

NORTH YORKSHIRE COUNCIL

**TOWN AND COUNTRY PLANNING ACT, 1990
PLANNING AND COMPULSORY PURCHASE ACT 2004**

**NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION
FOR PERMISSION TO CARRY OUT DEVELOPMENT**

To : **Miss Lela Cordess
c/o Miss Coral Stevenson
9 Daisy Bank Street
Todmorden
OL14 8PD**

The above named Council being the Planning Authority for the purposes of your application received on 22 December 2021, in respect of proposed development for the purposes of:

**Proposal : Full Planning to Convert Existing Barn into a Two Storey, Two Bedroom Residential Property, Including Single Storey Extension & Residential Curtilage to Rear.
(REVISED PLANS & DESCRIPTION 05/10/2023)**

**Location : Barn At
West End
Middleham
North Yorkshire**

have considered your said application and have **GRANTED** permission for the proposed Development subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason for Condition:

To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - a) application form and certificate
 - b) Site Location Plan dated 13 November 2021.
 - c) Block Plan dated June 2020.
 - d) Existing Elevations and floor plan drawing.
 - e) Proposed Plan View (site to rear) drawing.
 - f) Front (to Yard) elevation drawing.
 - g) Rear (to Fields) elevation drawing (V3).
 - h) Side Elevation (to Lane) drawing (V3).

- i) Side Elevation (to rear extension) drawing (V2).
- j) Proposed Ground Floor Plan drawing (V3).
- k) Proposed First Floor Plan drawing.
- l) Design & Access Statement.
- m) Supporting Statement.
- n) Bat Survey by Quants, dated August 2021.
- o) Desk Study with Walkover Survey (NE4061)

Reason for Condition:

To ensure that the development is carried out in accordance with the approved particulars and plans.

- 3. With respect to any condition that requires the prior written approval of the Local Planning Authority, the works thereby approved shall be carried out in accordance with that approval or in accordance with any minor modifications thereof that may be approved in writing by the Local Planning Authority.

Reason for Condition:

To ensure that the development is carried out in accordance with the approved particulars and plans.

- 4. Prior to the commencement of any part of the development a detailed conversion method statement confirming how the approved conversion works are to be carried out shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include full details of the extent of repair, rebuilding and underpinning of existing walls and works to the roof structure as well as the steps to be taken to ensure the retention of the existing structure during the course of the development. Thereafter the conversion shall be carried out entirely in accordance with the approved method statement.

Reason for Condition:

To ensure that the approved works is carefully controlled throughout the development phase.

- 5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) the on-site storage of plant and materials used in constructing the development;
 - iv) measures to control the emission of dust and dirt during construction;
 - v) a scheme for recycling/disposing of waste resulting from demolition and construction works

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason for Condition:

In order to ensure that the development is constructed in a satisfactory manner and to minimise any impact upon neighbouring residents.

6. No development shall occur during the bird breeding season (March to August) unless the site has first been inspected by a qualified ecologist to check for the presence of active nests. Once it is confirmed that no active nests are present, works shall commence within 48 hours.

Reason for Condition:

To not prejudice the ecology of the area.

7. Other than bringing of services/utilities to the site and their external connections (water/electricity/sewerage); an update to the bat survey 1568, prepared by Quants Environmental shall be undertaken and submitted to the Local Planning Authority. For the avoidance of any doubt, this update shall confirm whether:
 - a) an EPSM licence is required (i.e., whether the work will result in the damage, destruction, or blocking of access to, a breeding site or resting place used by a bat; and
 - b) whether there are any satisfactory alternatives which would negate the need for an EPSM licence.

The survey shall be undertaken in line with current Bat Conservation Trust Good Practice Guidelines and shall be carried out at the appropriate time of year (May-August) and in suitable weather conditions. If any roosting bats or evidence of roosting is found to be present, further advice will then need to be sought regarding the need to apply for a Protected Species Licence. If a licence is needed, no work shall take place until this has been obtained.

Reason for Condition:

To not prejudice the ecology of the area.

8. All demolition and construction works and associated deliveries shall take place only between the hours of 8:00 and 18:00 Monday to Friday, 08:00 and 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

Reason for Condition:

In order to protect the amenity of nearby residents during the construction phase.

9. If contamination is found or suspected at any time during development that was not previously identified, all works shall cease, and the local planning authority shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken, or the development, occupied until an investigation and risk assessment carried out in accordance with the Environment Agency's Land contamination: risk management (LCRM), has been submitted to and approved in writing

by the local planning authority. Where remediation is necessary, a scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

Reason for condition:

In order to ensure that risks from land contamination to future users of the land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10. The development hereby permitted shall deliver carbon savings by exceeding the minimum standards prevailing through Part L of the Building Regulations to the maximum level that is feasible and viable for this particular development. Prior to the commencement of any part of the development a scheme confirming how carbon savings are to be delivered with reference to the extent that this will exceed Building Regulation Requirements along with an explanation of why this is the maximum level that would be feasible and viable for this particular proposal, shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason for Condition:

To secure a more sustainable form of development and to meet the expectations of Policy CP2 of the adopted Local Plan Core Strategy.

