance with North Yorkshire County Council's Standard Detail E6 or another specification which has first been submitted to and approved in writing by the Local Planning Authority.

c. Any gates or barriers to be erected a minimum distance of 4.5 metres from the back edge of the carriageway of the existing highway and that they do not swing or open over the existing highway.

d. The first 4.5 metres of the access road extending into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10 and its final surfacing shall not contain any loose material that is capable of being drawn onto the highway.

e. The prevention of surface water from the site discharging onto the existing or proposed highway.

f. Tactile paving in accordance with current Government guidance.

The site access shall be constructed in accordance with the duly approved scheme before any of the dwellings are first occupied, and the visibility splays shall be maintained clear of any obstructions above the relevant height referred to in (i) thereafter.

9. Except for the purposes of constructing the site access, there shall be no access by vehicle traffic between the existing and proposed highway until 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 existing highway have been provided. The eye height shall be 1.05 metres and the object height shall be 0.6 metres. Once created, the visibility splays shall be maintained clear of any obstructions thereafter.

10. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:

- a. hours of work for site preparation, delivery of materials and construction;
- b. arrangements for the parking of vehicles for site operatives and visitors clear of the public highway;
- c. details of areas designated for the loading, unloading and storage of plant and materials;
- d. details of the siting, height and maintenance of security hoarding;
- e. arrangements for the provision of wheel washing facilities or other measures to be taken to prevent the deposit of mud, grit and dirt on the public highway by construction vehicles travelling to and from the site;
- f. measures to control the emission of dust and dirt during construction;
- g. a scheme for the recycling/disposing of waste resulting from demolition and construction works;
- h. details for the routing of HGVs to the site.

The duly approved CMS shall be implemented and adhered to throughout the entirety of the construction period.

11. Any application which seeks approval for the reserved matter of landscaping pursuant to this permission shall include a landscaping scheme for the site which contains details of:

- a. any trees, hedgerows and any other vegetation on/overhanging the site to be retained;
- b. the introduction of a landscaping buffer along the south-eastern boundary of the site with Moorfoot Lane.
- c. the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (i) or (ii); and
- d. the type, size, species, siting, planting distances and the programme of planting of hedges, trees and shrubs.

The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

12. No above ground works shall take place until a scheme for the disposal of foul and surface water from 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. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- a. Separate systems for the disposal of foul and surface water.
- b. If discharge to a public sewer is proposed: (a) evidence shall be provided to demonstrate that other means of surface water disposal (e.g. via infiltration and/or to a watercourse) have been investigated and why they have been discounted; (b) the means by which the surface water discharge rate to any sewer is to be restricted to a maximum of 3 litres per second.
- c. Details of the rate of surface water discharge from the site which shall ensure that the post-development surface water runoff rate generated during rainfall events up to and including the 1 in 100 year event does not exceed the pre-development runoff rate for the corresponding rainfall event, including appropriate allowances for climate change and urban creep and details of any necessary flow attenuation measures to achieve this.
- d. Details of how the system will be maintained and managed after completion.

The scheme shall be implemented in accordance with the duly approved details before any of the dwellings are first occupied, or within any other timescale which has first been approved in writing by the Local Planning Authority, and shall be maintained/managed as such thereafter.

#### Ongoing Conditions

13. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the garage for the dwelling on plot 1 (as identified on drawing no. 2590A) hereby approved shall be retained as such thereafter and shall not be converted to provide additional living accommodation unless a separate planning permission has first been granted on application to the Local Planning Authority.

#### Informatives:

Noise: During construction there is a potential for noise nuisance to nearby residential properties. In order to minimise any effects in this regard, the applicant is advised to limit operating times for construction to:

- 8:00am to 6:00pm Monday to Friday.
- 8:00am to 1:00pm Saturday.
- No Sunday or Bank Holiday working.

Topsoil: The applicant should ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015 - Specification for Topsoil. The Local Planning Authority reserves the right to require the applicant to provide details of the supplier(s) and confirmation on the source(s) of any topsoil material.

Network Rail: The applicant's attention is drawn to Network Rail's response dated 14<sup>th</sup> November 2017 which, in addition to conditions attached to this permission, identifies a number of requirements for developments undertaken adjacent to the operational railway line. The applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's

land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass which is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Highways: 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. There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority. Works of repair to the adopted highway as a result of damage caused by construction traffic may include replacing carriageway, kerbs, footways, cycleways and verges to the proper line and level. It is recommended that before a detailed condition discharge submission is made a draft road and footway layout is prepared for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work.

Statement of Positive Engagement : The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework. (\*)

**2017/18661/FUL Erection of a chalet to provide rented holiday accommodation, 3 The Bailey Skipton** – subject to the conditions listed below and to additional conditions to be formulated by the Planning Manager requiring designation of a parking space for use in connection with the chalet and maintenance of the screening to Rectory Lane to a level no less than that currently in place.

#### Conditions

##### Time Limit for Commencement

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

##### Approved Plans

2. This permission relates to the following plans:

- Location Plan received 02<sup>nd</sup> November 2017.
- Specification details received 01<sup>st</sup> November 2017.
- Block Plan received 01<sup>st</sup> November 2017.
- Hut Floorplan received 01<sup>st</sup> November 2017.
- Proposed Shepherd Hut Elevations received 01<sup>st</sup> November 2017.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

##### Ongoing Conditions

3. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order revoking and

re-enacting that Order, with or without modification), the premises shall be used as holiday accommodation only and shall not be let, sold or otherwise occupied for any other purpose (including any other use falling within Class C3 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument amending or replacing that Order).

