



EAST RIDING

OF YORKSHIRE COUNCIL

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Application No:
DC/13/03649/OUT/EASTSE
PP-02977595

Case Officer: Mrs Sarah Lamming

NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990

Application Type: **Outline Planning Permission**

Proposal: **OUTLINE - Proposed housing development for 2 houses (all matters reserved)
(Amended indicative scheme)**

Location: **Land North Of 43 Meaux Road Wawne East Riding Of Yorkshire HU7 5XD**

Applicant: 

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. Approval of the details of the layout, scale, appearance, access and landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced and the development shall be carried out as approved.

This condition is imposed in order to comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority 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 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

This condition is imposed in order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4. Details submitted in accordance with conditions 1 and 2 above shall provide for no more than 2 new dwellings.

This condition is imposed as more than two dwellings on the site is likely to lead to an adverse impact



INVESTORS
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Alan Menzies Director of Planning and Economic Regeneration

on the trees and wildlife on the site and would introduce additional policy considerations due to the location of the site outside the development limits.

5. No development, including any vegetation clearance or ground works, shall take place within the application site until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be compiled by a suitably qualified ecologist and include a detailed plan. The plan shall be based on the recommendations detailed in section 7 of the Extended Phase 1 Habitat Survey prepared by Wold Ecology Ltd, dated January 2014. The scheme shall also include details of site induction information and tool box talks for all relevant on site working practices, including action to be taken if protected species are found during construction. The CEMP shall then be implemented as approved.

This pre-commencement condition is imposed 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.

6. No development shall commenced until details of a scheme for the provision of three bird nesting brick boxes (1HE) or bird nesting boxes such as a Schwegler 17A swift nest box, 2H robin box, sparrow terrace 1SP and three bat bricks, bat access tiles or bat boxes such as Schwegler 11F or 1FFH bat box (or direct woodcrete equivalents of the above) within the development, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the type of bird nesting bricks or bird nesting boxes and bat bricks, bat access tiles or bat boxes, their locations and timing of works. The bird nesting bricks or bird nesting boxes and bat bricks, bat access tiles or bat boxes shall be installed within one month of the first occupation of the final dwelling to be completed and thereafter be retained in perpetuity.

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

7. No dwelling shall be occupied until the vehicular access has been provided (improved by widening) and space has been laid out for motor cars to be parked and to enable vehicles to turn so that they may enter and leave the site in forward gear in accordance with details to be submitted to and approved in writing by the Local Planning Authority pursuant to condition no. 1 above.

This condition is imposed in order to ensure satisfactory vehicular access and to ensure that reasonable and adequate space is provided within residential curtilages to meet normal parking demands and avoid the need for vehicles to park on the highway where they could adversely affect the safety of other highway users and to allow them to enter and leave the highway in a forward gear, thus minimising the risk to other road users.

8. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars and in accordance with Woodland TPO Wawne no. 6 2014; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard (3998 Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size, species and maturity, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the British Standard 5837:2012 (British Standard for Trees in Relation to Design, Demolition and Construction Recommendations) before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall

any excavation be made, including trenching for services, without the prior written consent of the Local Planning Authority.

This condition is imposed as the Council is under a statutory obligation when considering planning applications to consider whether it is necessary to take steps to preserve existing trees. There are existing trees within or near the site and these contribute to the character of the area. If these trees are to be retained it is important that they are protected from accidental damage during construction work.

9. The site shall be developed with separate systems of drainage for foul and surface water on and off site. No piped discharge of foul or surface water from the application site shall take place until works to provide a satisfactory outfall for foul and surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority pursuant to condition no. 1 above.

This condition is imposed in order to ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

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

Drawing Numbers:

Location plan 3068/P2

This condition is imposed for the avoidance of doubt and 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.

Notes to Applicant

Trees

The Ash tree to the south east of the existing dwelling (No. 57) is protected by a Tree Preservation Order (TPO Wawne No 4 2005 (T1)) and as such a Tree Works Application is necessary in advance of carrying out the tree work as recommended in the Tree Report 'Preliminary Management Recommendations', other than the removal of dead wood.

The trees on the northern and eastern edges of the site are protected by a Woodland Tree Preservation Order Wawne no 6 2014.

Highways

The Applicant/Agent must contact the East Riding of Yorkshire Council's Streetscene Services (Highways Office) tel: 08456-001666 regarding the construction specification of the vehicular access before any works are commenced in the public highway and also regarding the stones, gravel and planting within the public highway verge, that may need to be removed and verge reinstated as appropriate.

