

## **1. Summary**

1.1 The Parish Council strongly object to the proposed development for three primary reasons which, in summary, are:

- A. The two proposed accesses for vehicular traffic from a cul-de-sac off Canada Drive and off Main Street are inadequate and unsafe. In particular it is evident that in both cases the visibility splays/sight lines are inadequate, and additional traffic on both of the proposed accesses would materially impact on the amenity and living conditions of existing residents.
- B. The proposed development would result in additional foul drainage (sewage) flowing into the Village sewerage system which is already inadequate and frequently causes sewage flooding of local properties. The Flood Risk Assessment (FRA) accompanying the application acknowledges this issue, but neither evaluates the risks of additional foul drainage from the proposed development adversely affecting the amenity of existing residents, nor provides any suggestions or recommendations for mitigation to address the cumulative impact arising from additional sewage.
- C. Reasons for previous refusals for residential development on this site have not been addressed.

1.2 These are concerns and constraints which have been raised on numerous occasions by the Parish Council, as part of the Local Plan consultation process, and it is concluded that they have not been satisfactorily addressed either by the ERYC in the allocation of this land for development within the Local Plan, or by the Applicant in this application.

1.3 These objections and other concerns about the application and supporting documents are addressed below in more detail.

## **2. Planning History of the Application Site**

2.1 The Application is supported by a report from Christopher Kendall (Town Planning Consultant) which sets out (at 2.6) that there is no history of applications for this site on the ERYC planning website. The planning applications listed and accessible on the ERYC website are not comprehensive. Cherry Burton residents are aware that there have in fact been previous applications for residential development on at least parts of the application site.

2.2 In October 1993 the Cherry Burton Parish Council objected to the potential allocation of part of the application site (reference H2e) for residential use in a letter to Beverley Borough Council setting out in relation to access that:

*“this road is far too narrow to take the volume of traffic likely to be generated by any development. At present this is a quiet cul-de-sac used by children as a play area. The whole nature of their lifestyle would be changed.*

*The Parish Council would also strenuously object to access to the site gained directly from Main Street, should this be considered, for reasons of safety. The Parish Council has recently had cause for much correspondence with Humberside County Council owing to the concerns it has had for safety on this stretch of road, where there have recently been several near accidents. Any additional traffic to this already dangerous area would be intolerable”*

- 2.3 In the same letter the Parish Council also highlighted the objections which Beverley Borough Council had made to an application in 1985. This application, reference 310-825 was, as the Applicant/landowners and ERYC will no doubt be aware, refused by Beverley Borough Council.
- 2.4 Again in 1994 application reference 94/80590/OUT for residential development was refused by Beverley Borough Council, and an appeal was dismissed by the Planning Inspectorate for reasons including inadequate/unsafe access.
- 2.5 The current application does not mention or specifically address these previous reasons for refusal, including the unsafe and inadequate proposals for access to the site. In the intervening years since 1994 there have been increases in car ownership and there is now only a very limited public transport (bus) service connecting Cherry Burton with employment, education, leisure and other services in Beverley, Hull and the wider area.
- 2.6 The reasons for refusal of consent in 1985 and 1994 remain just as valid today as they were previously. The fact that the 1994 application was dismissed at appeal by a Planning Inspector adds weight to the Parish Council’s objection to this application on the grounds of inadequate and unsafe access.

#### **Consultation Responses to Draft Allocation of CHER B (Previously CHER 3 and CHER 6)**

- 2.7 Within the adopted Allocation Document (July 2016) this plot of land is referred to as CHER-B but within the Draft Local Plan it was referred to as CHER-3 (Northern section) and CHER-6. (Southern section).
- 2.8 It is highly relevant to the context of the current application that the Parish Council raised objections to the allocation of CHER3 in the local development plan in 2012, 2013 and 2014 on the grounds of unsafe/inadequate access and inadequate foul water/sewage drainage and infrastructure capacity within the village. The Parish Council position is that these matters have not been adequately addressed in the intervening years and in particular are not adequately address in the current application.
- 2.9 In a 2012 response to the draft allocation of three sites in Cherry Burton (including CHER 3) at Annex 1 the Parish Council highlighted concerns about access at point 25, and flooding risks and sewer capacity at point 2.

### **3. Sewer and Sewage Pumping Station Capacity and Flooding**

- 3.1 Concerns about the capability of the sewage pumping station were highlighted at Christmas 2012, when the sewage pumping station in the centre of the village was overwhelmed with water. This episode resulted in Yorkshire Water having to tanker sewage away from Cherry Burton, both day and night for several days. The letter at Annex 2 from Yorkshire Water to Graham Stuart MP resulted from a local resident raising concerns about the events at Christmas 2012. This letter effectively demonstrated that the main village sewage pumping station is unable to cope with high loads, and it is also evident that Yorkshire Water attempted to pass the blame or responsibility for the problem to the ERYC.
- 3.2 The Parish Council sought the assistance of ERYC Councillor Pollard in addressing the concerns of local residents about the sewage system flooding and the pumping station capacity issues raised by Yorkshire Water. A response from James Durham, Senior Planning Officer at ERYC in May 2014 is attached at Annex 3, and this response seems to try to “pass the buck” back to Yorkshire Water in the final point *“I think this re-emphasises the need for representation to Yorkshire Water whenever they experience problems with the sewer networks and pumping station”*
- 3.3 The correspondence at Annex 2 and Annex 3 highlights the reluctance of both Yorkshire Water and ERYC to take any responsibility for the sewage flooding and spills which continue to arise in Cherry Burton, as is evidenced in the recent letter from a resident of Elm Drive in Cherry Burton (Annex 4). These concerns were raised by a number of residents who attended an open public meeting in Cherry Burton on Friday 15<sup>th</sup> November 2019. It is of little compensation to residents affected by these episodes that they are apparently offered a free bottle of bleach by Yorkshire Water.
- 3.4 The Parish Council continued to raise objections to the draft allocation of the former CHER 3 and CHER 6 sites which were subsequently amalgamated into CHER B in 2013. The Council’s objections to, and comments about the allocations, along with those from other consultees, are set out with ERYC officers’ responses in Annex 5, and also, apparently in response to later issues raised by Cherry Burton residents, in Annex 6. In officer responses at Annex 6 it is suggested in relation to concerns about foul drainage *“Drainage issues can/have been resolved.”*
- 3.5 The documents at Annex 2, 3 and 4 highlight the fact that these issue with sewage flooding and the pumping capacity of the sewage system in Cherry Burton have not been adequately resolved.
- 3.6 The responses from ERYC officers to concerns about sewer flooding are set out in Annex 5, and it is noted that responses typically were along the lines of *“Yorkshire Water have not highlighted any issues with reasonably anticipated foul water flows being accommodated by the sewer network from the development proposed”*. These responses did not acknowledge that there were existing problems as evidenced at Annex 2 and more latterly in Annex 4. Similarly, they did not, and still do not, allay the Parish Council and residents’ concerns that additional sewage flows from more housing within the village must inevitably increase the load on the sewage system and further increase the risk of over-flows and spills. Furthermore, it seems that the right hand of Yorkshire Water was not aware that the left hand had already acknowledged the problem of groundwater ingress

into the sewer network and pumping station highlighted in the letter to Graham Stuart in March 2013 (Annex 2).

- 3.7 It can be concluded from the documents at Annexes 2, 3, 5 and 6 that neither ERYC nor Yorkshire Water have been willing to take responsibility for the sewer and sewage pumping station flooding that has occurred in the past, and continues to arise to the current day.
- 3.8 The Parish Council voiced concerns about the incidence of sewage flooding and overflowing in houses and garden in the centre of the village in letters written ERYC at Annexes 7 and 8.
- 3.9 It is also noted that the Parish Council continued to voice concerns about the incidence of sewage flooding and overflowing in houses and garden in the centre of the village, as is evidenced by the letter written at Annex 9 to the Planning Inspector, Mr Simon Berkley who examined the draft local plan. This letter was accompanied by the Yorkshire Water letter at Annex 2 and the e-mail from Mr Durham at ERYC at Annex 3.
- 3.10 The Parish Council is not aware that material improvements have been made to the existing sewage infrastructure because residents still report sewage overflows and spills in their homes and gardens following high rainfall events. The letter from a resident who is repeatedly affected by this problem at Annex 4 provides evidence that the situation has not been improved.
- 3.11 The Parish Council and Cherry Burton residents therefore maintain their objection to further development which will inevitably feed additional sewerage or foul drainage into an already over-loaded and incapable sewer network.

### **Flood Risk Assessment**

- 3.12 The problems of sewage “nuisance” flooding are mentioned in the Flood Risk Assessment (FRA) supporting the current application in the final sentence of section 5.1, but then the FRA fails to provide any assessment of how the proposed development will impact on this problem and neither does it set out any mitigation measures to avoid any exacerbation of the problem.
- 3.13 The documents in Annexes 2 and 3 show that neither Yorkshire Water nor ERYC will take responsibility for sewer “nuisance” flooding and the current application does not provide any assessment of the risk that the proposed development will increase or exacerbate this problem for existing residents. There is no evidence in the FRA to suggest that the current inadequacies of the foul drainage and pumping infrastructure have been assessed, and no mitigation is offered.
- 3.14 The NPPF sets out at paragraph 163 that *“When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere”*. In this case there is no evidence within the FRA to show that any assessment has been made of the risk and incidence of “nuisance” sewage flooding being increased by the proposed development.

- 3.15 The Parish Council strongly objects to any significant residential development within the village until it can be satisfactorily demonstrated that improvements have been made to the sewage collection and pumping network to prevent repeated flooding and spills of sewage which would otherwise be exacerbated by additional sewage flows and loading.

