

**PLANNING COMMITTEE
4 OCTOBER 2022
(FROM 2.00 PM TO 4.03 PM)**

PRESENT: Councillor Rebecca Burnett in the Chair. Councillors Mike Chambers, Hannah Gostlow, Sid Hawke, Sue Lumby, John Mann, Pat Marsh, Victoria Oldham, Andy Paraskos, Nigel Simms, Tom Watson and Robert Windass.

Late Arrivals: None

Early Departures: None

19/22 – **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES:** Notification had been received that Councillor Mike Chambers was to act as substitute for Councillor Stuart Martin.

20/22 – **DECLARATIONS OF INTEREST:** Councillor John Mann declared an interest in respect of item 23/22(03) on the basis that he had been involved with the Applicant in developing the footpath and therefore left the meeting room for the debate and vote on this item.

21/22 – **MINUTES:** The Minutes of the meeting of the Committee held on 2 August 2022 were approved as a correct record and signed by the Chair.

(Nine Members voted for the motion and there were three abstentions.)

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

MATTERS WHICH THE COMMITTEE DEALT WITH UNDER DELEGATED POWERS

23/22 – **LIST OF PLANS:** In accordance with the Scheme of Delegation, the Committee made the following decisions:

23/22(01)

**CASE NUMBER: 20/01333/FULMAJ
GRID REF: EAST 429829 NORTH 457681**

APPLICATION NO.: 6.79.9616.E.FULMAJ

LOCATION:

Land Comprising Field at 429829 457681 Knox Lane, Harrogate, North Yorkshire

PROPOSAL:

Full planning application for 53 no. residential dwellings with associated parking, public open space and landscaping (Amended submission)

APPLICANT: Jomast

DEFERRED for the following reason(s):-

- 0 Deferred to be re-considered by Planning Committee on the receipt of additional information covering the following:

Receipt of comments from the Local Lead Flood authority on drainage
Amended House sizes to meet the National Space Standards
Further information on ground contamination
Further information on Ecology
Assessment of a covenant that may potentially impact upon the layout of the site

Councillor Paul Haslam (Ward Member for Harrogate Old Bilton), Damian Bowen (Objector), Stephen Readman (Objector) and Stephen Courcier (Agent) attended the meeting and spoke to the item under the Council's Opportunity to Speak Scheme. Graeme Skinner was present to answer questions only.

The officer's recommendations that the application be 'deferred for approval subject to conditions and a S106 Agreement and upon receipt of no objection from the Local Lead Flood Authority in respect of the Volume Control calculation', were moved and seconded. On a vote being taken, ten Members voted against the motion and two voted for therefore the motion to defer and approve fell.

It was subsequently moved and seconded by Councillors Mike Chambers and Pat Marsh that the application be deferred to be re-considered by Planning Committee on the receipt of additional information covering the five areas outlined above. On a vote being taken, eleven members voted for the motion and there was one abstention therefore the motion to defer was passed.

23/22(02)

**CASE NUMBER: 22/00672/RG3
GRID REF: EAST 431060 NORTH 456440**

APPLICATION NO.: 6.79.7808.B.RG3

LOCATION:

Land Comprising Garages at 431060 456440 Woodfield Close, Harrogate, North Yorkshire

PROPOSAL:

Erection of 2 dwellings with parking and demolition of 10 existing garages.

APPLICANT: Harrogate Borough Council

APPROVED subject to the following conditions:-

- 1 The development hereby permitted shall be begun on or before 04.10.2025.
- 2 The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details:

2141:01:PL Revision E Planning Layout - submitted 22 September 2022

2141:03: Revision E Plans & Elevations - submitted 22 September 2022

2141:04: Revision C Street Scene - submitted 22 September 2022

2141:02:CP Construction Plan - submitted 14 September 2022

- 3 Prior to their first use, samples of the materials to be used for the external walls and roof of the dwellings shall be made available on site for the inspection and written approval of the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details.
- 4 Prior to their installation, details of the proposed crash barrier, acoustic barrier and close boarded fence shall be submitted for the written approval of the Local Planning Authority. This shall include elevation details at a scale of 1:50, 1:100 or as appropriate. The development shall then be carried out in strict accordance with the approved details and the barriers and fence shall be maintained and retained at all times in perpetuity.
- 5 Prior to the first occupation of the dwellings hereby permitted, electric vehicle infrastructure shall be installed at the site. The electric vehicle charging point shall be of Mode 3 type (specific socket on a dedicated circuit with a minimum current rating of 16 Amp). The charging points installed shall be retained thereafter.
- 6 There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-
 - a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
 - b) evidence of existing positive drainage to public sewer and the current points of connection; and
 - c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.
- 7 No development shall commence on site before the approved tree report detail (English Tree Care dated November 2021) including root protection area (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. The developer shall maintain such fences until all development subject of this permission is completed.
- 8 Prior to the first use of the dwellings, the bat and bird boxes (as shown on drawing 2141:01:PL Revision E Planning Layout) must be permanently attached to the new building on site.
- 9 In the event that contamination not previously identified by the developer prior

to the grant of this planning permission is encountered during the development, 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. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a 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 site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the local planning authority.

