



**Working for you**

C/O The Agent  
c/o Planning Potential Ltd  
14-15 Regent Parade  
Harrogate  
HG1 5AW

Your Ref: PP-05841599

**NOTICE OF DECISION ON PLANNING APPLICATION**

**TOWN AND COUNTRY PLANNING ACT 1990**

**PROPOSAL:** Outline planning permission with access into the site considered for up to 60 houses, demolition of existing buildings, construction of commercial units (Use Class B1/B2/ B8/D2) and informal public open space.

**LOCATION:** Land Comprising Field At 422023 480727 Foxholme Lane Masham North Yorkshire HG4 4DT

**APPLICANT:** C/O The Agent

Harrogate Borough Council being the Local Planning Authority for the purposes of the application received on 8 March 2017 for Outline 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 No development shall take place without the prior written approval of the Local Planning Authority of all details of the following reserved matters -
  - (a) appearance;
  - (b) landscaping;
  - (c) layout; and
  - (d) scale.

Thereafter the development shall not be carried out otherwise than in strict accordance with the approved details.

- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority not later than 19.04.2021. The development hereby permitted shall be begun on or before the expiration of one year from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
  
- 3 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
  - a. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
    - the proposed highway layout including the highway boundary
    - dimensions of any carriageway, cycleway, footway, and verges
    - visibility splays
    - the proposed buildings and site layout, including levels
    - accesses and driveways
    - drainage and sewerage system
    - lining and signing
    - traffic calming measures
    - all types of surfacing (including tactiles), kerbing and edging.
  
  - b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
    - the existing ground level
    - the proposed road channel and centre line levels
    - full details of surface water drainage proposals.
  
  - c. Full highway construction details including:
    - typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
    - when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
    - kerb and edging construction details
    - typical drainage construction details.
  
  - d. Details of the method and means of surface water disposal
  
  - e. Details of all proposed street lighting.
  
  - f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
  
  - h. A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

- 4 No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

- 5 There shall be no movement by construction or other vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until that part of the access(es) extending 20m metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the approved details and/or Standard Detail number A1 and the published Specification of the Highway Authority. All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.

- 6 No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- e. wheel washing facilities
- f. measures to control the emission of dust and dirt during construction
- g. a scheme for recycling/disposing of waste resulting from demolition and construction works
- h. HGV routing to avoid The Oaks.

- 7 Prior to commencement of development an electric vehicle infrastructure strategy and implementation plan, to include details of the number, location and maintenance of electric vehicle charging points shall be submitted for the written approval of the local planning authority. Thereafter the development shall be carried out as approved with charging points associated with dwellings installed prior to occupation of that dwelling.

- 8 No deliveries or despatches to the commercial units as approved shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site (whether laden or un-laden), before the hours of 0800 nor after 1800 Monday to Friday and before the hours of 0800 hours nor after 1300 hours Saturday, and not at all on Sundays and Public Holidays.
- 9 The commercial units as approved shall not be operated before 0800 hours or after 1800 Monday to Friday and before 0800 hours or after 1300 hours on a Saturday and not at all on Sundays and Public Holidays.
- 10 Before each commercial unit come into use, a noise mitigation scheme shall be submitted in writing and approved in writing by the local planning authority detailing measures that will be implemented to ensure that any noise associated with the unit does not cause detriment to amenity or a nuisance, to occupants of any existing and future approved noise sensitive premises in the vicinity. All such measures to be employed and verified by a suitably competent person before bringing the development into use and fully maintained during the life of the development.
- 11 Before bringing the proposed residential premises into use, a noise mitigation scheme shall be submitted in writing and approved in writing by the local planning authority detailing measures that will be implemented to ensure that any noise breakout associated with the proposed commercial units and pre-existing noise sources in the vicinity do not give rise to detriment to amenity or a nuisance, to occupant of the existing and proposed noise sensitive premises in the vicinity. All such measures to be employed and verified by a suitably competent person before bringing the development into use and fully maintained during the life of the development.