#### **4. Inadequate/Unsafe Access to CHER B**

- 4.1 In response to concerns raised by the Parish Council about the impact of the proposed access through the cul-de-sac on on-street parking by residents of the Canada Drive cul-de-sac, ERYC officers in the response at Annex 5 suggested that *“Measures such as parking provision on site and traffic orders are available (yellow lines) may form suitable mitigation measures”*.
- 4.2 The Parish Council contends that the imposition of yellow lines on the Canada Drive cul-de-sac to prevent on street parking is not a practicable or acceptable solution to this constraint. Such measures would materially impact on the amenity of existing residents (who would apparently lose the ability to park outside their own houses) and would inevitably displace parking to other streets/areas. Furthermore it is evident that the current application does not include any provision for additional parking for existing residents as suggested by ERYC offices in Annex 5. It could be inferred by residents that ERYC Officer were suggesting that existing residents would lose the opportunity to park outside their own dwellings for the commercial convenience of the potential developers of CHER B. This potential loss of amenity resulting from the proposed development seems to contradict the spirit of paragraph 11(c of the National Planning Policy Framework (NPPF).
- 4.3 ERYC Officers also suggested in their draft allocations response (at Annex 5) to concerns about access through the Canada Drive cul-de-sac that *“The one allocation requiring access off Canada Drive (CHER-B) has been reduced in size and a potential alternative access to Main Street to serve a small portion of the site made possible.”*
- 4.4 The Parish Council and others raised concerns about this response at the time because the possible alternative access off Main Street (to CHER 6) presents even more obvious road safety and visibility constraints than the Canada Drive cul-de-sac. In response ERYC officers suggested that *“Access options for the site are left open for consideration at the application stage, where detailed matters including road safety and visibility will need to be justified and agreed through a transport statement.”*
- 4.5 Six years later, the present day reality is that the Applicant’s Transport Assessment supporting the current application finds that there are inadequate visibility splays on to Main Street (from the proposed Rectory Barn access) for safe access. The Transport Assessment provides no evidence that this constraint can be addressed and mitigated satisfactorily. It is also noted that the land over which this access would pass, that is between CHER B and Main Street is not allocated for development within the adopted Local Plan. It is evident that this was not seen as an acceptable access to CHER B by the Planning Inspector who examined the draft Local Plan.
- 4.6 It transpires that the Transport Assessment supporting the current outline application also fails to demonstrate that there is safe visibility for access to the northern part of CHER 3 through the Canada Drive cul-de-sac, as set out in more detail below.

## **5. Access & Transportation Assessment**

### **Parish Council Observations**

- 5.1 The application apparently concerns a total of up to 37 new dwellings, with access for four “large” dwellings off Main Street and the balance of dwellings to be accessed through by an existing the cul-de-sac off Canada Drive. The indicative layout shown in drawing 019/049/SK1/B only appears to show a total of 35 units (4 + 31). However, the indicative layout suggests that at least 31 new dwellings would accessed by a cul-de-sac off Canada Drive, which currently serves 12 homes.
- 5.2 Therefore the proposal involves a substantial increase of at least 258% in the number of dwellings to be accessed along, and serviced by, an existing quiet, residential cul-de-sac. The proposal would, it is concluded have a material impact on the amenity and living conditions of the residents of existing dwellings in the Canada Drive cul-de-sac by virtue of the increase in vehicle movements in the longer term and particularly during construction with HGV and construction traffic, and by reducing the opportunity for on street parking.
- 5.3 The Parish Council expects that the impact of this additional road traffic in an existing quiet residential cul-de-sac should be reviewed in the context of ERYC policies ENV1, B paragraph 4 (*Having regard to the amenity of existing or proposed properties;*) and 9 (*Promoting equality of safe access, movement and use*)
- 5.4 The proposal includes provision of access to four large detached dwellings on the southern part of the application site by means of a residential driveway, that in addition currently only provides limited agricultural access to a field. This proposal would involve the use of land which was not allocated for residential development use within the Local Plan as part of CHER B. There can, it is reasoned, therefore be no presumption in favour of development involving this access under the terms of paragraph 11c of the National Planning Policy Framework (NPPF). The Parish Council strongly objects to the proposed use of this route of access to the application site because access on to Main Street by this route is manifestly unsafe for other road users and residents.

### **Transport Assessment Supporting the Application**

- 5.5 The Application is supported by a Transport Assessment prepared by “Local Transport Projects” (LTP). The Parish Council are concerned about accuracy and relevance of the underlying assumptions and evidence used within this report, and the findings which result from the analysis undertaken. These concerns are addressed below.
- 5.6 The traffic and vehicle movement data TRICS/Trip Rate Calculations at Appendix 2 of the LTP report seems to be based on the assumption that Cherry Burton and/or the proposed development could be classified as “suburban” or “edge of town”. The reality is that Cherry Burton is approximately 3 miles from the edge or Beverley, and therefore in the context of the very limited public transport (bus) services that connect Cherry Burton with Beverley, Cherry Burton is neither suburban nor edge of town. Therefore the Parish Council is concerned that the trip rate calculations used by LTP may underestimate actual traffic movements in a rural village location with poor public transport services.

- 5.7 The LTP report incorrectly suggests at 2.4.2 that Canada Drive is subject to a 20 mph speed limit (*“It measures approximately 4.9m in width, is subject to a 20mph speed limit within the vicinity of the site and connects with Main Street in two locations”*). The speed limit on Canada Drive is, as far as the Parish Council is aware, the default national 30 mph for built up areas. This inaccuracy in the LTP report undermines the basis of the visibility splay calculations at section 5.1 in the LTP report, and consequently the application of these calculations by LTP to the proposed access onto Canada Drive. With the default 30 mph speed limit on Canada Drive it is understood that the correct visibility splay requirements would be 2.4m by 43m on both Canada Drive as well as on Main Street.
- 5.8 Survey results reported by LTP at 5.2.1 shows that there is adequate visibility to the right from the Canada Drive cul-de-sac (89m compared with the MfS benchmark of 43m for a 30 mph street), but that *“achievable visibility to the left of the proposed access with Canada Drive was measured on site as being 2.4m x 24m”*. These observations show that visibility to the left is well below the 2.4m x 43m required to comply with the MfS benchmark. It can therefore be concluded that there is inadequate visibility to the left for the proposed substantial increase in traffic which would result from using the existing cul-de-sac for access to the proposed development. Access to the application site through the Canada Drive cul-de-sac would therefore not comply with the Government’s highway standards set out in the Manual for Streets guidance.
- 5.9 The LTP report demonstrates at 5.2.2, and in Photos 5 and 6 that achievable visibility to the left and right from the proposed access to Main Street, of 6m x 2.4m and 8m x 2.4m respectively, are both significantly below the MfS 43m x 2.4m benchmark for a 30 mph street. The inadequate visibility splays at this location on Main Street were previously cited as the primary reason for refusal for an application ref 05/06097/PLF for holiday letting units in 2006, as set out at Annex 10. This application and refusal was not referred to by Christopher Kendall (Town Planning Consultant) in relation to the planning history.
- 5.10 In fact the reality is that for much of the time the visibility to the left (LTP report Photo 5) is appreciably less than already grossly inadequate 6m x 2.4m suggested by LTP because cars park on the opposite (southern) side of Main Street. Parked vehicles mean that much of the traffic entering the Village at this point is travelling on the “wrong” side of the road as it overtakes parked cars. The effect of parked cars is shown in the photo 1 at Annex 11. It can therefore be concluded that, as ERYC concluded in refusing application 05/06097/PLF, there is no prospect of the existing private driveway on to Main Street providing safe access to the southern part of the Application site for even the small number of dwellings proposed.
- 5.11 It is noted with some concern that the LTP report provides no assessment of turning space requirements (e.g. swept path analysis) at Main Street in relation to use of the proposed access off Main Street by fire engines and refuse collection vehicles in accordance with 6.8.7 to 6.8.9 of the MfS.
- 5.12 The suggestion in the Supporting Documentation report by Christopher Kendall T 6.81 that *“A TA is submitted to show that the site can be safely accessed.”* is simply not supported by any rational assessment of the findings of the LTP report in relation to achievable visibility at either the proposed access on to Main Street, or the access from the

cul-de-sac on to Canada Drive. Therefore on the grounds that the Applicant has not demonstrated that the site can be safely accessed, the Parish Council concludes that application should be refused.

5.13 In addition to the unsuitability of the proposed access off Main Street it is also noted that if the existing private driveway were to be used to provide access to the southern part of the application site, then there would be appreciably more traffic on this driveway. The additional traffic using that access would compromise the safety of residents accessing the existing dwellings behind No 69 Main Street by virtue of inadequate visibility splays on to the proposed new access “road”/drive to the application site.

5.14 The Transport assessment by LTP does not make assessment of the impact of the proposed development on the wider road network, and in particular does not include any review of road traffic accidents and congestion at the junction of Main Street and the B1248. The proposed development would increase the volume of traffic using this junction, which is frequently the scene of road traffic accidents and collisions, and would therefore result in further congestion and delays.

#### **Availability of Access from Canada Drive cul-de-sac**

5.15 In relation to proposed access from the Canada Drive, it is noted that local residents report that there is a strip of land across the end of the cul-de-sac which is not currently within the ownership or control of the Applicants. It can therefore be reasoned that there are doubts about the deliverability of the proposed development scheme if it is entirely reliant on this access.

### **6. Biodiversity Assessment & Report**

6.1 There are anecdotal reports from residents of great crested newts on the application site, and this concern was raised in relation to one of the previous applications for residential development on this site.

6.2 It is noted that the ecology consultants who prepared the survey report have looked for the presence of great crested newts in some local ponds. However, the Parish Council are surprised that this survey was not exhaustive in so much as it did not include two ponds which are directly down stream of the application site and fed by the North Drain on the Cherry Burton golf course. It seems that these ponds are the most relevant sites to investigate given their direct “watercourse” connection with the Application site, and for completeness it is suggested that these ponds should be surveyed.

### **7. Provision of Affordable Housing**

7.1 The Parish Council acknowledges that there are merits in the provision of some additional family homes in Cherry Burton, and particularly “affordable” homes to help attract younger families to the village and promote a vibrant community and sustainable village school. Therefore, although objecting to the current applications on the basis of totally inappropriate highway access and the additional loading on an already demonstrably inadequate foul drainage system, the Parish Council do recognise that there would be some merits in additional provision of family and affordable housing in the village.



7.2 The Parish Council's 2013 comments on the draft local at Annex 12 also recognised that there would be merit in some development in the Village, but only if the drainage and sewage systems are improved first, and again drew attention to access and traffic issues on Canada Drive Main Street. The current proposal does not address either or these significant concerns, and therefore the Council objects to the application.

