

Ms Melissa Madge
123 Derwent Crescent
Howden
DN14 7AP

NOTICE OF DECISION

Application No. 16/02013/OUT

Date: 8th October 2018

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

PROPOSAL: Outline planning application with all matters reserved for a doctors surgery and residential development (20 units) with associated infrastructure and landscaping
LOCATION: Land Off Forge Lane Tollerton North Yorkshire
APPLICANT: Mr & Drs D, M & S Gath, Potrykus & Utting

Hambleton District Council, being the Planning Authority for the purposes of the above Outline Planning Application which was received on 7 September 2016, having considered the following policies:

Core Strategy Policy CP3 - Community assets
Development Policies DP5 - Community facilities
Interim Guidance Note - adopted by Council on 7th April 2015
Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP9 - Affordable housing
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP32 - General design
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP15 - Promoting and maintaining affordable housing

and taken into account the following reasons:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in

accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

have resolved that it should be **APPROVED**; subject to the following conditions:

1. No development shall be commenced until details of the following have been submitted to and approved by the Local Planning Authority: access, the external appearance of each building, including a schedule of external materials to be used, the landscaping of the site, the layout and the scale of the development ("the reserved matters"). The number of dwellings shall not exceed 20.
2. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
3. The development hereby permitted shall be begun either before i) the expiration of three years from the date of this permission; or ii) the expiration of two years from the date of the last of the reserved matters to be approved, whichever is the later.
4. The permission hereby granted shall be undertaken in accordance with the following approved drawings: Location Plan (drawing number 3719/11) received by Hambleton District Council on the 7th September 2016; and Indicative Site Layout Plan (Drawing No. 3710/10 REV.A) received by Hambleton District Council on the 7th September 2016.
5. No development shall take place above foundation level until details relating to boundary walls, fences, hedgerows and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, all boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior written consent of the Local Planning Authority.
6. No construction work shall be commenced until detailed cross sections have been submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
7. No excavation shall be undertaken and no development shall take place above foundation level until a detailed scheme for the implementation of the mitigation measures outlined in the submitted Extended Phase 1 Habitat Survey and the Great Crested Newt Survey Report produced by Wold Ecology LTD, has been submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with the agreed scheme and programme for implementation.
8. No excavation shall be undertaken and no development shall take place above foundation level until an Arboricultural Impact Assessment and Arboricultural Method Statement has been submitted to and approved by the Local Planning Authority to show all existing trees which are to be felled or retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses. Thereafter the development shall be undertaken in accordance with the approved plans.
9. No part of the existing boundary hedge along all boundaries of the site shall be uprooted or removed and the hedges shall not be reduced below a height of 2.5 metres; unless approved in writing by the Local Planning Authority as part of the reserved matters submissions.

10. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority. A scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a validation report detailing all works carried out has been submitted to and approved in writing by the local planning authority.
11. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
12. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water, other than the public sewer, have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.
13. No development shall take place until details of the proposed highway layout and construction including a timetable for their delivery have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details. The details shall include but not be limited to:
 - (a) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing (i) the proposed highway layout including the highway boundary; (ii) dimensions of any carriageway, cycleway, footway, and verges; (iii) visibility splays; (iv) the proposed buildings and site layout, including levels; (v) accesses and driveways; (vi) drainage and sewerage system; (vii) lining and signing; (viii) traffic calming measures; and (ix) all types of surfacing (including tactiles), kerbing and edging;
 - (b) 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: (i) the existing ground level; (ii) the proposed road channel and centre line levels; and (iii) full details of surface water drainage proposals;
 - (c) Full highway construction details including: (i) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways and footways/footpaths; (ii) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels; (iii) kerb and edging construction details; and (iv) typical drainage construction details;
 - (d) Details of the method and means of surface water disposal;
 - (e) Details of all proposed street lighting;
 - (f) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features;
 - (g) Full working drawings for any structures which affect or form part of the highway network; and
 - (h) 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.
14. 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 before the first dwelling of the development is occupied.