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. (\*) (SV)

### **Delegated Authority**

**32/2016/17097 Conversion and restoration of Malsis Hall to create care facility (use class C2) including demolition of existing extensions and construction of new extensions, upgrading and re-opening of former sports facilities and residential development of 67 dwellings within grounds (including conversion of listed lodge building to dwellinghouse), Malsis Hall Colne Road Glusburn** – the Development Control Manager was authorised to approve this application subject to the following conditions, and subject also to the prior completion of a Section 106 Agreement to secure

- a. The provision, tenure, delivery mechanism, occupation criteria and phasing for 16% of the dwellings to be provided as affordable housing (as defined the National Planning Policy Framework) in accordance with the size, mix, layout and distribution shown on the approved plans.
- b. A community use agreement for the sports facilities and changing room to be delivered as part of the first phase of development.
- c. The provision, layout, specification, design, management and maintenance of a play area on the site, the size and location of which is shown on the approved plans.

### Conditions

#### Time Limit for Commencement

1. The development must be begun not later than the expiration of three years from the date of this permission.

#### Approved Plans

2. This permission relates to the following plans:

- Drawing no. GA00 – Location plan.
- Drawing no. 0380-PLI-90-001 Rev P17 – Site masterplan.
- Drawing no. H5095-PP-002 Rev B – Phasing plan (amended plan received 13.12.17)
- Drawing no. H5095-AHL-001 – Affordable Housing Layout.
- Drawings titled 'Malsis Play Area Proposal'.
- Drawings titled 'House Type - A, C, K, N, P and R' plans and elevations overview.
- Drawings titled 'House Type – D and E' plans and elevations overview (amended plans received 6.11.17).
- Drawings titled 'House Type – B, F and H' plans and elevations overview (amended plans received 15.12.17)
- Drawings titled 'Apartment Type – M' plans and elevations overview.
- Drawing titled 'The Lodge Elevations Overview'.
- Drawing titled 'The Lodge Plans Overview'.
- Drawings titled 'Sports/Playing Field Strategy 09.10.2017 update'.
- Drawing no. 1507SHW/MSC/E002 – Illustrative section and external photographs.

- Drawing no. 0380-PLI-L-94-001 Rev P12 – Tree protection measures.
- Drawing no. 15-093-101 Rev G – Proposed site plan.
- Drawing no. 15-093-103 Rev C – Proposed demolition plan.
- Drawing no. 15-093-105 Rev B – Proposed demolition masterplan.
- Drawing no. 15-093-110 Rev A – Building A & D main hall & chapel ground floor demolition plan.
- Drawing no. 15-093-111 Rev A – building A first and second floor demolition plan.
- Drawing no. 15-093-112 Rev A – Building B & C façade & cottage demolition plans.
- Drawing no. 15-093-113 Rev A – Building E – House demolition plans.
- Drawing no. 15-093-119 Rev H – Indicative lower ground floor.
- Drawing no. 15-093-120 Rev J – Indicative ground floor.
- Drawing no. 15-093-121 Rev G – Indicative first floor.
- Drawing no. 15-093-122 Rev D – Indicative second floor.
- Drawing no. 15-093-123 Rev B – Indicative roof plan.
- Drawing no. 15-093-150 Rev F – Proposed elevations (1 of 3).
- Drawing no. 15-093-151 Rev F – Proposed elevations (2 of 3).
- Drawing no. 15-093-152 Rev F – Proposed elevations (3 of 3).
- Drawing no. 15-093-320 Rev D – Cottage proposed floor plans.
- Drawing no. 15-093-350 Rev E – Cottage proposed elevations.
- Drawing no. 15-093-420 Rev B – Malsis house proposed plans and elevations.
- Drawing no. 15-093-SK500 – Chapel site plan.
- Drawing no. 15-093-520 Rev A – Chapel floor plan.
- Drawing no. 15-093-521 Rev A – Chapel roof plan.
- Drawing no. 15-093-550 Rev B – Chapel proposed elevations.
- Drawing no. 0380-PLI-L-97-100 Rev P02 – Care facility hard landscape and boundary treatments plan.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

3. The development shall be carried out sequentially in accordance with the two phases identified on drawing no. H5095-PP-002 Rev B. No development associated with phase 2 shall take place until the building works and/or land uses for phase 1 have been substantially completed and made available for use and/or occupation

#### Before Development Commences

4. No development (other than demolition) shall take place until a Written Scheme of Investigation (WSI) outlining a programme and timetable of archaeological investigation has been submitted to and approved in writing by the local planning authority. The WSI shall include:

a. A phased programme and methodology of site investigation and recording to include:

- i. a desk-based assessment including, where appropriate, historic building assessment(s), detailed survey and interpretative record;
- ii. a targeted archaeological evaluation; and
- iii. where appropriate, targeted area excavation.

b. A programme for post investigation assessment to include:

- i. analysis of the site investigation records and finds;
- ii. production of a final report on the significance of the archaeological interest represented.

c. provision for publication and dissemination of the analysis and report on the site investigation.

- d. provision for archive deposition of the report, finds and records of the site investigation.
- e. nomination of a competent person(s) or organisation to undertake the work set out in the approved WSI.

The development shall thereafter be carried out in full accordance with the approved WSI and the timetable contained therein.

