

ANNEX A to KPC Minutes 03/10/18

Our ref: DCPCDEC 6.93.58.P.FULMAJ
18/00202/FULMAJ

Your ref:

Date: 30 August 2018

Dear Sir/Madam

PARISH COUNCIL - DECISION NOTIFICATION

APPLICATION NO: 6.93.58.P.FULMAJ 18/00202/FULMAJ

PROPOSAL: Demolition of existing derelict buildings and erection of 10 dwellings including access and open space.

LOCATION: Levens Farm Lund Lane Killinghall North Yorkshire

GRID REF: E 427207 N 457861

APPLICANT: Mulgrave Developments Ltd

PUBLIC ACCESS:

<https://uniformonline.harrogate.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P2NRZVHYFS900>

APPROVED subject to the following conditions:-

- 1 The development hereby permitted shall be begun on or before 30.08.2021.
- 2 Unless modified by other conditions of this consent, development shall be carried out in accordance with the following approved plans received by the Local Planning Authority:

Drg no. 3784/12 Rev A Location Plan

Drg No. 3784/10 Rev D Site Layout Plan

Drg No. 17062/GA/01 Rev B Proposed access arrangement

Drg No. 3784/13 Buildings to be Demolished

Drg No. 3784/19 Rev A Floor Areas Plan

Drg No. 3784/16 Streetscene 1

Drg No. 3784/17 Streetscene 2

Drg No. 3784-HT-01 Rev A Plot 1 The Farmhouse

DRg No. 3784-HT-02 Plot 2 & 3 Byre & Implement Store

Drg No. 3784-HT-03 Rev B Plot 4 Combination Barn West

Drg No. 3784-HT-04 Plot 5 Combination Barn East
Drg No. 3784-HT-05 Plot 6 & 7 The Stables & Cart Shed
Drg No. 3784-HT-06 Plot 8 & 9 The Granary and Hay Barn
Drg No. 3784-HT-07 Plot 10 Workers Cottage
Drg No. 3784-HT-08 Rev A Plot 10 Detached Garage

Drg No. C-51 Drainage Strategy (Option 2)

Drg No. 2840/1 Existing Trees on Site
Drg No. 2840/3 Trees in Relation to Development
Drg No. 2840/4 Tree Protection Fencing

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Drg No. 3784/19 Floor Areas Plan
Drg No. 3784/16 Streetscene 1
Drg No. 3784/17 Streetscene 2

Drg No. 3784-HT-01 Plot 1 The Farmhouse
DRg No. 3784-HT-02 Plot 2 & 3 Byre & Implement Store
Drg No. 3784-HT-03 Plot 4 Combination Barn West
Drg No. 3784-HT-04 Plot 5 Combination Barn East
Drg No. 3784-HT-05 Plot 6 & 7 The Stables & Cart Shed
Drg No. 3784-HT-06 Plot 8 & 9 The Granary and Hay Barn
Drg No. 3784-HT-07 Plot 10 Workers Cottage
Drg No. 3784-HT-08 Plot 10 Detached Garage

Drg No. C-51 Drainage Strategy (Option 2)

Drg No. 2840/1 Existing Trees on Site
Drg No. 2840/3 Trees in Relation to Development
Drg No. 2840/4 Rev B Tree Protection Fencing
Drg No. 2840/2 Detailed Landscape Plan

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, garages, roof or dormer windows other than any expressly authorised by this permission shall be erected without the grant of further specific planning permission from the local planning authority.
- 4 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.

- 5 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other ground works, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - (i) A footpath must be provided from the site, to the west to tie into the existing footpath network. On the eastern side of the access, a footpath must also be provided with dropped kerbs, and a crossing point to the existing footpath infrastructure across the road. This will involve providing a dropped kerb across the road, on the existing footpath. To the satisfaction of the Local Highway Authority.
 - (ii)(b) The existing access shall be improved by Standard Detail E7, as per the site plan.
- 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 2.4 metres x 105 metres in a westerly direction and 2.4 metres x 78 metres in an easterly direction measured along both channel lines of the major road. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 7 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing proposed site layout. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 8 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.
- 9 No phase of the development shall take place until detailed drawings have been submitted to, and approved by the Local Planning Authority showing how surface water will be managed during the construction phases.

