

05/16(01)

**CASE NUMBER: 14/04872/FULMAJ
GRID REF: EAST 425268 NORTH 462695**

APPLICATION NO.: 6.61.166.FULMAJ

LOCATION:

E H Crack Co Ltd High Mill Shaw Mills Harrogate North Yorkshire HG3 3HY

PROPOSAL:

Conversion of mill to form 3 dwellings, conversion of 2 tannery buildings to form 2 dwellings with erection of single storey link and two storey extension, erection of 2 dwellings, associated parking and clear up of contaminated tannery pond by means of cementitious solidification. (Site Area 0.8ha)

APPLICANT: E.H. Crack & Sons Ltd

APPROVED subject to the following conditions:-

- 1 The development hereby permitted shall be begun on or before 24.05.2019.
- 2 The development hereby approved shall be carried out in accordance with the submitted details as amended by other conditions of consent and the following amended plans received by Harrogate Borough Council on 18 March 2016:

Location Plan received 18 November 2014 1:1250
Passing Bays/Residents parking proposals Drawing No2004 141 30C
Ground Floor Plan : Drawing No. 2004 141 20 D
Proposed Plans Drawing No 2004 141 22F
Proposed Plans Annex building Drawing No 2004 141 21C
Proposed Elevations Drawing No. 2004 141 23D
- 3 Samples of the materials it is intended shall be used externally in the construction of the roof and walls of the new build dwelling hereby approved, shall be submitted for the written approval of the Local Planning Authority and the external walling shall not be started before any such approval. Thereafter the approved materials shall be implemented.
- 4 Prior to the commencement of the external walling of the two new build dwellings a sample panel of the type of stone to be used showing the proposed coursing and pointing shall be erected on the site for the written approval of the local planning authority. Thereafter the approved materials shall be implemented.
- 5 Prior to the commencement of the development hereby permitted the developer shall submit a method statement written by a competent structural engineer is to be provided for the works to the converted historic buildings to include: the

removal of all floors and internal supports, structural repairs, underpinning, reduced external levels to north, new openings and new floor and roof structure. This should be accompanied with elevations marked up to show the extent of rebuilding and stitching, and sections to show the proposed levels, underpinning, new floor construction including supports and replacement roof timbers.

- 6 Notwithstanding the submitted details contained within the supporting Industrial Heritage Statement : all historic buildings on the site including the derelict building should be recorded to Level 4 in accordance with the guidance of the English Heritage Document 'Understanding Historic Buildings- A guide to good practice' (2008).
- 7 Details or specification of roof lights, which should be conservation roof lights laid flat to the roof and width not to exceed 550mm shall be submitted for the written approval of the Local Planning Authority prior to the commencement of the external walling of the development .
- 8 The window frames of the development hereby permitted shall be constructed in timber and no other materials shall be used without the prior written consent of the Local Planning Authority.
- 9 Prior to the commencement of the development , hereby approved , the developer shall submit for the written approval of the local planning authority

Sections through replacement windows in the existing buildings to show frames, sash details including glazing bars. The windows are to be set back in the reveals to match existing. Detailed sections of the windows in new openings and in new buildings to include the head, cill and jamb detail. Scale 1:10, ideally 1:5
Sections through new glazed screens to include the head, cill and jamb detail. Scale 1:10, ideally 1:5. Note these are to be set well back from the reveals.
Sections through new doors (as windows).

- 10 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.
- 11 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 road to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements

- a. FULL details of the access road repairs before and after construction shall be agreed in writing by the Local Highway Authority, and installed to the satisfaction of the Local Highway Authority.
- 12 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 site layout for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
- 13 A detailed scheme for boundary treatment including the screening of the car park from the existing residential properties to the south and landscaping, including the planting of trees and or shrubs and the use of surface materials shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a landscaping scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and the timing of implementation of the scheme, including any earthworks required.
- 14 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.
- 15 Prior to each phase of development approved by this planning permission no development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified:
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site indicating sources, pathways and receptors
 - o potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

- 16 No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
- 17 No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.
- 18 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- 19 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until sections A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent

specified by the Local Planning Authority in writing until section 4 has been complied with in relation to that contamination.

