



Decision No ZB24/00620/OUT

ELG Planning  
8 Princes Square  
Harrogate  
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UK

## NOTICE OF DECISION

Application No. ZB24/00620/OUT

Date: 21st June 2024

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

**PROPOSAL:** Outline application with all matters reserved for the construction of a single dwelling  
**LOCATION:** Land East Of Wye Carr East Harlsey North Yorkshire  
**APPLICANT:** Cowesby Estate Ventures

North Yorkshire Council, being the Planning Authority for the purposes of the above Outline Planning Application which was received on 21 March 2024, having considered the following policies:

Local Plan Policy S1: Sustainable Development Principles  
Local Plan Policy S3: Spatial Distribution  
Local Plan Policy S5: Development in the Countryside  
Local Plan Policy E1: Design  
Local Plan Policy E2: Amenity  
Local Plan Policy E3: The Natural Environment  
Local Plan Policy IC2: Transport and Accessibility  
Local Plan Policy RM1: Water Quality, Supply and Foul Drainage  
Local Plan Policy RM2: Flood Risk  
Local Plan Policy RM3: Surface Water and Drainage Management  
Local Plan Policy HG4: Housing Exceptions  
Local Plan Policy HG5: Windfall Housing Development

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 the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five 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. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the means of access to the building plot(s), (b) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.
3. Prior to the commencement of development a landscaping and biodiversity net gain scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide a) a landscape scheme including details of any change in surfacing materials and any planting schemes and shall show the retention of any significant existing landscape features and shall provide b) details to show how a 10% net gain of biodiversity will be achieved on site using the DEFRA biodiversity metric 4.0 (or the latest published version) and include a programme of work and subsequent maintenance arrangements. The development shall thereafter be carried out in accordance with the approved scheme.
4. 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.
5. 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.
6. The development must not be brought into use until the access to the site has been set out and reconstructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements: The crossing of the highway verge must be reconstructed in accordance with the approved details as shown on Drawing Number 010 Revision E and the following requirements:
  - o Any gates or barriers must be erected a minimum distance of 13 metres back from the carriageway of the existing public highway and must not be able to swing over the public highway.
  - o The final surfacing of any private access within 6 metres of the public highway must not contain any loose material that is capable of being drawn on to the public highway.
  - o Details of the specification for the reconstruction in tarmac of that part of the vehicular access which crosses the Publicly Maintainable Highway must be agreed with the Area Highways Office prior to work commencing on site.
  - o Details of any measures necessary to prevent surface water from the site discharging onto the public

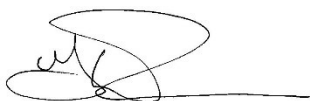
highway must be agreed with the Planning Authority in consultation with the Highway Authority before work starts on site. The measures should then be constructed in accordance with the approved details and maintained thereafter to prevent such discharges. o Measures to enable vehicles to enter and leave the site in a forward gear. All works must accord with the approved details.

7. There must be no access or egress by any vehicles between the highway and the application site until minimum splays are provided giving clear visibility of 90 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access. 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.
8. The following schemes of off-site highway mitigation measures must be completed before the property is first occupied: The provision of an 1800 mm wide footway to link the western side of the vehicular access to the existing footway adjacent to 'Wye Carr' to the south west. Full detailed engineering drawings of all aspects of the scheme should be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority before construction work commences. Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.
9. No part of the development must be brought into use until the access and parking areas have been constructed in accordance with the details approved in writing by the Local Planning Authority / Local Highway Authority and as shown on Drawing Number 010 Revision E. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
10. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.  
The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works: 1. The parking of contractors, site operatives and visitors vehicles clear of the highway. 2. The provision of areas for the storage of plant and materials used in constructing the development clear of the highway. 3. The provision of contact details for a responsible person associated with the site who can be contacted in the event of any issue. 4. The provision of wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway by vehicles exiting the site. 5. A photographic and / or video record of the condition of the Public Highway adjacent to the site plus a distance of 50 metres on each approach. The survey should include the carriageway, footways and grassed verges and will be used in order to establish if any damage or degradation to the Publicly Maintainable Highway has occurred during the period of work on the site. Any such damage deemed to have taken place as a consequence of the development works will require to be rectified at the cost of the applicant.

11. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 010 Rev E received by the Local Planning Authority on 07/06/2024 unless otherwise approved in writing by the Local Planning Authority.

***The reasons for the above conditions are:-***

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
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. To ensure compliance with policy E3 of the Local Plan.
4. 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.
5. In order to avoid the pollution of watercourses and land in accordance with Local Plan Policy RM1, RM2 and RM3.
6. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
7. In the interests of highway safety.
8. To ensure that the design is appropriate in the interests of the safety and convenience of highway users.
9. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
10. In the interest of public safety and amenity.
11. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.



Trevor Watson

Assistant Director – Planning

**DATE** 21 June 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.

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