

**PLANNING COMMITTEE
5 JANUARY 2023
(FROM 2.00 PM TO 2.48 PM)**

PRESENT: Councillor Nigel Simms in the Chair. Councillors Mike Chambers, Hannah Gostlow, Sid Hawke, John Mann, Pat Marsh, Stuart Martin, Victoria Oldham, Tom Watson and Robert Windass.

Late Arrivals: None

Early Departures: None

31/22 – **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES:** Notification had been received that Councillor Mike Chambers was to act as substitute for Councillor Rebecca Burnett. Apologies for absence had been received from Councillors Sue Lumby and Andy Paraskos.

32/22 – **DECLARATIONS OF INTEREST:** There were no declarations of interest.

33/22 – **MINUTES:** The Minutes of the meeting of the Committee held on 6 December 2022 were approved as a correct record and signed by the Chair. Nine members voted for the motion and there was one abstention.

34/22 – **EXEMPT INFORMATION:** There were no exempt information items.

MATTERS WHICH THE COMMITTEE DEALT WITH UNDER DELEGATED POWERS

35/22 – **LIST OF PLANS:** In accordance with the Scheme of Delegation, the Committee made the following decisions:

35/22(01)

**CASE NUMBER: 21/01281/FUL
GRID REF: EAST 431998 NORTH 455032**

APPLICATION NO.: 6.79.12420.C.FUL

LOCATION:

40 Wetherby Road, Harrogate, HG2 7SQ

PROPOSAL:

Erection of replacement building comprising of 6 no. apartments.

APPLICANT: AD Properties Limited

APPROVED subject to the following conditions:-

- 1 The development hereby permitted shall be begun on or before 05.01.2026.
- 2 The development hereby permitted shall not be carried out otherwise than in

strict accordance with:

a) the Policy CC4 section of the ELG Planning Addendum to Planning Statement received by the Local Planning Authority on 20 December 2022

b) the following Setsquare (Harrogate) Ltd Planning Drawings:
S20/126-03 rev F Proposed Plans & Elevations dated 25-07-22
S20/126-04 rev K Proposed Site Plan & Streetscene dated 08-12-22

c) root3 Tree Protection and Impact Assessment ref R3-443-AR-01 dated 26.02.12 and drawing R3-443-AR-03 dated 01.03.20.

- 3 Groundworks shall not commence until a land contamination Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.
- 4 Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved under condition 3 above groundworks shall not commence until a land contamination remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include a timetable for the implementation and completion of the approved remediation measures.
- 5 Land contamination remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved under condition 4 above. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
- 6 Following completion of any measures identified in the approved Remediation Strategy under condition 4 above, or any approved revised Remediation Strategy under condition 5 above, a land contamination Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for that part of the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.
- 7 Further to condition 6 above where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

- 8 No development shall commence on site before the approved tree report detail (root3 Tree Protection and Impact Assessment ref R3-443-AR-01 dated 26.02.12 and drawing R3-443-AR-03 dated 01.03.20) including root protection area fencing has been provided 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. The developer shall maintain such fences until all development subject of this permission is completed.
- 9 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 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.
- 10 The Tree Protection and Impact Assessment Report (root3 ref R3-443-AR-01 dated 26.02.21) and drawing (R3-443-AR-03 dated 01.03.20) submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, to include a pre-commencement site meeting with the developers, including the Tree Officer of the Local Planning Authority, and monthly reports to the Local Planning Authority including images ensuring all works are completed in accordance with that report.
- 11 No demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00- 13:00 on Saturdays, with no work on Sundays or Bank Holidays, except in the case of an emergency for which the Local Planning Authority shall be notified at the earliest opportunity of the occurrence and a schedule of essential work shall be provided. Further, no heavy commercial vehicles shall deliver to or export from the site other than in strict accordance with a delivery schedule that shall first have been submitted to and approved in writing by the Local Planning Authority.
- 12 Before any vehicular movements commence in connection with demolition and/or construction works hereby approved wheel washing facilities shall be provided on site to ensure that mud and debris is not spread onto the adjacent public highway in strict accordance with details that first shall have been submitted to and approved in writing by the Local Planning Authority. The approved wheel washing facilities shall be retained until completion of construction and landscaping works.
- 13 Contractors site operatives and visitors vehicles shall be parked at all times in strict accordance with details that first shall have been submitted to and approved in writing by the Local Planning Authority. The contractors and

visitors parking shall be retained until completion of construction and landscaping works.

