

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

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

To : **Mr Neil Pittaway  
c/o Miss Naomi Gibson  
England Lyle Good  
Gateway House  
55 Coniscliffe Road  
Darlington  
DL3 7EH**

The above named Council being the Planning Authority for the purposes of your outline application received on 6 September 2016 in respect of proposed Development for the purposes of:

**Proposal : Outline Planning Permission for Residential Development of up to 32 Dwellings with all Matters Reserved Except for Access**

**Location : Robin Hood Farm  
Gatherley Road  
Brompton On Swale  
Richmond  
North Yorkshire  
DL10 7JF**

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

1. The outline planning permission hereby granted relates to the following approved particulars and plans forming part of the application :
  - a) application forms and certificates;
  - b) site location plan (2752-D-00-01 rev C);
  - c) proposed site plan (2752-D-90-01 rev J);
  - d) design and access statement;
  - e) statement of community involvement;
  - f) planning statement;
  - g) affordable housing statement;
  - h) highway statement;
  - i) flood risk assessment and surface water management strategy (revised);

j) preliminary geo-environmental appraisal;

k) extended phase 1 habitat survey;

l) bat survey;

m) pre-development tree survey.

#### Reason for Condition

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

2. Approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

#### Reason for Condition

To reserve the rights of the Local Planning Authority with regard to these matters.

3. Application for approval of the reserved matters (other than a minor modification of reserved matters already approved) shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Any application for minor modifications of reserved matters already approved shall be made either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters (excluding any minor modification thereof) whichever is the later.
4. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved (excluding any minor modification of any approved reserved matter), whichever is the later.
5. 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 :
  - 1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing :
    - a) the proposed highway layout including the highway boundary;
    - b) dimensions of any carriageway, cycleway, footway, and verges;
    - c) visibility splays;
    - d) the proposed buildings and site layout, including levels;

- e) accesses and driveways;
  - f) drainage and sewerage system;
  - g) lining and signing;
  - h) traffic calming measures; and,
  - i) all types of surfacing (including tactiles), kerbing and edging.
- 2) 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 :
- a) the existing ground level;
  - b) the proposed road channel and centre line levels; and,
  - c) full details of surface water drainage proposals.
- 3) Full highway construction details including :
- a) 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;
  - b) when requested, cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels;
  - c) kerb and edging construction details; and,
  - d) typical drainage construction details.
- 4) Details of the method and means of surface water disposal.
- 5) Details of all proposed street lighting.
- 6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- 7) Full working drawings for any structures which affect or form part of the highway network.
- 8) 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.

Reason for Condition

To secure an appropriate highway constructed to an adoptable standard in the

interests of highway safety and the amenity and convenience of highway users.

**INFORMATIVE NOTE :**

In imposing the above condition, 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.

6. 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.

**Reason for Condition**

To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

7. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

**Reason for Condition**

In the interests of highway safety.

8. 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 extending 20 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.

**Reason for Condition**

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

**INFORMATIVE NOTE :**

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.

9. 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 splays are provided giving clear visibility of 120 metres measured along both channel lines of the A6136 Gatherley Road from a point measured 2.4 metres down the centre line of the access road. The eye height will 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.

Reason for Condition

In the interests of highway safety.

INFORMATIVE NOTE :

An explanation of the terms used above is available from the Highway Authority.

10. 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 until :

a) details of the following off-site required highway improvement works have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority :

b) widening of the A6136 Gatherley Road in the section which lies adjacent to the proposed vehicular access to the site. This shall include for the provision of a right turn facility for the vehicular access to the site and all associated works which shall include (but not be restricted to) the movement of the footway, kerbing, road lighting and carriageway drainage on the west side of the A6136 Gatherley Road;

c) a programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason for Condition

To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

INFORMATIVE NOTE :

There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the

developer and the Highway Authority.

11. 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) tactile paving;
- b) vehicular and pedestrian accesses;
- c) vehicular parking;
- d) vehicular turning arrangements.

#### Reason for Condition

To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

#### INFORMATIVE NOTE :

The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at [www.northyorks.gov.uk](http://www.northyorks.gov.uk)

12. 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.

#### Reason for Condition

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 of the development.

13. 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.

Reason for Condition

To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

14. Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCVs brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason for Condition

In the interests of highway safety and the general amenity of the area.

15. 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 sub-contractors 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. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

Reason for Condition

To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

16. The development shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment (prepared by ID Civils - Report 4551/FRA01 dated June 2016) unless otherwise agreed in writing by the Local Planning Authority.

Reason for Condition

In the interests of satisfactory and sustainable drainage.

17. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design shall demonstrate that the surface water run-off generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-

off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

#### Reason for Condition

To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

18. No development shall commence until an 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 in writing by the Local Planning Authority. A scheme for the remediation of any contamination shall be submitted to and approved in writing by the Local Planning Authority before any development occurs.

If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted to and approved in writing by the Local Planning Authority before any further development occurs.

The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.

#### Reason for Condition

In order to take proper account of the risks to the health and safety of users of the site and the local environment.

