

Mr Andrew Walburn
c/o J C Robinson Ltd
Mr J Robinson
The Old Twine Mill
Low Laithe
Harrogate
HG3 4BU

Our ref: 21/03857/FUL
Your ref:
Date: 9 May 2022

NOTICE OF DECISION ON PLANNING APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

PROPOSAL: Conversion of barn to dwelling and installation of package treatment plant.
LOCATION: Barn West Of High Missies Missies Lane Laverton North Yorkshire
APPLICANT: Mr Andrew Walburn

Harrogate Borough Council being the Local Planning Authority for the purposes of the application received on 27 October 2021 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 The development hereby permitted shall be begun on or before 09.05.2025.
- 2 The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details:

4965 Existing Drawings - submitted 17 February 2022
4965 Proposed Drawings - submitted 17 February 2022
Location Plan - submitted 9 September 2021
- 3 Prior to their first use, samples of the materials to be used for the external roof and hardstanding the dwelling in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details.
- 4 Prior to the first occupation of the dwelling hereby permitted, an electric vehicle infrastructure strategy and implementation plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall contain details of the number and location of all electric vehicle charging points which shall be of Mode 3 type (specific socket on a dedicated circuit with a minimum current rating of 16 Amp). Buildings and parking

spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with approved details and are operational. The charging point installed shall be retained thereafter.

- 5 Prior to its first use, suitable and sufficient provision shall be made for:
 - o the storage and containment of refuse prior to collection.
 - o access for collection of refuse

Once created, these areas shall be maintained and retained at all times in perpetuity.

- 6 The development must not be brought into use until the access to the site at Missies Lane has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements: The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number E50-A and the following requirements.

- o Any gates or barriers must be erected a minimum distance of 4 metres back from the carriageway of the existing highway or in line with boundary wall and fence and must not be able to swing over the existing or proposed highway.

- o That part of the access extending 5 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1in40.

- o Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed in accordance with the approved details shown on the Proposed Drawing 4965, 30-08-21 and Standard Detail E50-A and maintained thereafter to prevent such discharges.

- o The final surfacing of any private access within 5 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

- o Measures to enable vehicles to enter and leave the site in a forward gear. All works must accord with the approved details.

- 7 The rooflight(s) hereby permitted shall be of the conservation type with a black steel frame and central glazing bar, have recessed installation so that the rooflight sits flush with the roof covering and does not project above this line, be top opening unless a side hung escape rooflight is required and the flashing of the opening shall be carried out in traditional leadwork.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, garages, outbuildings, roof or dormer windows or external alterations other than any expressly authorised by this permission shall be erected without the grant of further specific planning permission from the Local Planning Authority.
- 9 Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on '4965 Proposed Drawings' for access, parking and turning shall be kept available for their intended purposes at all times.

- 10 Works must be undertaken strictly in accordance with the 'Section 9.2 Method Statement' of the Bat, Breeding Bird and Barn Owl Survey (MAB Environment & Ecology Ltd, September 2021).

The reasons for the conditions are shown below:-

- 1 To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.
- 2 In order to ensure compliance with the approved drawings.
- 3 In the interests of the landscape character and appearance of the site and Nidderdale AONB.
- 4 In the interests of transport and highways impacts.
- 5 In the interests of residential amenity and highway safety.
- 6 To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
- 7 In the interests of the character and appearance of the site and Nidderdale AONB.
- 8 In the interests of the character and appearance of the site and Nidderdale AONB.
- 9 In the interests of highway safety and residential amenity.
- 10 In the interests of ecology and biodiversity.

INFORMATIVES:

- 1 The applicant / developer is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing.

Furthermore, any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping should be tested for contamination and suitability for use prior to importation to site.

The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

- 2 All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 41 (1) of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and in the first instance contact the National Bat Helpline on 0845 1300 228. Developers/contractors may need to take further advice from Natural England on the need for a European Protected Species Licence in order to continue the development in an lawful manner. Natural England can be contacted at consultations@naturalengland.org.uk, or by calling 0300 060 3900, or Natural England, Consultation Service, Hornbeam House, Crewe Business Park, Electra Way, Crewe, Cheshire, CW1 6GJ.

