

**Town and Country Planning Act 1990  
North York Moors National Park Authority**

**Notice of Decision of Planning Authority on Application for  
Permission to Carry out Development**

To: Brierley Homes Ltd  
c/o Planning Potential  
fao: Mr William Rogers  
14-15 Regent Parade  
Harrogate  
HG1 5AW

The above named Authority being the Planning Authority for the purposes of your application validated 07 October 2020, in respect of proposed development for the purposes of **demolition of former primary school buildings and construction of 9 no. principal residence dwellings with associated access, garages, parking, community car park and landscaping works at Swainby and Potto Church of England Va Primary School, Claver Close, Swainby** has considered your application and has **granted** permission for the proposed development subject to the following:

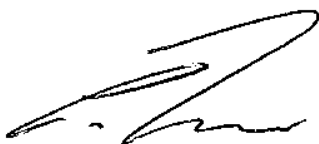
**Condition(s):**

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

<b>Document Description</b>	<b>Document No.</b>	<b>Date Received</b>
Site location plan	BH19002-A-001 P1	16 September 2020
Proposed site plan	BH19002-A-054 P17	16 September 2020
Proposed street elevations	BH19002-A-220 P3	30 October 2020
2 Bed Dormer Bungalow	BH19002-A-104 P3	16 September 2020
2 Bed House	BH19002-A-106 P3	16 September 2020
3 Bed House	BH19002-A-101 P7	16 September 2020
4 Bed House	BH19002-A-102 P7	30 October 2020
Plans & Elevations as proposed Garages & Car Ports	BH19002-A-058 P1	16 September 2020
Proposed external works plan	BH19002-A-055 P4	13 November 2020

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.

Continued/Condition(s)



Mr C M France  
Director of Planning

Date 22 December 2020

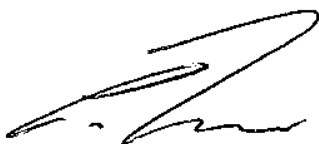
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3. The application properties hereby permitted, shall be used as principal residential dwellings (Class C3) and for no other purpose including any other use in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 2020 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The property shall be the only or principal home of the main occupant and it shall be occupied by the main occupant for at least 80% of the calendar year in the event that the main occupant occupies more than one property. The property shall not be occupied by the main occupant as a second home. The occupants shall supply to the local planning authority (within 14 days of the local planning authority's request to do so) such information as the local planning authority may reasonably require in order to determine compliance with this condition. For the avoidance of doubt the property shall not be used as a single unit of holiday letting accommodation.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H Schedule 2, Part 2, Classes A to C and within Schedule 2 Part 14 Classes A to I of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
5. No up-lighting shall be installed on the development hereby permitted. Any external lighting installed on the development hereby approved shall be of a style and luminance which minimises glare and light pollution. All bulbs should be shielded to prevent upward and minimise horizontal light spill and all lighting shall be installed to minimise its impact on neighbouring amenity. The lighting shall be installed in accordance with the above and shall be maintained in that condition in perpetuity.
6. No work shall commence on the construction of the dwellings hereby approved until a sample of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the Local Planning Authority. A sample panel showing the construction materials shall be at least 1 metre x 1 metre and show the proposed material, coursing, jointing, method of tooling (if necessary), bond, mortar, pointing technique. A palette of other materials to be used in the development (including roofing, water tabling, new lintels and cills, cladding and render if necessary) shall also be made available. The development shall be constructed in accordance with the approved sample(s), which shall not be removed from the site until completion of the development.

Continued/Condition(s)



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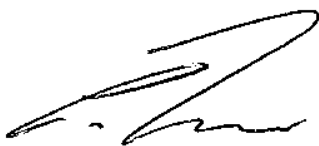
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7. No work shall commence on the installation of any external windows or doors in the development hereby approved until detailed plans showing the constructional details and external appearance of all external windows, doors and frames (including glazing) have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate, on a scale of not less than 1:20, the longitudinal and cross sectional detailing including means of opening. All windows/doors shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
8. The external face of the frame to all new windows shall be set in a reveal of a minimum of 60mm from the front face of the adjacent walling and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
9. External trickle vents shall not be incorporated into any new windows hereby approved and shall not be installed thereafter unless otherwise agreed in writing with the Local Planning Authority.
10. No work shall commence on the installation of any rooflights in the development hereby approved until full details have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be fixed or top-hung metal conservation style and shall be installed in accordance with the approved details and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
11. The guttering to the development hereby permitted shall be directly fixed to the stonework by means of gutter spikes with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
12. The rainwater goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
13. Except for the demolition of the existing building and investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.

