

Mrs Kim Eastwood
ELG Planning
Princes House
8 Princes Street
Harrogate
HG1 1HN

NOTICE OF DECISION

Application No. 20/01646/OUT

Date: 21st January 2021

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

PROPOSAL: Outline application to include access and layout (with some matters reserved) for the construction of 4 dwellings. (Amended Layout Plan received 27/11/2020)
LOCATION: Land East Of Wye Carr East Harlsey North Yorkshire
APPLICANT: -

Hambleton District Council, being the Planning Authority for the purposes of the above Outline Planning Application which was received on 29 July 2020, having considered the following policies:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP1 - Protecting amenity
Development Policies DP10 - Form and character of settlements
Development Policies DP9 - Development outside Development Limits
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP33 - Landscaping
Development Policies DP43 - Flooding and floodplains
Core Strategy Policy CP8 - Type, size and tenure of housing
Development Policies DP13 - Achieving and maintaining the right mix of housing
Hambleton emerging Local Plan

As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The Hambleton Local Plan was considered at Examination in Public during Oct-Nov 2020. Further details are available at

<https://www.hambleton.gov.uk/localplan/site/index.php>

The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan is no more than a material consideration. The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

and taken into account the following reasons:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

have resolved that it should be **APPROVED**; subject to the following conditions:

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and all of the development hereby approved shall be begun before the expiry of which ever is the later of the following: i) Three years from the date of this permission; ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the scale of the proposed dwelling; (b) the layout of proposed building(s) and space(s) including parking areas; (c) design and external appearance of each building, including a schedule of external materials to be used; (d) the means of access to the site; (e) the landscaping of the site.
3. Subject to the requirements of Condition 14, the site shall be laid out in compliance with the layout drawing Number 002 Rev B received on 27 November 2020 and Drawing Number 003.
4. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
5. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 3 above.
6. 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 in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: (a) vehicular, cycle, and pedestrian accesses; (b) vehicular and cycle parking; (c) vehicular turning arrangements; and (d) manoeuvring arrangements.
7. 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 access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (a) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority; (b) Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway; (c) That part of the access(es) extending 9 metres into the

site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15; (d) Provision to prevent surface water from the site/plot discharging onto the existing highway shall be constructed and maintained thereafter to prevent such discharges; and (e) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway.

8. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until the splays provided in Drawing number SCP/200223/F01 Rev B are achieved. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times. The eye height shall be 1.05 metres, and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
10. 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: (a) on-site parking capable of accommodating all staff and subcontractors vehicles clear of the public highway; and (b) 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.
11. Prior to the commencement of development, detailed levels shall be submitted in writing and approved by the Local Planning Authority. The levels shall be taken from a known local datum, showing the proposed ground levels, finished floor levels, eaves and ridge levels across the site. The development shall be implemented in accordance with the approved details.
12. No development shall commence until a 'Phase 1' Preliminary Risk Assessment (including Desk Study, Site Walkover and Conceptual Site Model), having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority. (see Note for Applicant CL1). This shall be followed by a 'Phase 2' intrusive site investigation and risk assessment, having regard to current best practice, to be submitted to and approved in writing by the Local Planning Authority. (see Note for Applicant CL2) No development shall commence until a 'Phase 3' Remediation Strategy, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority unless the outcome of the 'Phase 2 Investigation' shows that remediation is not required. (see Note for Applicant CL4) No further development shall commence until the approved remediation scheme has been implemented. In the circumstances that remediation has been required the development shall not be occupied until a Verification Report, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority. (see Note for Applicant CL5) The outcome of the investigations will indicate the further site investigation, remediation

and verification that may be required. In all instances 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 development shall be undertaken until a detailed site investigation and risk assessment, having regard to current best practice, has been carried out. Where remediation is necessary a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority before any further development occurs. (See Notes for Applicant CL2 and CL4)

13. The development of the site shall be limited to no more than 4 dwelling units.
14. The reserved matters application(s) shall comply fully with the requirements of Development Policy DP13 and the Council's Supplementary Planning Guidance on the Size, Type and Tenure of new Homes adopted September 2015 or any successor document.

The reasons for the above conditions are:-

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. In order that the form of the development is appropriate to the village edge location and to comply with DP32 and the requirements of the Interim Policy Guidance.
4. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
6. In the interests of Highway Safety and to comply with Policy DP4.
7. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
8. In the interests of road safety and to comply with Policy DP4.
9. To ensure that no mud or other debris is deposited on the carriageway, in the interests of highway safety.
10. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
11. In order to ensure that the heights of the proposed ground levels and built levels are appropriate in terms of the character and appearance of the area and the amenity of neighbouring occupiers and to ensure compliance with policies DP1 and DP32.
12. To ensure safe development of the site and to protect human health and the environment in accordance with Development Policy DP1.
13. In order that the scale of development is acceptable and compliant with the requirements of the Interim Policy Guidance and Development Policy DP32.