The Applicant/Agent must consult with the Fire Authority and Building Control regarding access to this site. It is essential that any vehicular access conforms to Building Regulations and Fire Brigade requirements. In order to meet the requirements of Approved Document B5 - (Section 17) - 'Vehicle Access and facilities for the fire service' - the minimum width of a road between kerbs is 3.7 metres. However, Note 1 of Table 21 in B5 states 'Fire appliances are not standardised. Some fire services have appliances of greater weight or different size.'

Groundwater Protection

The site is located in groundwater source protection zone 3 (total catchment) for Yorkshire Waters' Dunswell Adit (3km to the south-west). The Adit is used to abstract groundwater for public consumption from the Chalk aquifer. Yorkshire Water therefore have some concerns with groundwater protection and

potential pollution arising from the proposed development. The main period of risk is the construction phase, during periods of ground disturbance and increased risk of hydrocarbon pollution from plant vehicles on site. Post-construction, pollution risks from such a site arise mainly from drainage issues including car park run-off, the risk of hydrocarbon spillage and foul drainage. BGS records in the vicinity of the site indicate that the chalk aquifer at this location is overlain by approximately 10m of boulder clay, which will afford some protection to the underlying aquifer. The applicant should consult the Environment Agency to ensure that pollution risk to the Chalk aquifer is minimised. In particular, the disposal of surface water drainage via infiltration systems may not be appropriate at this location and any SUDS scheme must be approved by the EA.

Relevant Planning Policies

Joint Structure Plan (2005)

- DS4 Limited development allowed in existing settlements where it meets local needs and contributes towards sustaining the role of the settlement. Housing development must conform with Policy H7.
- H7 Housing in existing villages should be limited in scale, meeting local needs and supporting existing services. Preference given to PDL, infill and conversions. Proposals involving unacceptably long commuting distances to be resisted.

Beverley Borough Wide Local Plan (1996)

- E2 Development limits of settlements are those set out on the Proposals Map. Outside of those is Open Countryside.
- E3 General presumption against development outside development limits and criteria for when it might be acceptable.
- D3 All development proposals to include a high standard of integral landscaping
- D6 Provision of adequate and convenient car parking in a manner appropriate to its surroundings.
- D7 Provision of safe, convenient and pleasant pedestrian routes
- D18 Proposals must include satisfactory arrangements for disposing of foul and surface water.
- E18 Avoid harm to species protected by law.
- E19 Protect the water environment, streams, associated hedgerows

East Riding Local Plan (ERLP) - Submission Strategy Document (SSD) and Proposed Modifications (March and November 2015)

- S1 Presumption in favour of sustainable development
- S3 Focusing Development
- S4 Supporting development in Villages and the Countryside
- S5 Delivering housing development
- H4 Making the most efficient use of land
- EC4 Enhancing sustainable transport
- ENV2 Promoting a high quality landscape
- ENV3 Valuing our Heritage
- ENV4 Conserving and Enhancing Biodiversity
- A1 Beverley and Central sub area

National Planning Policy Framework

Reason for Decision

The application is in outline form with all matters reserved. Although an indicative layout has been submitted, this does not form part of the application and therefore all matters are reserved for future consideration including the layout and access as shown on the indicative plans. The number of plots is limited to two by virtue of the description of development on the application form.

The site is located in the open countryside outside of the current development limits for Wawne as defined by the Beverley Borough Local Plan and the East Riding Local Plan Proposals Map and is therefore considered to be a departure from the development plan. However, it is concluded that in the light of the criteria relating to policy E3 the proposed development is acceptable in principle, notwithstanding the fact that it lies outside the existing and proposed village development limits.

Although the construction of new dwellings in the countryside is not actively promoted in policy S4, it is considered that in these circumstances where the proposed dwellings are to be located immediately adjacent to other dwellings and close to a range of village services and facilities, and that the existing trees are to be retained thus maintaining the character of the area; it is on balance acceptable and supports a sustainable pattern of development, in accordance with the National Planning Policy Framework.

In terms of the impact on the character of the area, as mentioned above, the existing trees are to be retained and the proposed dwellings situated beyond the tree protection zone thus not harming the character of the area.

The application is also considered to be acceptable and compliant with development plan policies, emerging policies and guidance in the National Planning Policy Framework with respect of highway safety, impact on biodiversity and protected species, Trees and Landscaping and drainage and amenity. As an outline application further details will be required under the submission of reserved matter in respect of the layout, scale, appearance, access and landscaping.

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

Signed



Date : 12 January 2016

Alan Menzies, Director of Planning and Economic Regeneration.

Notes to accompany application no DC/13/03649/OUT/EASTSE

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 this decision you can appeal to the Planning Inspectorate within six months of the date of this decision (longer in special circumstances) on a form obtainable from The Planning Inspectorate, 3/05 KiteWing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, Tel: 0303 444 00 00.
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 they imposed, having regard to the statutory requirements, to the provision of any development order and to any directions given under a development order.
The Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal – see <http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>. 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.