Continued/Condition(s)



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14. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation.

The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

15. Except for the demolition of the existing building, there must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- details to ensure there are adequate visibility splays at the new vehicular access to the development

- details to ensure there are adequate visibility splays at the new vehicular access to the community car park

- measures to protect the visibility to the south east from the existing junction of Claver Close and High Street

No part of the development must be brought into use until the visibility splays have been provided in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

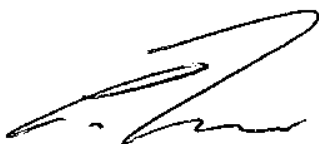
16. No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. details of any temporary construction access to the site including measures for removal following completion of construction works;

2. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;

Continued/Condition 16



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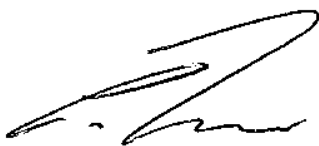
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3. the parking of contractors' site operatives and visitor's vehicles;
4. areas for storage of plant and materials used in constructing the development clear of the highway;
5. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
6. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
7. protection of carriageway and footway users at all times during demolition and construction;
8. protection of contractors working adjacent to the highway;
9. details of site working hours;
10. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
11. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions  
of dust arising from the development;
12. measures to control and monitor construction noise;
13. an undertaking that there must be no burning of materials on site at any time during construction;
14. a detailed method statement and programme for the building works; and
15. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
17. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Continued/Condition(s)



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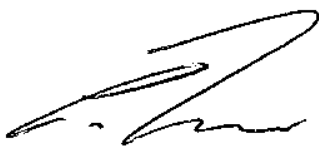
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18. The development hereby permitted shall not be brought into use until full details of the air source heat pumps to generate energy on site from renewable sources to displace at least 10% of predicted CO2 emissions have been submitted to and approved by the Local Planning Authority. The submitted details will be expected to demonstrate how the air pumps alone and cumulatively will not raise background noise levels by more than 3dba at the boundary of any nearby property. The approved details and measures shall then be completed prior to the occupation of the development hereby approved and shall be maintained in working order unless the prior written agreement of the Local Planning Authority has been obtained.
19. No development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the Local Planning Authority.
20. Except for the demolition of the existing building, no development shall be undertaken until 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 Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
21. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and 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.
22. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "PROPOSED ENGINEERING PLAN" dated "28/08/2020". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 7810 and ensure that surface water discharges to the existing watercourse.
23. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
24. Hours of construction and demolition activities shall be carried out between 08:00 and 18:00 Monday to Friday, 08:00 and 13:00 on Saturday, and not at all on Sunday or Bank Holidays.

Continued/Condition(s)



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25. A construction management scheme shall be submitted to and agreed in writing with the Local Planning Authority before demolition and ground works commence. The scheme shall detail what steps shall be taken to mitigate emission of noise, lighting, dust and vibration from the site impacting on existing noise sensitive premises\*.

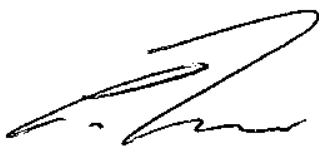
This is to include details of

- the siting of materials and machinery; staff welfare facilities; office location; staff/contractor parking,
- construction site traffic movements including deliveries,
- siting of any lighting provision, type and controls
- how dust emissions will be reduced, monitored and managed.
- Details of any piling to take place including duration and equipment type to be used.
- How machinery, equipment and earth works will comply with the British Standards BS 5228-1:2009 Code of practice for noise and vibration control on construction and open sites, Part 1: Noise
- In circumstances where vibration is a potential source of impact it is anticipated that an appropriate vibration / screening survey or prediction report be proposed, and details submitted.
- Details of the community engagement arrangements will be in place throughout ground preparation and construction phases.