5. Within one month of the demolition operations associated with the phase 1 works identified on drawing nos. H5095-PP-002 Rev B and 15-093-103 Rev C first taking place, a scheme for the treatment, repair and/or reconstruction of the elevations of all buildings which are attached to those components to be demolished shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a. A sample panel (measuring no less than 1m x 1m) of any stonework to be used on the external surfaces of the buildings. The sample panel shall demonstrate the type, texture, size, colour, bond and method of pointing for the stonework.
- b. The constituency and colour of the mortar to be used in the pointing of any stonework.
- c. Details of the type, colour and texture of any other materials to be used on the external surfaces of the buildings.

The development shall thereafter be implemented in full accordance with the duly approved scheme before the care home hereby approved is first occupied.

6. Notwithstanding any description of materials in the application, no development (other than demolition) for each phase identified on drawing no. H5095-PP-002 Rev B shall take place on the part of the site relating to that phase until full details of all materials to be used on the external surfaces of the buildings associated with that phase have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

7. Notwithstanding any details shown on the approved plans, no development (other than demolition) associated with: (i) any of the phase 1 works involving the conversion, extension or alteration of Malsis Hall; and (ii) any of the phase 2 works involving the conversion and extension of the lodge on plot 67, shall take place until details of all windows and doors (including both new and replacement openings) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include their design, materials (including surrounds, sill and lintel treatments), finishes, colour treatment, reveals and opening profile. The windows and doors shall be installed in accordance with the duly approved details before the buildings associated with (i) and (ii) are first occupied, and shall be retained as such thereafter.

8. No development (other than demotion) for each phase identified on drawing no. H5095-PP-002 Rev B shall take place on the part of the site relating to that phase until details of finished floor levels and external ground levels for each building (including its external areas) and/or land use associated with that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the duly approved details.

9. If, during development, contamination which was not previously identified is found to be present on the site then no further development shall take place on the affected part(s) of the site until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

- a. a survey of the extent, scale and nature of contamination;
- 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;
  - groundwaters and surface waters;
  - ecological systems; and
  - archaeological sites and ancient monuments.
- c. an appraisal of any remedial options required and a proposal for the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the buildings and/or land uses on the affected part(s) of the site are first occupied.

10. No residential development associated with the Phase 1 and 2 works identified on drawing no. H5095-PP-002 Rev B shall take place on the parts of the site relating to those phases until details of all crime prevention measures to be incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. The crime prevention measures should set out how the comments made by North Yorkshire Police in their letter dated 14 July 2017 have been addressed. The development shall thereafter be carried out in full accordance with the duly approved details.

11. No development (other than demolition) for any phase identified on drawing no. H5095-PP-002 Rev B shall take place until a scheme for the design and construction of the site accesses at the junctions with Colne Road and Carr Head Lane (the positions of which are shown on drawing no. 0380\_PLI\_90\_001 Rev P17) has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include provision for:

- a. Splays giving clear visibility of 60 metres (looking east) and 100 metres (looking west) measured along both channel lines of the A6068 from a point measured 2.4 metres down the centre line of the site access at the junction with the A6068 (Colne Road). The eye and object heights shall be 1.05 metres.
- b. Splays giving clear visibility of 60 metres (looking west) and 100 metres (looking southeast) measured along both channel lines of Carr Head Lane from a point measured 2.4 metres down the centre line of the site access at the junction with Carr Head Lane. The eye and object heights shall be 1.05 metres.
- c. 7 metre radius kerbs to give a minimum carriageway width of 6.5 metres at the site accesses and the construction of the first 8 metres of the access road extending into the site in accordance with NYCC's Standard Detail number A1.
- d. Any gates or barriers to be erected a minimum distance of 11 metres from the back edge of the carriageway of the existing highway and that they do not swing or open over the existing highway.
- e. The first 20 metres of the access road extending into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 12 and its final surfacing shall not contain any loose material that is capable of being drawn onto the highway.

f. The prevention of surface water from the site discharging onto the existing or proposed highway.

g. Tactile paving in accordance with current Government guidance.

The site accesses shall be constructed in accordance with the duly approved scheme before any part of the development is first occupied, and the visibility splays shall be maintained clear of any obstructions thereafter.

12. No development (other than demolition) for any phase identified on drawing no. H5095-PP-002 Rev B shall take place until a scheme for the siting, layout, construction, design and phasing of the following off-site highway improvement works has been submitted to and approved in writing by the Local Planning Authority:

a. The provision of tactile paving.

b. The construction of two traffic islands in the centre of the carriageway of the A6068 in positions immediately west of its junctions with the site access onto Colne Road (as shown on drawing no. 1267-F01E) and Carr Head Lane (as shown on drawing no. 1267-F01D), including associated road markings.

c. The upgrading of two existing bus stops on the A6068 located to the west of the site access (eastbound and westbound) to include provisions for raised kerbs, dropped crossings, tactile paving, poles and a bus shelter, together with associated road markings.

The scheme shall be accompanied by an independent Stage 2 Road Safety Audit for the off-site highway improvement works which has been carried out in accordance with HD19/03 – Road Safety Audit (or any superseding regulations) and shall include details of how the recommendations of the Road Safety Audit have been addressed in the design of the proposed off-site highway works. The duly approved off-site highway works shall be implemented and made available for use before any of the buildings and/or land uses for any phase of development hereby approved are first occupied, or within any other timescale which has first been agreed in writing with the Local Planning Authority.

