



## Working for you

Mrs N Crossland  
c/o Fining Associates  
Mr Ben Farrer  
Saxe Dane Lodge  
22 Main Street  
Nether Poppleton  
York  
YO26 6HS  
United Kingdom  
Your Ref: PP-00668113

### NOTICE OF DECISION ON PLANNING APPLICATION

#### TOWN AND COUNTRY PLANNING ACT 1990

**PROPOSAL:** Demolition of existing bungalow and erection of three detached dwellings  
(Site Area 0.38 ha) (Revised Scheme).  
**LOCATION:** Land At Grid Reference 444866 454336 Cattal Street Cattal North Yorkshire  
**APPLICANT:** Mrs N Crossland

Harrogate Borough Council being the Local Planning Authority for the purposes of the application received on 27 February 2009 for Full 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 The development hereby permitted shall be begun on or before 09.06.2012.
- 2 The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details, as amended by letter and or drawings received by the Council of the Borough of Harrogate on the 19.05.2009 and as modified by the conditions of this consent.
- 3 Samples of the materials it is intended shall be used externally in the construction of the roof and walls of the development hereby approved, shall be submitted for the written approval of the Local Planning Authority and the development shall not be started before any such approval.

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- 4 All new doors and windows shall be set back a minimum of 75mm from the external face of the walls to form reveals to the satisfaction of the Local Planning Authority.
  - 5 No development shall take place until the applicant has provided for the approval in writing of the Local Planning Authority a Design Stage Code for Sustainable Homes Certificate for each dwelling comprised in the development to be carried out by a BREEAM or Stroma licensed accredited Code assessor that achieves Code level 3 or higher. Development shall be carried out in accordance with the approved details. A Post Construction Stage Certificate for each dwelling assessed shall be provided to the Local Planning Authority in writing, confirming that Code level 3 has been met, prior to the first occupation of the first dwelling comprised in the development.
  - 6 Prior to the commencement of any other part of the development hereby permitted, the access(es) to the site shall be laid out and constructed in accordance with the following requirements:-
    - (ib) the existing access shall be improved so as to give a minimum carriageway width of 4.5 metres, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E6c and the Specification of the Local Highway Authority;
    - (ii) any gates, barriers or other means of enclosure shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall open into the site;
    - (v) provision shall be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the approved details and/or Standard Detail number E6c and the Specification of the Local Highway Authority.
- 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 local office of the Local Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
- 7 Prior to the commencement of the development hereby permitted visibility splays providing clear visibility of 2metres x 70 metres in southerly direction and 2 metres x 100metres in a northerly direction, measured down the centre line of the access road and the nearside channel line of the major road shall be provided at the junction of the access road with the county highway at a height of 1 metre above the level of the adjacent carriageway. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
  - 8 Prior to the first use of the development the vehicular access, parking and turning facilities shall be formed in accordance with the submitted drawing (reference No 673.004 rev E). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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- 9 No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation submitted by the applicant and approved by the Local Planning Authority.
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, outbuildings or dormer windows other than any expressly authorised by this permission shall be erected without the grant of further specific planning permission from the local planning authority.
- 11 Before any materials are brought onto the site or any development is commenced, the developer shall erect chestnut paling or similar fencing in accordance with details previously submitted to and approved in writing by the Local Planning Authority, around the trees and shrubs to be retained as indicated on the approved plan. The developers shall maintain such fences to the satisfaction of the Local Planning Authority until all development, the subject of this permission, is completed. The level of land within the fenced area shall not be altered without the prior written consent of the Local Planning Authority.
- 12 During the first planting season (October - March) following the felling of the tree(s) hereby granted consent, replacement tree planting shall take place as follows:~
- |                      |  |
|----------------------|--|
| No. of trees         | 2  |
| Species of trees     | tulip  |
| Height on planting   | stock size 18-20cm girth, at 1.5 metres above ground level |
| Location of planting | to be agreed in writing with the local planning authority  |
- No later than two weeks following the commencement of the replacement tree planting described above written notice shall be given to the Local Planning Authority together with a date for completion for the planting.
- 13 A detailed scheme for landscaping, including the planting of trees and or shrubs and the use of surface materials shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a landscaping scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and the timing of implementation of the scheme, including any earthworks required.
- 14 In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to survive for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced by the developer with such live specimens of such species in such number as may be approved by the Local Planning Authority.
- 15 Prior to the commencement of the development hereby approved details of the proposed boundary treatment shall be submitted for the written approval of the local

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- planning authority, thereafter the approved details shall be implemented and retained as such unless otherwise agreed in writing by the local planning authority.
- 16 The proposed residential curtilage to the units hereby approved shall only extend as far as the red edge line indicated on the submitted drawing titled 'proposed site plan' drawing no 673.004 revision E unless otherwise agreed in writing by the local planning authority.
  - 17 The site shall be developed with separate systems of drainage for foul and surface water.
  - 18 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.
  - 19 No development shall take place until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off site works, have been submitted to and approved by the local planning authority.
  - 20 Unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
  - 21 Demolition of the existing structure shall take place between October and March inclusively, in accordance with the submitted ecology report, when it is least likely to support any roosting bats or breeding birds.
  - 22 The development hereby permitted shall not be 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/or village halls, in accordance with Core Strategy Policy C1. The provision of off-site public open space/village hall facilities shall be provided in accordance with the approved scheme.

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 In order to ensure that the development is carried out in accordance with the approved drawings.
- 3 In order to ensure that the materials used conform to the amenity requirements of the locality.
- 4 In the interests of visual amenity.