## **List of Annexes**

1. Tabular response to draft allocation dated 5/10/12
2. Letter from Yorkshire Water to Graham Stuart dated 15 March 2013
3. E-mail response from James Durham to Cllr Phyllis Pollard dated 30 May 2014
4. E-mail from helen Griffith to Cherry Burton Parish Council dated 4 September 2019
5. Table of comments and ERYC officer responses to all draft allocations in Local Plan
6. Table of comments and officer responses to all CHER A & CHER B allocations in Local Plan
7. Parish Council response to meeting with ERYC planning and drainage officers dated 19 July 2013
8. Parish Council letter to ERYC senior planning officer dated 12 November 2014
9. Parish Council letter to Mr Simon Berkeley, Planning Inspector dated 12 November 2014
10. Notice of Decision (refusal) for application ref 05/06097/PLF
11. Photo of parked cars on Main Street causing westbound traffic on to eastbound side of Main Street at proposed access to four dwellings.
12. Comments by Cherry Burton Parish Council on draft local plan dated 29 September 2013

Tabular response to Draft Allocation dated 5/10/12

ANNEX 1


No	Question	CHER1 Meadows	CHER2 Etton Rd	CHER3 Canada
1	Would the use for the site be appropriate when considered against the settlement's place in the Core Strategy settlement network or the strategy for locating development?	Scale would only be in keeping with "hinterland" status selected as a single site	Development would be most obviously outside the village boundaries, (visually) and the scale is not consistent with CB's hinterland status unless developed over a number of years	Scale would only be in keeping with "hinterland" status if developed over a number of years. This area is outside the village boundaries, but less obviously than CHER2
2.	Would the development be unsuitable because of its location in the functional floodplain or an area at risk from coastal erosion?	<p>Any additional development, with further paved, roofed and hard standing areas would increase rates of storm run off to main drainage system that is already inadequate. The limited flow capacity of the North Drain caused water to back up through the Village during the flooding of 2007, and caused the most severe flooding in Elm Drive. The recently completed Canada Drive flood avoidance scheme may well have further increased flow rates to the North Drain, and may therefore have increased the risk of future flooding in Elm Drive when the limited flow capacity of the North Drain is reached. Without some attenuation of flow from the South West of CB (mainly over Bishop Burton College land) any additional development will only further increase the storm drainage flow into the North Drain and put low lying areas of Elm Drive at even further risk of flooding. Concern was also expressed about the extra sewage demands on the pumping station in the village caused by the possible developments.</p>		
		Un-attenuated additional storm flow from this area would increase the risk of a repeat of the significant flooding seen in the Meadows, at the Village School, on Main Street and in Elm Drive in June 2007	<p>The South West section of this site is periodically "flooded" by storm water flows from the wider area to the West of CB, and does in itself currently provide some storm flow attenuation as a grass field.</p> <p>Un-attenuated additional storm flow from this area would put further load on to the limited capacity of the North Drain and would also reduce the level of protection provided by the recent Canada Drive flood protection measures.</p>	Un-attenuated additional storm flow from this area would put further load on to the North Drain capacity, and thereby increase the risk of flooding within the Centre of the village and particularly low lying areas of Elm Drive.
5	Does the site contain previously developed land, greenfield land or a mix of both?	All greenfield	All greenfield	All greenfield
6	How accessible is the site by public transport?	<p>Cherry Burton has only a limited bus services to/from Beverley, with no late evening services. Bus Services to Market Weighton, Pocklington and York are only accessible by walking to Bishop Burton (&gt;1mile and unsafe to walk to Bishop Burton as there are no footpaths and particularly dangerous bends at the back of Bishop Burton College with low visibility) or by a lengthy, and rarely convenient two stage trip through Beverley</p>		
		This site is a significant walk to any of the bus stops on Main Street and there are no bus stops on the nearer Bishop Burton Road	Reasonable walking distances to Main Street bus stops, but no existing footpaths on Etton Road beyond bend t Smithy Corner	Reasonable walking distances to Main Street bus stops

No	Question	CHER1 Meadows	CHER2 Etton Rd	CHER3 Canada
7	How accessible is the site by walking and cycling?	<p>Cherry Burton is approximately 4 miles from key facilities in Beverley, so that walking is not a practicable access option. Cycling is very hazardous because of the high traffic flows on the B1248 and the difficulty of crossing the Main Street/B1248 crossroads. The “cycle path” to Beverley is barely practical to use because of punctures caused by trimmings from the thorn hedge which runs parallel and immediately adjacent. Bishop Burton Road is extremely hazardous to both cyclists and pedestrians because there are no footpaths and inadequate space to get off the road through the dips behind BB College.</p> <p>This site is a significant walk to any of the Main Street facilities and bus stops. Access would involve slopes that are not pedestrian or cycle friendly. A high proportion of current users of the adjacent Sportsfield travel from the Village by car. The concentration of traffic around the Sportsfield at weekends threatens the safety of child pedestrians.</p>	Reasonable walking distances to Main Street, but no footpaths on Etton Road	Reasonable walking distances to Main Street.
8	How acceptable is the site in terms of the flood risk vulnerability of the proposed use?	See response at 2 above	See response at 2 above	See response at 2 above. The lower areas of this site are likely to be in the flood risk area.
9	Would the development help achieve the vision for the settlement as set out in the Core Strategy?	Scale would only be in keeping with “hinterland” status as a single site, that is with very little additional development with the village	The potential scale is not consistent with CB’s hinterland status unless developed over a number of years. Most of this area would not constitute in-fill development as it is outside the village development boundaries	Scale would only be in keeping with “hinterland” status if developed over a number of years.
13	Built Character - Would development affect the existing built character of the settlement?	Would detract from the open aspect enjoyed from a number of existing dwellings on The Meadows	Bulk of the <u>development would be obviously outside the village boundaries</u> and would detract from the open aspect enjoyed from a number of existing dwellings on Canada Drive.	Would detract from the open aspect enjoyed from a number of existing dwellings on Canada Drive.
14	Landscape -Would the development impact on the visual amenity or character of the natural landscape?	Would detract from the open aspect enjoyed from a number of existing dwellings on The Meadows	Most of this development would be most obviously outside the village boundaries and would detract from the current perception of open countryside when leaving the Village as one progresses around the corner of Etton Road (towards Etton) Would detract from the open aspects enjoyed from a number of existing dwellings on Canada Dr.	<p>This area is outside the village boundaries, but less obviously than CHER2</p> <p>Would detract from the open aspect enjoyed from a number of existing dwellings on Canada Drive.</p>

No	Question	CHER1 Meadows	CHER2 Etton Rd	CHER3 Canada Dr
18	Is the development compatible with existing or proposed neighbouring uses, or would it create a nuisance that will affect existing residents?	Noise from users of the adjacent sportsfield at weekends and in the evenings would constitute some level of nuisance at this site. There is free access to the Sportsfield so that noise can persist until late at night from both participants in sporting activities and from teenagers who do congregate in the area.		
23	What is the capacity of existing schools to cope with the Level of development proposed for each settlement?	Any development should be focused on family homes to help sustain the village school.		
25	What is the capacity of the highway network to cope with the development of the site?	<p>The Parish Council has concerns about any additional traffic that would inevitably be generated by future residential development. There are accident black-spots on the crossroad at the junction of Main Street and the B1248, as well as in the bends behind Burton College and at the junction of Bishop Burton Road and the A1079 in Bishop Burton. There have been fatal and serious accidents on both of these main thoroughfares out of the Village in recent years and these concerns have been raised repeatedly with ERYC. There are particular hazards for pedestrians and cyclists at these hotspots, and for horseriders and students on Bishop Burton Road, which has not footpaths, even on the most dangerous section of road on the bends in the dip behind BB College.</p> <p>There is a significant concentration of traffic around the Sportsfield at weekends. As well as filling the car park, cars are typically parked all the way down the Sportsfield Drive and around the bend on the Meadows to both sides of the Sportsfield access. This means that any access to the site from the western end of the Meadows, threatens the safety of adult and child pedestrians and road users, even without any additional traffic associated with the development.</p> <p>The Meadows has three “blind” bends and parked cars further restrict visibility, so that vehicle access to this site from Main Street is far from ideal.</p>		The most obvious access route, from an existing cul de sac on Canada Drive is of limited capacity and frequently congested with parked cars.
27	Community Facilities	Some of the current rather limited community facilities are barely adequate for the present population, and would not support a significant increase in population		
30	Affordable Housing	The Council’s view is that any development should be focused on family homes to help sustain the village school and infrastructure, and note that poor public transport provision is not compatible with a high proportion affordable housing.		

Letter from Yorkshire Water to Graham Stuart dated 15 March 2013

ANNEX 2



YorkshireWater

Graham Stuart MP  
House of Commons  
London  
SW1A 0AA

15 March 2013

Yorkshire Water  
PO Box 52  
Bradford  
BD3 7YD

Web: [www.yorkshirewater.com](http://www.yorkshirewater.com)

Customer Helpline: 0845 1 24 24 24

Our reference: K501242.1171  
Your reference: 201070310004503

Dear Mr Stuart

**Mrs Janet Webb - 45 Main Street, Cherry Burton, Beverley HU17 7RF**

Thank you for your email received on 6 March 2013 about the pumping station next door to Mrs Webb's home. I am sorry to hear of the problems your constituent has had over the years and I appreciate how distressing and unpleasant this is for her and her family.

As you may know, the station is designed to manage foul flows only and can manage with only a certain amount of excess water. It also has a fully operating telemetry system which means if there is ever a mechanical or operational problem, our control room is automatically alerted so we can attend as soon as possible.

When we were alerted to the flooding problems over the Christmas period, we found that these were caused by naturally occurring springs in the area. These are the responsibility of the local authority and we advised them of the problems these springs were causing. As we wanted to help as much as possible, we decided to use our tankers to try and alleviate the problems and avoid Mrs Webb's home being flooded.

As we are not a statutory consultee for the planning process, developers are not obliged to consult us on their building plans. Where we are consulted we always recommend that surface water is managed separately from foul waste. We also use our experience in assessing the capabilities of the existing network in that area. With particularly big developments, a separate pumping station can be installed by the builders for the new houses, but this is of course their decision.

I understand Mrs Webb's concerns about the odours from this station and I have arranged for this to be inspected. My colleague, John Wellham, will advise you of our findings. John will also discuss this issue with the engineer in charge of the station to explore any options in reducing these odours.

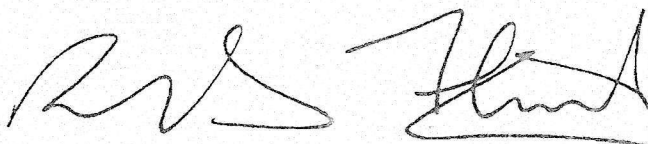
It is unfortunate that some of my colleagues who dealt with Mrs Webb have now moved on but I am confident that John will provide her with the single point of contact required going



forward. John will also run through the history of the problems with the engineer to explore any other options.

