

# DRAFT

Prime Talent Ltd  
c/o Addison Planning Consultants Ltd  
Mr Jay Everett  
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LS2 7EW

Our ref: 18/04504/OUTMAJ  
Your ref: PP-07365767  
Date:

## NOTICE OF DECISION ON PLANNING APPLICATION

### TOWN AND COUNTRY PLANNING ACT 1990

**PROPOSAL:** OUTLINE PLANNING APPLICATION FOR ERECTION OF 37 DWELLINGS (DETAILS OF ACCESS AND LAYOUT SUBMITTED) TOGETHER WITH THE CREATION OF SERVICED EMPLOYMENT PLOTS (B1c Use Class)  
**LOCATION:** 2 Hutton Bank Ripon HG4 1TZ  
**APPLICANT:** Prime Talent Ltd

Harrogate Borough Council being the Local Planning Authority for the purposes of the application received on 29 October 2018 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 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;
  - (c) scale.

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

- 2 Application for approval of the reserved matters shall be made available to the local planning authority no later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3 The access and layout of the development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details:  
Proposed Site Layout Plan by Neiman Architects - 3081-0-001 Rev K  
Proposed Site Access and Highway Improvements Plan by Cora - 001 Rev B
- 4 The employment plots shown on the proposed layout plan shall be restricted to Use Class B1c for the lifetime of the development.
- 5 No windows are allowed on the western facing gable of plots 13, 21 and 22 of the proposed layout plan.
- 6 Construction activity shall only take place between the hours of 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays and not at all on Sundays and Bank Holidays.
- 7
  - a) Before the occupation of the first dwelling a scheme detailing the facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority.
  - b) Before any of the employment plots are brought into use a scheme detailing the facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority.
  - c) Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.
- 8 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until sections A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section D has been complied with in relation to that contamination.

#### A. SITE CHARACTERISATION

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- \* human health,
- \* property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- \* adjoining land,
- \* groundwaters and surface waters
- \* ecological systems
- \* archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### B. SUBMISSION OF REMEDIATION SCHEME

A detailed 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 scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### C. IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

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.

#### D. REPORTING OF UNEXPECTED CONTAMINATION

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 in accordance with the requirement of section A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section C.

- 9 Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the Noise Report dated May 2019 Reference DC3010-R1v3 May 2019 produced by Dragonfly :-

- a) shall be completed; and
- b) written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the local planning authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved then a further scheme shall be submitted for the written approval of the local planning authority incorporating further measures to achieve those noise levels.

All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

- 10 Bat emergence surveys must be undertaken of buildings 1 and 3 during the main bat activity period (between May and September inclusively). The survey report, together with any mitigation proposals must be submitted for the written agreement of the local planning authority alongside the submission of any reserved matters application or prior to any demolition of buildings on site, whichever is the sooner.
- 11 A Construction Environmental Management Plan (Biodiversity) must be submitted for the written agreement of the local planning authority alongside the submission of any reserved matters application.
- 12 An Ecological Mitigation and Enhancement Scheme including details of native tree, scrub and wildflower planting and the provision of bat and swift bricks must be submitted and agreed by the LPA prior to the determination of any reserved matters application. (this scheme may be incorporated within the site landscape management plan).
- 13 A lighting scheme must be submitted to and agreed by the LPA prior to the determination of any reserved matters application. The scheme will provide details of:
  - a) highways lighting on the improved roundabout,
  - b) residential street lighting and
  - c) lighting on the commercial premises.
- 14 a) No operations shall commence on site or any development be commenced before the developer has implemented the report detail including root protection area (RPA) (as per Brooks Ecological Tree Report dated June 2017 and drawing D- 3628-03 Tree Protection Plan) fencing in line with the requirements of British Standard BS 5837: 2012 (section 6.2.2 figure 2) Trees in Relation to Construction - Recommendations, or any subsequent amendments to that document, around the trees or shrubs or planting to be retained, as indicated on the approved plan and for the entire area as specified in accordance with BS 5837:2012.
  - b) The developer shall maintain such fences until all development the subject of this permission is completed.
- 15 a) No operations shall commence on site in connection with the development hereby approved (including any demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction

machinery) until the root protection area (RPA) works required by the approved tree protection scheme and ground protection detail (no dig) are in place.

b) The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority.

- 16 No phase of the development shall take place until detailed drawings have been submitted to, and approved by the Local Planning Authority showing how surface water will be managed during the construction phases.
- 17 Prior to the commencement of any soil stripping or foundation works to any of the buildings, drawings shall be submitted to, and be agreed by the Local Planning Authority in consultation with the Lead Local Flood Authority and Yorkshire Water, showing details of the proposed surface water drainage strategy. No piped discharge of surface water from the application site shall take place until the approved works to provide a satisfactory outfall has been completed. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and will include:
- (a) peak flow rates of discharge to the public sewer network, rate to be agreed with Yorkshire Water.
  - (b) a drainage system designed with sufficient on site attenuation so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, nor any flooding for a 1 in 100 year rainfall event in any part of a building (including a basement) or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development, except within an area that is designed to hold and/or convey water. The design shall also ensure that storm water resulting from a 1 in 100 year rainfall event, plus an allowance of 40% to account for climate change & urban creep can be stored on the site without risk to people or property and without increasing the restricted flows off site.
  - (c) full hydraulic calculations to confirm attenuation storage requirements
  - (d) proposed control measures to manage pollution from vehicle parking and hard standing areas if required.
  - (e) an exceedance flood routing plan which shall demonstrate where flooding could potentially occur if the designed drainage systems were to be exceeded or fail for any reason including rainfall in excess of the 1 in 100 year event. The routing map should indicate direction of flood flows, highlighting areas that could flood and to what depth. The plan must demonstrate that exceedance flows will not cause risk or flooding to property/people on or off site.
  - (f) details with regard to the maintenance and management of the approved scheme to include; 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 including:
    - (i) details to demonstrate how the maintenance of any privately managed surface water drainage systems will be funded for the lifetime of the development,
    - (ii) details of the organisation appointed to undertake future management and maintenance of the private surface water drainage systems on behalf of the residents, including full contact details and to whom will be responsible for appointing a new maintenance contractor if the existing company fails in its duties for any reason, or ceases to exist,
    - (iii) drawings showing any surface water assets that will not be maintained at public expense,