13. No development (other than demolition) for any phase identified on drawing no. H5095-PP-002 Rev B shall take place until a scheme for the siting, layout, height, design, materials and finish of any means of enclosure used to restrict access between the external areas of each phase of development and the site access onto Carr Head Lane has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of any access arrangements for emergency services and a timetable for the erection of the means of enclosure. The means of enclosure shall be erected in accordance with the duly approved scheme and the timetable contained therein, and shall be retained as such thereafter.

14. No development associated with the phase 2 works identified on drawing no. H5095-PP-002 Rev B shall take place on the parts of the site relating to that phase until a scheme for the provision of footways to link pedestrian traffic from the development with existing footways on Colne Road has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the size, layout and design of the footways and their points of connection with existing footways on Colne Road (including details of the need to remove any vegetation and/or sections of the existing boundary wall). The footways shall be constructed and made available for use in accordance with the duly approved scheme before any of the dwellings associated with the phase 2 works hereby approved are first occupied, and shall be retained as such thereafter.

15. No development for each phase identified on drawing no. H5095-PP-002 Rev B shall take place on the part of the site relating to that phase until a Construction Exclusion Zone (CEZ) has been formed around the Root Protection Areas of those trees falling within the relevant

phase and identified as being retained on drawing no. 0380\_PLI\_L\_94\_001. The CEZ shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012 and shall be installed in the positions indicated by a solid blue line on drawing no. 0380\_PLI\_L\_94\_001. The CEZ shall be maintained in the duly installed positions for the entirety of the construction period insofar as it relates to each phase.

16. No development associated with the construction and laying out of the sports pitches which form part of the phase 1 works identified on drawing no. H5095-PP-002 Rev B shall take place until a scheme containing the following documents has been submitted to and approved in writing by the Local Planning Authority (in consultation with Sport England):

a. A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the reconfigured football pitches which identifies constraints that could affect playing field quality.

b. Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation. The scheme shall also include details of the design and layout of the pitches which shall comply with the Football Association guidance.

c. A Maintenance Scheme for the grass pitches including a maintenance schedule, details of the Performance Quality Standard testing arranged via the Football Association Pitch Improvement Programme, and a mechanism for review

The duly approved scheme shall be implemented in full in accordance with a timetable which has first been submitted to and approved in writing by the Local Planning Authority (in consultation with Sport England). The land in question shall thereafter be maintained in accordance with the duly approved scheme with effect from commencement of the use and shall be retained for playing field use thereafter.

17. No development associated with the construction and laying out of the sports pitches which form part of the phase 1 works identified on drawing no. H5095-PP-002 Rev B shall take place until a scheme for the size, siting, design and layout of the sports changing accommodation has been submitted to and approved in writing by the Local Planning Authority (in consultation with Sport England). The sports changing accommodation shall thereafter be delivered and made available for use in accordance with the duly approved scheme before the sports pitches hereby approved are first brought into use, and shall be retained as such thereafter.

18. No development (other than demolition) for each phase identified on drawing no. H5095-PP-002 Rev B shall take place on the part of the site relating to that phase until a scheme for the disposal of foul and surface water from 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 scheme 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 (or any subsequent update or replacement for that document) and shall include:

a. Separate systems for the disposal of foul and surface water.

b. Details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer which shall ensure that the post-development surface water runoff rate generated during rainfall events up to and including the 1 in 100 year event does not exceed the pre-development runoff rate for the corresponding rainfall event, including appropriate allowances for climate change and urban creep and details of any necessary flow attenuation measures to achieve this.

- c. Details of how the system will be maintained and managed after completion.

The scheme shall be implemented in accordance with the duly approved details before each associated phase of development is first occupied, and shall be maintained / managed as such thereafter.

19. No development for any phase identified on drawing no. H5095-PP-002 Rev B shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:

- a. hours of work for site preparation, delivery of materials and construction;
- b. arrangements for the parking of vehicles for site operatives and visitors clear of the public highway;
- c. details of areas designated for the loading, unloading and storage of plant and materials;
- d. details of the siting, height and maintenance of security hoarding;
- e. arrangements for the provision of wheel washing facilities for vehicles accessing the site;
- f. measures to control the emission of dust and dirt during construction;
- g. a scheme for the recycling/disposing of waste resulting from demolition and construction works;
- h. details for the routing of HGVs to the site.

The duly approved CMS shall be implemented and adhered to throughout the entirety of the construction period.

20. No development associated with the demolition of the outbuilding referred to as 'Building 2' in the Bat Survey by 'Envirotech' (report reference 426) shall take place until a comprehensive method statement indicating how bats are to be protected during the demolition works and how appropriate mitigation measures (including the siting and design of habitat compensation and enhancement measures) are to be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority. The duly approved method statement shall be implemented in full accordance with the details, recommendations and timescales contained therein and any mitigation measures shall be fully implemented within one month of the demolition works taking place, and shall be retained as such thereafter.

#### During Building Works

21. Within three months of development (other than demolition) for each phase identified on drawing no. H5095-PP-002 Rev B first taking place, a hard landscaping scheme for the external areas of the site relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the design, construction (including sub layers and surfacing materials), drainage and lighting of all hard surfaced areas (including estate roads, footpaths and vehicle parking and manoeuvring areas), and a timetable for their provision. The hard surfaced areas shall thereafter be constructed in accordance with the duly approved scheme and made available for use before each building and/or land use which would take access from the relevant hard landscaped areas is first occupied.

