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Application No:
DC/17/02311/PLF/EASTNN
PP-06206647

Case Officer: Mrs Sarah Lamming

NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990

Application Type: **Full Planning Permission**

Proposal: **Erection of 29 dwellings with associated garages/parking, access and infrastructure**
Location: **Land East Of Eastfield Garden Centre Easton Road Bridlington East Riding Of Yorkshire YO16 4DB**
Applicant: **North Bar Homes (Beverley) Ltd**

The above application has been considered by the Council in pursuance of their powers under the above mentioned Act and has been **APPROVED**, in accordance with the terms and details as submitted, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

This condition is imposed in order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and in order to ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2. No development shall take place on site until a scheme for the discharge of surface water from the site, incorporating a sustainable drainage system and associated management and maintenance plan, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied/brought into use until surface water drainage has been constructed in accordance with the approved scheme, and shall be managed and maintained in accordance with the approved plan.

This pre-commencement condition is imposed as the submitted plans were indicated as preliminary drawings therefore final details are required for approval in accordance with policy ENV6 of the East Riding Local Plan and to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal.

3. No development shall take place on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied/brought into use until the approved sewerage details have been fully implemented in accordance with the approved plans.

This pre-commencement condition is imposed as the submitted plans were indicated as preliminary drawings therefore final details are required for approval in accordance with policy ENV6 of the East Riding Local Plan and in order to ensure that the proposal is provided with a satisfactory means of drainage.

4. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. Development shall be carried out in accordance with the approved details (Circular 11195, Model Clause 55)."

i) the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area

ii) an assessment of the impact of the proposed development on the archaeological remains

iii) proposals for the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible

iv) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and

v) notification in writing to the Curatorial Officer of the Humber Archaeology Partnership of the commencement of archaeological works and the opportunity to monitor such works.

The recommendation for a preliminary geophysical survey has been made because the application site lies within a significant archaeological landscape, close to a number of sites where previous archaeological work has encountered evidence of prehistoric and Romano-British activity.

The request for this condition is in line with Policies 128,129,130, 131,135,136,139 and 141 within Section 12 'Conserving and enhancing the historic environment', in the National Planning Policy Framework 2012.

5. No development shall take place until full details of hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or as may be otherwise agreed in writing by the Local Planning Authority. These details shall include :-

i) proposed finished levels or contours

ii) means of enclosure

iii) car parking layout

iv) other vehicle and pedestrian access and circulation areas

v) hard surfacing materials

vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc)

vii) planting plans

viii) written specifications (including cultivation and other operations associated with plant and grass establishment)

ix) schedules of plants, noting species, plant sizes and proposed numbers / densities.

x) a programme for the implementation of the landscaping works.

xi) a scheme for the future maintenance of the areas not included within private curtilages.

This condition is imposed because a well designed landscaping scheme can enhance the living environment of future residents, reduce the impact of the development on the amenities of existing residents and help to integrate the development into the surrounding area.

6. No development shall take place on site until details of the proposed floor levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land have been submitted to and approved in writing by the Local Planning Authority. The building(s) shall then be constructed with the approved levels.

This pre-commencement condition is imposed in accordance with policy ENV1 and ENV6 of the East Riding Local Plan and to ensure that there is a satisfactory relationship between the proposed development and existing properties/surroundings and avoid a potential conflict with existing residential amenities/privacy. Ground levels are required to ensure that neighbouring properties are not adversely affected by difference in levels and surface water run-off.

7. Notwithstanding any details shown on the submitted plans and forms, no development shall take place above damp proof course until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

This condition is imposed in accordance with policies [ENV1 of the East Riding Local Plan and because it is considered that the use of inappropriate materials could be harmful to the appearance of the area and that the Council therefore needs to retain a measure of control.

8. The development hereby permitted shall be implemented in strict accordance with the ecological avoidance, mitigation and management measures detailed in section 7 of the Extended Phase 1 Habitat Survey (Wold Ecology Ltd, May 2017), any variation thereto shall be agreed in writing by the local planning authority before such change is made.

This condition is imposed in order to ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010.