John will call Mrs Webb no later than 29 March 2013 with an update on the progress we make. If you have any queries in the meantime, please feel free to call John on 01274 262028 quoting reference K501242.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'R Flint', written in a cursive style.

**Richard Flint**  
**Chief Executive**

E-mail response from James Durham to Cllr Phyllis Pollard dated 30 May 2014

ANNEX 3

**Subject:** Fw: Cherry Burton's Yorkshire Water queries

Dear Janet

Please see below the email I've received from James Durham for your information.

Kind Regards

Phyllis.

Cllr Phyllis Pollard

Sent from my iPad

Begin forwarded message:

**From:** [Conservative.Group@eastriding.gov.uk](mailto:Conservative.Group@eastriding.gov.uk)

**Date:** 30 May 2014 10:59:47 BST

**To:** [phyllispollard10@gmail.com](mailto:phyllispollard10@gmail.com)

**Subject:** Fw: Cherry Burton

----- Forwarded by Conservative Group/CR/ERC on 30/05/2014 10:59 -----

From: James Durham/CPS/ERC

To: Conservative Group/CR/ERC@EAST RIDING,

Cc: Stephen Hunt/CPS/ERC@EAST RIDING, Andrew McLachlan/CR/ERC@EAST RIDING, Alistair Marr/CR/ERC@EAST RIDING

Date: 30/05/2014 10:39

Subject: Re: Fw: Cherry Burton

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Dear Councillor Pollard,

Apologies for the delay in getting back to you with follow up information. We have made a few enquiries with Yorkshire Water and the questions we posed, alongside Yorkshire Water's answers are included below:

**There are smells coming from the Village Pumping Station around Elm Drive. What are the causes of this?**

A: We are not aware of any abnormal odour coming from the Sewage Pumping Station . It may simply be that warm weather in the early part of May generated some additional odour but we do not appear to have any complaints in this regard.

**Is the pumping station at capacity?**

A: No. I gather the same issue was raised in 2013 when the matter was investigated. It appears that the issue is connected to high groundwater levels infiltrating into the sewerage network at times.

**Can the Parish Council have a copy of the sewer plans/records of the village? - we already have the records but need your permission to provide them to the Parish Council, can they be made public?**

A: Yes

- I have attached a map showing the sewer records the the Council has (blue lines for surface water and brown lines for foul sewers)

**What is in Yorkshire Water's Forward Plan of funding for the Village- is any upgrade of the pumping**

09/11/2014

**station proposed?**

A: I understand that no works are currently planned but clearly this could change if necessary.

I think this re-emphasises the need for residents to make representations to Yorkshire Water whenever they experience problems with the sewer networks and pumping station. This will ensure that the issue remains on their radar and that there are records of complaints to justify the spending of YW funding on their network here.

Please let me know whether you require any further information.

Kind regards

James

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**James Durham**

Senior Planning Officer  
Corporate Strategy and Commissioning  
Tel. 01482 391750

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Visit our website at [www.eastriding.gov.uk/erlocalplan](http://www.eastriding.gov.uk/erlocalplan) for the latest information on the East Riding Local Plan. Also see the Local Plan Examination in Public website at [www.eastriding.gov.uk/localplanexam](http://www.eastriding.gov.uk/localplanexam)

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-----Forwarded by Stephen Hunt/CPS/ERC on 15/05/2014 01:09PM -----

To: Andrew McLachlan/CR/ERC@EAST\_RIDING, Stephen Hunt/CPS/ERC@EAST\_RIDING

From: Conservative Group/CR/ERC

Date: 14/05/2014 01:39PM

Subject: Cherry Burton

**Sent at the request of Councillor Pollard**

Good Afternoon Both

You will remember that on 19 March in County Hall we had a meeting, which you kindly organised with representatives from Cherry Burton Parish Council about various flooding issues in the village. I would be grateful for any follow-up information that I can pass onto the Parish Council for example, you were going to check various matters relating, as I remember, to capacity with Yorkshire Water.

Thank you in anticipation.

**Councillor Phyllis Pollard**

**Beverley Rural Ward**

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E-mail from Helen Griffith to Cherry Burton Parish Council dated 4 September 2019

ANNEX 4

**From:** Helen Griffiths <[helengriff@hotmail.co.uk](mailto:helengriff@hotmail.co.uk)>

**Sent:** 04 September 2019 23:41

**To:** cbpc <[cbpc@pjm.karoo.co.uk](mailto:cbpc@pjm.karoo.co.uk)>

**Subject:** Drainage in Cherry Burton

Dear Sir/Madam,

I emailed the Parish Council last year, regarding the drains in Cherry Burton.

Last Tuesday my back garden and garage were was once again flooded with rain water and sewage water due to the extreme rainfall from the thunder storm and the drains backing up.

This time I was not the only property to be affected., however, my plight is made worse because I am probably the lowest house, and my kitchen sink drain, garage soak away and main manhole drain cover are situated in close proximity and very near the garage and the house. I am quite sure if the rain had continued the water would have gone into my air bricks flooding the house.

I have written a letter to Yorkshire Water, but wondered if any pressure could be put on them by the Parish Council to try to remedy the problem. I have been fobbed off and although they say they are looking into the matter, or monitoring the pumping station, nothing ever seems to change. I was told on the phone to let them know if it happens again! I really don't want it to happen again. The engineer who came out said that both pumps were working at full capacity from 10pm until 2am on the night of the storm. Does this mean that the pumps are not really adequate for the amount of sewage and surface water in extreme conditions? Should we be having an emergency holding tank, where sewage can be diverted when conditions are extreme? Is it possible for the Parish Council, East Riding Council and the Water Board to work together on this problem?

I would be pleased if this could be raised at your next meeting, in the hope that the drainage system can be improved, to prevent the drains backing up into resident's properties.

Yours Hopefully

Helen Griffiths

Table of comments and ERYC officer responses to all Draft Allocations in Local Plan

ANNEX 5

Cherry Burton		
Total number of general responses logged against settlement in Draft Allocations Document: 20		
Comment Ref(s)	Summary of comments	Officer Response
Highways Agency DA/6302	There are various sites proposed for development in the primary villages around the Beverley and Central sub area. Apart from one exception (in South Cave), all of these sites are either too small to concern the SRN, too far away from the SRN to impact upon it or have too many destination options which would disperse traffic and therefore minimise the impact on the SRN.	Noted
General	Object to development in Cherry Burton- the roads on Canada Drive cannot cope- emergency vehicles cannot access the cul-de-sacs off Canada Drive.	<p>The one allocation requiring access off Canada Drive (CHER-B) has been reduced in size and a potential alternative access to Main Street to serve a small portion of the site made possible.</p> <p>Measures to reduce the impact of new development on the existing road network can be considered via a transport assessment/statement alongside future planning applications. Measures such as parking provision on site and traffic orders are available (yellow lines), may form suitable mitigation measures.</p>
General and DA/6224 (Cherry Burton Parish Council)	The Cherry Burton crossroads on the B1248 cannot cope with further traffic from the village and there are safety concerns at the junction.	There isn't a recognised congestion issue at this junction although safety concerns have been noted. The site has been identified as one where the Council might introduce a small scale project with casualty reduction benefits.
General	Cycle and footpath networks are inadequate as the only footpath to Beverley means crossing the B1248 and hawthorn clippings means punctures for cyclists. (includes Parish Council View)	Comments noted. We will pass on concerns over the maintenance and quality of the footpath to the relevant Council department. It is impossible to have a cycle path to Beverley without the need to cross the B1248/A1035.
General and DA/6224 (Cherry Burton Parish Council)	Public transport is limited and not conducive to working hours (includes Parish Council View)	Although public transport is limited, there are opportunities to walk and cycle along the footpath/cycleway to Beverley. The amount of development proposed for the village (60 dwellings) is not large scale.
General	Detailed hydraulic study should take place and existing flooding issues resolved before any more development in the village. Specific flood assessments for each site is not adequate. Village has suffered flooding issues since the 1960s and if new	New development should not increase the risk of flooding in the village as surface water run off would be restricted to existing rates or less. Detailed study is ongoing but sites can still come forward safely before completion of this based on



	development causes further problems, the Council is liable.	existing knowledge and individual site assessments and mitigation.
General	The character of the village must be protected	Comment noted. Protecting good quality landscape and built character has been an important consideration during site assessment.
General	Insufficient services and facilities in the village to start promoting further development	It is necessary to promote some new development in order to meet housing needs. The village has a pub, village store, school, sports facilities, and footpath/cycle link to Beverley.
General	There are limited opportunities for work in the village and most people end up needing to commute out of the area to Beverley.	Accepted that opportunities for work are limited, hence only a relatively small number of new homes (60) are planned here to help meet housing needs.
<b>Total number of general responses logged against settlement in Proposed Major Changes Document: 7</b>		
General	I note that reasons for changes have been given for all sites except CHER1. Please can you state the reason that CHER1 no longer appears in the Local Plan or in the ongoing consultation.	Potential site CHER1 has never been included in the plan as a draft allocation
General	All drainage, sewerage, and flooding problems should be resolved before any development takes place on any site in the village.	New development should not increase the risk of flooding in the village as surface water run-off would be restricted to existing rates or less. Detailed hydraulic study is ongoing but sites can still come forward safely before completion of this based on existing knowledge and individual site assessments and mitigation.
PMC/497 (Cherry Burton Parish Council)	<p>Objections to the plan on Flooding, Village drainage system, Pumping station not coping, Sewage system, Increase in traffic volume, Parking and access issues, and increased volume of traffic at the B1248 crossroads.</p> <p>In favour of plan-The promise to improve the drainage and sewage systems in the village before any development would mean benefits for the village as a whole, and maintaining a viable school, shop and pub</p> <p>In Summary- Cherry Burton Parish Council object to any new building developments in the village until the existing drainage and sewage systems are shown to be able to cope with the extra demands. In particular the North Drain out of the village needs to be more effective in getting water out of the village. There is</p>	<p>New development would not increase the risk of flooding in the village as surface water run-off would be restricted to existing rates or less. Yorkshire Water have not highlighted any issues with reasonably anticipated foul water flows being accommodated by the sewer network from the development proposed.</p> <p>There is no evidence suggesting the road network would not be able to cope with modest additional amount of traffic from the 60 additional homes proposed for the village. Allocation CHER-B has been reduced and the possibility of a modest access to Main Street provided for in order to reduce potential impacts on Canada Drive.</p>

	evidence to show that North Drain is partially blocked and there has been limited maintenance since before the previous flooding in 2007.	
DA/4877 (Yorkshire Water)	Recent issues around the foul water pumping station and local properties have been investigated and it appears that the underlying problem is high ground water levels rather than an issue with the sewerage system.	Comments noted.