22. Within three months of development (other than demolition) for each phase identified on drawing no. H5095-PP-002 Rev B first taking place, a soft landscaping scheme for the external

areas of the site relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. Where relevant to each phase, the scheme shall include details of:

- a. the introduction of a planting buffer upon the verge located to the south of plots 8-16 where this flanks the southern boundary of the site with Colne Road.
- b. the introduction of additional planting within the site which forms part of the internal development layout; and
- c. the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs.

The duly approved landscaping scheme shall be carried out during the first planting season after the development for the relevant phase is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

23. No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (March to August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

24. Notwithstanding any details contained within the application, no external lighting associated with each phase of development identified on drawing no. H5095-PP-002 Rev B shall be installed on the part of the site relating to that phase until a scheme for its installation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the lighting's: (i) position and height on the building(s) and/or site; (ii) spillage, luminance and angle of installation; and (iii) any hoods to be fixed to the lights. All external lighting shall thereafter be installed in accordance with the duly approved scheme.

25. Within three months of development (other than demolition) for each phase identified on drawing no. H5095-PP-002 Rev B first taking place, a scheme for the siting, height, design, materials and finish of all boundary treatments relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall thereafter be constructed in accordance with the duly approved scheme before each building and/or land use associated each phase of development is first occupied.

Before the Development is Occupied

26. Notwithstanding any details submitted as part of the application, none of the buildings and/or land uses for each phase of development identified on drawing no. H5095-PP-002 Rev B shall be first occupied until a Travel Plan for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall demonstrate compliance with the principles of the 'Umbrella Travel Plan Framework' contained in Appendix 6 of the Transport Assessment by 'Croft Transport Solutions' dated June 2016 and shall contain:

- a. details of a Travel Plan co-ordinator;

- b. details of measures to be introduced to promote a choice of travel modes to and from the site;
- c. a monitoring regime which sets out travel mode share targets, monitoring procedures and mechanisms to be put in place to ensure that the Travel Plan remains effective; and
- d. a timetable for the implementation, monitoring and review of the Travel Plan which shall include provision for an annual assessment (over a minimum period of five consecutive years following the implementation of the Travel Plan) of the effectiveness of the measures introduced under (ii) and shall identify the need for any changes to the Travel Plan and a timetable for their implementation.

The travel plan shall thereafter be implemented in accordance with the duly approved details and timetable contained therein.

#### Informatives

**Highways:** 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.

**Yorkshire Water:** The developer should note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact their Developer Services Team (tel 0345 1208 482, email: [Technical.Sewerage@yorkshirewater.co.uk](mailto:Technical.Sewerage@yorkshirewater.co.uk)) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

**Sport England:** The design of the sports pitches should be undertaken by a specialist sports turf agronomist and constructed in accordance with their recommendations. All pitches should pass a Performance Quality Standard test before use and have suitable maintenance programmes and arrangement in place to maintain this standard. It is recommended that the changing accommodation accords with the Football Association design guidance.

**Coal Authority:** The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**Ecology:** The applicant is reminded that under the Habitat Regulations it is an offence to disturb, harm or kill bats. If a bat is found during the development all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Any works involving the destruction of a bat roost will require a European Protected Species License from Natural England. The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a bird's nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

Statement of Positive Engagement : The Local Planning Authority worked positively and proactively with the applicant to identify solutions during the application process in order to ensure that the proposal comprises sustainable development and improves the economic, social and environmental conditions of the area in accordance with the development plan. These amendments have been incorporated into the scheme and/or secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework. (\*)

**2017/18477/FUL Residential development of 73 dwellings including associated infrastructure, land at corner field to the north of A6131/Harrogate Road, Skipton** – the Development Control Manager was authorised to approve this application subject to the following conditions, and subject also to the prior completion of a Section 106 Agreement to secure

- a. The provision, tenure, delivery mechanism, occupation criteria and phasing for 30% of the dwellings to be provided as affordable housing (as defined the National Planning Policy Framework) in accordance with the size, mix, layout and distribution shown on the approved plans.
- b. The provision, layout, specification, design, management and maintenance of public open space and a Locally Equipped Area for Play on the site in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy SRC2.
- c. A financial contribution of £100,000 towards the off-site provision, improvement and/or future maintenance of open space to address local deficiencies in youth and adult play and recreation space.

#### Conditions

##### Time Limit for Commencement

1. The development must be begun not later than the expiration of three years from the date of this permission.

##### Approved Plans

2. This permission relates to the following plans::

- Scale 1:1250 Location Plan (amended plan received 11.10.17).
- Drawing no. 0222-01 Rev U – Site layout plan
- Drawing no. 0222-03 Rev N – Enclosures plan
- Drawing no. 0222-04 Rev N – Materials plan
- Drawing no. 0222-06 Rev B – Site sections
- Drawing no. 0222-08 Rev F – Open space areas
- Drawing no. 0222-09 Rev B – Extent of Skipton Road Footway widening.
- Package titled 'House Type Planning Drawings – Rev E' which includes:
  - Drawing no. 0222\_RE\_01 – Regent
  - Drawing no. 0222\_WE\_01 – Weir
  - Drawing no. 0222\_RO\_01 – Rowling
  - Drawing no. 0222\_GR\_01 – Grange
  - Drawing no. 0222\_AS\_01 – Ashbery
  - Drawing no. 0222\_MI\_01 – Mitford
  - Drawing no. 0222\_RY\_01 – Ryton
  - Drawing no. 0222\_ST\_01 – Stevenson B
  - Drawing no. 0222\_ST\_DA\_01 – Stevenson D.A.
  - Drawing no. 0222\_GA\_01 – Gala
  - Drawing no. 0222\_BU\_01 – Buttermere
  - Drawing no. 0222\_JU\_01 – Jura