15. 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:
 - (a) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority: (i) provision of tactile paving; and (ii) provision of a footway connecting the development to the existing footway on Alne Road; and
 - (b) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority.
16. Unless otherwise approved in writing by the Local Planning 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 16: (a) Provision of tactile paving; and (b) Provision of a footway connecting the development to the existing footway on Alne Road.
17. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
18. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - (a) the hours of work;
 - (b) the parking of vehicles of site operatives and visitors;
 - (c) loading and unloading of plant and materials;
 - (d) storage of plant and materials used in constructing the development;
 - (e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (f) wheel washing facilities;
 - (g) measures to control the emission of dust and dirt during construction;
 - (h) a scheme for recycling/disposing of waste resulting from construction works; and
 - (j) access arrangements for emergency vehicles during the construction phase.
19. No development shall take place until a scheme for the provision of on-site open space has been submitted to and agreed by the Local Planning Authority. The scheme shall include details of the laying out and construction of the open space, the equipment to be provided on the open space, a timetable for its provision, and arrangements for its future maintenance. The open space shall then be provided and maintained in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning Authority.
20. Full details of the phasing of the construction of the development hereby approved including, but not limited to, a site layout plan identifying the proposed location and timing of construction of the dwellings and GP surgery, the provision of internal roads, footpaths, cycleways and public open space, temporary highway and pedestrian routings shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development. The development shall be carried out only in accordance with the phasing details approved under this condition.
21. No development shall take place until a scheme relating to land on which the GP surgery facilities hereby approved are to be located as part of the development has been submitted to and approved in writing by the Local Planning Authority. The GP surgery scheme shall provide for but not be limited to:

(a) The identification of 1,600 sqm (as shown on the attached indicative layout marked 3719/10 Rev A) of land (including provision for vehicular, cycle and pedestrian access, drainage, electricity, mains water, mains gas, telecommunications services and future expansion land) sufficient in the first phase to accommodate 300sqm of floor-space located over 1 floor for GP, community health and associated services and in a subsequent phase or phases to provide an additional 150sqm of floor-space for GP, community health and associated services; and
(b) Details relating to availability of the healthcare land including management and maintenance. For a period of 2 years following the approval of the GP surgery land scheme, the GP surgery land shall be used for no purpose other than for GP, community health and associated services.

The reasons for the above conditions are:-

1. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
2. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
3. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, DP1, CP16, DP28, CP17 and DP32.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
6. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with the Local Development Framework Policies CP1, CP17 and DP32.
7. In order to prevent harm to habitat of protected species and to secure the implementation of mitigation measures in accordance with Local Development Framework Policy CP16 and DP31.
8. The trees are of important local amenity value and protection of the trees is appropriate in accordance with Local Development Framework Core Strategy Policy CP16.
9. The hedges are of important local amenity value and protection of the hedges is appropriate in accordance with Local Development Framework Core Strategy Policy CP16.
10. In the interests of human health and the environment.
11. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.
12. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.
13. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
14. To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

15. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
16. In the interests of the safety and convenience of highway users.
17. 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 the development.
18. In the interests of highway safety and the general amenity of the area.
19. To ensure that the development provides for the recreational needs of its occupiers, in accordance with Hambleton Local Development Framework policies CP19 and DP37.
20. The housing development is only considered acceptable, as an exception allowed by Local Development Framework policy CP4, on the basis that it enables the provision of the surgery.
21. To ensure that the development provides the community facilities that meets the needs of the local community in accordance with the LDF Policies CP3 and DP5.

Attention is drawn to the following informatives:

1. The approval is subject to the terms of a Planning Obligation under section 106 of the Planning Act 1990 relating to the provision of affordable housing (Ref LP31/813).
2. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:
1 x 240 litre black wheeled bin for general waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.
In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene. If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned. Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977

COMMUNITY INFRASTRUCTURE LEVY

1. Please note that the proposed development is liable under the Community Infrastructure Levy Charging Schedule, adopted by Hambleton District Council on the 07 April 2015. Details of the charging schedule are available on the Council website. www.hambleton.gov.uk

Mark Harbottle
Head of Planning and Housing