CHER-A (CHER5/7)		
Total number of responses logged against site in Draft Allocations Document: n/a		
Comment Ref(s)	Summary of comments	Officer Response
Total number of responses logged against site in Proposed Major Changes Document: 28		
PMC/667 (Yorkshire Water)	There is adequate capacity in the public foul sewer network to take reasonably anticipated foul water flows from the proposal site.	Comment noted.
General	Sudden change in plans to allocate this site- all residents should have been notified.	We are unable to inform everyone specifically regarding each specific proposal within the Local Plan, however information regarding each of our consultations goes to every household in the East Riding via 'Your East Riding' magazine. Press releases are issued and we notify everyone who have responded to our plan previously about each consultation.
General	There will be a negative impact on traffic concerns along Highgate/Main Street which acts as a rat run from the A1079. There has already been a number of accidents in this area. Parked cars cause issues here too.	There is no evidence to suggest that the indicated 22 dwellings would exacerbate existing safety concerns along this stretch of road. Changes to the detailed road layout including traffic regulation orders such as parking restrictions and provision of parking can be considered via detailed planning applications for the site in a transport statement. This will give further consideration to road safety.
PMC/186 (Humber Archaeology Partnership)	We would support sympathetic development which included the retention and conversion of older traditional farm buildings at Manor Farm within the Conservation Area, as this might well give them a longer lease of life. This plot on the western edges of the existing village might well overlie earlier remains, but these are currently masked by the standing farm buildings; hence, we would suggest an archaeological response, but this could be done within the provisions of the NPPF.	Comment noted.
General	There will be a negative impact on the conservation area's	The policy for the site requires development to 'incorporate the retention and

	character, setting and appearance within which the site is located.	conversion of traditional buildings within the site'. With the retention of these buildings and the modest number of dwellings expected, significant impacts on the conservation area can be avoided. Detailed designs for the site will consider this issue further as specific proposals are developed for the site.
General (submission on behalf of landowner)	Welcome inclusion of the site as an allocation- expect that existing buildings on the site can be converted. Consider that the site could be extended to the north to provide certainty of deliverability and fund the relocation of farm facilities.	Comments noted. The site was not extended to the north due to the availability of an alternative more suitable site to accommodate the proposed number of dwellings for the village as assessed against the Site Assessment Methodology.
General	Would be an impact on wildlife which uses the site including nesting swallows and Barn Owls.	The potential impact on biodiversity of development has been assessed during site assessment against the Site Assessment Methodology. This will be considered in more detailed as specific planning applications for the site are developed.
General	Development would protrude into the countryside impacting on landscape character. It would change a rural form to urban housing.	All of the available sites for development for the village would protrude into the countryside to a certain extent. This site to a lesser extent than the others and a site which already has built development on it.
General	Loss of working farm would change the rural nature of the village and lead to the loss of jobs.	The loss of the only working farm left in the village would change the character of the area to a degree but would also remove a source of noise for neighbouring residents.
General	No employment opportunities in the village apart from village store and pub, and insufficient bus service for people working elsewhere to use.	The modest amount of development proposed for the village reflects a requirement to meet housing needs whilst recognising the limited facilities in the village, including the school, shop, sports field and pub.
General	Why not use up other brownfield sites first before building on a working farm.	Every effort has been made to focus development on previously developed land, however there is not enough of this land to meet the area's housing needs to 2029.
General	The proposed development will also increase the strain on village drainage system, which I have been informed does not have capacity to cope with the new builds in the village, which will increase the risk of flooding both on Highgate and further into the village. The farmyard currently floods on a regular basis, causing a river down Highgate into the village center. This is from run off on mainly unbuilt land.	New development should not increase the risk of flooding in the village as surface water run-off would be restricted to existing rates or less. Detailed hydraulic study is ongoing but sites can still come forward safely before completion of this based on existing knowledge and individual site assessments and mitigation.
PMC/545 (English Heritage)	As the document notes, this site adjoins the boundary of Cherry Burton Conservation Area. Consequently we welcome the requirement in the Policy that the traditional buildings on the site should be retained.	Comments noted.
General	Can the school cope with the additional housing?	The Infrastructure Study has assessed the ability of the village primary school to accommodate the proposed development and it is able to accommodate the

		expected additional pupils as a result of new development.
General	CHER5/7 is within the Conservation Area, which in this part is characterised by individual cottage style dwellings along the main road frontage. Development of 22 residential properties to the rear of these properties would be inappropriate, and detract from the Conservation's character, setting and appearance. Also, it is noted that the site is adjoined by open countryside on three sides - along its north west, south west and north east (part) boundaries. We do not consider that additional landscape planting will enable the development to be integrated into the surrounding landscape.	The allocations policy for the site requires the retention and conversion of the traditional buildings within the site. It is considered the modest number of dwellings expected from the site would not result in an unacceptable impact on the conservation area, particularly since the vast majority of the site is set back from the street frontage.

<b>CHER-B (CHER3/6)</b>		
<b>Total number of responses logged against site in Draft Allocations Document: 17</b>		
<b>Comment Ref(s)</b>	<b>Summary of comments</b>	<b>Officer Response</b>
DA/4505 (Humber Archaeology Partnership)	The allocation site CHER3 is likely to have archaeological implications, and here we would recommend pre-determination evaluations by geophysical survey.	Comment noted. Detailed planning applications for the site should address this.
General	CHER 3 sits partially within a high flood risk zone and the recent Canada Drive defences mean that more water runs into this field during times of heavy rainfall.	The area north of North drain affected by this has been removed from the proposed housing allocation.
General	There is already a defined edge to the village here and further development would close the buffer between the village and the B1248 harming the built character of the settlement. (CHER3)	The lack of available infill plots within the village means the development limit needs to be extended in order to accommodate development. Built and landscape character have been important considerations during site assessment.
General and DA/2341 (Cherry Burton Parish Council)	The cul-de-sac access to the development is completely inadequate. (CHER3)	The indicative capacity of the proposed allocation has been reduced from 41 to 37 dwellings with a change of extent of its area. An alternative minor access to the site may now be possible via Main Street reducing the potential impact on Canada Drive.
General	The drainage network along the proposed access cul-de-sac may not be able to take further flows. Site was the subject of a public enquiry in the mid 1990s and the site was taken out of the last Local Plan. (CHER3)	Yorkshire Water have not highlighted any issues with the sewer network being able to accommodate reasonably anticipated foul water flows from the proposed development.
General	Support from owners of the site. Access can partially be achieved via a private track in their ownership through to main street. It is claimed that a cycle connection to the Hudson Way disused rail	Comments noted.

	line can be achieved. (CHER3)	
General and DA/2341 (Cherry Burton Parish Council)	Would like to know how north drain would be dealt with within the allocation- would it be built over? (CHER3). Un-attenuated additional storm flow from the CHER 3 area would put further load on to the North Drain capacity, and thereby increase the risk of flooding within the village and particularly low lying areas of Elm Drive.	The extent of the proposed allocation has been changed to exclude North Drain.
General (representation on behalf of land owner)	Supportive of the Draft Allocation and servicing and infrastructure issues are already being pursued . Landowner has already been involved in the supply of requisite rights required by the East Riding of Yorkshire Council for works associated with flood risk protection to Canada Drive by the building of a bund on their land.	Comment noted.
DA/4889, & DA/5416 (Yorkshire Water)	There are various water mains within the site boundary and a legal easement along the southern boundary This site yields less than 50 dwellings where it is assumed the reasonably expected foul flows will be accommodated and any issues can be addressed when a planning application is submitted.	Comment noted.
<b>Total number of responses logged against site in Proposed Major Changes Document: 13</b>		
General	Concerned about the impact of development on neighbouring properties	This is a detailed matter to be dealt with once a detail planning application is developed and submitted for the site, where issues of scale, sunlight and overlooking will be considered.
General and PMC/548 (Cherry Burton Parish Council)	CHER6 - aware of at least one previous application for development that was declined on the basis of access. There is no indication of where access to CHER6 might be achieved, though I assume this could be via CHER3 and Canada Drive. Whatever, there is insignificant development gain in including CHER6 and it would be better retained as a 'buffer' zone between established properties and any new development on CHER3. if any access is planned past Rectory Barn it will be a serious hazard as there is little opportunity to make a safe entrance there because of wall height and the bend in the road. The residents of Rectory Barn would suffer too much of a change to their aspect to be reasonable.	Access option for the site are left open for consideration at the application stage, where detailed matters including road safety and visibility will need to be justified and agreed through a transport statement.  It is not anticipated that there will be access to the majority of the site this way. The main access to the site is likely to be from Canada Drive

	Driveway too narrow.	
General	CHER3 - I agree with the proposal to remove CHER3r on the grounds of being in a high flood-risk area. However, the proposal does not go far enough, and more of CHER3 should be removed for the same reason. Proposals should also be required to deal with: traffic issues and public safety at existing road junctions,	Access option for the site are left open for consideration at the application stage, where detailed matters including road safety and visibility will need to be justified and agreed through a transport statement. The policy for the allocation required the public open space element of any proposal to be directed to the limited area of the site at high risk of flooding.
General	Sewerage and drainage capacity concerns with development of the site.	Yorkshire Water have not highlighted any issues with the sewer network being able to accommodate reasonably anticipated foul water flows from the proposed development. New development should not increase the risk of flooding in the village as surface water run off would be restricted to existing rates or less. Detailed study is ongoing but sites can still come forward safely before completion of this based on existing knowledge and individual site assessments and mitigation.
PMC/185 (Humber Archaeology Partnership)	Policy CHER3/6: this is an area adjoining the eastern end of the village. Whilst we see no reason to object to development here, based on current levels of knowledge, we would strongly recommend that this area be subject to pre-determination geophysical survey, in order to inform subsequent planning decisions, as the settlement lies within a much older Wolds landscape.	Comment noted.
PMC/544 (English Heritage)	As the document notes, this site adjoins the boundary of Cherry Burton Conservation Area. Consequently we welcome the requirement in Paragraph 8.2 that any scheme will need to have regard to the character or appearance of the Conservation Area and its setting.	Comments noted.
PMC/667 (Yorkshire Water)	There is adequate capacity in the public foul sewer network to take reasonably anticipated foul water flows from the proposal site.	Comment noted.