- Drawing no. 0222\_TH\_01 – Thames
- Drawing no. 0222\_TH\_02 – Thames
- Drawing no. 0222\_CH\_01 – Chichester
- Drawing no. 0222\_CH\_04 – Chichester
- Drawing no. 0222\_SG\_01 – Single garage
- Drawing no. 0222\_DG\_01 – Double garage
- Drawing no. 0222\_DG\_02 – Double garage

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

#### Before Development Commences

3. No development (including any works of site preparation) shall take place until a Written Scheme of Investigation (WSI) outlining a programme and timetable of archaeological investigation has been submitted to and approved in writing by the local planning authority. The WSI shall include:

a. A phased programme and methodology of site investigation and recording to include:

- a desk-based assessment including, where appropriate, historic building assessment(s), detailed survey and interpretative record;
- a targeted archaeological evaluation; and
- where appropriate, targeted area excavation.

b. A programme for post investigation assessment to include:

- analysis of the site investigation records and finds;
- production of a final report on the significance of the archaeological interest represented.

c. provision for publication and dissemination of the analysis and report on the site investigation.

d. provision for archive deposition of the report, finds and records of the site investigation.

e. nomination of a competent person(s) or organisation to undertake the work set out in the approved WSI.

The development shall thereafter be carried out in full accordance with the approved WSI and the timetable contained therein.

4. Notwithstanding any description of materials in the application, no above ground works shall take place until full details of all materials to be used on the external surfaces of the dwellings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

5. Notwithstanding any details shown on the approved plans, no above ground works shall take place until details of all windows and doors have been submitted to and approved in writing by the Local Planning Authority. Such details shall include their design, materials (including surrounds, sill and lintel treatments), finishes, colour treatment, reveals and opening profile. The windows and doors shall be installed in accordance with the duly approved details before each associated dwelling is first occupied, and shall be retained as such thereafter.

6. Details of finished floor levels and external ground levels for each plot shall be submitted to and approved in writing by the Local Planning Authority before any development at that plot

takes place. The development shall thereafter be implemented in accordance with the duly approved details.

7. No development shall take place until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

- a. a survey of the extent, scale and nature of contamination;
- 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;
  - groundwaters and surface waters;
  - ecological systems; and
  - archaeological sites and ancient monuments.
- c. an appraisal of any remedial options required and a proposal for the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the dwellings hereby approved are first occupied.

8. No above ground works shall take place until details of all crime prevention measures to be incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. The crime prevention measures should set out how the comments made by North Yorkshire Police in their letter dated 5 September 2017 have been addressed and/or mitigated. The development shall thereafter be carried out in full accordance with the duly approved details.

9. No above ground works shall take place until a scheme for the layout, design and construction of all roads and footways for the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- a. Detailed engineering drawings to a scale of not less than 1:250 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. 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:
  - the existing ground level;
  - the proposed road channel and centre line levels;
  - full details of surface water drainage proposals.

- c. Full highway construction details including:
  - typical highway cross-sections to scale of not less than 1:50 showing a specification for all types of construction proposed for carriageways, cycleways and footways/footpaths;
  - 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.
- 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 timetable for completion of the works detailed in a) to g).

All roads and footways shall be provided in full accordance with the duly approved scheme and the timetable contained therein, and shall be made available for use before any of the dwellings to be served by that road and/or footway are first occupied.

10. No development shall take place until a scheme for the design and construction of the site accesses at the junctions with the A6131 and Skipton Road (the positions of which are shown on drawing no. 0222-01 Rev U) has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include provision for:

- a. Splays giving clear visibility of 120 metres (in both directions) measured along both channel lines of the A6131 from a point measured 4.5 metres down the centre line of the site access at the junction with the A6131. The eye and object heights shall be 1.05 metres.
- b. Splays giving clear visibility of 50 metres (looking northwest) and 33 metres (looking southwest) measured along both channel lines of Skipton Road from a point measured 2.4 metres down the centre line of the site access at the junction with Skipton Road. The eye height shall be 1.05 metres and the object height shall be 0.6 metres.
- c. The crossing of the highway verge and/or footway to be constructed in accordance with North Yorkshire County Council's Standard Detail E6 or another specification which has first been submitted to and approved in writing by the Local Planning Authority.
- d. Any gates or barriers to be erected a minimum distance of 6 metres from the back edge of the carriageway of the existing highway and that they do not swing or open over the existing highway.
- e. The first 6 metres of the access road/footway extending into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 20 and its final surfacing shall not contain any loose material that is capable of being drawn onto the highway.
- g. The prevention of surface water from the site discharging onto the existing or proposed highway.
- f. Tactile paving in accordance with current Government guidance.

The site accesses shall be constructed in accordance with the duly approved scheme before any of the dwellings are first occupied, and the visibility splays shall be maintained clear of any obstructions above the relevant heights referred to in (i) and (ii) thereafter.

