

**NORTH YORKSHIRE COUNCIL**

**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 : **Mrs. Karin Elliott  
c/o Mr Maurice Cann  
Aismunders Rigg  
Manor Lane  
Ainderby Steeple  
Northallerton  
DL7 9PY**

The above named Council being the Planning Authority for the purposes of your outline application received on 12 August 2022 in respect of proposed Development for the purposes of:

**Proposal :** **Application for Outline Planning Permission with Some Matters Reserved for the Redevelopment of Existing Brown Field Site for 10 Dwellings**

**Location :** **The Larches  
Hunton Road  
Scotton  
Catterick Garrison  
North Yorkshire  
DL9 3NN**

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

1. 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: To reserve the rights of the Local Planning Authority with regards to these matters.

2. Application(s) for approval of reserved matters of each phase, or part thereof, shall be made to the Local Planning Authority before the expiration of five years beginning with the date of this permission. Thereafter, the development must be begun no later than the expiration of two years from the final approval of the

reserved matters.

Reason : To comply with Section 92 of the Town and Country Planning Act 1990 as amended.

3. The outline planning permission hereby granted is for 10 dwellings only, accessed from Hunton Road.

Approval of the precise details of the layout, scale, design and external appearance of the dwellings and the landscaping of the site (hereinafter called "The Reserved Matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

4. 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 form and certificates
- b) Location plan (dated 2022)
- c) Planning Statement
- d) Topographical Survey ref. 2022:34/01, rev. A
- e) Proposed site (specifically in relation to access) details ref. 2020:34/03, rev. A
- f) Preliminary Ecological Appraisal, MAB Environment and Ecology Ltd, dated January 2023 and June 2023
- g) Tree Condition Report , JK Forestry and Arboricultural Services, July 2022
- h) Flooding and Drainage Strategy, by iD Civils Design Ltd

Reason : To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

5. With the reserved matters layout application an Arboricultural Impact Assessment and Tree Protection Plan shall be submitted to and approved in writing with the Local Planning Authority. The details shall demonstrate how all category A and B trees can be retained other than those detailed to be removed in Tree Condition Report; together with as much boundary hedgerow as feasible.

No site clearance or construction works shall begin until any Tree Protection fencing and matts detailed in the approved Arboricultural Impact Assessment and Tree Protection Plan have been correctly installed and shall be retained in place for the duration of the construction works or until construction works within 20m have completed. The development will take place in full accordance with the approved details.

Reason : These details are required to enable the layout to be agreed and to ensure the retention of quality trees and hedgerows.

6. A public open space of at least 500sqm shall be included within the development. For the avoidance of doubt, the location and configuration of the public open space shall be submitted with the layout reserved matter and could include perimeter areas where they are well connected to the main area of Open Space.

Reason : To secure the public open space to serve the new dwellings in accordance with Policy CP11 together with visual amenity of the development.

7. Prior to the erection of any external walls a Boundary Treatment Plan shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall include details of the positions, design, materials and type of boundary treatment to be erected. The boundary treatments shall be completed before occupation of the adjoining dwelling; or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason : 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.

8. Prior to the erection of any external walls a public open space scheme shall be submitted to and approved in writing with the Local Planning Authority. The scheme shall include specifications of the play equipment for children under 5, seating, surfacing, associated fencing and tree and shrub planting to be provided, along with a scheme for the future management and maintenance of such areas. The approved public open space shall be delivered prior to occupation of the 5th dwelling or in accordance with a timetable first agreed in writing with the Local Planning Authority. Thereafter the public open space shall be retained for public use and shall be managed and maintained in accordance with the approved details.

Reason : 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. Furthermore to ensure satisfactory arrangements are made for the future maintenance of the area in the interests of both the residential amenities of the dwellings and the visual amenities of the site in general.

9. With the layout reserved matter application a Drainage Strategy and Plans shall be submitted to and approved in writing with the Local Planning Authority which accord with the principles set out in Flooding and Drainage Strategy, by iD Civils Design Ltd. The Strategy and Plans shall be designed to/include:

A. Restrict the flowrate from the site to a minimum flowrate of 3.5 litres per second for up to the 1 in 100 year event.

B. Incorporate 30% allowance for climate change effects and a further 10% for urban creep for the lifetime of the development.

C. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event.

D. Treatment system for all surface water flows from parking areas and hardstanding through the use of road side gullies, oil interceptors, reedbeds or alternative treatment systems. Roof water shall not pass through the treatment scheme.

E. Exceedance Flow Plan

F. A detailed maintenance and management regime for the drainage system including: drawings showing any surface water assets to be vested with the

statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

No part of the development shall be brought into first use until the approved drainage strategy has been delivered in full and in a working condition. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere

10. Noisy construction works audible outside the site boundary shall be limited to 0800 to 1800 hours Monday to Friday, 0900 to 1300 Saturday with no working on Sundays or Bank Holidays.

Reason : In the interests of neighbouring amenity during the construction process.

11. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Land Contamination: Risk Management (LCRM), has been submitted to and approved by the local planning authority. If the Local Planning Authority deem necessary, a scheme for the remediation of any contamination shall be submitted and approved by the local planning authority prior to commencement. 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 : To ensure that any potential contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to satisfactorily deal with contamination.

12. 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 the Environment Agency's Land contamination: risk management (LCRM), 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 and approved 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 the Condition: To ensure that any potential contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to satisfactorily deal with contamination.

13. No construction works in the relevant area(s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.

Reason : In the interest of public health and maintaining the public water supply

14. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason : In the interest of satisfactory and sustainable drainage

15. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads, drains and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.

Reason : To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users

16. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation.

The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason : To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

17. The development must not be brought into use until the access to the site has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works" published by the Local Highway Authority and the following requirements:

The crossing of the highway footway must be constructed in accordance with the approved details as shown on Drawing Number 2020 : 34 / 03 Revision A and Standard Detail Number A1 and the following requirements:

- That part of the access extending 10 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1:30. The remainder

should not exceed a gradient of 1:15.

- Details of measures necessary to prevent surface water from the site discharging onto the existing Public Highway must be agreed with the Planning Authority in consultation with the Highway Authority before work starts on site. The measures should then be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.

All works must accord with the approved details.

Reason : To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

18. The development must not be brought into use until the existing access onto Hunton Road has been permanently closed off in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority

Reason : In the interests of highway safety and the amenity of the area.

19. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 90 metres measured along both channel lines of Hunton Road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres.

Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason : In the interests of highway safety.

20. There must 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 buildings until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- Vehicular and cycle parking

No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the details approved in writing by the Local Planning Authority.

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

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

21. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority.

Once created these areas must be maintained clear of any obstruction and

retained for their intended purpose at all times.

Reason : 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.

22. 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: 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.

23. No development whatsoever shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development shall be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. The provision of wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway by vehicles exiting the site.

2. An area for the parking of all contractors, site operatives and visitors vehicles clear of the Public Highway.

3. An area for the storage of all plant and materials used in constructing the development clear of the Public Highway.

4. Measures to manage the delivery of materials and plant to the site including the location of loading and unloading areas.

5. A photographic survey to record the condition of the carriageway and adjacent verges of Hunton Road along the entirety of the site frontage and for a distance of 100 metres on each side should be undertaken before the development commences and submitted to the Planning Authority and the Highway Authority. The survey will be used in order to establish if any damage or degradation to the Publicly Maintainable Highway has occurred during the period of work on the site and any such damage deemed to have taken place as a consequence of the development works will require to be rectified at the cost of the applicant.

Reason : In the interest of public safety and amenity.

24. 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 hereby approved 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. Any approved technologies serving a specific dwelling

shall be installed in full working condition prior to that dwellings first occupation and shall thereafter be retained and maintained for the lifetime of that technology.

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

25. Development shall only be carried out in accordance with the proposals and mitigation measures (including the timing of such works) as specified in the ecological assessments and mitigation proposals accompanying the application and referred to in condition 4 above.

Reason: This condition is necessary to ensure that ecology and biodiversity present on and around the application site are given adequate protection and mitigation measures forming part of the approved scheme are implemented in full as part of the development.

26. Prior to the commencement of the development hereby approved, a Biodiversity Gain Plan (BGP), in line with the recommendations set out in the submitted Preliminary Ecological Appraisals, dated January 2023 and June 2023 shall be submitted and approved in writing by the LPA, in consultation with the LA Ecologist. The shall include:

- a) steps taken to minimise disruption of existing onsite habitats and any other habitat;
- b) the pre-development and post-development biodiversity of the onsite habitat;
- c) the biodiversity gain of any registered off-site habitat allocated to the development;
- d) any biodiversity credits purchased;
- e) any other matters which regulations specify (such regulations not yet having been published)

Once approved, the development shall be implemented in accordance with the BGP unless otherwise approved in writing.

Reason : To ensure that adequate steps are taken throughout the course of the development process to mitigate the impacts on ecology and biodiversity and achieve an overall biodiversity net gain.

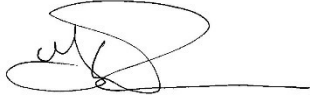
27. No lighting shall be installed on or around the site (including during construction works) except in accordance with a scheme for lighting designed to both minimise the potential for light pollution and to be sensitive to bats using the area. The scheme shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason : To ensure that new lighting minimises light pollution and is also sensitive to ecological interests.

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.



Trevor Watson  
Assistant Director – Planning

**DATE** 4 October 2023

**NOTES**

This is an approval under the Town and Country Planning Act only. It does not absolve the applicant from the necessity of obtaining Listed Building consent if necessary or approval under the Building Regulations, 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.

**YOUR RIGHTS OF APPEAL ARE AVAILABLE AT [www.northyorks.gov.uk/planning](http://www.northyorks.gov.uk/planning)**

**NOTES**

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.