9. No part of the development hereby permitted shall be commenced until a Wildlife Enhancement Plan (WEP) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be restricted to the enhancement prescriptions set out in section 7 of the Extended Phase 1 Habitat Survey (Wold Ecology Ltd, May 2017). The Plan shall also ensure that a 25% box to building ratio to enhance nesting opportunities for birds across the site, and a 25% box/tube/adapted roof tile to building ratio to enhance bat roosting provision within the development are provided. The WEP shall be compiled by a suitably qualified ecologist, include a timetable for implementation and a detailed plan. The scheme shall provide full details of all ecological mitigation, enhancement and management measures and a programme for implementation.

All aspects of the approved Wildlife Enhancement Plan shall be implemented in full in accordance with the approved measures and timetable unless otherwise agreed in writing by the Local Planning Authority.

This pre condition is imposed to comply with the National Planning Policy Framework (NPPF) and the Natural Environment and Rural Communities Act (NERC) 2006.

10. No development shall take place on site until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the local planning authority. The scheme must include proposed remediation objectives and remediation criteria, an appraisal of remedial options and proposal of the preferred option(s), all works to be undertaken and site management procedures.

This pre-commencement condition is imposed in accordance with policy ENV6 of the East Riding Local Plan and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors.

11. No development shall take place on site until the approved remediation scheme has been implemented. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

This pre-commencement condition is imposed in accordance with policy ENV6 of the East Riding Local Plan and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors.

12. Prior to commencement of any works on the site an appropriate Construction Emissions Management Plan to address the environmental impact during the development of all phases of the site shall be submitted to and approved in writing by the Local Planning Authority. The Construction Emissions Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of air pollution and dust resulting from the site preparation, demolition, groundwork and construction phases of the development. Appropriate measures such as the use of agreed routes to and from site during the construction works and allocating arrival times for construction vehicles and suppliers shall be considered along with setting minimum emission standards for construction vehicles operating on, and those delivering to, the site.

This pre commencement condition is imposed to prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by poor air quality.

13. Construction details of the proposed pedestrian footpath link shown on the submitted layout plan 3046 09B to the south of the garage on plot 18 connecting to the land to the east of the site shall be submitted for approval in writing by the Local Planning Authority prior to commencement of construction of the 20th dwelling on site. The link shall be constructed up to the boundary of the site in accordance with the approved details and there shall be no barrier to its use as a pedestrian link through to the adjacent site. The approved footpath link shall be in place prior to the occupation of the 20th dwelling and shall be retained thereafter.

This condition is imposed in order to allow a pedestrian access link to be created to the remainder of the land in allocation BRID-C and to allow residents on this site access to the open space and other facilities provided in the wider development.

14. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No	Description	Date Received
3046-05	location plan	05 Jul 2017
3046 09B	amended site layout plan	29 Nov 2017
3046-11	house type A (terrace) elevations, etc.	21 Jul 2017
3046-12	house types B (semi) elevations, etc.	21 Jul 2017
3046-13	house type C (standard) elevations, etc.	21 Jul 2017
3046-14	house type D (standard) elevations, etc.	21 Jul 2017
3046-15	house type B1 (semi) elevations, etc.	21 Jul 2017
3046-16	garage - elevations, floor plans, fence	05 Jul 2017
3046-17	house type D (handed) elevations, etc.	05 Jul 2017
3046-18	house type C (handed) elevations, etc.	05 Jul 2017

This condition is imposed in accordance with policies ENV1 of the East Riding Local Plan and for the avoidance of doubt to ensure that the development hereby permitted is carried out in accordance with the approved details in the interests of the character and amenity of the area and the provisions of the development plan.

Note to the applicant

Archaeology

A suitable staged scheme to preserve or record the archaeological deposits should include the following provisions:

Evaluation

1. A non-destructive geophysical survey of the proposed development area to test for the presence of buried archaeological deposits on the site.
2. Should the above survey indicate the presence of likely archaeological features, limited trial trenching would be recommended to determine the nature, extent and importance of any remains.

The results of these preliminary stages should enable the impact of the proposed development on any archaeological deposits to be fully assessed. An informed and reasonable decision can then be taken regarding the future treatment of the remains.

Further work

3. Should the evaluation show that the site contains significant archaeological remains, mitigation measures should be explored to achieve physical or in situ preservation of those remains. If destruction is unavoidable, detailed excavation of selected areas, followed by post-excavation analysis and publication of results, should take place in order to achieve preservation by record.

All archaeological site work, including geophysical survey, must be undertaken by an archaeological contractor, who is acceptable to the Local Planning Authority, after consultation with their archaeological advisor.