\*Noise sensitive premises are taken to be places where building occupants may be resting, sleeping, or studying, or spending recreational time.

26. During groundworks, any trenches or pits left open overnight must include a rough sloped ramp escape route (such as a timber board) for hedgehog or other small animals to escape and prevent becoming trapped.
27. A CD sized hole should be left in each line of fencing to enable some movement of wildlife through the gardens and to enable each garden to have at least two possible entrances for hedgehog or other wildlife to use. The fences shall be maintained in this condition in perpetuity.

Continued/Condition(s)



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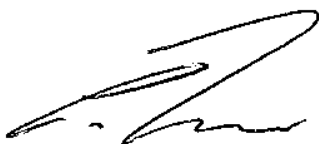
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28. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, 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.
29. Prior to the commencement of the development hereby approved details of integral bat lofts and bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved detail and thereafter be so maintained in perpetuity. The scheme shall include the following:-
- 1 dwelling with an inbuilt bat loft of suitable size to provide compensation for the loss of a brown long-eared roost.
  - 2 dwellings with built in bat boxes
  - 2 dwellings with 2 x inbuilt swift box/nest space within the eaves at suitable elevations (swifts nest communally so more successful if more than 1 nest site on a building, should ideally be 4m+ off the ground)
  - 2 dwellings with swallow cups, house marten cups or other bird boxes (eg house sparrow terraces) included at suitable elevations
30. The development hereby approved shall be undertaken in accordance with the mitigation measures set out in the conclusions of the Tree Assessment Report prepared by Barnes Associates Ltd dated 05/01/2020
31. All hard and soft landscape works comprised in the approved details shall be carried out no later than the first planting season following the occupation of the buildings, or completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. The approved landscaping scheme shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
32. Except for the demolition of the existing building, no work shall commence in preparation for the development hereby permitted until full details of the hardsurfacing to be utilised on the site have been submitted to and approved in writing by the Local Planning Authority, including a timetable to implement the proposed works. The hard landscaping works shall then be implemented in accordance with the approved details. The hard landscaping shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Continued/Condition(s)



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33. Prior to the commencement of the development hereby approved a geophysical survey shall be undertaken in order to provide information regarding any below ground archaeology. The results of the surveying and Desk Based Assessments shall be submitted to the Local Planning Authority in order to inform a programme of targeted excavation or by watching briefs, to be agreed in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved programme of works.
34. Within 3 months of the development hereby approved being first brought into use, the community car park shall be completed and kept available for public car parking at all times.
35. Prior to the installation of any electric car chargers in the community car park hereby approved, details of the car chargers shall be submitted to and approved in writing by the Local Planning Authority. The car chargers shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
36. Prior to the first occupation of any dwelling in the development hereby approved, the developer shall submit to and have approved by the Local Planning Authority, a written scheme for the future management and maintenance of the car park hereby approved. The car park shall thereafter be managed and maintained in accordance with those approved details in perpetuity.

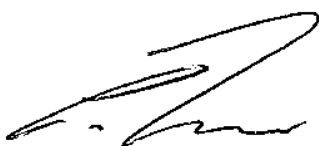
**Informative(s)**

- 1 We can inform you that a water main crosses the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We include this informative so that awareness is given to the presence of assets on site. For further information is available at <https://www.nwl.co.uk/services/developers/>

**Reason(s) for Condition(s)**

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan, which seek to conserve and enhance the special qualities of the National Park.