- 14 Areas for storage of plant and materials used in constructing the development shall be provided clear of the highway in strict accordance with details that first shall have been submitted to and approved in writing by the Local Planning Authority. Those storage areas shall be retained until storage of plant and materials in association with the construction of the development is no longer necessary.
- 15 Upon commencement of the development including demolition hereby approved notice shall be given to the Local Planning Authority of the contact details for the responsible person (site manager/office) who can be contacted in the event of any issue and updated notices given at all times of a change in that responsible person.
- 16 Before the first use of any materials in the external construction of the roof and walls of the development hereby approved, samples of those materials shall have been made available for inspection by, and the written approval of, the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved details.
- 17 Two integrated bat bricks and two integrated bat swift bricks located at least 5 meters above ground level away from sources of artificial light shall be incorporated into the construction of the building hereby approved and thereafter maintained.
- 18 Before the commencement of the external walling of the development hereby permitted a survey of the existing trees on the site along with a detailed scheme for the detailed scheme for landscaping, including the planting of trees and or shrubs and the use of surface materials used in the grounds shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the surface materials, species, tree and plant sizes including the provision of semi-mature trees, the timing of implementation of the scheme, including any earthworks required, and measures to provided post planting care for a minimum of five years. Any existing trees removed, or pre-existing trees removed in the formation of the access from Wayside Crescent, shall each be replaced by two trees.
- 19 Notwithstanding the details shown on drawing S20/126-04 rev K revised details providing for secure cycle storage and suitable and sufficient provision for the storage and containment of refuse prior to collection and access for the collection of refuse shall be submitted to and approved in writing by the Local Planning Authority. The refuse arrangements shall include either the formation of a separate walkway access from Wayside Crescent or by way of a commercial bin. The approved cycle storage and refuse facilities shall be provided prior to the first occupation of any of the apartments hereby permitted, and thereafter maintained.
- 20 No apartment must be occupied until the related parking facilities have been

constructed in accordance with the details approved under condition 2 above with the dedicated parking space to each apartment equipped with a Mode 3 electric vehicle charging point with a minimum 16amp rating. The electric vehicle charging points shall be maintained until superseded by any advanced technology and the parking facilities shall be maintained clear of any obstruction and retained for their intended purpose at all times.

- 21 There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
- 22 That part of the access extending 6 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1:40.
- 23 The final surfacing of the private accesses within 20 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- 24 Before first occupation, the developer shall either
 - a) provide written evidence to the Local Planning Authority from a suitably competent person to demonstrate that the following sound levels have been achieved, or
 - b) if it cannot be demonstrated that the following sound levels have been achieved, a scheme incorporating further measures to achieve those sound levels shall be submitted for the written approval of the Local Planning Authority;
 - i) The 16hr LAeq shall not exceed 35dB between 0700 and 2300 hours when readings are taken in any noise sensitive rooms in the development.
 - ii) The 8hr LAeq shall not exceed 30dB between 2300 and 0700 hours when readings are taken inside any bedroom in the development.
 - iii) The LAF1 (15min) indoor shall not exceed 45 dB between 2300 and 0700hrs when readings are taken inside any bedroom in the development.
 - iv) The 16hr LAeq shall not exceed 55dB between 0700 and 2300 hours when readings are taken in the external garden of the development.
- 25 All works comprised within any scheme approved under condition 24(b) above shall be completed and written evidence to demonstrate that the sound levels specified in Condition 24 have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

- 26 The apartments hereby allowed shall be installed with Fibre to the Premises (FTTP) broadband infrastructure capable of Next Generation Access speeds unless details are submitted to and approved in writing by the Local Planning Authority that demonstrate the provision of FTTP is not viable and alternatively provides for a 30Mbps download connection and makes provision through the provision of ducting capable of carrying fibre cables from multiple providers for the suitable delivery of FTTP broadband at a future date.
- 27 Should any planting within the Landscaping scheme approved under condition 18 above fail or otherwise be removed or destroyed within 5 years of its planting, the plant shall be replaced with the same species to the satisfaction of the Local Planning Authority.

Reasons for Conditions:-

- 1 To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details.
- 3-7 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.
- 8-10 To ensure trees on the site are protected during the undertaking of the development.
- 11 In the interest of protection residential amenity in line with policy HP4 and the NPPF.
- 12-15 In the interest of public safety and amenity.
- 16 In the interests of visual amenity.
- 17 To provide for and enhance ecology.
- 18 In the interests of amenity and to ensure the maintenance and improvement of the tree stock on the site.
- 19 In the interest residential amenity.
- 20 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, and in the interest of supporting sustainable transport.
- 21 In the interests of highway safety.
- 22-23 To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
- 24-25 In the interests of residential amenity.
- 26 To ensure broadband access is provided in accordance with Harrogate District Local Plan Policy TI5.
- 27 In the interests of visual amenity and to safeguard residential amenity.

Martin Hughes (Objector) and Kim Eastwood (Agent) attended the meeting and spoke to the item under the Council's Opportunity to Speak Scheme.

