

MATTERS WHICH THE SUB-COMMITTEE DEALT WITH UNDER DELEGATED POWERS

05/08 - PLANNING APPLICATION REFERRED TO SUB-COMMITTEE FOR DETERMINATION: The Sub-Committee considered an application made by Mr and Mrs Finnerty, for the erection of one detached dwelling and garage with site, access and layout considered (Site Area 0.054ha) at Land Off Bonnywell Lane, Rainton, Thirsk, North Yorkshire, YO7 3PX, which had been referred up from the Planning Committee at its meeting held on 8 May 2008.

The Sub-Committee made the decision indicated viz:-

**CASE NUMBER: 08/01121/OUT
GRID REF: EAST 436956 NORTH 475148**

APPLICATION NO.: 6.22.28.D.OUT

LOCATION:

Land Off Bonnywell Lane Rainton Thirsk North Yorkshire YO7 3PX

PROPOSAL:

Outline application for the erection of one detached dwelling and garage with site, access and layout considered (Site Area 0.054ha).

APPLICANT: Mr And Mrs Finnerty

APPROVED subject to the following conditions:-

- 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 The development approved by this outline planning permission is constrained to the parameters described in the design and access statement submitted with the application and any future decisions of the local planning authority relating to this outline permission will be consistent with the statement, unless material considerations justify a departure from the statement.
- 3 Application for the approval of the reserved matters shall be made to the Local

Planning Authority not later than 29.05.2010. The development hereby permitted shall be begun on or before the expiration of one year from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no roof or dormer windows other than any expressly authorised by this permission shall be erected without the grant of further specific planning permission from the local planning authority.
- 5 No development shall take place until either -
 - i. Full details of public open space and village halls provision to serve the development in accordance with Policy IMP2 of the Harrogate District Local Development Framework have been submitted to and approved by the Local Planning Authority and agreement has been reached with the Local Planning Authority as to the provision of the same and their subsequent management and maintenance.
 - ii. Alternative arrangements for the provision of open space and village halls have been submitted to and approved in writing by the Local Planning Authority.
- 6 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 until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - (i) the crossing of the highway verge and/or footpath shall be constructed in accordance with the approved details and/or Standard Detail number E6.
 - (ii) any gates, barriers or other means of enclosure shall be erected a minimum distance of 5 metres back from the carriageway of the existing highway and shall open into the site;
 - (iii) provision shall be made to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.
 - (iv) The final surfacing of any private access within 2 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All work shall accord with the approved details unless otherwise agreed in writing by the Local Planning 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.

- 7 Prior to the occupation of the dwelling , a sight line shall be provided at the new access to such dwelling, measured a distance of 2metres back from and parallel to the edge of the existing carriageway along the total site frontage in a westerly direction and for a distance of 25 metres in a easterly direction to the nearside edge of the carriageway. Thereafter the area between the sight lines and the highway boundary shall remain clear of any obstruction in excess of 1 metre in height above the adjoining carriageway level.
- 8 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 hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
 - (ii) vehicular, cycle, and pedestrian accesses
 - (iii) vehicular and cycle parking
 - (iv) vehicular turning arrangement
- 9 Plans and Sections of the site showing the existing and proposed ground levels and level of the threshold of the proposed building(s) and level of any proposed access shall be submitted to and approved by the Local Planning Authority before any part of the development hereby approved is commenced.
- 10 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions and garages other than any expressly authorised by this permission shall be erected without the grant of further specific planning permission from the local planning authority.
- 11 The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details, as amended by letter and or drawings received by the Council of the Borough of Harrogate on the 23.05.2008 and as modified by the conditions of this consent.
- 12 The parking and turning areas shown on the plan received on 23 May 2008 shall be laid out prior to the first occupation of the dwelling and thereafter retained for said purpose.

Reasons for Conditions:-

- 1 To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

- 2 To ensure the delivery of sustainable development and facilitate community involvement and informed decision making as explained in Planning Policy Statement 1.
- 3 To ensure compliance with sections 91-94 of the Town and Country Planning Act 1990.
- 4 In order to protect the visual amenities of the surrounding area in view of the prominence of this site.
- 5 In order to secure compliance with Policy IMP2 of the Harrogate District Local Development Framework in relation to the provision of open space and village halls for residential development.
- 6 To ensure a satisfactory means of access to the site from the public highway, in the interests of vehicle and pedestrian safety and convenience.
- 7 In the interests of road safety to provide drivers of vehicles using the access and pedestrians with adequate inter-visibility.
- 8 In accordance with policy number and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
- 9 To ensure the development is carried out at suitable levels in relation to adjoining properties and highways, having regard to amenity and access requirements.
- 10 In order to protect the visual amenities of the surrounding area in view of the prominence of this site.
- 11 In order to ensure that the development is carried out in accordance with the approved drawings.
- 12 In the interests of highway safety.

JUSTIFICATION FOR GRANTING CONSENT

The proposed scheme represents the development of a previously developed (brownfield) infill plot that is located within the built up confines of the village. In location terms the development is in accordance with Harrogate District local Plan policy H6. The scheme is submitted in outline form with all matters other than access and layout reserved for subsequent approval. A satisfactory access can be provided to serve the development subject to conditions imposed at the recommendation of the Highway Authority. The proposed layout of the scheme is considered acceptable and would not harm the form and character of the settlement. To protect the amenity of the occupiers of adjacent residential property, conditions are required to be imposed to restrict the extent of development to that indicated within the design and access statement and to remove permitted development rights in respect of dormer windows.

(Mr Cornmell attended the meeting and spoke to the item as an objector under the Council's Opportunity to Speak Scheme).

(Eight Members voted for the motion, one against and there was one abstention).

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