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

Signed:



John Worthington
Chief Planner

Date of Decision: 9 May 2022

Date of Issue: 9 May 2022

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. 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) at least 10 days before submitting the appeal. [Further details are on GOV.uk](#).

Community Infrastructure Levy (CIL) Note Accompanying Planning Decision

1. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), a development which has been granted planning permission becomes a CIL chargeable development if it proposes one or more new dwellings, or more than 100sqm of new build floorspace.
2. Harrogate Borough Council is the CIL Collecting Authority for developments in the Harrogate District
3. The Council will use the [CIL Form 1 : Additional Information](#) submitted with the planning application, alongside other application documents, to determine whether the application is CIL chargeable and to calculate the CIL charge.
4. If your application is deemed to be CIL liable, the charges will be calculated in accordance with the Community Infrastructure Regulations 2010 (as amended) and the applicable CIL rates from the [Charging Schedule](#)
5. The CIL is charged in pounds per square metre and is calculated by multiplying the applicable CIL rate by the proposed gross internal area (GIA) proposed by the development. The floorspace of existing buildings to be retained or demolished as part of the development will be deducted from the CIL chargeable area if part of the existing building has been in its lawful use for at least six months in the three years prior to permission being granted.
6. After permission is granted, the Council will issue a **CIL Liability Notice** if CIL liability has been triggered, which will set out the charge payable on commencement of the development. The CIL charge will also be registered as a Local Land Charge against the relevant land.
7. **One (or more) of the development parties must assume liability to pay CIL for a CIL chargeable development by submitting an [Assumption of Liability Form](#) .** In the absence of this form, liability will default to site owner(s).
8. A development may be eligible for relief or exemption from CIL if it includes affordable housing, is owned by a charity and will be used wholly or mainly for charitable purposes, or is a self-build project. Relief or exemption must be claimed prior to commencement by submitting the

appropriate claim form. Further information can be found on the GOV.UK website at www.gov.uk/guidance/community-infrastructure-levy#relief-and-exemptions.

9. Harrogate Borough Council do not have a policy for granting discretionary charitable relief or exceptional circumstances relief and will not accept claims made on this basis.
10. You must inform the Council when the development is going to start by submitting a [Commencement Form](#) or a [Notice of Chargeable Development](#) (for permitted development)
11. Once the Council has been notified that development works have commenced, a **CIL Demand Notice** will be issued setting out the total amount payable, how to pay, and when payment is due.
12. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed, and you will not benefit from the instalments policy.
13. Late payment interest and surcharges will be imposed if payment is not received by the due date.
14. Continued failure to pay CIL liabilities due will result in the Council initiating enforcement action, including serving a CIL stop notice prohibiting further development on the site, and applying to a magistrates' court for a Liability Order to recover the debt through the seizure of assets.
15. Further information on CIL and all CIL forms are available on the Harrogate Council website at <https://www.harrogate.gov.uk/planning-policy-guidance/community-infrastructure-levy> and the Planning Portal at https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy Guidance on the Community Infrastructure Levy can be found on the Gov.uk website at <https://www.gov.uk/guidance/community-infrastructure-levy>
16. For further information on CIL please contact the S106 and CIL Delivery Officer at Planningobligations@harrogate.gov.uk

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Date: 9 May 2022

Dear Applicant

APPLICATION REFERENCE: 21/03857/FUL

I am the Housing Delivery Account Manager at Harrogate Borough Council and the purpose of this letter is to introduce myself and to advise that I am responsible for taking a lead role in driving forward the delivery of housing across the district and for assisting in unlocking stalled or slow moving sites.

I also wanted to remind you that unless your permission says otherwise, you have three years from the date of your consent to commence building work and that the application cannot be extended. Once it has expired, the permission becomes unimplemented and you would therefore need to apply for permission again, submit the associated validation documentation and fees, and there is no guarantee of an approval.

There will be a number of planning conditions attached to the consent and some will require you to submit further information. An application seeking the Council's approval of these matters must be made, usually before commencing work.

If you require any guidance with progressing your application to the next stage or your circumstances have changed and you are now unable to progress the development, please do not hesitate to contact me as we may be able assist.

Kind regards

JANE FULFORD
Housing Delivery Account Manager
Jane.fulford@harrogate.gov.uk
01423 500600 (ext 58242)

