

**TOWN AND COUNTRY PLANNING ACT, 1990
PLANNING AND COMPULSORY PURCHASE ACT 2004**

**NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION
FOR PERMISSION TO CARRY OUT DEVELOPMENT**

To : **Mr And Mrs T And J Walters
c/o Mrs Jill Davis
Davis Planning Partnership
60 Duke Street
Darlington
DL3 7AN**

The above named Council being the Planning Authority for the purposes of your application received on 5 May 2022, in respect of proposed development for the purposes of:

Proposal : Full Planning Permission for Proposed Erection of 3 No New Detached Dwelling Houses

**Location : Land East Of
Briar Close
Redmire
North Yorkshire**

have considered your said application and have **GRANTED** permission for the proposed Development subject to the general condition (to ensure compliance with Sections 91 to 94 of the Town and Country Planning Act, 1990) that :

The development hereby permitted shall be begun on or before 7th March 2026.

and subject to the following conditions :-

1. 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 certificate
 - b) design and access statement;
 - c) site location plan;
 - d) proposed plan
 - e) drainage plan
 - f) contamination survey

Reason for Condition

To ensure that the development is carried out in accordance with the approved particulars and plans.

2. A 'Watching Brief' shall be implemented to legislate for unexpected or

previously-unidentified contamination encountered during site works. Occupancy or use of the development shall not be permitted until such time as written confirmation of the presence or absence of contamination during site works.

If contamination is not present, a 'Confirmation Report' providing suitable photographic (or other) evidence, shall be submitted to and agreed in writing with the Local Planning Authority.

If contamination is present work shall cease immediately until such time as provisions A to D below are completed to the written satisfaction of the Local Planning Authority. All requirements to be completed in accordance with the following guidance references: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007):

A: CHARACTERISATION: With specific consideration to human health, controlled waters and wider environmental factors, the following documents must be provided (as necessary) to characterise the site in terms of potential risk to sensitive receptors:

- o Preliminary Risk Assessment (PRA or Desk Study)
- o Generic Quantitative Risk Assessment (GQRA) informed by a Intrusive Site Investigation
- o Detailed Quantitative Risk Assessment (DQRA)
- o Remedial Options Appraisal

Completing a PRA is the minimum requirement. DQRA should only to be submitted if GQRA findings require it.

B: SUBMISSION OF A REMEDIATION & VERIFICATION STRATEGY: As determined by the findings of Section A above, a remediation strategy (if required) and verification (validation) strategy shall submitted in writing to and agreed with the LPA. This strategy shall ensure the site is suitable for the intended use and mitigate risks to identified receptors. This strategy should be derived from a Remedial Options Appraisal and must detail the proposed remediation measures/objectives and how proposed remedial measures will be verified.

C: REMEDIATION & VERIFICATION: Remediation (if required) and verification shall be carried out in accordance with an approved strategy. Following completion of all remediation and verification measures, a Verification Report must be submitted to the LPA for approval.

D: REPORTING OF UNEXPECTED CONTAMINATION: All unexpected or previously-unidentified contamination encountered during development works must be reported immediately to the LPA and works halted within the affected area(s). Prior to site works recommencing in the affected area(s), the contamination must be characterised by intrusive investigation, risk assessed (with remediation/verification measures proposed as necessary) and a revised remediation and verification strategy submitted in writing and agreed by the LPA.

E: LONG-TERM MONITORING & MAINTENANCE: If required in the agreed remediation or verification strategy, all monitoring and/or maintenance of remedial measures shall be carried out in accordance with the approved details.

The site shall not be taken into use until the investigations, remediation and verification are completed. The actions required in Sections A to E shall adhere to the following guidance: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

Reason for condition:

To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion.

In Accordance With: Policy QE6 of the Adopted Local Plan Core Strategy (July 2014); Paragraphs 174(f) & 183 of the National Planning Policy Framework (July 2021), and Section 4 of the Environmental Protection Supplementary Planning Document (May 2013).

Disclaimer: Irrespective of any involvement by this LPA, the responsibility to address contaminated land issues, including safe (re)development and secure occupancy, resides entirely with the Landowner/Developer of the site (NPPF Para184).

3. Prior to the commencement of the development, a biodiversity enhancement and management plan (BEMP) for shall be submitted to and agreed in writing by the Local Planning Authority. This shall include the landscaping and biodiversity net gain measures within the development site including monitoring and long term management objectives. Once approved, the development shall be undertaken in accordance with the BEMP.

Reason for condition :

"To ensure that biodiversity new gain is achieved for the development, and to reserve the rights of the LPA with regards to this matter."

4. There must be no excavation or other groundworks (except for investigative works) or the depositing of material on the site in connection with works to the access road or buildings until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:

The proposed amendment to the vehicular access to the site at its junction with the Publicly Maintainable Highway. (Design and specification details required). No part of the development must be brought into use until the vehicular access has been constructed in accordance with the details approved in writing by the Local Planning Authority and once created the area must be maintained clear of any obstruction and retained for its intended purpose at all times.

Reason for Condition

In the interests of highway safety and the general amenity of the development.

5. 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 and as shown on Drawing Number 2352 Revision D. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason for Condition

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.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garages shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason for Condition

In order 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.

7. The site shall be developed with separate systems of drainage for foul and surface water. The separate systems should extend to the points of discharge to be agreed. (In the interest of satisfactory and sustainable drainage).

No piped discharge of surface water from the application site enter the local public sewerage system.

Reason for condition

To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.

There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary.

ii) If the proposed development will physically affect the Public Right of Way permanently in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible. Please contact the Local Planning Authority for a Public Path Order application form.

iii) If the proposed development will physically affect a Public Right of Way temporarily during the period of development works only, an application to the Highway Authority (North Yorkshire County Council) for a Temporary Closure Order is required. Please contact the County Council or visit their website for an application form.

iv) The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order.

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.

A handwritten signature in black ink, appearing to read 'B Milburn', with a long horizontal stroke extending to the right.

Bart Milburn
Planning and Community Development
Manager

Date : 8 March 2023

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 unless the application is for a "householder development" in which case any appeal must be submitted within 28 days, you must do so within six months of the date of this notice. However, if an enforcement notice has been served in the last two years regarding this development, then the time limit for submitting an appeal is reduced to 28 days. An appeal can be made 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 Notes

- * 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.