

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

**NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION  
FOR APPROVAL OF RESERVED MATTERS**

To : **Mr Neil Pittaway  
c/o Mr Ian Lyle  
ELG Planning  
Gateway House  
55 Coniscliffe Road  
Darlington  
DL3 7EH**

The above named Council being the Planning Authority for the purposes of your application received on 14 April 2020, in respect of :

**Proposal : Approval of Reserved Matters Application Following Outline  
Approval of Planning Permission 16/00686/OUT for 32 Dwellings  
including Detail of Appearance, Landscaping, Layout and Scale  
(As Amended)**

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

have considered your said application and have **GRANTED** approval of the details contained in the application, being matters reserved by an outline planning permission, subject to the following conditions :-

1. The development hereby permitted shall be carried out precisely in accordance with the approved drawings and particulars as set out below, together with any conditions attached to this approval which may require any variation thereof :
  - a) Application Forms and Certificates;
  - b) Design and Access Addendum
  - c) Noise Impact Assessment Report
  - d) Site Location Plan (2752-D-00-01-Rev.C)
  - e) Proposed Site Plan (2752-D-90-001-Rev.W)
  - f) 2B House Type Plan (2752-D-22-001-Rev.A)
  - g) 3B House Type Plan (2752-D-22-002-Rev.A)

- h) 4B House Type Plan (2752-D-22-003-Rev.A)
- i) Garage Plans and Elevations (2752-D-22-006- Rev.A)
- j) Apartment Elevations (2752-D-22-005)
- k) Apartment Floor Plans (2752-D-22-004- Rev.A)
- l) House Type Materials (and Boundary Treatment) Layout Plan (2752-D-90-002-Rev.E)
- m) Site Sections (2752-D-90-003-Rev.D)
- n) Landscape Masterplan (R/2335/1C)
- o) Landscape Details LAP (R/2335/4A)
- p) Landscape Details Shrub Beds S1-S14 (R/2335/2C)
- q) Landscape Details Shrub Beds S15-S29 (R/2335/3B)
- r) Arboricultural Method Statement and Tree Protection Plan (ARB/AE/1262)
- s) Drainage Philosophy (19T2197 - Issue/Rev. 3)
- t) Flood Exceedance Plan (RHF-BGP-01-ZZ-DR-C-01906)
- u) External Works GA (RHF-BGP-01-ZZ-DR-C-01110-P03)
- v) External Works Details (RHF-BGP-01-ZZ-DR-C-01112-P01)
- w) Drainage GA (RHF-BGP-01-ZZ-DR-C-01130-P04)
- x) Manhole Schedules (RHF-BGP-01-ZZ-DR-C-01131-P02)
- y) Proposed Drainage Details (RHF-BGP-01-ZZ-DR-C-01132-P02)
- z) Impermeable Areas Plan (RHF-BGP-01-ZZ-DR-C-01900-P02)
- aa) Visibility Splay - 120m (RHF-BGP-01-ZZ-DR-C-01901-P02)
- bb) Swept Path Analysis - Refuse Vehicle (RHF-BGP-01-ZZ-DR-C-01902 - P03)
- cc) Swept Path Analysis - Ramp Master Tanker (RHF-BGP-01-ZZ-DR-C-01903 - P01)
- dd) Swept Path Analysis - Fire Tender and Large Car (RHF-BGP-01-ZZ-DR-C-01904 - P02)
- ee) Swept Path Analysis - Large Car Sheet 2 (RHF-BGP-01-ZZ-DR-C-01905 - P03)

#### Reason for Condition

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

2. With respect to any condition that requires the prior written approval of the Local Planning Authority, the works thereby approved shall be carried out in accordance with that approval or in accordance with any minor modifications thereof that may be approved in writing by the Local Planning Authority.

#### Reason for Condition

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

3. No materials shall be used in the construction of the external surfaces of the development hereby permitted until details (with brick and roof material(s) samples as necessary) of those materials have been submitted to and approved in writing by the Local Planning Authority.

