



Development Management

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PLANNING PERMISSION

Town and Country Planning Act 1990

Application No:	2017/18839/VAR
Date Received:	14th December 2017
Applicant:	The Trustees Of The Chatsworth Settlement
Proposal:	Application for variation of condition no. 6 (provision of affordable housing) on planning appeal reference number APP/C2708/W/16/3144561 dated 28/07/2016 relating to planning application referenced 26/2015/15886
Location:	Land South Of Shires Lane, Embsay, Skipton, BD23 6SB
Decision/Date	23rd August 2018

The Craven District Council has considered this application under the Town and Country Planning Act 1990 (as amended) and **Grants Planning Permission** for the development described above.

This permission is granted subject to the following Condition(s) and Reason(s) which are laid out in the order by which they must be complied with:-

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

Reason: To comply with the requirements of section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 Application for approval of the reserved matters shall be made to the local planning authority not later than 28th July 2019.

Reason: To comply with the requirements of section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3 The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 The development hereby permitted shall be carried out in accordance with the location plan no. 4653 00- 01 and access points shown on the illustrative layout plan no. 4653 00- 03 and the submitted Flood Risk Assessment, Design and Access Statement, Mitigation Measures set out in the Preliminary Ecological Assessment and Landscape and Visual Appraisal.

Reason: The application is granted in outline only in accordance with the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) Order 2015. Any application for reserved matters must be in accordance with and/or not exceed the parameters established as part of this permission.

- 5 No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v) wheel washing facilities
 - vi) measures to control the emission of dust and dirt during construction
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii) delivery, demolition and construction working hours
 - ix) HGV construction traffic routing.

Reason: In order to ensure that appropriate measures are put in place before any development commences to limit the potential for noise, nuisance and disturbance to the occupiers of neighbouring properties during the construction of the development in accordance with the requirements of the National Planning Policy Framework.

- 6 No development shall commence until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no affordable housing provider is involved;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be retained in accordance with the approved scheme.

Reason: To make provision for affordable housing in accordance with the requirements of the National Planning Policy Framework and the 2017 North Yorkshire Strategic Housing Market Assessment (SHMA) that provides evidence of the high need for affordable housing within Craven District.



Paul Shevlin, Chief Executive
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7 No development shall take place until details of the site accesses have been submitted to and approved in writing by the local planning authority. These details shall include: the highway verge/footway crossing; the visibility splays, any gates or barriers; the gradient of that part of the accesses extending 5 metres into the site from the carriageway of the existing highway, the finished surface; measures to prevent surface water run-off onto the highway; the provision of tactile paving and a timetable for the implementation and completion of the works. The development shall be carried out in accordance with the approved details.

Reason: In the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

8 No development shall take place until the details of off site highway improvement works have been submitted to and approved in writing by the local planning authority. The works shall include the provision of tactile paving, the provision of a 1.2 m wide footway between the eastern access and the west end of the cricket field and a traffic calming scheme around the East Lane/Shires Lane junction. The development shall not be brought into use until the works have been implemented in accordance with the approved details.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

9 No development shall take place until either:

i) full details of public open space to serve the development have been submitted to and approved in writing by the local planning authority and agreement has been reached with the local planning authority as to the provision of the same and its subsequent management and maintenance;

OR:

ii) alternative arrangements for the provision of open space have been secured and approved in writing by the local planning authority.

Reason: In the interests of residential amenity to ensure adequate provision of Public Open Space to meet local needs in accordance with the National Planning Framework and Saved Policy SRC2 of the Craven (Outside the Yorkshire Dales National Park) Local Plan.

10 No development shall commence until details of the design and layout of ball stop netting or fencing in relation to the cricket field have been submitted to and approved in writing by the local planning authority, after consultation with Sport England. The ball stop netting or fencing will be designed to meet the requirements of a risk assessment undertaken by a suitably qualified consultant and the details will include a timetable for the construction and completion and details of maintenance responsibilities. The development hereby permitted shall not be occupied until the ball stop netting or fencing is constructed and completed in accordance with the approved details. The ball stop netting or fencing shall be retained thereafter.