## CHER1

### Total number of responses logged against site in Draft Allocations Document: 33

General	If CHER1 is developed this will lead to an increased run off of water into a drainage system that is already overloaded. The soakaway in the Meadows Estate cannot cope with more water.	New development would need to ensure that run-off is maintained at the greenfield rate or less through the use of sustainable drainage systems. Development should therefore not increase the risk of flooding outside the site.
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	The area is prone to rising springs.	Any springs would be an issue regardless of whether development took place on the site or not. This site has been rejected as an allocation.
General	I believe access to CHER1 is also inadequate. If access to the site is via the road leading to the playing fields, then all of this new traffic will enter the village via Bishop Burton Road which again is inadequate and not suitable for goods vehicles. The Meadows would be an unsuitable access for this development as it is narrow, on a bend, and congested with parked cars (including vehicles visiting the sports field).	Site remains rejected as an allocation.
General	There would be an impact on wildlife of developing this site CHER1 as there are many trees within the site. Impossible for development and access roads to and within the site to not damage the tree roots.	Site remains rejected as an allocation. Assessment of the impact on biodiversity formed an important part of the site assessment process. Impact on trees may be possible to mitigate but no details have been formally submitted to show this.
General	Claimed there is a restrictive covenant preventing access to CHER1 from the Meadows.	Noted
General	Access to CHER1 via the sports field driveway would be difficult to achieve as it would likely require the demolition of the sports pavilion and use of the current car park. Compensatory pavilion and sports field would be required.	Noted – access difficulties cited in reasons for rejection.
General	Development would spoil the attractiveness of this part of the village (CHER1)	Impact on built character and landscape have been important considerations during site assessment. Site remains rejected as an allocation.
General	Representations on behalf of Risby Homes and owners promoting the site state that access issues can be overcome by making use of the playing field access road, the tree preservation issues can also be overcome. Negotiations are taking place to achieve access to the sportsfield access road. We are aware of the covenant preventing access arrangements but this relates to time and money and doesn't prevent development from taking place. (CHER1)	No evidence has been submitted to demonstrate that these issues have been or can actually be resolved.
<b>Total number of responses logged against site in Proposed Major Changes Document: See general responses above</b>		

## CHER2

Total number of responses logged against site in Draft Allocations Document: 21		
General and DA/2340 (Cherry Burton Parish Council)	Water from three flow paths accumulates on site CHER2 and this must be taken into account in considering future development. At times the field has flooded at around three metres wide flow path which then flows into the surface water systems. (includes Parish Council View)	This site has now been rejected as an allocation.
General	Development would impact on the character of the village as it is located beyond the village limits on a greenfield site.	This site has now been rejected as an allocation.
General and DA/2340 (Cherry Burton Parish Council)	Access to CHER2 is inadequate due to proximity to a blind corner on Etton Road. (includes Parish Council View)	It is not now proposed to allocate this site. Our highways section have indicated that access onto Etton Road would be possible without endangering safety.
General	The sewer and tap water systems cannot cope, water pressure is low to the west of the village at certain times. There were issues last Christmas when pumping capacity needed to be brought in to the village to help.(CHER2)	It is not now proposed to allocate this site . Yorkshire Water has informed that recent flooding issues have been caused by high groundwater levels rather than insufficient sewer capacity. New development would not have made the situation any worse. Yorkshire Water has not raised any issue of water pressure in the Village.
General	Properties to the south are served by a septic tank on the site	It is not now proposed to allocate this site. New development may have created an opportunity for these dwellings to convert to using the sewer system.
DA/4505 (Humber Archaeology Partnership)	The allocation site CHER2 is likely to have archaeological implications, and here we would recommend pre-determination evaluations by geophysical survey.	Comment noted.
DA/4889, & DA/5416 (Yorkshire Water)	There is a surface water outlet into watercourse in centre of site.  This site yields less than 50 dwellings where it is assumed the reasonably expected foul flows will be accommodated and any issues can be addressed when a planning application is submitted.	Comment noted.
Total number of responses logged against site in Proposed Major Changes Document: 5		
PMC/183 (Humber Archaeology Partnership)	When we commented previously, we pointed out that CHER2 were likely to have archaeological implications because of its location. We are, therefore, happy to support the rejection of Site CHER2.	Comment noted.
General	Pleased that the Council has recognised that CHER2 is an unsuitable site for housing, and thus has removed it from Draft Allocations Document. The site is in a prominent location and	Comment noted.



	any development would be intrusive into the landscape, it suffers from flooding and drainage problems, has poor access, and is beyond the existing boundary of the village.	
General (on behalf of site owner)	<p>Do not consider the site is intrusive against the landscape as it is barely visible from anywhere other than the road between Cherry Burton and Etton and is viewed from the north and west against a backdrop of existing residential properties. The use of the land is very limited in terms of modern agricultural practices and it is not intensively managed. It adjoins existing residential development, is not identified as being at risk from flooding, has road frontage and satisfactory access and presents an infill opportunity which would not result in the northern development limit of the village being extended any further into the countryside than the existing northern limit created by Canada Drive. Additionally the site is available and deliverable.</p> <p>Note the comment that proposed site CHER5/7 is considered more suitable to help meet housing requirement for the village. Having due regard to the existing and ongoing issues with access and flood risk in respect of proposed site CHER3/6 we consider sites CHER2 and CHER5/7 represent the most appropriate and suitable sites for additional residential development in the village.</p>	Comments noted. The principal reasons for rejection of the site are that it is in a prominent location and that sufficient capacity exists in other, more suitable, identified sites to meet the village's housing requirement.

Table of comments and officer responses to all CHER A & CHER B allocations in Local Plan

ANNEX 6

Cherry Burton				
Number of general responses logged against settlement: 1 (Support: 1, Support with Modifications: 0, Object: 0)				
Comment Ref(s)	Summary of Response	s/m/o	Suggested Change	Officer Comments
PSAD/215 Dr Stephen Langron	Support the plan process. Concern over Risby Homes attempt to promote the rejected site CHER1.	S	None	Noted

CHER-A				
Number of general responses logged against site: 19 (Support: 2 , Support with Modifications: 2 , Object: 15)				
Comment Ref(s)	Summary of Response	s/m/o	Suggested Change	Officer Comments
PSAD/675 Mr David Gaunt	Concern over the policy text, which states that the site is within a conservation area and that the redevelopment scheme will <u>enhance</u> the village and improve the conservation area's character, appearance and setting. Yet the officer comments state that <u>impacts</u> on the conservation area can be avoided. Consultee promotes alternative allocation (CHER1). <b>See EFS79</b>	O	None	Site considered to be suitable for allocation under SAM. Other more suitable sites have been identified under the SAM.
PSAD/611 Mrs S Gray	Doubtful that 22 dwellings can be provided on this site. The draft Policies Map (Jan 2013) showed the whole site to be within the Important Landscape Area. The Submission Policies Maps (Jan 2014) show CHER-A as bordering the ILA. No appraisal is made as to how this will affect any development in line with the requirement of ENV2. Site already has an existing use, which will delay a development start. Promotes alternative site (CHER2) as this is not within the Important Landscape Area or conservation area, is closer to the village centre and has no impediments to an immediate start. The draft Local Plan (Jan 2013) allocated 3.06ha to provide 60 dwellings and an allowance for public open space and the Proposed Submission allocated only 2.49ha to provide the same number of dwellings.	O	None	Capacity is realistic. Site considered to be suitable for allocation under SAM. ILA boundaries refined to reflect draft allocations.  Site is deliverable within plan period.  Other more suitable sites have been identified under the SAM.  Residual capacity figures updated with completions/commitments since start of plan period. <b>See Spreadsheet.</b>
PSAS/398 Mr and Mrs S West	Support for allocation. There is opportunity to extend the allocation CHER-A further northwards, to accommodate further residential development.	S	None	Noted
PSAD/312 English Heritage	Support allocation and policy text.	S	None	Noted

PSAD/277	Does not consider this to be sustainable development. The	O	None	Site considered to be suitable for
PSAD/276	development would remove the existing employment opportunities.	O		allocation under SAM.
PSAD/273	The site is used for business other than the farm.	O		Other more suitable sites have been
PSAD/272	Suggest alternative site for allocation (CHER2).	O		identified under the SAM.
PSAD/271	Objection to CHER-A as this is in a prominent location and has	O		
PSAD/270	historical and cultural value.	O		
PSAD/269	Object to how ERYC has announced and communicated the changes	O		
PSAD/268	to residents. Object to the process relating to the Proposed	O		
PSAD/279	Submission consultation –complicated.	O		
PSAD/280	25% affordable housing cannot be provided and also protect	O		
PSAD/281	heritage.	O		
PSAD/159	Objection to the site in the Conservation Area being allocated.	O		
PSAD/160	Object to development on an active working farm, which will	O		
Mrs Sarah Jones	remove employment opportunities. The site is a working farm, the only one left in the village. A Conservation Order should be introduced to protect the old barns and farm. CHER-A contradicts corporate priorities. The development will result in a loss of Heritage. It will strain the village drainage system, which they have been informed does not have capacity to cope with new builds. It will increase risk of flooding on to Highgate. The farmyard floods on a regular basis, flowing down Highgate into the village. Concerned how the rural character of the site can be maintained. Object to the Site Assessment for CHER-A: - (2) objects to the text ‘remove some unsightly modern farm buildings’ - (14) the development would intrude into the open countryside, beyond the farm buildings. - (25) Objects to the proposed access from Highgate. Comments on the dangerous junction and narrow road. - (11) States that bats have been roosting in the main barn for a number of years. - In addition, swallows nest in the barns. Tawny and Barns Owls are regularly seen in the area. There is a contradiction between paras 11.4 and 11.5 which say that the development will afford the opportunity for enhancing the area but that landscaping will also be required to soften the impact.			