14. In order that the size and type of dwellings meet the identified local need for new housing and comply with the requirements of Development Policy DP13.

Attention is drawn to the following informatives:

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling: 1 x 240 litre black wheeled bin for general waste 1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and 1 x 55 litre blue recycling box for glass bottles and jars. In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council (Waste and Streetscene). If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned. Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977

COMMUNITY INFRASTRUCTURE LEVY

1. Please note that the proposed development is liable under the Community Infrastructure Levy Charging Schedule, adopted by Hambleton District Council on the 07 April 2015. Details of the charging schedule are available on the Council website. www.hambleton.gov.uk

Notes attached to a decision of the Local Planning Authority

No consent, permission or approval hereby absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, or of obtaining under any other Byelaws, 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.

Appeals to the Secretary of State

Following the refusal of planning permission by Hambleton District Council or grant it subject to conditions

- 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 the decision relates to 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.
- 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 the decision of Hambleton District Council, 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.
- If this is a decision to refuse planning permission for a **householder** application and if you want to appeal against the decision of Hambleton District Council, then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission for a **minor commercial** application and if you want to appeal against the decision of Hambleton District Council, then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse express consent for the display of an **advertisement** and if you want to appeal against the decision of Hambleton District Council, then you must do so 8 weeks of the date of receipt of this notice.
- In other circumstances 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.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <https://acp.planninginspectorate.gov.uk>. Telephone: 0117 372 6372.
- 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.
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All appeal applications must be made to both Hambleton District Council planning department *and* the Planning Inspectorate.

Householder applications will be dealt with via the Householder Appeals Service (HAS). Minor commercial applications will be dealt with via the Commercial Appeals Service (CAS). In both these cases the appellant has **12 weeks** to appeal and 3rd parties cannot comment. The Local Planning Authority will advise 3rd parties that the appeal is taking place. The target for decision will be 8 weeks.

In the case of Tree Preservation Order appeals contact: The Environment Team, Room 4/04, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0117 372 8197 Fax: 0117 372 6241 or email: environment.appeals@pins.gsi.gov.uk Appeals must be made within 28 days of the date of the decision by Hambleton District Council

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonable beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a Purchase Notice on the Council. This Notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in section 107 and related provisions of the Town and Country Planning Act 1990.

Important information regarding discharge of conditions

Fees are payable for each request for confirmation of compliance with planning conditions (referred to as "written discharge of conditions²) It makes no difference how many conditions are included in the request the fee remains at either **£34 for householder development and £116 for other types of development**. If several requests are made to discharge conditions relating to the same application the fee will be payable upon submission of each request.

Further information can be found on our website at: <http://www.hambleton.gov.uk/planning/applications>

There is a requirement to register small domestic sewage discharges from septic tanks and small sewage treatment plants with the environment Agency. This includes complying with specified standards. More information regarding this can found through the following link. <http://www.environment-agency.gov.uk/homeandleisure/118753.aspx>

Site Notice

During consideration of your application a Site Notice was posted to publicise the application. Now that the application has been determined please dispose of the site notice. Thank you

Do you have planning permission for one of the following?

- New Builds – Domestic or Commercial
- Conversions – Domestic or Commercial
- Change of use to Domestic or Commercial

If so you will need to register for an address with Hambleton District Council's Addressing Officer.

The fees for address registration are:

Large Developments which includes a new road name, £810.00 for 10 properties or less,

Plus £29.00 for each additional address/property

Small developments which do not include a new road name, £81.00 per property

Re-naming of a property, £40.00 per property

Adding/changing of Alias name of a property will be £40.00 per property

Change of Business name - no charge

Please note you can now download application forms via our website

Please contact the Addressing Officer, GIS & Addressing, Hambleton District Council, Civic Centre, Stone Cross, Northallerton, North Yorkshire, DL6 2UU or telephone on 01609 779977

https://www.hambleton.gov.uk/info/20035/lighting_parking_and_roads/89/street_naming_numbering_and_addresses

Bin Provision

Please note it is the council's policy that all developers of new domestic dwellings purchase wheeled refuse and recycling bins for each property and will receive an invoice for these when development has started. Then on moving into their new property residents should contact the council and request delivery of a set of bins, the property will then be added to the collection rounds

Developers of new domestic residences need to buy 2 wheeled bins per property from the Council.

These must be purchased together at a cost £124.85 per set (inc. VAT and delivery).

A blue box for recycling is free

Communal bins are required (at the discretion of the Council) a charge of £437.06 (inc. VAT) for refuse (1 bin per 4.5 properties), £546.22 (inc. VAT) for recycling is made.

Please contact Waste Services on 01609 788100