- (iv) a maintenance & operation manual for the privately managed surface water drainage systems itemising the tasks to be undertaken and frequency required,
- (v) a plan clearly showing the extent of the land ownership along with easements and rights of way for access to carry out maintenance on third party land if required.
- (vi) physical access arrangements in perpetuity, and
- (vii) written confirmation that the management & maintenance of any privately managed/maintained communal drainage systems not adopted by a public organisation will be written into the deeds for each house with any new owners or future owners required to formally acknowledge their maintenance responsibility. A copy or copies, as applicable, of the deeds shall be submitted to the Local Planning Authority prior to the initial occupation of the dwelling, or dwellings, to which they relate (in the case of identical deeds other than property address details, a single copy with a list of the properties so covered by the general terms of the deeds).

- 18 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
- 19 There will be no excavation or other ground works, 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
    - (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
    - (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
    - (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.

- 20 No dwelling or commercial unit 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 building of the development is occupied.

- 21 a) 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.

b) The works shall be implemented in accordance with the approved details and programme.

- 22 There will 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) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
  - (ii) An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations.
  - (iii) A programme for the completion of the proposed works has been submitted.

The required highway improvements shall include:

a. Improvements to the Hutton Bank roundabout as per drawing number 001 Rev B Proposed Site Access and Highway Improvements by Cora

- 23 Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 22:

a. Improvements to the Hutton Bank roundabout as per drawing number 001 Rev B Proposed Site Access and Highway Improvement by Cora

- 24 a) No dwelling shall be occupied and no commercial unit brought into use until the related parking facilities have been constructed in accordance with the approved drawing site plan.

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

25 a) 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.

b) 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.

26 There will 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.

27 The existing wall, which sits on the boundary between the application site and properties on Station Drive, will be retained for the lifetime of the development.

28 The number of residential dwellings on site will be restricted to a maximum of 37 dwellings.

The reasons for the conditions are shown below:-

- 1 To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 2 To ensure compliance with sections 91-94 of the Town and Country Planning Act 1990.
- 3 In order to ensure compliance with the approved drawings.
- 4 To ensure the use of the plots for acceptable employment use
- 5 To retained amenity for neighbouring residents on Station Drive.
- 6 In the interests of amenity for neighbouring residents.
- 7 To ensure the development is in line with NPPF.
- 8 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies SG4 and EQ1 of the Harrogate District Core Strategy.



- 9 In the interests of residential amenity for the future occupiers of the development.
- 10 To ensure appropriate mitigation for bats (which are European Protected Species) can be incorporated into the final scheme, and conditioned if required, prior to the determination of reserved matters.
- 11 To ensure that harm to protected species and to retained vegetation and habitats is avoided during construction and site preparation and clearance.
- 12 To provide ecological mitigation and improvements in accordance with NPPF.
- 13 In the interests of residential amenity on the site and neighbouring properties and to protect disturbance to the bat roost on North Bridge.
- 14 To ensure protection of trees on site during construction.
- 15 To ensure protection of trees on site during construction.
- 16 To ensure surface water is properly managed through the construction phases of the development.
- 17 To ensure the site is properly drained for the lifetime of the development.
- 18 In the interest of satisfactory and sustainable drainage.
- 19 In the interests of highway safety
- 20 To ensure safe and appropriate access and egress to the buildings, in the interests of highway safety and the convenience of prospective residents/users.
- 21 In the interests of highway safety.
- 22 To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
- 23 The interests of the safety and convenience of highway users.
- 24 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.
- 25 To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
- 26 In the interests of highway safety and the general amenity of the area.
- 27 To protect the amenity of existing, neighbouring residential properties.
- 28 To reflect the approved layout and for the avoidance of doubt.

## INFORMATIVES:

- 1 Section 278 Agreement -There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.
- 2 Any supply issues can be resolved under the provisions of the WI Act 1991.

The developer should note that a private water supply pipe runs through the development site and building control/permission will need to be sought from the appropriate owners to divert/disconnect it.

You can see the officer's report on the application at [www.harrogate.gov.uk/publicaccess](http://www.harrogate.gov.uk/publicaccess). Alternatively, you can contact Customer Services Tel No: 01423 500600 or e-mail [customerservices@harrogate.gov.uk](mailto: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.

# DRAFT

Signed:

Date of Decision:

Date of Issue:

**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](http://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 under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Where this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- Otherwise, if an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- Appeals can be made online at <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of an appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State 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 provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#)