PSAD/206 Risby Homes	Support allocation in principle but object to the expected capacity. The site should be reduced to 5 dwellings, to maintain the Conservations Area's character, setting and appearance. The open countryside views will be diminished by the development.  Suggest that additional site be allocated (CHER1) to make up the shortfall from this and CHER-B (17 dwellings). Site is available for development, is suitable and deliverable. It is in single ownership, viable and available now, close to village amenities, is well screened and not visible from open countryside and will not cause harm to heritage assets.	M	None	Capacity of site considered reasonable. Other, more suitable, sites have been identified to meet the housing requirement.
PSAD/93 Humber Archaeology Partnership	Supporting text should be amended to advise that geophysical surveys should take place prior to any determination of planning applications on the site.	M	None	Provisions of Strategic Policy ENV3 deal with the protection of Heritage Assets.

CHER-B				
Number of general responses logged against site: 10 (Support: 2 , Support with Modifications: 2, Object: 6)				
Comment Ref(s)	Summary of Response	s/m/o	Suggested Change	Officer Comments
PDAS/771 Ms Norma Bollinton PSAD/758 Miss LC Johnson PSAD/772 Mr P Bailey PSAD/774 Ms E A Hemingway PSAD/773 Mrs H Griffiths PSAD/765 A C Neighs	LATE RESPONSES - There are smells emitted from the drainage system, an adequate foul water/sewage facility is required. Site suffers from flooding. In 2007 Elm Drive was flooded and in 2012 problems were caused by the natural springs. Access difficulties. Site is not deliverable. Three applications for the site have been turned down	O  O  O  O  O  O	None	Site considered to be suitable for allocation under SAM. Drainage issues can/have been resolved. Access is considered suitable to accommodate the development proposed. Planning policy changed now. Need to find new land.
PSAD/646 Mrs and Mrs Jane and Lucy Hill and Proctor	Support for site. Consider that the site is suitable, available and achievable.	S	None	Noted
PSAD/313 English Heritage	Support allocation and policy text.	S	None	Noted

PSAD/ Risby Homes	<p>Support allocation in principle but object to the expected capacity. The site should be reduced to 20 dwellings, to maintain the Conservations Area's character, setting and appearance. The open countryside views will be diminished by the development.</p> <p>Suggest that additional site be allocated (CHER1) to make up the shortfall from this and CHER-A (20 dwellings). Site is available for development, is suitable and deliverable. It is in single ownership, viable and available now, close to village amenities, is well screened and not visible from open countryside and will not cause harm to heritage assets.</p>	M	None	Capacity of site considered reasonable. Other, more suitable, sites have been identified to meet the housing requirement.
PSAD/64 Humber Archaeology Partnership	Supporting text should be amended to advise that geophysical surveys should take place prior to any determination of planning applications on the site.	M	None	Provisions of Strategic Policy ENV3 deal with the protection of Heritage Assets.

Parish Council response to meeting with ERYC planning and drainage officers dated 19 July  
2013

ANNEX 7

## **Cherry Burton Parish Council Response to Meeting of Members with ERYC Planning and Drainage/Flooding Officers on 19/07/2013**

### **Flood Prevention Drainage**

The Parish Council were delighted to hear at the meeting that ERYC now have funding to evaluate and implement some flood protection for The Meadows and the Centre of the Village (especially Elm Drive) by controlling run-off episodes from the South West (Bishop Burton College farm land) catchment.

We asked that you consider the possibility of a low level drain from The Meadows and through the school to the main drain on Main Street as part of the feasibility study. As well as providing storm flow mitigation such a drain could also potentially help address the rising spring water which occurs every few years and which was at its worst around Christmas 2012 when it caused flooding on The Meadows. This suggestion and its merits were addressed in the LCDL drainage report that the PC commissioned and ERYC funded in 2008. We would like to commend the LCDL drainage study to ERYC drainage officers as it provides both useful information and potential solutions to the risks of flooding.

### **The North Drain Downstream of Cherry Burton**

In the context of the North Drain, our understanding from the meeting is that there are obligations on land owners to keep drains unobstructed, and the ERYC will ensure that these obligations are met. We also understood that ERYC officers will contact Yorkshire Water to get the culvert cleaned out at eastern end of Canada Drive. The Parish Council would be reassured if a programme of routine inspection and maintenance could be put in place

We understand that a new government initiative will see flooding risk/modeling assessments on all river catchments, but we were concerned to hear that the assessment for the River Hull catchment will not be carried out before the local plan is completed. It seems illogical to develop and adopt a local plan before a suitable and adequate flood risk assessment has been carried out.

### **Flooding of Sewers.**

We were told that the prolonged problems around the pumping station in Cherry Burton last winter were caused by ground water ingress into the sewers. Some houses in the Centre of the village reported problems of sewage rising in their toilets and foul odours continue to be present in the area around the pumping station at the current time. We were very concerned to hear that there is apparently no cure for the problem of water ingress unless Yorkshire Water could completely seal all sewers; that such a solution would be prohibitively expensive, and that Yorkshire Water would be very unlikely to gain OFWAT approved funding for such a scheme.

We were NOT reassured by the suggestion made by ERYC officers in the meeting that a few extra houses (c10% of the current village size) would not make much difference as their potential sewage contribution is very small in comparison to the groundwater issue. Our concerns are that in addition to the extra sewage volumes, additional housing would also mean further lengths of sewers which would also be prone to additional ground water ingress, thus exacerbating existing sewage system capacity limitations.

Furthermore, we left the meeting with the understanding that Yorkshire Water had previously objected to the concept of further development within Cherry Burton because of their concerns about existing capacity limitations of the sewage system. We were not reassured that these objections (by Yorkshire Water) had been overcome and came away with the impression that ERYC will "bash on" anyway.



We continue to have significant concerns about the limitations of the sewage system in Cherry Burton and the potential for further problems with ground water ingress in future. We seek reassurance that significant development will not be included within the local plan until Yorkshire Water has developed a solution to the current problems and any future development.

### **Alternative Development Sites**

We understand that a number of further sites have now been proposed by landowners or potential developers. Our impression at the meeting was that these sites will be considered, but the officers seemed to give the impression that they were rather negative about them because they were so “late” in the process.

Our concern is that key reason why these alternative sites were put forward so late was that there had been inadequate prior consultation about the possibility of further development within Cherry Burton. This lack of early consultation is evidenced by the fact that the Cherry Burton parish councillors were themselves unaware that there had been any change in the “development” status of Cherry Burton until we were sent the “fact finding” consultation August 2012. This is despite the suggestion in the letter that accompanied the fact finding consultation that there had been a previous consultation in 2010.

We seek reassurance that the alternative sites which have been submitted since the end of the recent consultation exercise should be fully considered on their merits and should be subject to further open public consultation, from which public responses will be fully taken into account. We are keen to avoid a situation in which there is a perception, whether justified or not, that some developers or landowners seemed to be in the know whilst others were kept in the dark.

In particular we would suggest that very serious consideration should be given to proposals for development on land at Manor Farm as there is the real prospect of planning gain in the form of some further flood mitigation for flood run-off from the “west” catchment to augment the existing scheme on Canada Drive. We are led to understand that current Canada Drive scheme currently provides slightly less than the optimum 1 in 100 year flooding protection. The land behind Main Farm has a quite steep “valley” which may have the potential for an earth banked flood water retention structure which could benefit both the centre of Cherry Burton as well the downstream settlements of Leconfield.

### **Access off Canada Drive**

We remain far from convinced that the cul-de-sac at the Eastern end of Canada Drive is wide enough to provide access for the CHER2 site. The fact that some “Highways design rule book” might suggest that this cul-de-sac is adequate quite simply defies common sense and disregards the safety of existing residents and their children. The suggestion that double yellow lines could be used to keep such an access clear is very unwelcome. We believe that access remains a significant issue for CHER2.

### **B1248 Junction**

There was no reassurance about any substantial future improvements in safety at this junction despite the suggestion that the car “population” of the village could increase by more than 10%. A resident has pointed out that ERYC were willing to grant a 40 speed limit on the North Newbald Road past a temporary drilling rig, but are unwilling to do the same on the approaches to a junction that has a much higher traffic flow as well as cyclists and pedestrians. We urge ERYC to further consider the effect of any further increase in traffic which will occur if any significant development is allowed in Cherry Burton.

Parish Council letter to ERYC senior planning officer dated 12 November 2014

ANNEX 8

# **Cherry Burton Parish Council**

**Clerk: - Mrs Janet Wardale**  
114, The Meadows  
Cherry Burton  
Beverley  
East Yorkshire  
HU17 7SD  
Tel. (01964) 550 107  
Email: cbpc@pjm.karoo.co.uk

**Chairman: - Mr Richard Cowey**  
10, Main Street  
Cherry Burton  
Beverley  
East Yorkshire  
HU17 7RL

**Mr James Durham**  
Senior Planning Officer  
Corporate Strategy and Commissioning  
County Hall  
BEVERLEY  
HU17 9BA

12 November 2014

Dear James

## **SEWAGE PUMPING STATION AND FLOODING IN CHERRY**

### **Cherry Burton Sewage System**

Further to your e-mail of 30 May 2014 to Councillor Pollard, concerning sewage and drainage matter in Cherry Burton, I write on behalf of the Parish Council to express the Councillors' continuing concerns about the sewage and drainage systems in the village. These concerns are around the current situation and, in particular, the proposed allocation of further residential developments to Cherry Burton.

As background, we note that a group of parish councillors met planning and drainage officers at County Hall in May 2013. The parish councillors were told at this meeting that Yorkshire Water has expressed reservations about further developments in Cherry Burton because of limitations of the Cherry Burton sewage network. Our understanding was that this concern was raised by Yorkshire Water during a preliminary round of consultations about development allocations. The Parish Council is concerned that this response (by Yorkshire Water) does not appear to have been taken account of as the draft Local Plan has developed.

The question which we had hoped you would answer in your e-mail of 30 May 2014 is "Has Yorkshire Water been consulted about the full extent of the proposed allocation of development in Cherry Burton in their entirety"? We are concerned that Yorkshire Water may have only been consulted about each of the potential development allocations individually, and not as a total of all proposed allocations in the draft Plan.

Our concerns are heightened by the fact that both Yorkshire Water and the ERYC have apparently both hold the other party responsible for the "flooding" of the Cherry Burton pumping station around Christmas 2012 which resulted in Yorkshire Water having to tanker away sewage for a prolonged period. During this period a number of houses near the pumping station were unable to flush their toilets.

The attached letter from Yorkshire Water clearly identifies a significant potential risk of future pumping station flooding in the event of another episode of high ground water levels and effectively holds ERYC responsible.