19. Development shall not begin until a scheme for protecting the proposed dwellings from noise from the A1, Gatherley Road and nearby industrial premises has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the proposed dwellings within the scheme are occupied.

#### Reason for Condition

The proposed development is in close proximity to noise sources and parts of the site are likely to be exposed to levels of noise that will require mitigation.

20. A scheme for the control of noise and dust from the site during the construction



phase shall be submitted to, and approved in writing by, the Local Planning Authority prior to the development commencing.

Reason for Condition

In the interests of the amenities of the area and nearby sensitive land uses.

21. The development shall only be carried out in accordance with the recommendations, mitigation measures and enhancements specified in the approved extended phase 1 habitat survey; bat survey; and pre-development tree survey.

Following the approval of reserved matters for the layout of the site and prior to the commencement of development, a revised and final tree survey schedule providing for all necessary felling and pruning works, together with details of measures to be taken to protect retained trees during construction works, shall be submitted to and approved in writing by the Local Planning Authority.

Reason for Condition

In the interests of ecology and the overall sustainability of the development.

22. Before the development hereby approved is commenced, details of a scheme of external lighting shall be submitted to and approved in writing by the Local Planning Authority and the scheme shall be installed and operated in accordance with the approved details before the development is first brought into use.

Reason for Condition

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

23. The development hereby permitted shall deliver carbon savings by exceeding the minimum standards prevailing through Part L of the Building Regulations to the maximum level that is feasible and viable for this particular development.

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

Reason for Condition

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

24. The details to be submitted in accordance with condition no. 2 above shall include measures to minimise the risk of crime and disorder having regard to measures referred to in the letter dated 23 September 2016 from the Police Designing Out Crime Officer in response to consultation on the outline

application.

#### Reason for Condition

To ensure the creation of a safe and accessible environment where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

25. A detailed layout of the open space area incorporating a Local Area for Play including specifications of any equipment, seating, surfacing, associated fencing and tree and shrub planting to be provided shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

#### Reason for Condition

To reserve the rights of the Local Planning Authority with regard to providing play facilities for younger children in the interests of the residential amenities afforded by the new dwellings.

#### NOTE TO APPLICANT :

In determining this application for outline planning permission and in imposing the above conditions the Local Planning Authority has had regard to relevant policies of the Development Plan and to all relevant material considerations including the National Planning Policy Framework. The following spatial principles and policies of the Development Plan are relevant to this decision :

Richmondshire Local Plan 2012/2028 Core Strategy

SP1 : Sub Areas

SP2 : Settlement Hierarchy

SP4 : Scale and Distribution of Housing Development

Central Richmondshire Spatial Strategy

CP1 : Planning Positively

CP2 : Responding to Climate Change

CP3 : Achieving Sustainable Development

CP4 : Supporting Sites for Development (with reference to Saved Policy 23 of the Local Plan 2001)

CP5 : Providing a Housing Mix

CP6 : Providing Affordable Housing

CP11 : Supporting Community, Cultural and Recreation Assets

CP12 : Conserving and Enhancing Environmental and Historic Assets

CP13 : Promoting High Quality Design

CP14 : Providing and Delivering Infrastructure

#### REASONS FOR DECISION :

This site is in a sustainable location well related to existing services and facilities and is an appropriate location for new housing development. The scale and nature of development proposed accords with the Spatial Principles of the Local Plan for the Central Richmondshire sub-area. The development will make a positive contribution to housing land supply and housing mix and

will meet Local Plan policy requirements for affordable housing. Provision is made for a sustainable approach to surface water drainage and there is sufficient capacity within existing foul drainage and water supply infrastructure to be able to accommodate the scale of development proposed. The proposal includes provision for a safe and suitable access which would be designed to accommodate future phases of development on adjoining land. Provision is made to meet the additional requirements for open space and primary school places arising from the development. There will be no unacceptable impacts on the local landscape or the amenities and privacy enjoyed by the occupiers of neighbouring properties. Appropriate ecological mitigation measures are provided and the development will deliver carbon savings by exceeding the minimum requirements of the Building Regulations. The development accords with all relevant policies of the Development Plan and will achieve the policy objectives of the National Planning Policy Framework.

Footnote :

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

**Date : 7 June 2017**

A handwritten signature in black ink, reading "Peter Featherstone", enclosed within a thin black rectangular border. The signature is written in a cursive style with a long horizontal stroke at the end.

**Peter Featherstone  
Planning and Development Manager**

Note:-

No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the Council in whose area the site of the proposed development is situated; or of obtaining approval under any other Bye-Laws, local Acts, order, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.

## RIGHTS OF APPEAL

### Appeal to the Secretary of State

- If you are aggrieved by the decision of the 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 for the Environment under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate at Room 325, Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
- The Secretary of State can allow a longer period of giving notice of an appeal, but he 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 him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

### Purchase Notice

- If either the local planning authority or the Secretary of State for the Environment refused 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 reasonably 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 District 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 Part IV and V and related provisions of the Town and Country Planning Act 1990.