11. Except for the purposes of constructing the site access, there shall be no access by vehicle traffic between the existing and proposed highway until 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 existing highway have been provided. The eye height shall be 1.05 metres and the object height shall be 0.6 metres. Once created, the visibility splays shall be maintained clear of any obstructions thereafter.

12. No development shall take place until a scheme for the siting, layout, construction, design and phasing of the following off-site highway improvement works has been submitted to and approved in writing by the Local Planning Authority:

- a. The provision of tactile paving.
- b. The provision of a ghost island right hand turn lane for westbound vehicles entering the site from the A6131, including any widening of the existing carriageway.
- c. The provision of pedestrian crossings over the carriageways of the A6131 and Skipton Road in all locations where the shared footway/cycleway emerges onto the existing highway.
- d. The provision of new footways: (i) between the opening of the shared footway/cycleway onto the A6131 (southeast corner) and the junction of the A6131 with Overdale Grange; and (ii) over the southern verge of the A6131 to connect with the existing footway in the position shown on drawing no. 0222-01 Rev U.
- e. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the widening of the existing footways on Skipton Road and the A6131 to 2.5 metres in the positions shown on drawing no. 0222-09 Rev B.

The scheme shall be accompanied by an independent Stage 2 Road Safety Audit for the off-site highway improvement works which has been carried out in accordance with HD19/03 – Road Safety Audit (or any superseding regulations) and shall include details of how the recommendations of the Road Safety Audit have been addressed in the design of the proposed off-site highway works. The duly approved off-site highway works shall be implemented and made available for use before any of the dwellings are first occupied, or within any other timescale which has first been agreed in writing with the Local Planning Authority.

13. No above ground works shall take place until a scheme for the layout, construction and design of the 2.5 metre wide shared footpath/cycleway extending around the perimeter of the site (the route of which is shown on drawing no. 0222-01 Rev U) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate compliance with the Sustrans multi user path standards. The shared footpath/cycleway shall be constructed and made available for use in accordance with the duly approved scheme before the 37<sup>th</sup> dwelling hereby approved is first occupied, and shall be retained as such thereafter.

14. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:

- a. hours of work for site preparation, delivery of materials and construction;
- b. arrangements for the parking of vehicles for site operatives and visitors clear of the public highway;
- c. details of areas designated for the loading, unloading and storage of plant and materials;
- d. details of the siting, height and maintenance of security hoarding;

- e. arrangements for the provision of wheel washing facilities or other measures to be taken to prevent the deposit of mud, grit and dirt on the public highway by construction vehicles travelling to and from the site;
- f. measures to control the emission of dust and dirt during construction;
- g. a scheme for the recycling/disposing of waste resulting from demolition and construction works;
- h. details for the routing of HGVs to the site.

The duly approved CMS shall be implemented and adhered to throughout the entirety of the construction period.

15. No development shall take place until a scheme for tree protection measures to be implemented during the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a. Details of a construction exclusion zone (including protective fencing of a height and design which accords with the requirements BS 5837: 2012) to be formed around the root protection areas of those trees within and/or overhanging the site to be retained.
- b. Details of any excavation to take place within the root protection areas of those trees within and/or overhanging the site to be retained.
- c. Details of the foundations of any building, hardstandings and/or boundary treatments to be constructed within the root protection areas of those trees within and/or overhanging the site to be retained.

The development shall thereafter be carried out in strict accordance with the protection measures contained in the duly approved scheme throughout the entirety of the construction period.

16. No development on the affected areas of the site shall take place until a scheme for the protection of the 225mm diameter foul sewer crossing the site has been submitted to and approved in writing by the Local Planning Authority. If these protection measures include the diversion of the sewer then the applicant shall provide written evidence to the Local Planning Authority confirming that the proposed sewer diversion has been agreed with the relevant statutory undertaker. The development shall thereafter be carried out in full accordance with the duly approved scheme.

17. No above ground works shall take place until a scheme for the disposal of foul and surface water from 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 scheme 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 (or any subsequent update or replacement for that document) and shall include:

- a. Separate systems for the disposal of foul and surface water.
- b. Details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer which shall ensure that the post-development surface water runoff rate generated during rainfall events up to and including the 1 in 100 year event does not exceed the pre-development runoff rate for the corresponding rainfall event, including appropriate allowances

for climate change and urban creep and details of any necessary flow attenuation measures to achieve this.

c. Details of ground exceedance and/or flood pathways to deal with exceedance flows in excess of the 1 in 100 year rainfall event and to ensure that runoff for all events up to the 1 in 30 year event are completely contained within the drainage system (including through the use of areas to hold or convey water).

d. Details of how the system will be maintained and managed after completion.

The scheme shall be implemented in accordance with the duly approved details before any of the dwellings are first occupied, or within any other timescale which has first been approved in writing by the Local Planning Authority, and shall be maintained/managed as such thereafter.

#### During Building Works

18. All doors and windows on the elevations of the dwellings located adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway.

19. Notwithstanding any details shown on the approved plans, within three months of development first taking place a soft landscaping scheme for the development shall be submitted for the written approval of the Local Planning Authority. The scheme shall include details of the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs. The duly approved soft landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

20. Within three months of development first taking place details of the design, materials and finish of the boundary treatments for each plot (the type, siting and height of which is shown on drawing no. 0222-03 Rev N) shall be submitted for the written approval of the Local Planning Authority. The boundary treatments for each plot shall be constructed in accordance with the duly approved details before the dwelling on each associated plot is first occupied, and shall be retained as such thereafter.