11. All new stonework and repairs to existing stonework shall be undertaken in natural reclaimed local stone. All stonework shall be laid, coursed and flush pointed in a manner to match precisely the existing stonework of the existing barn group. All pointing of stonework shall be undertaken with a lime/cement/sharp sand mix in proportions of 1:1:6 and then brush finished.

Reason for Condition:

In the interests of the appearance of the proposed development.

12. All new heads and cills shall be of natural or artificial stone to match the stonework of the existing building.

Reason for Condition:

In the interests of the appearance of the proposed development.

13. The windows and doors, including frames, shall be constructed in timber with a dark stained or heritage paint finish and no other materials shall be used without the prior written approval of the Local Planning Authority.

Reason for Condition:

In the interests of the appearance of the proposed development.

14. All new door and window frames shall be set back a minimum of 150 mm to provide an external reveal from the face of the wall.

Reason for Condition:

In the interests of the appearance of the proposed development

15. All new replacement windows and doors shall be provided with a minimum 75mm framing into which the windows and doors are inserted.

Reason for Condition:

In the interests of the appearance of the building.

16. The development hereby approved shall not be occupied until the rooflights to the roof and the high-level window that is to be reinstated in the first floor bedroom have been fitted with obscured glazing. Details of the type of rooflights to be used along with details of the obscure glazing to be fitted to these and the aforementioned windows shall be submitted to and approved in writing by the local planning authority before the rooflights and window are installed and once installed the obscured glazing shall be retained in all, thereafter.

Reason for Condition:

In the interests of the amenity of nearby residents.

17. All guttering and downpipes shall be black in colour and shall be fixed by means of spiked rise and fall brackets without the use of fascia boards.

Reason for Condition:

In the interests of the appearance of the building.

18. The roof of the buildings shall be recovered using natural stone slates, utilising the slates salvaged from the existing building and made up as necessary with matching slates. The relaying of the slates shall be to diminishing courses in the traditional style.

Reason for Condition:

In the interests of the appearance of the building.

19. For the avoidance of any doubt, any new gates shall be erected so that they do not swing out over the public access lane. Once installed in such a manner, said gates shall be retained in this configuration thereafter, for the lifetime of the development.

Reason for Condition:

To ensure a satisfactory means of access to the site, in the interests of vehicle and pedestrian safety and convenience.

20. Prior to the occupation of the development, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. For the avoidance of any doubt, as well as including indications of all proposed new surfacing and planting on site, the landscaping scheme shall include a range of biodiversity enhancement measures, such as the incorporation of Bat and Bird boxes. Once agreed, the scheme shall be laid out prior to occupation and maintained as such for the lifetime of the development.

Reason for Condition:

In the interests of amenity and the appearance of the development and to also reserve the rights of the Local Planning Authority with regard to this matter.

21. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason for Condition:

In the interests of biodiversity and visual amenity.

22. Details of any external lighting to be used on the site shall first be submitted to, and approved in writing by, the Local Planning Authority. The information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles, and luminaire profiles) and shall detail any measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting. Thereafter the artificial lighting shall be installed, operated and maintained in accordance with the approved scheme. Changes to any element of the lighting scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the changes taking place.

Reason for Condition:

To reserve the rights of the Local Planning Authority in this matter and in the interests of amenity, ecology and minimising light pollution.

23. The dwelling shall not be occupied until a plan showing the location of the one parking space has been submitted to and approved in writing by the Local Planning Authority, in conjunction with the Local Highway Authority. For the avoidance of doubt, this plan shall include a swept path analysis that satisfactorily demonstrates that a motor car can enter and exit the site in a forward gear. Once approved, the parking space shall then be maintained clear of any obstruction and operated in the way shown on the approved plan for the lifetime of the development thereafter.

Reason for Condition:

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.

24. The building hereby permitted shall not 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. For the avoidance of any doubt, such a scheme shall incorporate the use of SUDS / Soakaways, to reduce the risk of flooding in the area. The approved scheme shall be implemented and operational prior to the first occupation of the dwelling and thereafter managed and maintained in perpetuity in accordance with the approved details.

Reason for Condition:

To secure an appropriate drainage system to serve the development, including arrangements for its future operation and maintenance and to comply with the relevant policies & guidance referred to in the delegated report.

25. No building hereby permitted shall be occupied until works for the disposal of sewage have been provided to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason for Condition:

To ensure the provision of satisfactory foul drainage to serve the development and to comply with the relevant policies & guidance referred to in the delegated report.

