

**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 : **G. M. Simpson
c/o Mrs Jill Davis
Davis Planning Partnership
17A Post House Wynd
Darlington
DL3 7LP**

The above named Council being the Planning Authority for the purposes of your outline application received on 4 May 2016 in respect of proposed Development for the purposes of:

Proposal : Outline Application for Proposed Erection of 9 No Dwellings (6 No Market Dwellings and 3 No Affordable Dwellings) with Access from High Green and Associated on Site Parking and Landscaping

**Location : Land North West Of Manor House
Low Green
Catterick Village
North Yorkshire
DL10 7LN**

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;
 - c) proposed site plan (ref. 09.34.15, revision 05);
 - d) proposed access layout (ref. 09.34.16, revision 00);
 - e) planning statement;
 - f) noise report;
 - g) ecological phase 1 assessment;
 - h) design and access statement;

i) heritage statement.

j) geophysical survey and archaeological assessment.

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 43 metres measured along both channel lines of High Green 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 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Additional Visibility Splays of 30 metres to the south from the point where the driver of a car will wait in Low Green to turn right into the Development Site will also be required. The 30 metres distance can be taken to the centre line of the carriageway.

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 :

i) 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 :

a. The provision of a new section of footway on the north side of Low Green adjacent to properties 51 and 53 (to include appropriate dropped crossing points and tactile paving).

b. The remodelling and widening of that part of Low Green adjacent to the vehicular access to the site in order to provide a right turning lane with 30 metres visibility for drivers to the south (measured to the centre line of the carriageway).

ii) 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 Local Highway Authority.

Reason for Condition

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

11. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas :

a) have been constructed in accordance with the submitted drawing Reference 09.34.15 Revision 04.

b) have been constructed in accordance with Standard Detail Number A1.

c) are available for use unless otherwise approved in writing by the Local Planning Authority.

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason for Condition

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

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. During construction works there shall be no:

a) Light Commercial Vehicles exceeding 3.5 tonnes;

b) Medium Commercial Vehicles up to 7.5 tonnes;

c) Heavy Commercial Vehicles exceeding 7.5 tonnes

permitted to arrive, depart, be loaded or unloaded on Sunday or a Bank Holiday nor at any time, except between the hours of 09:00 and 15:00 on Mondays to Fridays and at any time on Saturdays.

Reason for Condition

In the interests of highway safety and to avoid conflict with vulnerable road users.

17. The reserved matters submission for the dwellings approved by this permission shall have regard to and incorporate the minimum recommendations from the acoustic report which accompanied this outline planning application (unless other alternative measures meeting the criteria specified in the acoustic report are agreed) to ensure that recommended noise levels contained in BS8233:2014 are achieved.

Reason for Condition

To ensure a suitable level of residential amenity for occupants of those dwellings which might otherwise be affected by road traffic noise levels from the A1(M).

18. 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.

19. 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.

20. 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.

Reason for Condition

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

21. Ground floor levels for each dwelling shall be at least 300mm above ground level with a flood resilient ground floor construction.

Reason for Condition

To reduce the risk of flooding to the proposed development for future occupants.

22. Notwithstanding the details accompanying the application and prior to the commencement of the development, details of a surface water drainage scheme for the site in accordance with the surface water disposal hierarchy shall be submitted to and approved in writing by the Local Planning Authority. Such details shall provide for surface water to be disposed of by soakaway or direct to a watercourse (with appropriate on-site attenuation) in preference to the public sewer. Only in the event of all other surface water drainage options proving to be impractical shall the surface water be drained to the public sewer.

If it is proposed to dispose of surface water via the public sewer, the detailed scheme shall include details of the method by which the discharge of surface

water to public sewer will be restricted to a maximum of three litres a second or the greenfield run-off rate, whichever provides the lowest rate of discharge.

Reason for Condition

To ensure that a sustainable surface water drainage scheme is implemented, where practical.

23. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
- a) parking of vehicles of site operatives and visitors;
 - b) routes for construction traffic;
 - c) hours of operation;
 - d) method of prevention of mud being carried onto highway;
 - e) pedestrian and cyclist protection;
 - f) proposed temporary traffic restrictions;
 - g) arrangements for turning vehicles.

Reason for Condition

In the interests of safe operation of the highway and neighbour amenity.

24. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of landscaping for the site.

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.

25. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the first dwelling or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of 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.

26. No development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and :
- a) the programme and methodology of site investigation and recording;

- b) community involvement and/or outreach proposals;
- c) the programme for post investigation assessment;
- d) provision to be made for analysis of the site investigation and recording;
- e) provision to be made for publication and dissemination of the analysis and records of the site investigation;
- f) provision to be made for archive deposition of the analysis and records of the site investigation; and,
- g) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved in accordance with the above requirements.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved in accordance with the above requirements and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason for Condition

This condition is imposed in accordance with Section 12 of the National Planning Policy Framework as the site is of archaeological interest.

27. No development shall commence until fencing has been erected around the area of archaeological interest to a design approved by the Local Planning Authority in writing. No works shall take place within the area inside that fencing unless approved in writing by the Local Planning Authority.

Reason for Condition

This condition is imposed in accordance with Section 12 of the National Planning Policy Framework as the site is of archaeological interest.

28. Prior to the final surfacing of the access road, details of the surface treatment and material finish, to include provision for its joint use as a bridleway, shall be submitted to and approved in writing by the Local Planning Authority. This should be based in accordance with the recommended specifications and construction details for "quarried aggregate" surfaces contained within the BHS's "Advice on Surfaces for Horses" document. The document is available to view via the BHS website (www.bhs.org.uk) Once approved, the final surfacing shall be completed in accordance with the agreed details.

Reason for Condition

In the interests of the safety of horse riders.

29. 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 26 May 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.

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 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

REASONS FOR DECISION :

The scale and location of this development accords with the spatial principles and core policies of the adopted Local Plan Core Strategy as they apply to Catterick Village and it is consistent with the National Planning Policy Framework in these respects. The development will not result in unacceptable harm to the character of this part of the village or the setting of the Conservation Area and the indicative layout demonstrates that such a scheme would be entirely compatible with its surroundings. The applicant has reduced the number of dwellings proposed from ten to nine on archaeological grounds and an amended layout plan now excludes the area that revealed 'intense abnormalities' (which may or may not be remains of kilns) from the site. Furthermore, notwithstanding the strong objections received through the consultation process in relation to highway safety and the capacity of the existing access along High/Low Green, the agent has demonstrated through revised plans that the proposed development can provide suitable arrangements for safe access and parking which are acceptable to the Highway

Authority who are also satisfied that the roads leading to the site can accommodate the scale of development proposed. The development will cause no material harm to protected species or ecology. Matters of detail relating to design, provision for carbon savings, and relationship to neighbouring property are all capable of being satisfactorily addressed at the 'reserved matters' stage and/or through appropriate planning conditions attached to the grant of outline planning permission.

INFORMATIVE NOTE - MINOR AMENDMENTS TO APPROVED SCHEME

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 Caroline Walton as the Case Officer who dealt with this application.

INFORMATIVE NOTE - DISCHARGE OF CONDITIONS

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 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.

INFORMATIVE NOTE - PUBLIC RIGHT OF WAY

No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.

Applicants are advised to contact the County Council's Access and Public Rights of Way Manager at County Hall, Northallerton on 0845 8 727374 to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

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 : 8 May 2017

A handwritten signature in black ink that reads "Peter Featherstone". The signature is written in a cursive style and is underlined with a long, sweeping horizontal stroke.

**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.