#### Before the Development is occupied

21. None of the dwellings hereby approved shall be first occupied until a scheme for the installation of 10 all-purpose bat and bird boxes on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the location, size and design of the bat and bird boxes and a timetable for their installation. The bat and bird boxes shall be installed in accordance with the duly approved scheme and the timetable contained therein.

22. The full length of the dry stone boundary wall to the eastern perimeter of the site (which is to form the boundary between the dwellings proposed on plots 59-68, 73 and existing houses on Cross Bank and Overdale Grange) shall be rebuilt to a height of 1.8 metres before any of the dwellings are first occupied. The remainder of the dry stone boundary wall (to the northern, southern and western perimeters of the site) shall be retained, repaired and, where necessary, partially rebuilt to its existing height in accordance with the details shown on drawing no. 0222-03 Rev N before any of the dwellings hereby approved are first occupied.

23. The vehicle access, parking, manoeuvring and turning areas for each dwelling shall be constructed and made available for use in full accordance with the details shown on drawing no. 0222-01 Rev U before each associated dwelling is first occupied.

24. Notwithstanding any details submitted as part of the application, none of the dwellings hereby approved shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall demonstrate compliance with the principles of the Travel Plan by 'AECOM' dated May 2017 (report reference 60541520) and shall contain:

- a. details of a Travel Plan co-ordinator;
- b. details of measures to be introduced to promote a choice of travel modes to and from the site;
- c. a monitoring regime which sets out travel mode share targets, monitoring procedures and mechanisms to be put in place to ensure that the Travel Plan remains effective; and
- d. a timetable for the implementation, monitoring and review of the Travel Plan which shall include provision for an annual assessment (over a minimum period of five consecutive years following the implementation of the Travel Plan) of the effectiveness of the measures introduced under (ii) and shall identify the need for any changes to the Travel Plan and a timetable for their implementation.

The travel plan shall thereafter be implemented in accordance with the duly approved details and timetable contained therein.

#### Informatives

**Highways:** 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. There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority. It is recommended that before a detailed condition discharge submission is made a draft road and footway layout is prepared for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work.

**Trees:** Several trees on the site are protected by a Tree Preservation Order (TPO references '66 1990 A1' and '57 1989'). All specimens also fall within the Skipton Conservation Area. For the avoidance of doubt, and notwithstanding any details contained within the arboricultural report by Iain Tavendale dated 21.08.17, this planning permission does not permit any works to existing trees on the site. Should the applicant wish to undertake the works to trees identified in the arboricultural report, they are advised that a separate works to trees application will be required.

**Yorkshire Water:** The developer should note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact their Developer Services Team (tel 0345 1208 482, email: Technical.Sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and

construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

Statement of Positive Engagement : The Local Planning Authority worked positively and proactively with the applicant to identify solutions during the application process in order to ensure that the proposal comprises sustainable development and improves the economic, social and environmental conditions of the area in accordance with the development plan. These amendments have been incorporated into the scheme and/or secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework. (\*)

### **Permission Refused**

**2017/18704/FUL Change of use of building from two holiday cottages to one residential dwelling (resubmission of refused planning application reference 42/2017/18093), Dales Valley View Cottage, Swinden.**

#### Reason for Refusal

The application building occupies a remote location in the open countryside which, by virtue of its distance from and poor access to local services and facilities, is incapable of meeting the everyday needs of permanent occupiers without undue reliance on travel by private motor vehicle. Therefore, the proposed conversion of the holiday cottages to permanent residential accommodation would create an isolated dwelling in the countryside and increase the number and frequency of less sustainable trips in conflict with the core planning principle of the National Planning Policy Framework which requires developments to make the fullest possible use of public transport, walking and cycling. The applicant has failed to demonstrate the presence of any special circumstances to outweigh the harm which would arise in this regard. Therefore, the proposal is in conflict with the requirements of paragraphs 17, 29 and 55 of the National Planning Policy Framework and does not represent sustainable development.

Informative: For the avoidance of doubt, this decision relates to the following plans:

- Scale 1:2500 location plan received 3 November 2017.
- Scale 1:200 proposed site plan received 3 November 2017.
- Scale 1:100 proposed floor plans received 3 November 2017.
- Scale 1:100 proposed elevations received 3 November 2017.

Statement of Positive Engagement : The proposal would not improve the economic, social and environmental conditions of the area and it does not comply with the development plan. Therefore, it does not comprise sustainable development. There were no amendments to the scheme or conditions which could reasonably have been imposed to make the development acceptable and, accordingly, it was not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework. (\*)

(Cllr Shuttleworth declared an interest under Paragraph 15 of the Council's Code of Conduct - financial interests of a close friend. He left the room for the duration of the determination of the application.)

(Councillor Heseltine stated that he had received lobbying for the above application and Councillor Lis indicated that he had received lobbying against.)

### **Consideration Deferred**

**63/2016/17313 Full application for the erection of 98 dwellings, Aldersley Avenue, Skipton -**

pending a site visit and to enable an invitation to Highway Authority representatives, both the local highway development control surveyor and a representative of the County Hall based team, to attend the next meeting of this Committee. (\*)

(Councillor Heseltine stated that he had received lobbying against the above application.)

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

(SV Indicates site visit held on the morning of the meeting.)

**Minutes for Decision**

- None -

Chairman.