Prior to the commencement of any phase of the development on site, drawings shall be submitted to, and agreed by the Local Planning Authority in consultation with the LLFA, showing details of the proposed surface water drainage strategy. No piped discharge of surface water from the application site shall take place until the approved works to provide a satisfactory outfall has been completed. The scheme shall be based on sustainable

drainage principles and an assessment of the hydrological and hydrogeological context of the development and will include:

- a) a timetable for its implementation
- b) condition survey results for the adjacent outfall watercourse/onsite sewers, including details demonstrating how any identified remedial items will be dealt with:
- c) a restricted discharge of surface water to 27.1l/s
- d) a drainage system designed with sufficient on site attenuation so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, nor any flooding for a 1 in 100 year rainfall event in any part of a building (including a basement) or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development, except within an area that is designed to hold and/or convey water. The design shall also ensure that storm water resulting from a 1 in 100 year rainfall event, plus 40% to account for climate change & urban creep can be stored on the site without risk to people or property and without increasing the restricted flows off site.
- e) a site plan showing the exceedence flow routes during extreme storm conditions over the 1 in 100 year event or exceedence or failure of the drainage system.
- f) details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development including:
 - i) funding arrangements for on-going maintenance
 - ii) drawings showing any surface water assets that will not be maintained at public expense including responsible organisation & contact details
 - iii) copies of any legal deed of covenant to be established with future home owners.
 - iv) physical access arrangements
 - v) establishment of easements/maintenance responsibility/liability with third party landowners.
 - vi) maintenance requirements & frequency.
 - xiii) procedures to assure on-going maintenance if the appointed management company or organisation responsible for future maintenance ceases to exist, to include details identifying who undertakes the process of appointing a new management company on behalf of the residents.

- 10 No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site , including details of any balancing works and off -site works, have been submitted to and approved by the local planning authority . If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 4 (four) litres per second. Furthermore, 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 .
- 11 The foul drainage from the proposed development shall be connected into the mains sewer in accordance with Drainage Strategy Option 2 C-51 Toppings Engineers.
- 12 No development above ground floor slab level shall take place until the following has been submitted for the approval in writing of the local planning authority:

A) A scheme demonstrating the type and location of electric vehicle charging points to serve the development hereby permitted at a minimum standard of one 'Mode 3' charging point per dwelling.

B) A scheme demonstrating the type and location of secure, covered cycle storage for each dwelling.

Thereafter development shall be carried out as approved and no dwelling shall be occupied until its electric vehicle charging point and cycle storage facility has been provided.

13 The development must be carried out in accordance with the approved remediation scheme detailed in Roberts Environmental Phase 2 site investigation report dated November 2017 Ref: 170717R:001 prior to commencement of the development other than that required for remediation, and the Local Planning Authority provided with the following details:

A) two weeks written notification of commencement of the remediation scheme works;

B) following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out for the approval in writing of the Local Planning Authority.

14 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 in accordance with the requirement of section 1 of the site investigation report, and where remediation is necessary a remediation scheme must be prepared, submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted for the approval in writing of the Local Planning Authority.

15 The private foul water pump and associated drainage must comply with appropriate guidance BS 6297:1983 and must be installed and maintained in accordance with the manufacturer's instructions and recommendations.

16 Prior to the completion of the 5th dwelling details shall be submitted for the approval of the Local Planning Authority which show how suitable and sufficient provision has been made for the storage and containment of refuse prior to collection access for collection of refuse.

17 Before the commencement of the preparatory construction phases the applicant shall provide a written Construction Management Plan detailing how noise and dust from the construction activities will be minimised. This plan should be provided by a suitably competent person for the written approval of the Local Planning Authority. Such an assessment should identify all noise and dust mitigation measures to be employed during preparatory construction phases. Such measures as approved to be fully instigated and maintained during the preparatory construction phases.

In addition:

The hours of work on site shall be controlled and restricted to

07:30 until 18:00 Mondays to Fridays
08:00 until 13:00 Saturdays
No work on Sundays or Bank Holidays

- 18 No site clearance of buildings or vegetation shall be commenced until the following has been submitted for the approval of the Local Planning Authority:
- i. a method statement for the avoidance of harm to great crested newts; and
 - ii. a strategy to control and eradicate Indian (Himalayan) Balsam
- Once approved the development shall be implemented in accordance with the approved details.
- 19 No tree removal or tree surgery shall be undertaken of any tree identified in the Ecological Appraisal (PCA Ltd, August 2017) as supporting bat roost potential, until a further survey for bats has been agreed in writing by the local planning authority.
- 20 No demolition of buildings or removal of shrubby vegetation, scrub or trees shall be undertaken during the main birds nesting season (March-August inclusively) unless a pre-commencement check by a suitably qualified ecologist demonstrates that no actively nesting birds would be disturbed.
- 21 A scheme for ecological mitigation and enhancement shall be submitted for the written approval of the local planning authority. This should include retention and enhancement of native trees and hedgerows with additional planting and the provision of a wildlife-friendly sensitive lighting scheme. A barn owl box and swallow nesting opportunities shall be incorporated within the new development, together with a small number of integrated bat and swift bricks incorporated at height within the gables of the new buildings. Thereafter development shall be carried out in accordance with the approved scheme and retained for the life of the development.
- 22 A) No operations shall commence on site or any development be commenced before the developer has implemented the root protection areas (RPA) fencing in line with the requirements of British Standard BS 5837: 2012 (section 6.2.2 figure 2) Trees in Relation to Construction - Recommendations, or any subsequent amendments to that document, around the trees or shrubs or planting to be retained, as indicated on the approved plan referenced in condition 2 The developer shall maintain such fences until all development the subject of this permission is completed.
- B) No operations shall commence on site in connection with the development hereby approved (including any demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the root protection area (RPA) works required by the approved tree protection scheme and ground protection detail (no dig) are in place. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority.
- C) An arboricultural consultant shall monitor and ensure that the above conditions and AIA are met during the development reporting to the planning authority in line with the tree