The mitigation measures identified as appropriate within the acoustic assessment reports dated 2nd March 2017 and 16 June 2017 and in my comments above for the proposed outline layout of the development are identified below, such measures will however be dependent upon the final design of the site :-

1. 2.1m high close boarded acoustic fence on the western boundary of any rear garden and north facing perpendicular run from the boundary fence, as shown on Appendix B of report dated 2nd March 2017
2. 2.1m high close boarded acoustic fence on boundary between proposed residential and proposed commercial units, as shown on Appendix B of report dated 2nd March 2017
3. 2.1m high close boarded acoustic fence on southern boundary to enclose the rear gardens of proposed residential premises, as shown on Appendix B of report dated 2nd March 2017
4. Acoustic upgrade of bedroom windows with a view or partial view of the mill to achieve a sound reduction index of no less than  $R_w=34\text{dB}$ , as shown on Appendix B of report dated 2nd March 2017

5. Acoustic upgrade of living room windows to residential premises that back on to the proposed commercial units
- 12 No development shall take place until details of works to provide infrastructure for the delivery of an adequate water supply to properly serve the development have been submitted to and approved by the local planning authority. Furthermore occupation of the development shall not commence until the required works have been implemented in accordance with the approved details.
- 13 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
- 14 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
- 15 The application for Reserved Matters shall include those crime prevention measures set out in the letter from the Police Designing Out Crime Officer dated 21 March 2017.
- 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 Part 2A 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 The commercial premises hereby approved shall be used for Use Classes B1, B8 and D2 only, and for no other purpose (including and other purpose in Classes B and D of the Schedule of the Town and Country Planning (Use Classes) Order 1987 as amended.

18 (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (2010) (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of two years from the completion of the development.

19 The proposed development shall be carried out in accordance with the recommendations of the Flood Risk Assessment by WSP dated 6th March 2017.

20 Demolition of buildings and removal of vegetation shall be undertaken outside of the main birds' nesting season (March-April inclusively) unless a pre-commencement check by a suitably experienced ecologist demonstrates that no actively nesting birds would be disturbed by such activities.

21 No works to trees shall be undertaken without the written approval of the local planning authority in relation to bats and where appropriate, a European protected species licence has been obtained from Natural England. Tree root protection zones shall be identified and implemented for all trees to be retained.

22 Works shall not be commenced on site until a great crested newt method statement has been agreed in writing with the local planning authority to protect GCN from harm during the course of works and during operation of the scheme. This restriction shall include ground preparation and site investigation works, as great crested newts may be vulnerable to disturbance impacts resulting from such works at this site.

- 23 A scheme for ecological mitigation and enhancement shall be agreed in writing by the local planning authority prior to the submission of a reserved matters or full application for the site. The development shall thereafter be carried out in accordance with the approved scheme.

The reasons for the conditions are shown below:-

- 1 To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 2 To ensure compliance with sections 91-94 of the Town and Country Planning Act 1990.
- 3 In order to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
- 4 In order to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
- 5 In order to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
- 6 In order to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
- 7 In the interests of maintaining air quality.
- 8 In the interests of residential amenity.
- 9 In the interests of residential amenity.
- 10 In the interests of residential amenity.
- 11 In the interests of residential amenity.
- 12 (In order to protect the existing mains infrastructure and ensure that the site has an adequate supply of water)
- 13 In the interest of satisfactory and sustainable drainage
- 14 (To ensure that the site is properly drained and in order to prevent overloading , surface water is not discharged to the foul sewer network



- 15 In accordance with Paragraphs 58 and 69 of the NPPF and to enable the local planning authority to discharge its functions in accordance with Section 17 of the Crime & Disorder Act 1998.
- 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 Only the use specified is acceptable in the interests of residential amenity.
- 18 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 19 In the interest of satisfactory and sustainable drainage
- 20 In the interests of conserving and enhancing biodiversity, including protected species.
- 21 In the interests of conserving and enhancing biodiversity, including protected species.
- 22 In the interests of conserving and enhancing biodiversity, including protected species.
- 23 In the interests of conserving and enhancing biodiversity, including protected species.

INFORMATIVES:

- 1 This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of Swinney Beck, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website:  
  
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.
- 2 In imposing Condition 3 above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

- The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.
- 3 You are advised that a separate licence will be required from the Local 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 this condition.
  - 4 The ecological assessment which accompanies this application advises that a European Protected Species Licence (EPSL) will be required to be obtained from Natural England in respect of both bats and great crested newts in order for the proposed 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.
  - 5 The permission hereby granted is subject to a Section 106 agreement.

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](mailto: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:



DCPEOUTZ 17/01057/OUTMAJ  
6.3.336.OUTMAJ  
G Bell  
Chief Planner

APPLICATION NO:

Date of Decision: 19.04.2018

Date of Issue: 19.04.2018

**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](http://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.

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.