Continued/Reason(s) for Condition(s)



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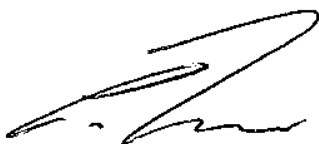
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3. In order to enable the Local Planning Authority to retain control over future changes of use to the property which would otherwise be permitted by the Town and Country Planning (Use Classes) Order 2010 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) or the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), and to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan , which seek to enhance and conserve the special qualities of the National Park and ensure that development does not have an adverse effect on the amenities of adjoining occupiers.
4. In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with Strategic Policies A and C of the North York Moors Local Plan, which seek to enhance and conserve the special qualities of the National Park and secure high quality design for new development.
5. In order to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to ensure that new development does not detract from the quality of life of local residents.
- 6 – 12. For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
13. In accordance with Policy CO2 of the North York Moors Local Plan and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
14. In accordance with Policy CO2 of the North York Moors Local Plan and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
15. In accordance with Policy CO2 of the North York Moors Local Plan and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
16. In accordance with Policy CO2 of the North York Moors Local Plan and to ensure satisfactory highway drainage in the interests of highway safety and the amenity of the area.
17. In accordance with Policy CO2 of the North York Moors Local Plan and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
18. In order to comply with the provisions of Policy ENV8 of the North York Moors Local Plan which seeks to ensure that new development contributes to reduce carbon emissions.

Continued/Reason(s) for Condition(s)



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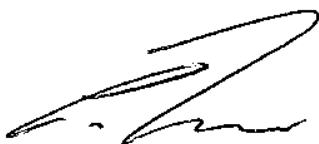
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- 19 – 20. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
21. 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.
22. In order to comply with the provisions of Policy ENV5 of the North York Moors Local Plan which seeks to mitigate the impact of flood damage to new development within areas at high risk from flooding and prevent additional flood risk to other properties.
23. To avoid pollution of watercourses and to comply with the provisions of Policy ENV7 of the North York Moors Local Plan, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
- 24 – 25. In order to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to ensure that new development does not detract from the quality of life of local residents.
- 26 – 27. To ensure protection of a species protected under the Wildlife and Countryside Act and compliance with Strategic Policy H of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.
28. 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.

The Yorkshire and Humberside Pollution Advisory Council (YAHPAC) guidance document, Development on Land Affected by Contamination Technical - Guidance for Developers, Landowners and Consultants (Version 10.1 dated March 2020) may assist the developer in providing the correct information.

29. In order to comply with the provisions of Strategic Policy H of the North York Moors Local Plan which seeks to protect species protected under national and international legislation.
30. In order to comply with the provisions of Strategic Policy C of the North York Moors Local Plan which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.
31. The trees within the vicinity of the site are of significant amenity value and every effort shall be made to protect them in accordance with Policy ENV1 of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.

Continued/Reason(s) for Condition(s)



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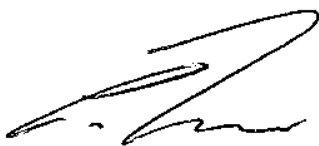
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32. In the interests of the satisfactory appearance of the development and in order to comply with the provisions of Strategic Policy C of the North York Moors Local Plan which seeks to ensure that development proposals incorporate suitable hard landscaping details.
33. In order that any remains of archaeological importance can be adequately investigated and recorded before any development takes place on the site and to comply with Strategic Policy I and Policy and Policy ENV10 of the North York Moors Local Plan which seeks to conserve and enhance the historic assets and cultural heritage of the National Park.
34. In accordance with Policy CO2 of the North York Moors Local Plan and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
35. In order to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to ensure that new development does not detract from the quality of life of local residents.
36. In accordance with Policy CO2 of the North York Moors Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

**Explanation of how the Authority has Worked Positively with the Applicant/Agent**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.



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Please Note your Rights of Appeal are attached to this Decision Notice

## Rights of Appeal

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State of Department of Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice (12 weeks in the case of a minor commercial application). 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 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.

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.

- (2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, the owner of the land may claim that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the council of the county/district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Note: If an aggrieved applicant wishes to exercise their right of appeal as above mentioned, they should do so using a form which you can get from the Secretary of State at:

**Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 00 00) or online at [www.planningportal.gov.uk/planning/appeals](http://www.planningportal.gov.uk/planning/appeals)**

### Notes

1. Please note, only the applicant possesses the right of appeal.
2. 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 site of 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.
3. In your own interests your attention is particularly drawn to the conditions under which approval has been given to your proposals. Failure to comply fully with the conditions could lead to enforcement action resulting in work already done being demolished or prosecution in Magistrates' Court.
4. 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, 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.
5. 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, 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.