report details (weekly inspections for the first 6 weeks at the start of the works on site and then monthly inspections) and notify the LPA of any deviations.

- 23 No development above ground floor slab level shall take place until sample panels of all proposed external walling materials and samples of the proposed external roofing materials have been made available on site, and details of the external door and window framing material have been submitted, and approved in writing by the Local Planning Authority. The sample walling panels shall measure no less than 1 square metre and demonstrate the type, size, colour, pointing, dressing and coursing (as applicable) of the material to be used. Thereafter development shall be carried out as approved. The details shall be accompanied with a written schedule setting out each material, and the sample name or reference.
- 24 In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to survive for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced by the developer with such live specimens of such species in such number as may be approved by the Local Planning Authority.
- 25 Planting proposed on approved drawing number 2840/2 shall be completed in the first planting season on completion of the development.
- 26 Prior to the first occupation of the development a noise impact assessment shall be carried out to assess the impact of the commercial/industrial premises on the proposed residential properties. The assessment shall also consider noise mitigation recommendations, which shall be submitted for written approval. Once approved the scheme shall be implemented in accordance with the agreed details.

Reasons for Conditions:-

- 1 To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.
- 2 In order to ensure that the development is carried out in accordance with the approved drawings in the interest of the amenity of the development in accordance with Core Strategy Policy SG4 and for the avoidance of doubt.
- 3 In order to protect the visual amenities of the surrounding area in view of the prominence of this site.
- 4 In the interests of highway safety in accordance with Core Strategy Policy SG4.
- 5 To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with Core Strategy Policy SG4.
- 6 In the interests of road safety in accordance with Core Strategy Policy SG4
- 7 To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
- 8 To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with Core Strategy Policy SG4.
- 9 To ensure the site is properly drained in accordance with Core Strategy Policy EQ1.

- 10 To ensure that no foul water discharges take place until proper provision has been made for their disposal in accordance with the provisions of Core Strategy Policy EQ1.
- 11 To ensure proper provision has been made for foul water disposal in accordance with the provisions of Core Strategy Policy EQ1.
- 12 To ensure the development makes provision for ultra-low emission vehicles and sustainable travel choices in accordance with paragraph 35 of the National Planning Policy Framework and Core Strategy Policy EQ1.
- 13 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies SG4 and EQ1 of the Harrogate District Core Strategy.
- 14 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies SG4 and EQ1 of the Harrogate District Core Strategy.
- 15 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies SG4 and EQ1 of the Harrogate District Core Strategy.
- 16 In the interests of the amenity of the development in accordance with Core Strategy Policy SG4.
- 17 To safeguard the rights of control by the Council in these respects in the interest of amenity and in accordance with Core Strategy Policy SG4.
- 18 In order to ensure the development avoids harm to biodiversity and protected species in accordance with paragraph 118 of the National Planning Policy Framework.
- 19 In order to ensure the development avoids harm to biodiversity and protected species in accordance with paragraph 118 of the National Planning Policy Framework.
- 20 In order to ensure the development avoids harm to biodiversity and protected species in accordance with paragraph 118 of the National Planning Policy Framework.
- 21 In order to ensure the development avoids harm to biodiversity and protected species in accordance with paragraph 118 of the National Planning Policy Framework.
- 22 In the interests of the health of the trees on the site in accordance with Local Plan Policy HD13 and Core Strategy Policy SG4.
- 23 In order to ensure high quality, locally distinctive design in the interests of visual amenity and maintaining the character and appearance of the area in accordance with Local Plan Policy HD20.
- 24 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 25 In the interest of the visual amenity of the development given its rural location in accordance with Core Strategy Policy SG4.
- 26 In the interest of the amenity of the future residents in accordance with Core Strategy Policy SG4.

INFORMATIVES:

- 1 Highway Authority Informatives

Condition 5 - You are advised that a separate license 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.

Condition 6 - An explanation of the terms used above is available from the Highway Authority.

Date Decision Issued: 30 August 2018