The Parish Council are concerned that this episode of inundation of the pumping station is consistent with inadequacy in the sewage system and also consistent with Yorkshire Water expressing concerns about the capacity of the Cherry Burton sewage system earlier in the Draft Development Plan consultation process. This is a matter which the Parish Council believes should be resolved before there is any allocation of land within Cherry Burton to further housing that would result in additional loading to sewage system which is already demonstrably inadequate for the current population..

It seems clear from your E-mail and from the attached Yorkshire Water letter that neither Yorkshire Water nor ERYC have been willing to take responsibility for the flooding and inadequacies of the sewage network. This is of great concern when ERYC are ploughing ahead with allocations of land within Cherry Burton for more houses which will inevitably generate more sewage, and potentially additional water ingress to sewers with further lengths of sewer piping.

The Parish Council has raised these matters throughout the Draft Plan consultation period and we have not yet been reassured that they have been either considered or addressed.

We also note that Yorkshire Water apparently expressed ignorance of any odour concerns about the pumping station in your E-mail, whereas the reality is that Yorkshire Water was well aware of these concerns in March 2013 when they wrote to Graham Stuart MP as shown in the attached letter. The Pumping Station has been the source of widespread foul odours in the centre of the Village at times over the last two years or so and this is inevitably seen by residents as just another symptom of an over-loaded sewage system, even without any further developments in the Village.

### **High Rainfall Event Flooding**

In addition to the capacity and integrity of the sewage system, there remain concerns about the potential for flooding as a result of run-off from surrounding agricultural land in the event of high rainfall events. The Parish Council acknowledges and is grateful that the Canada Drive “side” of the Village has been protected with a flood mitigation scheme, but we are still concerned that the most vulnerable properties in the centre of the Village and particularly in Elm Drive area not protected from surface run-off over Bishop Burton College land to the South West of the Village. Properties in this area of the Village were those that were most significantly affected by the 2007 flooding and this area is also the most vulnerable to high sewage levels at the sewage pumping station, as outlined above.

During the meeting with ERYC officers held in May 2013 we were told that funding had become available for development of a flood prevention scheme for the South West side of Cherry Burton, but aside from minor works to surface drainage in the Meadows, there does not appear to have been any progress. Two alternative flooding mitigation schemes were proposed in the LCDL drainage report which the Parish Council commissioned, and which was copied to ERYC, and yet these proposal seem to have been over-looked by ERYC.

**Conclusions**

The Parish Council therefore write to seek reassurance from ERYC:

1. That Yorkshire Water have been consulted about the implications for the sewage system for the entirety of the proposed development in Cherry Burton, rather only the individual developments, each in isolation,
2. That the current deficiencies in the Cherry Burton drainage and sewage systems will be properly considered and improvements will be made BEFORE any further housing developments take place in Cherry Burton.

Yours sincerely

Janet Wardale  
Clerk to Cherry Burton Parish Council

Parish Council letter to Mr Simon Berkeley, Planning Inspector dated 12 November 2014

ANNEX 9

# **Cherry Burton Parish Council**

**Clerk: - Mrs Janet Wardale**  
114, The Meadows  
Cherry Burton  
Beverley  
East Yorkshire  
HU17 7SD  
Tel. (01964) 550 107  
Email: cbpc@pjw.karoo.co.uk

**Chairman: - Mr Richard Cowey**  
10, Main Street  
Cherry Burton  
Beverley  
East Yorkshire  
HU17 7RL

**Mr Simon Berkeley BA MA MRTPI**  
Planning Inspector  
c/o East Riding of Yorkshire Council  
County Hall  
BEVERLEY  
HU17 9BA

12<sup>th</sup> November 2014

Dear Sir,

## **PROPOSED ALLOCATIONS FOR RESIDENTIAL DEVELOPMENTS IN CHERRY BURTON**

The Parish Councillors have asked that I write to you to summarise their concerns with respect to the proposed allocations for residential developments in Cherry Burton. The Councillors apologise for the “last minute” nature of this submission, but they had not been made aware of the dates of the public examination of the Draft Local Plan by ERYC, nor the submission timetable.

In summary the Parish Council does not object to residential developments within Cherry Burton, but Councillors and residents are very concerned about the inadequacies of the sewage and drainage infrastructures in the Village even with the current level of housing.. The Parish Council has repeatedly raised these concerns through the consultation process, and still remains very concerned that these constraints have not been adequately addressed by the ERYC in the draft allocations document. The Parish Council has also made a number of attempts to resolve these outstanding issues with officers from the ERYC, but without a satisfactory resolution.

We therefore request that you consider the questions that we have raised in our most recent correspondence to ERYC, which is attached, along with supporting documents which effectively demonstrate that neither ERYC nor Yorkshire Water are willingly to address the demonstrable inadequacies of the sewage infrastructure in Cherry Burton. Our concerns about flooding are based on experience of flooding of several tens of properties in Cherry Burton by surface run-off from surrounding farmland in 2007 and more recently as a result of rising groundwater. A number of properties where uninhabitable for several months following the flooding in 2007, and many of the same properties have more recently also been affected by rising sewage levels from the pumping station. The Councillors feels that it is morally wrong to allocate and develop more housing in the village before these matters have been satisfactorily resolved.

As well as concerns about sewage and flooding the Councillors would also like to draw your attention to the wholly inadequate access arrangements for the proposed CHER B development off Canada Drive in Cherry Burton. At the northern end the proposed access is by a very narrow residential cul-de-sac which is already congested, and at the southern “end” there seems to be a proposal for access on to Main Street at a point with extremely poor visibility. The Councillors would like to encourage you to inspect both of these access points so that you can see for yourself why the Parish Council considers that they are wholly unsuitable for an allocation approaching 40 additional houses.

Yours sincerely

Janet Wardale  
Clerk to Cherry Burton Parish Council



Notice of Decision (refusal) for Application ref 05/06097/PLF

ANNEX 10



# EAST RIDING

OF YORKSHIRE COUNCIL

County Hall Beverley East Riding of Yorkshire HU17 9BA Telephone 01482 887700

[www.eastriding.gov.uk](http://www.eastriding.gov.uk)

Philip Parker Head of Planning and Development Control

Minster Designs  
18 Cartwright Lane  
Beverley  
East Riding Of Yorkshire  
HU17 8NA

Application No: DC/06/04338/PLF/EASTSE

Case Officer: Mr S Robson

## NOTICE OF DECISION

### TOWN AND COUNTRY PLANNING ACT 1990

Application Type: Full Planning Permission

Proposal: Alterations and change of use of outbuildings to form No. 2 holiday letting units  
(Amended scheme of application no. 05/06097/PLF)

Location: Rectory Farm Cottage 69 Main Street Cherry Burton East Riding Of Yorkshire  
HU17 7RF

Applicant: Mr And Mrs Burnett

The above application has been considered by the Council in pursuance of their powers under the above mentioned Act and has been **REFUSED**, for the following reason(s):

1. The proposal is considered to be unacceptable as the visibility for the drivers of vehicles emerging from the vehicular access is restricted on both the traffic approach and departure sides below the recommended minimum standards by adjacent boundary features and the horizontal alignment of Main Street (public highway). If the development is permitted it will create potential hazards to other road users to the detriment of highway safety.

The proposal is therefore considered to be contrary to Criterion 'C' of Policy D11 in that the Development will create highway safety problems.

Beverley Borough Local Plan

Policy D11 states:-

"Changes of use from single family dwellings into flats, residential homes and hostels will be approved provided that all of the following criteria will be satisfied:

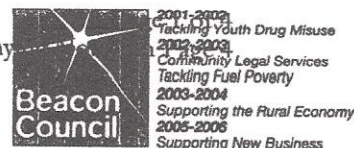
- a) it would not be harmful to the existing character of the area
- b) it would not result in unacceptable damage to the residential amenity of those occupying neighbouring properties
- c) it would not give rise to road safety problems as a result of traffic generation or of the inadequacy of off-street parking."

**THE MJ**  
2004  
Achievement Awards  
OVERALL BEST ACHIEVING  
COUNCIL OF THE YEAR



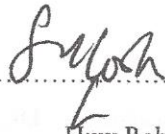
INVESTOR IN PEOPLE

See Accompany



Huw Roberts Director of Customer Services

Signed .....



Date : 11 August 2006

Huw Roberts, Director of Customer Services

Notes to accompany application no DC/06/04338/PLF/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: 01173 276372.

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 [www.planningportal.gov.uk/pes](http://www.planningportal.gov.uk/pes). 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. Amendment to Plans**

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

Photo of parked cars on Main Street causing westbound traffic on to eastbound side of Main Street at proposed access to four dwellings.

ANNEX 11



ANNEX 12



Cherry Burton Parish Council  
Comments on Draft Local Plan

**Objections to plan**

**Flooding** – The area adjacent to the CHER3 proposed development on Canada Drive took the brunt of the flooding in 2007. It is felt that if anything increases the run off of rain water, this will put additional pressure on the culvert to the rear of the houses on the North side of Canada Drive and on the North Drain. It is likely that this would cause a back up of water which could affect the whole village and would also undermine the benefits gained from the recently constructed flood barrier.

**Village drainage system**- does not seem to cope with heavy rain and recent springs, without extra demands of additional housing.

**Pumping station** – does not seem to be coping and tankers had to be used over Christmas to cope with the extra demands on the sewage system caused by the spring water. Residents have reported problems with smells and vibrations.

**Sewage system** – problems occurred over the Christmas period this year as a result of the extra spring water that needed to drain away (see above).

**Increase in traffic volume** – The developments will result in a large number of extra vehicles using the village roads and there will also be disruption from extra vehicles involved in any building.

**Parking and access** – this is already a problem on Canada Drive without extra vehicles from the proposed new developments. Also there are concerns about the access to CHER6. If this is off Main Street, then the access road is too narrow and could cause traffic problems given it's position.

**Increased volume of traffic** at the B1248 crossroads, where there seems to be regular accidents. The junction will not cope in its current state with added village traffic. The amount of KSI (killed or serious injury) incidents would only increase if any residents are new to the area and, as such, unaware of the dangers of the junction

**In favour of plan**

The promise to improve the drainage and sewage systems in the village before any development would mean benefits for the village as a whole.

Maintaining a viable school, shop and pub

**In Summary**

Cherry Burton Parish Council object to any new building developments in the village until the existing drainage and sewage systems are shown to be able to cope with the extra demands. In particular the North Drain out of the village needs to be more effective in getting water out of the village. There is evidence to show that North

Drain is partially blocked and there has been limited maintenance since before the previous flooding in 2007.