A. SITE CHARACTERISATION

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) 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
- * archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

B. SUBMISSION OF REMEDIATION SCHEME

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise approved in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. REPORTING OF UNEXPECTED CONTAMINATION

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, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section 3.

- 20 The site shall be developed with separate systems of drainage for foul and surface water.
- 21 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.
- 22 The development hereby approved shall be carried out in accordance with the Flood Risk Assessment prepared by ARP Associates (917/01r2 dated February 2015) and prior to the commencement of any phase of the development on site, drawings must be submitted to, and approved by the Local Planning Authority showing details of the proposed surface water drainage including onsite storage, rates of discharge and outfall location
- 23 Prior to the commencement of the development hereby approved details of the proposed passing bays, to include dimensions and boundary treatment shall be submitted to the local planning authority and shall thereafter be implemented in accordance with the approved details prior to the commencement of the residential scheme of the development.
- 24 Notwithstanding the submitted details the proposed new build dwellings shall be constructed without the use of fascia boards to the roof eaves.
- 25 A detailed ecological mitigation and enhancement scheme for the site to include the decontamination and construction phases, as well as provision to incorporate ecological mitigation into landscaping the site and its ongoing future management,

shall be submitted for the written approval of the local planning authority prior to the commencement of works. The approved scheme shall subsequently be implemented according to agreed timescales.

Reasons for Conditions:-

- 1 To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.
- 2 To secure the satisfactory implementation of the proposal.
- 3 In order to ensure that the materials used conform to the amenity requirements of the locality.
- 4 In order to ensure that the materials used conform to the amenity requirements of the locality.
- 5 To ensure that the building the subject of conversion can be retained.
- 6 In the interests of the historical value of the site
- 7 In the interests of the character of the buildings and general amenity of the area.
- 8 In the interests of visual amenity.
- 9 In the interests of visual amenity and to retain the character of the converted historic buildings.
- 10 In order to protect the visual amenities of the surrounding area in view of the prominence of this site and the residential amenity of both existing and future residents.
- 11 To ensure compliance with Harrogate District Local Development Framework Core Strategy Policy SG4.
- 12 To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development
- 13 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 14 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 15 To ensure that decontamination of the lagoon is undertaken. The lagoon area is known to contain leachable contaminants at high concentrations that are periodically flushed out of the lagoon by groundwater. This then discharges to the surface water. The down gradient retaining wall for the lagoon has been reported as degrading and therefore there is the possibility that the lagoon could cause significant pollution of the water course
- 16 Given the potential risk of pollution posed by this site verification of all remedial actions is essential to provide long term understanding and clarity of the remedial action undertaken
- 17 It is likely that any cost effective remedial solution may result in binding contaminants in situ as such there is likely to be the need for some post remediation monitoring to provide lines of evidence that the remediation was successful.
Post remediation monitoring can also be used to demonstrate no deterioration to the surface water under the Water Framework Directive.

- 18 Even with extensive investigation it is not possible to fully characterise all the site and a degree of uncertainty will remain. A strategy to deal with any unexpected contamination should be incorporated into the remedial strategy
- 19 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.
- 20 To prevent pollution of the water environment.
- 21 To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading
- 22 To ensure that the scheme complies with the drainage strategy for the site.
- 23 To secure improved access arrangements to the site and in the interests of visual amenity.
- 24 In the interests of visual amenity
- 25 In the ecological interests of the site

INFORMATIVES

- 1 The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
- 2 The ecological assessments which accompany this application advise that a European Protected Species Licence (EPSL) will need to be obtained from Natural England in order for the works to be undertaken lawfully. Where required, it is the applicant's responsibility to engage a licenced ecological consultant to apply for the appropriate licence to ensure that no breach of the relevant wildlife legislation occurs as a result of the proposed works.

(Thirteen members voted for the motion and there were two abstentions)

(Mr Hughes (Objector) attended the meeting and spoke to the item under the Council's Opportunity to Speak Scheme)

(Chris Robins (Applicant's Agent) attended the meeting and spoke to the item under the Council's Opportunity to Speak Scheme)