Yorkshire Water

- 1) From the information supplied, it is not possible to determine if the whole site will drain by gravity to the public sewer network. If the site, or part of it, will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network. If sewage pumping is required, the peak pumped foul water discharge must not exceed 3 (three) litres per second

An off-site foul water sewer may be required. This may be provided by the developer and considered for adoption by means of a sewer adoption agreement under Section 104 of the Water Industry Act 1991. Alternatively, the developer may in certain circumstances be able to requisition off-site sewers under Section 98 of the Water Industry Act 1991.

- 2) It is noted from the submitted planning application that surface water is proposed to be drained to soakaway. As surface water from the site is not proposed to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water has been undertaken. Should the surface water disposal proposals change, further consultation with Yorkshire Water will be required.

Relevant Planning Policies

East Riding Local Plan Strategy Document (April 2016)

S1: Presumption in favour of sustainable development

S3: Focusing development

S5: Delivering housing development

S8: Connecting people and places

H1: Providing a mix of housing and meeting needs

H2: Providing affordable housing

H4: Making the most efficient use of land

EC4: Enhancing sustainable transport

ENV1: Integrating high quality design

ENV2: Promoting a high quality landscape
ENV3: Valuing our heritage
ENV4: Conserving and enhancing biodiversity and geodiversity
ENV5: Strengthening green infrastructure
ENV6: Managing environmental hazards
C1: Providing infrastructure and facilities
C3: Providing public open space for leisure and recreation
A2: Bridlington Coastal sub area


National Planning Policy Framework (March 2012)

In making this decision the Council has followed the requirements in paragraphs 186 and 187 of the National Planning Policy Framework.

Signed



Date : 4 April 2018



Alan Menzies, Director of Planning and Economic Regeneration.

1. Town and Country Planning Act

Any approval given by this notice of decision refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under other legislation, e.g. Building Regulations.

2. Duration of Permission

The Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) provides that every permission shall be granted subject to a condition that the development must be begun within a specified time period. This period of time can vary depending on the type of application and the circumstances of the particular case. Usually there will be a specific condition on the notice of decision itself specifying the relevant period but if this has not been imposed, please refer to the provisions of Section 51 of the Planning and Compensation Act 2004 for a definition of the relevant period. Further guidance on this is also available in Circular 8/2005.

3. Appeals to Planning Inspectorate

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development 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. Appeals can be made online at <http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>. 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 telephone number: 0303 444 5000.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal

4. Purchase Notice

If either the Local Planning Authority or the Secretary for the Environment refuses 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 render the land capable of a reasonable 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 Council in whose area the land is situated. 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.

5. Disabled Persons

Where permission is granted and relates to development resulting in the provision of buildings or premises to which the public are to be admitted (on payment or otherwise) or of premises being office, shop, railway or factory premises in which persons are employed to work, your attention is directed to Section 4, 7 and 8a of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access for the Disabled to Buildings: being the British Standards Institution Code of Practice BS 5810: 1979.

6. Fire Brigade Access

If planning permission is granted and relates to the erection or extension of a building, your attention is drawn to the provisions of Section 14 of the Humberside Act 1982 whereby the Council are required to reject plans submitted for building regulations approval if the plans do not show adequate means of access for the fire brigade to the building or if the erection of the building or extension would render inadequate the means of access for the fire brigade to a neighbouring building.

7. Affects Public Right of Way

A grant of planning permission does not entitle a developer to obstruct a public right of way. Development, in so far as it affects a public right of way, should not be commenced, and the right of way should be kept open for public use, until the necessary order under Section 247 or Section 257 of the Town and Country Planning Act 1990 for the diversion or extinguishment of the right of way has been made and confirmed.

8. Approval of Details Required by Condition

Please note that there is now a fee payable for the submission of any matters required to be submitted for approval by any conditions attached to this permission. The fee is payable for each submission, not for each condition, so you may wish to minimise the fee payable by submitting all of the outstanding details required by all of the conditions at the same time. Relevant forms for the submission of such details are available on the Planning Portal www.planningportal.gov.uk together with details of the fee payable. Please be aware that conditions which require correspondence between the Local Planning Authority and outside bodies could take approximately four weeks, to agree on the suitability of the details submitted. It is therefore in your own interests to submit such information at the earliest opportunity.

9. Amendment to Plans

If you are proposing to alter the plans hereby approved you should first consult the Local Planning Department.