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- 5 To safeguard the environment and mitigate climate change in accordance with Harrogate District Core Strategy Policy EQ1.
- 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.
- 7 In the interests of road safety to provide for drivers of vehicles using the access road to the site and the public highway with a standard of inter-visibility commensurate with the vehicular traffic flows and road conditions.
- 8 To provide for appropriate on-site vehicle parking facilities with associated access and manoeuvring areas, in the interests of highway safety and the general amenity of the development.
- 9 The site is of archaeological importance.
- 10 In order to protect the visual amenities of the surrounding area in view of the prominence of this site.
- 11 To ensure the protection of the trees or shrubs during the carrying out of the development.
- 12 In order to maintain the amenity of the locality and to enable the completed replacement planting to be inspected and approved
- 13 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 14 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 15 In the interest of both residential and visual amenity so as to comply with the provisions of Core Strategy Policy SG4.
- 16 In the interest of visual amenity.
- 17 To prevent pollution of the water environment.
- 18 To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.
- 19 To ensure that the development can be properly drained.
- 20 To ensure that no foul water discharges take place until proper provision has been made for its disposal.
- 21 In order to mitigate impact upon protected species.

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22 In the interests of residential amenity to ensure adequate provision of public open space and/or village hall facilities to meet local needs in accordance with saved Core Strategy Policy C1 and Government guidance in PPG17 (Sport & Recreation).

#### INFORMATIVES:

- 1 The provision of public open space and or/village halls can be met by the payment of a commuted sum through the mechanism of either a unilateral obligation or through a Section 106 Agreement.

#### RELEVANT PLANNING POLICY:

- PPS1 Planning Policy Statement 1: Delivering Sustainable Development  
 PPS03 Planning Policy Statement 3, Housing  
 PPS07 Planning Policy Statement 7, Sustainable Development in Rural Areas  
 PPG13 Planning Policy Guidance 13, Transport  
 PPG17 Planning Policy Guidance 17, Planning for open space, sport and recreation  
 PPG16 Planning Policy Guidance 16, Archaeology and Planning  
 PPS09 Planning Policy Statement 9, Biodiversity & Geological Conservation  
 RSYH6 The Yorkshire and Humber Plan Policy RSYH6, Local Service Centres and Rural and Coastal Areas  
 RSYH7 The Yorkshire and Humber Plan Policy RSYH7, Location of Development  
 RSEV08 The Yorkshire and Humber Plan Policy RSENV08, Biodiversity  
 RSEV06 The Yorkshire and Humber Plan Policy RSENV6, Forestry, Trees and Woodlands  
 RSEV09 The Yorkshire and Humber Plan Policy RSENV9, Historic Environment  
 RSEV10 The Yorkshire and Humber Plan Policy RSENV10, Landscape  
 RSH4 The Yorkshire and Humber Plan Policy RSSH4, The Provision of Affordable Housing  
 RSH5 The Yorkshire and Humber Plan Policy RSSH5, Housing Mix  
 CSSG1 Core Strategy Policy SG1 Settlement Growth: Housing Distribution  
 CSSG2 Core Strategy Policy SG2 Settlement Growth: Hierarchy and limits  
 CSSG3 Core Strategy Policy SG3 Settlement Growth: Conservation of the countryside, including Green Belt  
 CSSG4 Core Strategy Policy SG4 Settlement Growth: Design and Impact  
 CSTRA1 Core Strategy Policy TRA1: Accessibility  
 CSEQ1 Core Strategy Policy EQ1: Reducing risks to the environment  
 CSC1 Core Strategy Policy C1: Inclusive communities  
 LPH05 Harrogate District Local Plan (2001, as altered 2004) Policy H5, Affordable Housing  
 LPHD20 Harrogate District Local Plan (2001, as altered 2004) Policy HD20, Design of New Development and Redevelopment  
 LPHD13 Harrogate District Local Plan (2001, as altered 2004) Policy HD13, Trees and Woodlands

#### JUSTIFICATION FOR GRANTING CONSENT:

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Although Cattal is not a village identified for settlement growth under the provision of Core Strategy Policy SG2, having regard to the earlier extant outline planning permission on this plot, the broad land use principle of residential development is considered to be established in this instance.

The proposed development is considered to represent a more efficient use of the current site and the construction of three detached dwellings would not adversely impact upon the form and character of the settlement.

The scale and form of the units have been reduced to an acceptable level and would comply with the provisions of both the saved Harrogate District Local Plan Policy HD20 and Core Strategy Policy SG4.

Approval of the application can be supported.

The above is only intended as a summary of the reasons for the grant of consent. You can see the officer's report on the application by visiting [www.harrogate.gov.uk/planning](http://www.harrogate.gov.uk/planning) and clicking on Committee Dates and Agendas and then paging down to Planning Committee and clicking on Meeting Schedule, Agenda and Minutes and selecting the date of committee which is the same as the date of decision on the decision notice. Alternatively, you can see the application report by either contacting Planning Enquiries Tel No: 01423 556666, e-mailing [DDS-PlanningEnquiries@harrogate.gov.uk](mailto:DDS-PlanningEnquiries@harrogate.gov.uk) or visiting the Department of Development Services, Knapping Mount, West Grove Road, Harrogate HG1 2AE, Monday to Friday 8.30am to 4.00pm.

Signed:

Head of Planning Services

Date of Decision: 09.06.2009

Date of Issue: 11.06.2009

**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.

**NOTE TO APPLICANT/AGENT:** The Borough Council posted a site notice publicising this application. If it is still on display, please remove it.

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IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES SET OUT OVERLEAF.

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## **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 0117 372 6372 or visit their web site [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk). 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.
- 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.