The officer's recommendations that the application be 'approved subject to conditions', were moved and seconded. Councillor Hannah Gostlow had proposed

an amendment to the officer's recommendations by adding a condition that refuse arrangements should include either the formation of a separate walkway access from Wayside Crescent or the provision of a commercial bin. Councillor Stuart Martin had also requested that a condition be added to include the provision of semi-mature tree planting. On a vote being taken, nine Members voted for the motion and one voted against therefore the motion to approve was passed.

Following the vote on this item, Members **agreed** to request that a letter be sent to the Local Highway Authority to request that NYCC consider implementing a one way system on Wayside Crescent and provide a Traffic Management Plan for the street.

35/22(02)

**CASE NUMBER: 22/04030/FUL
GRID REF: EAST 434925 NORTH 460633**

APPLICATION NO.: 6.84.87.A.FUL

LOCATION:

Manor Cottage, Shaw Lane, Farnham, North Yorkshire, HG5 9JE

PROPOSAL:

Widening of the vehicular access and driveway to the property.

APPLICANT:

Mr S Green

APPROVED subject to the following conditions:-

- 1 The development hereby permitted shall be begun on or before 05.01.2026.
- 2 The development hereby permitted shall be carried out in strict accordance with the application form and the following drawings submitted with the application;

Proposed Plans and Elevations DWG No. 002 Rev. A. Received 13.12.2022
Wall Section and Elevations DWG No. 003 Received 13.12.2022
Proposed Site Plan DWG No, AMA/21787/SK006 Received 18.10.2022

- 3 The development must not be brought into use until the access to the site at Manor Cottage Shaw Lane Farnham North Yorkshire HG5 9JE has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works" published by the Local Highway Authority and the following requirements:

The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number E50 and the following requirements.

- * The existing vehicle crossing shall be improved/upgraded using E50 specification (To be discussed on section 184 licence application)
 - o Any gates or barriers must be erected in line with the existing Highway boundary and must not be able to swing over the existing or proposed highway.

- That part of the access extending 3 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1 in 40.
- The final surfacing of any private access within 2 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

- 4 Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:

https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing_ind_est_roads_street_works_2nd_edition.pdf

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

- 5 There must be no access or egress by any vehicles between the highway and the application site at Manor Cottage Shaw Lane Farnham North Yorkshire HG5 9JE until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reasons for Conditions:-

- 1 To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.
- 2 In order to ensure compliance with the approved drawings.
- 3 To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
- 4 To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
- 5 In the interests of highway safety.

Paul Butler (Agent) attended the meeting and spoke to the item under the Council's Opportunity to Speak Scheme.

The officer's recommendations that the application be 'approved subject to conditions' were moved and seconded. On a vote being taken Nine Members voted for the motion and one voted against therefore the motion to approve was passed.

35/22(03)

**CASE NUMBER: 20/00928/REMMAJ
GRID REF: EAST 439839 NORTH 464979**

APPLICATION NO.: 6.64.555.I.REMMAJ

LOCATION:

Land Comprising Field at 439839 464979 Boroughbridge, North Yorkshire

PROPOSAL:

Reserved matters application under outline permission 17/04319/OUTMAJ for the erection of up to 214 dwelling houses (phase 2) with access and layout only for consideration.

APPLICANT: Barratt and David Wilson Homes

REFUSED. Reason(s) for refusal:-

- 1 Insufficient information has been submitted to demonstrate that the development will provide an acceptable layout and provide sufficient open space to provide a sustainable and well-designed development. The proposal is therefore contrary to paragraph 130 of the NPPF and Policies HP3, HP4 and HP7 of the Harrogate District Local Plan.
- 2 Insufficient information has been submitted to demonstrate that acceptable and safe access is provided within the site, including internal road accesses, turning, parking, pedestrian and cycle links contrary to Policies TI1 and TI3 of the Harrogate District Local Plan.
- 3 Insufficient information has been submitted to demonstrate that affordable housing is well distributed across the development contrary to Local Plan Policy HS2 of the Harrogate District Local Plan.
- 4 The application does not provide sufficient information to demonstrate acceptable green infrastructure corridors and connectivity, landscaping and tree planting and that protection of any ecological features can be accommodated within the proposed layout contrary to Policies NE3, NE4 NE5 and NE7 of the Harrogate District Local Plan.

The officer's recommendations that the application be 'refused' were moved and seconded. On a vote being taken Members voted unanimously for the motion therefore the motion to refuse was passed.

36/22 – APPLICATIONS DETERMINED UNDER THE PLANNING SCHEME OF DELEGATION: The Executive Officer – Development Management and Building Control submitted a list of planning applications determined under delegated powers, and also those delegated to himself in consultation with the Chair and Vice Chair of the Committee, which had been approved since the last meeting.

RESOLVED UNANIMOUSLY:

That the report be received.

(D)