- 10 The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
- 11 The ground and first floor rear bathroom windows in the dwellings hereby approved shall be obscure glazed to level 3 or higher of the Pilkington scale of privacy or equivalent and that level of obscure glazing shall be retained throughout the life of the development.
- 12 The external tarmac surfacing shall match the existing in appearance and style.
- 13 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, outbuildings, 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.
- 14 Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on '2141:01:PL Revision E Planning Layout' (received 22 September 2022) for vehicle parking and refuse areas shall be kept available for their intended purposes 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 In the interests of visual amenity.
- 4 In the interests of residential amenity and highway safety.

- 5 In the interests of air quality and pollution.
- 6 To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.
- 7 In the interests of good arboricultural practice and health and amenity value of the trees.
- 8 To provide biodiversity opportunities for species.
- 9 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.
- 10 In the interest of satisfactory and sustainable drainage.
- 11 In the interests of residential amenity and privacy.
- 12 In the interests of visual amenity.
- 13 In the interests of the character and appearance of the site and residential amenity.
- 14 In the interests of highway safety and residential amenity.

Emily Shepherd and Maggie Gibson were present to answer questions only.

The officer's recommendations that the application be 'approved subject to conditions' were moved and seconded. Councillor Nigel Simms had proposed an amendment to the officer's recommendations by adding a condition to provide freestanding Electric Vehicle charging points. On a vote being taken Members voted unanimously for the motion therefore the motion to approve was passed.

23/22(03)

**CASE NUMBER: 22/03511/AMENDS
GRID REF: EAST 430634 NORTH 451761**

APPLICATION NO.: 6.152.398.AMENDS

LOCATION:

Garage Blocks At 430634 451761 Pannal Green, Pannal, North Yorkshire

PROPOSAL:

Non-material amendment to allow formation of shared access path between approved Plot 1 dwelling and 24 Pannal Green, installation of fence and alterations to fenestration to planning permission 20/03198/RG3 Erection of 2 dwellings, demolition of 8 garages and formation of additional parking.

APPLICANT: Harrogate Borough Council

APPROVED

Councillor John Mann declared an interest in the item on the basis that he had been involved with the Applicant in developing the footpath; he therefore left the room for the debate and vote.

Emily Shepherd was present to answer questions only.

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

23/22(04)

**CASE NUMBER: 22/02525/DVCMAJ
GRID REF: EAST 439826 NORTH 467466**

APPLICATION NO.: 6.57.75.C.DVCMAJ

LOCATION:

Miller Homes Milby Grange Residential Development, Milby, North Yorkshire

PROPOSAL:

Variation of conditions 2 and 5 of reserved matters permission 17/03376/REMMAJ to allow for the provision of 1.8m high and 2.1m high brick pier and panel walling in lieu of timber fencing to selected boundaries of plots 51, 56-62, 68 - 70, 91, 100 and 103-104. For information reserved matters permission 17/03376/REMMAJ granted the appearance, landscaping, layout and scale of up to 145 dwellings approved along with access details under outline planning permission 15/04164/OUTMAJ

APPLICANT: Miller Homes Yorkshire

APPROVED subject to the following conditions:-

- 1 The development to which this approval of reserved matters relates shall be begun on or before the expiration of two years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
- 2 The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details:
0204-01 Rev K - Site Layout Plan
0204-02 Rev T - Enclosures Plan, received 07.07.2022
0204-03 Rev D - Planning Layout
0204-04 - Streetscene along Dishforth Road
0204-05 - Streetscene along Moor Lane
0204 Rev C - Housetype booklet
R-1995-1 Rev I - Landscape Masterplan, received 12.07.2022
R-1995-2 - POS Details Various
R-1995-3 - LEAP Details
811143-2.1PPW - 2.1m Pier and Panel Wall Detail, received 10.08.2022
MHY/SD/WFD/002 Rev A - Standard Boundary Fence Details, received 10.08.2022
- 3 The materials used in the external construction of the roof and walls of the development hereby approved, shall be carried out in strict accordance with the approved plan 'Materials and Finishes Layout 0204-06 Rev A', approved under application 18/01914/DISCON.

- 4 A) The development shall be carried out in strict accordance with the approved Written Scheme of Investigation, approved under application 18/01914/DISCON.
B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 5 Landscaping shall be carried out in strict accordance with the approved landscaping scheme under 18/01914/DISCON, these boundaries as amended under Landscape Master Plan Drawing R-1995-1 Rev I (received 12.07.2022).
- 6 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.
- 7 The root protection area (RPA) fencing shall accord with the approved details under application 18/01914/DISCON. The developer shall maintain such fences until all development the subject of this permission is completed.
- 8 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.
- 9 No operations shall commence on site in relation to the approved landscaping plan until a detailed scheme, for sustainable tree planting, has been approved. Such a scheme shall incorporate underground systems (e.g. Rootcell Stratacell, Silva cell or similar products) and provide a sufficient area of growth medium for long term tree growth where tree development is compromised by hard landscaping such as footways, highways, driveways and structures including garages (if there is hardstanding on more than one side of proposed tree planting then underground systems are to be implemented). Such systems are used to protect underground services and above ground surfaces while providing long term and sustainable tree cover.

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 In the interests of visual amenity.
- 4 In accordance with Section 12 of the NPPF (paragraph 141) as the site is of archaeological significance.
- 5 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 6 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 7 To protect existing trees on the site during the construction phase.
- 8 To protect existing trees on the site during the construction phase.
- 9 To ensure the development provides for long term and sustainable tree cover in a manner that also protects underground services and above ground surfaces.

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

24/22 – **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.

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