



Working for you

The Ripon Farmers Livestock Mart Co Ltd
c/o Mr R Barrs
Barrs & Co Chartered Surveyors
Prospect House
Sovereign Street
Leeds
LS1 4BJ

Your Ref: PP-05161459 RIPON AUCTION MART

NOTICE OF DECISION ON PLANNING APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

PROPOSAL: Change of use of land to allow for siting of 32 residential caravans (Site Area 1.5 ha).

LOCATION: Land At Former Ripon Auction Mart North Road Ripon North Yorkshire HG4 1JP

APPLICANT: The Ripon Farmers Livestock Mart Co Ltd

Harrogate Borough Council being the Local Planning Authority for the purposes of the application received on 28 September 2016 for Full Planning Permission, as described above, have resolved to

GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS.

The conditions to which the permission is subject are as follows:

- 1 The development hereby permitted shall be begun on or before 10.11.2020.
- 2 The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details, as amended Drawing Nos. 1.9 (Site Plan) and 1.10 (Boundary Details) and as modified by the conditions of this consent.
- 3 a) Before any materials are brought onto the site or any development is commenced, the developer submit for approval an agreed specification for root protection area (RPA) fencing in line with the requirements of British Standard BS 5837: 2012 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 and for the entire area as specified in accordance with BS 5837:2012. 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 are in place.

c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved root protection area scheme. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority.

- 4 A detailed scheme for 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.
- 5 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.
- 6 An updated assessment shall be made of the potential for the site to support great crested newt, in the light of an assessment of the pond 150m to the east. A method statement for the avoidance of harm to great crested newts during the course of works and for the retention of elements of great crested newt terrestrial habitat shall be submitted to the local planning authority prior to the commencement of works.
- 7 Any vegetation removal shall be undertaken outside the main birds nesting season (March-August inclusively) unless a pre-commencement check by a suitably experienced ecologist demonstrates that no actively nesting birds would be disturbed.
- 8 No works shall be undertaken to the mature ash tree (TN1) unless an updated bat roost potential and/or activity survey has been submitted for the written approval of the local planning authority prior to the commencement of works.

- 9 A detailed ecological mitigation and enhancement scheme for the site, to include the construction phase as well as provision for 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.
- 10 The chalets shall be used for permanent occupation for persons over the age of 55 only.
- 11 No development approved by this planning permission shall take place until a remediation strategy 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. An options appraisal and remediation strategy, based on the results of the site investigation and the detailed risk assessment, giving full details of the remediation measures required and how they are to be undertaken.
 2. 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 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.
- 12 No occupation of any part of the permitted 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.
- 13 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.
- 14 No building or other obstruction including landscape features shall be located over or within 3.5 metres is required at each side of the unknown & 450mm diameter sewers, and no building or other obstruction including landscape features shall be

located over or within 4.0 (four) metres is required at each side of the 810mm public surface water sewer centre-line that traverse the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker

- 15 No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.
- 16 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 D 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 A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section B, 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 C.

- 17 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) The applicant must submit an additional parking plan showing parking spaces to the northwest corner of the building, to the Local Highway Authority then constructed to the satisfaction of the Highway Authority.
 - (ii)(b) The existing access shall be improved by standard detail E7
- 18 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the amended drawing that must be submitted showing two parking spaces per unit. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

- 19 Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
 - (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.
- The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

The reasons for the conditions are shown below:-

- 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.
- 3 In order to protect existing trees on site.
- 4 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 5 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 6 In order to protect local populations of this protected species.
- 7 In the interests of protecting nesting birds.
- 8 In order to protect local populations of protected species.
- 9 In order to protect and enhance biodiversity.
- 10 In order to provide a mix of housing in the District in line with the requirements of the Strategic Housing Market Assessment (SHMA).
- 11 To protect the principal aquifer and the River Ure surface water body from contamination.
- 12 To protect the principal aquifer and the River Ure surface water body from contamination.

- 13 To protect the principal aquifer and the River Ure surface water body from contamination.
- 14 In order to allow sufficient access for maintenance and repair work at all times
- 15 To ensure that no surface water discharges take place until proper provision has been made for its disposal.
- 16 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.
- 17 To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
- 18 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.
- 19 To provide for appropriate onsite vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

INFORMATIVES:

- 1 The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as they do not carry out these roles during a flood. The Environment Agency's involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. The Planning Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.
In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.
- 2 The site lies within an area where there is history of subsidence and accordingly the developer is advised to engage a specialist to carry out a ground condition survey and confirm the stability of the site prior to the commencement of development.
- 3 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

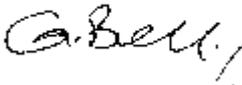
pleased to provide the detailed constructional specification referred to in Condition 17.

You can see the officer's report on the application by either contacting Customer Services Tel No: 01423 500600 or e-mailing customerservices@harrogate.gov.uk.

STATEMENT OF COMPLIANCE WITH ARTICLE 31 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

In dealing with this planning application Harrogate Borough Council as the Local Planning Authority has adopted a positive and proactive manner. The Council offers a pre-application service for planning proposals and applicants are encouraged to undertake this. Proposals are assessed against the National Planning Policy Framework, the documents that form the Development Plan, and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption, and are referred to in this notice of decision. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed through seeking solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary.

Signed:



Chief Planner

Date of Decision: 10.11.2017

Date of Issue: 10.11.2017

NOTE: No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the proposed development is situated, or of obtaining approval under any other bye-laws, local acts, orders, regulations and statutory provisions in force, and no part of the proposed development should be commenced until such further approval has been obtained.

Discharging Conditions – A fee is payable for the discharge of conditions attached to planning and other applications. Applications must be made in writing clearly identifying the application number and the conditions. The standard application form can be used but is not mandatory. The scale of fees can be found on the planning website www.harrogate.gov.uk/planning. Please note a fee is payable for each separate request and applications should be determined within 8 weeks of a valid request being received.

NOTE TO APPLICANT/AGENT: The Borough Council posted a site notice publicising this application. If it is still on display, please remove it.

DCPEFULZ 16/02116/FULMAJ
6.31.222.I.FULMAJ

APPLICATION NO:

IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES SET OUT OVERLEAF.

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

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 you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Where 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, if 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.
- Otherwise, if an enforcement notice is subsequently 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, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- Appeals can be made online at <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of an appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State 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.