#### Reason for Condition

In the interests of the appearance of the proposed development and to reserve the rights of the Local Planning Authority with regard to this matter.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding seasons following the occupation of the dwelling on that plot. Any trees or plants within the approved landscaping scheme which, within a period of five years from the completion of the last property on the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

#### Reason for Condition

In the interests of the appearance of the proposed development and to reserve the rights of the Local Planning Authority with regard to this matter.

5. Prior to the commencement of the development, a Biodiversity Management Plan (BMP) shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the planting, landscaping and any other ecological enhancements within the development site shall be managed and maintained in accordance with the approved BMP, unless otherwise agreed in writing by the Local Planning Authority.

#### Reason for Condition

To ensure the landscaping, planting and other important biodiversity enhancing features within the development site are appropriately managed and maintained.

6. Notwithstanding the proposed site plan, proposed boundary treatment plan and landscape masterplan hereby approved, a detailed layout of the undeveloped area, including specifications for any equipment, planting, surfacing, seating,

bins and boundary treatments 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 the use and development of this area of land within the site, in interests of the residential amenity and mitigating anti-social behaviour.

7. Notwithstanding the proposed boundary treatment plan and landscape masterplan hereby approved, and prior to the erection of any approved boundary fencing, a scheme for the installation of timber transition panels between fences/enclosures of differing heights shall be submitted to and agreed in writing by the Local Planning Authority. The transition panels shall be installed in accordance with the approved details and maintained for the lifetime of the development, unless otherwise approved by the Local Planning Authority.

Reason for Condition

To prevent inadvertently creating climbing aids due to differing heights of some abutting boundary fencing within the development, thus facilitating crime and anti-social behaviour.

8. Notwithstanding the proposed boundary treatment plan and landscape masterplan hereby approved, the proposed hedgerow boundary between the north of the play area and the driveway/parking spaces of plot 3 shall be supplemented by the erection of a 1.8 high close boarded timber boundary fence. The fence shall be erected along the boundary of the driveway of plot 3 and the play area prior to the first occupation of the plot 3 dwelling and shall thereafter be retained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason for Condition

To maintain good levels of amenity for the occupants of the plot 3 dwelling within the development.

9. Prior to their erection/installation, elevational drawings of the pumping station and storage sheds (as shown on the proposed site plan) shall be submitted to and approved in writing by the Local Planning Authority. The pumping station and storage sheds shall be erected/installed in accordance with the approved elevational drawings.

Reason for Condition

To ensure that the design and dimensions of the pumping station and storage sheds are appropriate to the appearance of the proposed development.

NOTE TO APPLICANT :

In determining this Approval of Reserved Matters application 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 and National Planning Policy Guidance. The following 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 :

The details put forward provide for buildings, internal road/footway layouts and open space/play areas of an appropriate scale and layout with designs and landscaping that generally reflect the expectations of the outline planning permission and are appropriate to the site's surroundings without having a significant adverse or unacceptable impact on amenity, highway safety, and crime and anti-social behaviour. The proposals have taken an appropriate approach to ecology, including acceptable mitigation and enhancements. Overall, the development accords with all relevant policies of the Development Plan and will achieve the objectives and requirements of the National Planning Policy Framework and the national Planning Practice Guidance.

#### INFORMATIVE NOTE - AMENDMENTS TO APPROVED SCHEME AND DISCHARGE OF PLANNING CONDITIONS :

Please note that there are formal processes that need to be completed in order to seek/obtain approval for any amendments to this approval. A fee is payable for dealing with any such proposal. Further guidance is available at : <http://www.communities.gov.uk/publications/planningandbuilding/greaterflexibilityguidance> or you can discuss this with Ian Nesbit; as the Case Officer who dealt with this application.

In order for this permission to be lawfully implemented, the above conditions need to be formally discharged at the appropriate stage of development, especially any condition that requires matters to be approved in writing prior to the commencement of other works. A fee is charged for this service, but multiple conditions can be discharged on one application which means that only one fixed fee would be payable - otherwise a fee has to be paid for each individual application.

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.

A handwritten signature in black ink, appearing to read 'B Milburn', with a long horizontal stroke extending to the right.

**Bart Milburn**  
**Planning and Community Development**  
**Manager**

**Date : 18 June 2021**

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 Notes

- \* 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.