Reason: To minimise any harm to the living conditions of the future occupiers of the dwelling from ball strike.

11 The details to be submitted to and approved in writing by the local planning authority as part of the reserved matters shall include details of proposed ground levels, proposed finished floor levels and building heights. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory relationship between the development, surrounding buildings and the street scene in the interests of residential and visual amenity, and to accord with the NPPF.



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12 The details to be submitted to and approved in writing by the local planning authority as part of the reserved matters shall include full details of both hard and soft landscape works and these works shall be carried out as approved. The details shall include a detailed scheme for the planting of trees and shrubs specifying types and species, a programme of planting and the timing of implementation of the scheme, including any earthworks required; details of hard landscaping materials, including the surfacing materials of any hard-standing, drives, footways, screen walls, fences and other means of enclosure. Development shall be carried out in accordance with the approved details.

The application is granted in outline only in accordance with the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) Order 2015 and details of the matters referred to in the condition have not been submitted for consideration.

13 The details to be submitted and approved in writing by the local planning authority as part of the reserved matters shall include details of vehicular, cycle and pedestrian accesses, vehicular and cycle parking, vehicular turning arrangements, manoeuvring arrangements, loading and unloading arrangements and street lighting. Development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

14 No dwelling shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and
- iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and the surrounding area.

15 No dwelling shall be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the site is properly drained.

Standard Note(s) to Applicant:

1. This consent applies only to that required by the Town and Country Planning Acts and does not include any permission or approval under any other enactment, bylaw or regulation.
2. Your attention is drawn to the attached notes explaining your rights of appeal regarding this decision.
3. The permission to which this notice refers MAY contain the requirement to comply with certain conditions PRIOR to any works being commenced, as well as conditions to be met DURING and AFTER the



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completion of the development. You are hereby advised that non-compliance with ANY condition may render this permission invalid and the development itself UNLAWFUL and could lead to enforcement action and/or prosecution. It is YOUR responsibility to ensure that all conditions are complied with. If you are in any doubt as to the requirements established by any condition attached to this permission, you are strongly advised to contact Craven District Council Development Management for clarification prior to the commencement of any works.

4. The approval of details reserved by any condition(s) (discharge of condition(s)) is now treated as a formal application and as such requires a fee. A fee of £34 is applicable for householder applications, including extensions, any ancillary buildings within the curtilage of a dwelling, construction of fences, walls, car parking, etc., and £116 for any other type of development. Any number of conditions relating to a specific application can be considered as one application with the single fee. However, if conditions are submitted individually, then the fee will be applicable for each separate submission. There is a form on-line at www.cravencd.gov.uk/planning. We have 8 weeks in which to make our decision, after this date, you can appeal to the Secretary of State. You should note that if you have had no response within 12 weeks, then the fee has to be refunded.

5. Statement of Positive Engagement:

In dealing with this application Craven District Council has sought to approach the decision making process in a positive and creative way, in accordance with the requirements of paragraph 38 of the NPPF (As amended July 2018).

6. The developer should note that Condition Nos 1, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 above will require a further application to be submitted to enable the District Council to formally discharge the conditions. In order to avoid unnecessary delays it is advisable for the developer to discuss the details required to discharge the conditions with any relevant statutory Authorities' (other than the Local Planning Authority) e.g. NYCC Highways, the Environment Agency etc. for comment and/or recommendations prior to their formal submission to the District Council for approval.



Neville Watson
Planning Manager
(Development Management)

GENERAL DEVELOPMENT PROCEDURE ORDER 2015
TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same, or substantially the same, land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same, or substantially the same, land and development as in your application and if you want to appeal against your local planning authority's decision on your application,



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then you must do so within 28 days of the date of the service of the enforcement notice **or** within six months of the date of this notice (whichever period expires earlier).

If you want to appeal against other decisions, except for Householder which are 12 weeks, then you must do so within 6 months of the date of this notice. Appeals should be submitted using a form that you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

Tel: 0303 444 5000

Email: enquiries@planning-inspectorate.gsi.gov.uk

Website: www.gov.uk

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.



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