26. Notwithstanding the provisions under Article 3, Schedule 2, Part 1, Classes A - H; and Part 2, Classes A - C of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any subsequent Order revoking and re-enacting that Order, no development of the types covered under these Classes shall be undertaken without the prior submission to, and approval by, the Local Planning Authority of a formal application for planning permission.

Reason for Condition:

In the interests of the appearance of the proposed development and to reserve the rights of the Local Planning Authority with regard to these matters.

INFORMATIVES:

Protected Species:

A European Protected Species Mitigation (EPSM) licence will be required in order to permit works which would result in the damage, destruction, or blocking of access to, a breeding site or resting place used by a European Protected Species (including all bat species). Natural England is able to issue EPSM licences upon the presentation of evidence-based and proportionate mitigation provided the following '3 tests' are met:

- i) That the action is for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature;
- ii) That there is no satisfactory alternative; and
- iii) That the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

Natural England aims to process licence applications in 30 working days. If a period of time elapses after the date of the most recent bat survey (2021) and before the commencement of the proposed works, it may be necessary to undertake update surveys to confirm whether: a) an EPSM licence is required (i.e. whether the work will result in the damage, destruction, or blocking of access to, a breeding site or resting place used by a bat; and b) whether there are any satisfactory alternatives (see 2nd of the 3 tests above) which would negate the need for an EPSM licence.

Natural England is only able to issue an EPSM licence if the '3 tests' are met and if the works would otherwise result in an offence. Natural England is not able to issue a licence on a precautionary basis, e.g., if there is not robust evidence that a bat's resting place would be damaged/ destroyed.

Recommendations for mitigation and compensation input should be finalised within the EPSM licence. Such information will be dependent on the final scope of works (i.e., timings for construction and conversion works). Mitigation input will relate to timings of works, method of working (where works must be completed by hand or with hand tools), the requirement for ecological supervision during works, procedures that should be following during the works stage should a bat be found, and details of temporary and permanent roost provision.

Roost provision should include permanent features suitable for common pipistrelle and soprano pipistrelle bats. As both day roosts recorded within the barn would be lost as a result of the development compensation roosting features based on a ratio of 'two roosts created for each roost lost' would be recommended. Based on this ratio four artificial roosting features suitable for common and soprano pipistrelle bats would be included as part of the development. These may be bat bricks, bespoke roost features designed to blend in with the existing barn (i.e., small gaps in the mortar to allow bats into the rubble cavity) or bat slates on the roof elevations. These features would be positioned on the south and west elevations of the barn with exact details to be confirmed as part of the EPSM licence.

Public Footpaths:

There is a public footpath which provides access to the property. This should be maintained unobstructed both during and after development, offering a clear and safe route for walking.

- i) If the proposed development will physically affect the Public Right of Way permanently in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible. Please contact the Local Planning Authority for a Public Path Order application form.
- ii) If the proposed development will physically affect a Public Right of Way temporarily during the period of development works only, an application to the Highway Authority (North Yorkshire County Council) for a Temporary Closure Order is required. Please contact the County Council or visit their website for an application form.
- iii) The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order.
- iv) It is an offence to obstruct a Public Right of Way and enforcement action can be taken by the Highway Authority to remove any obstruction.
- v) If there is a "claimed" Public Right of Way within or adjoining the application site boundary, the route is the subject of a formal application and should be regarded in the same way as a Public Right of Way until such time as the application is resolved.
- vi) Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists and must have regard for the safety of Public Rights of Way users at all times.

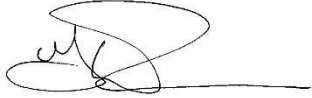
To obtain up-to-date information regarding the exact route of the way and to discuss any initial proposals for altering the route, please contact the County Council's Countryside Access Service at County Hall, Northallerton via CATO@northyorks.gov.uk

Off Site Parking/Delivery:

Whilst it is expected that all parking and storage of materials associated with the development will occur within the site boundary, it should be noted that any parking/compound/offloading/skips etc anywhere on the Town Wastes must be agreed in advance with the landowner, namely Middleham Town Council and that this may involve a rental sum. Should you require further information in this regard, please contact the Town Council.

Footnote :

In dealing with and determining this application, the Local Planning Authority have sought to take a positive approach to foster the delivery of sustainable development in accordance with the requirements of the National Planning Policy Framework. As such, the Local Authority has taken steps to work proactively with the applicant to seek solutions to problems that may have arisen in dealing with this application with a view to improving local economic, social and environmental conditions.



Trevor Watson
Assistant Director – Planning

DATE 19 March 2024

NOTES

This is an approval under the Town and Country Planning Act only. It does not absolve the applicant from the necessity of obtaining Listed Building consent if necessary or approval under the Building Regulations, 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.

YOUR RIGHTS OF APPEAL ARE AVAILABLE AT www.northyorks.gov.uk/planning