

Working for you

J & I Brown
c/o M J F Architects
Mr S Johnson
659A Roundhay Road
Oakwood
LEEDS
LS8 4BA

Your Ref: 1327

NOTICE OF DECISION ON PLANNING APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

PROPOSAL: Outline application for the erection of 2 dwellings with access and layout considered (Site Area 0.09 ha).
LOCATION: Land Adjacent To Old Church Lane Cottage Old Church Lane Pateley Bridge Harrogate North Yorkshire HG3 5LY
APPLICANT: J & I Brown

Harrogate Borough Council being the Local Planning Authority for the purposes of the application received on 8 January 2016 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 Application for the approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years. 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.
- 2 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; and
 - (c) scale.

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

- 3 The development approved by this outline planning permission shall be in accordance with the conditions of this consent and the reserved matters application shall be constrained to the parameters submitted with the application and the Outline Planning Drawing Ref: 1327.10.D and any future decisions of the local planning authority relating to this outline permission will be consistent with the submission, unless material considerations justify a departure from the submission.
- 4 The development hereby permitted shall not begin until a scheme has been submitted and approved in writing by the local planning authority for the provision of off-site public open space and village hall provision in accordance with Harrogate District Local Development Framework Core Strategy Policy C1. The provision of off-site open space and village hall contribution shall be provided in accordance with the approved scheme.
- 5 The reserved matters application shall include details of percolation tests in relation to the effectiveness of surface water disposal via soakaways. If ground conditions are shown to be unsuitable for the disposal of surface water by soakaways full details of an alternative method of surface water drainage works shall be submitted for the approval by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.
- 6 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other ground works, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - (i) The details of the access and footway within the site shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
 - (ii)(b) The existing access shall be improved by standard detail E7, with the provision of a footway around the western radius.
 - (v) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details shown on drawing standard detail E7 and maintained thereafter to prevent such discharges.
 - vi) The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
 - (vii) Provision of a footpath and tactile paving crossing point, on the northern side of the new access, and install a similar crossing point on the footpath on the southern side of Church Lane.All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 7 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 2.4 metres x 56 metres measured along both channel lines of the major road. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

- 8 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing proposed site layout. Once created these parking 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:
- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
 - (ii) 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.
- 11 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 by competent persons and a written report of the findings must be produced and approved in writing by the Local Planning Authority.

Where remediation is necessary a 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 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.

The reasons for the conditions are shown below:-

- 1 To ensure compliance with sections 91-94 of the Town and Country Planning Act 1990.
- 2 To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 3 For the avoidance of doubt and to safeguard the control of the Local Planning Authority, in accordance with Core Strategy Policy SG4 of the Harrogate District Local Development Framework.
- 4 In the interests of residential amenity to ensure adequate provision of public open space to meet local needs in accordance with Policy C1 of the Harrogate District Local
- 5 To ensure the provision of satisfactory means of surface water disposal in the interests of the amenity of the area in accordance with Core Strategy Policy SG4.
- 6 To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with Core Strategy Policy SG4.
- 7 In the interests of road safety in accordance with Core Strategy Policy SG4.
- 8 To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development in accordance with Core Strategy Policy SG4.
- 9 To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with Core Strategy Policy SG4.
- 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 in accordance with Core Strategy Policy SG4.
- 11 In the interests of amenity of the development in accordance with Core Strategy Policy SG4.

INFORMATIVES:

1 Condition 6 Informative

You are advised that a separate license will be required from the 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.

Condition 7 Informative

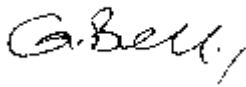
An explanation of the terms used above is available from the Highway Authority.

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.

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:



G Bell
Chief Planner

Date of Decision: 27.05.2016

Date of Issue: 27.05.2016

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. 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 for Communities and Local Government 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 Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, Tel 0303 444 5000 or visit www.gov.uk/government/organisations/planning-inspectorate. The Secretary of State can allow a longer period for 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.
- However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:
 - 28 days from the date of the decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
 - 28 days from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).
- 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 they imposed, having regard to the statutory requirements, to the provision of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him

Purchase Notices

- If either the local planning authority or the Secretary of State for Communities and Local Government 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 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 Borough Council in whose area the land is situated. 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.