

MATTERS WHICH THE COMMITTEE DEALT WITH
UNDER DELEGATED POWERS

10/06 - **PLANNING APPLICATION REFERRED TO SUB-COMMITTEE FOR DETERMINATION:** The Sub-Committee considered an application made by Mr A Marshall for the erection of 1 detached dwelling to replace derelict farm buildings, formation of new access road and diversion of footpath 23 (site area 0.041 ha) at Cruet Farm, Hollins Lane, Hampsthwaite, Harrogate, HG3 2HH, which had been referred up from the Planning Committee at its meeting held on 4 July 2006. The Sub-Committee made the decision indicated viz:

(D)

10/06 (01)

CASE NUMBER: 06/02599/FUL

GRID REF: EAST 426180 NORTH 458170

APPLICATION NO.: 6.92.132.K.FUL

LOCATION:

Cruet Farm Hollins Lane Hampsthwaite Harrogate North Yorkshire HG3 2HH

PROPOSAL:

Erection of 1 detached dwelling to replace derelict farm buildings, formation of new access road and diversion of footpath 23 (site area 0.041ha).

APPLICANT: Mr A Marshall

APPROVED subject to the following conditions:-

- 1 CA053 DEVELOPMENT SHALL BE BEGUN BEFORE 3 YRS ... 27.07.2009
- 2 CC01 AMENDED DRAWINGS/LETTERS RECEIVED ... 18th May 2006
- 3 CD03 SAMPLES OF MATERIALS TO BE APPROVED
- 4 CD04Y SAMPLE STONWORK PANEL
- 5 CL02 LANDSCAPING: DETAILS TO BE APPROVED
- 6 CL04 REPLANTING IF ANY TREES/SHRUBS DIE
- 7 The site shall be drained with separate systems of drainage for foul and surface water on and off site.
- 8 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.
- 9 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:-

(ic) the crossing of the highway verge and/or footpath shall be constructed in accordance with the approved details and/or Standard Detail number E7e rev A 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;

(iv) that part of the access(es) extending 6 metres into the site from the carriageway of the existing highway shall be made up and surfaced in accordance

with the approved details and/or Standard Details number E7e rev A and the Specification of the Local Highway Authority;

(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 E7e rev A 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.

- 10 Before any part of the development is first brought into use, the existing accesses shall be permanently closed off and the highway made good in accordance with details that shall first have been approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. After such closure, no new access shall be created without the prior approval of the Local Planning Authority.
- 11 Prior to the commencement of the development hereby permitted visibility splays providing clear visibility of 2 metres x 70 metres 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.
- 12 HW17 PROV'N OF APP'VD ACCESS/TURNING/PARKING ... 1228.2 revB
- 13 HW32 PUBLIC RIGHTS OF WAY
- 14 The width of the diverted public right of way shall be 2 metres as denoted on the drawing ref. 1228.2 rev B received on 18th May 2006.
- 15 CI02D PD RESTRICTION, ROOF/DORMER WINDOWS
- 16 The garage hereby approved shall be used for the garaging of domestic vehicles/bicycles only in association with the dwelling.
- 17 Prior to commencement of development details of the boundary treatments to the application site shall be submitted for the written approval of the Local Planning Authority and once approved implemented in accordance with and agreed timescale and in any case prior to occupation of the dwelling hereby approved. Thereafter the boundaries shall be retained and maintained.

Reasons for Conditions:-

- 1 CA053R TO COMPLY WITH SECTIONS 91-94
- 2 CC01R ACCORDANCE WITH DRAWINGS
- 3 CD03R MATERIALS TO CONFORM TO AMENITY REQR'MTS

- 4 CD04YR CONFORM TO REQUIREMENTS OF LOCALITY
- 5 CL02R SAFEGUARD RIGHTS OF CONTROL/AMENITY
- 6 CL04R SAFEGUARD RIGHTS OF CONTROL/AMENITY
- 7 In the interest of satisfactory and sustainable drainage.
- 8 To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.
- 9 HW07R VEHICLE AND PEDESTRIAN SAFETY REQ'MENTS
- 10 HW09R ROAD SAFETY REQUIREMENTS
- 11 HW10R ROAD SAFETY REQUIREMENTS
- 12 HW17R ROAD SAFETY REQUIREMENTS
- 13 HW32R TO PROTECT THE RIGHT OF WAY
- 14 In the interests of the enjoyment of the users of the PROW.
- 15 CI02DR PROTECT VISUAL AMENITY
- 16 To avoid commercial or industrial use for which the site is not suitable and to ensure adequate off street parking is available to serve the dwelling.
- 17 In the interests of visual and residential amenity for existing and proposed occupants and users of the PROW.

INFORMATIVES

- 1 A public right of way crosses the site to which this permission relates. The grant of planning permission does not entitle developers to obstruct a public right of way. Development, in so far as it affects a public right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under section 247 or 257 of the Town and Country Planning Act 1990, for the diversion or extinguishment of the right of way, has come into effect. Nor should it be assumed that because planning permission has been granted an order will invariably be made or confirmed. Forms to apply to stop up/divert footpaths/bridleways in order to enable a development granted planning permission to be carried out may be obtained from the Councils' Department of Development Services.

JUSTIFICATION FOR GRANTING CONSENT:

This application was APPROVED contrary to the officer's recommendation on the following basis:

The proposed development is not considered to harm the character and appearance of the open countryside (the site being outside the village development limit) or the rural setting of the village of Hampsthwaite and, in addition the scheme improves highway safety, amenity for neighbours, the line of the PROW and the approach to the village. In reaching this decision the authority have taken account the views of the parish council, relevant planning guidance, the development plan and responses from consultees.

(Mrs Dawson attended the meeting and spoke to the item as a supporter (on behalf of Hampsthwaite Parish Council) under the Council's Opportunity to Speak Scheme).

(Mr Richold attended the meeting and spoke to the item as the applicant's agent under the Council's Opportunity to Speak Scheme).

(Mr Marshall attended the meeting and spoke to the item as the applicant (to answer questions only) under the Council's Opportunity to Speak Scheme).

(Councillors Broadbank, de Courcey-Bayley, Chris Lewis, Bob Nash and Webber declared a personal interest in this item on the basis that the applicant's agent was known to them, but on the basis that the interest was not prejudicial, they remained in the meeting, took part in the debate and voted thereon).

(Ten Members voted for the motion and there were two abstentions).

For information: Members also took a second resolution: "that this committee resolve to support the footpath diversion as shown on drawing number 1228.2 rev B received on 18th May 2006"

(Unanimous Decision)