



# EAST RIDING

OF YORKSHIRE COUNCIL

County Hall Beverley East Riding of Yorkshire HU17 9BA Telephone (01482) 393939

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

Darren Stevens Director of Corporate Resources

To: Members of the Eastern Area Planning Sub Committee Councillors Tucker (Chairman), Bryan, Chadwick, Copsey, Greenwood, Healing, Healy, Jefferson, Norman, Rogers, Skow and Steel.

Our Ref: Agenda/JMW/00183  
Enquiries to: Mr Jon Whyley  
E-Mail: [jon.whyley@eastriding.gov.uk](mailto:jon.whyley@eastriding.gov.uk)  
Tel. Direct: (01482) 393207  
Date: 14 February 2020

Dear Councillor

I hereby give you notice that a meeting of the EASTERN AREA PLANNING SUB COMMITTEE will be held at COUNTY HALL, CROSS STREET, BEVERLEY on MONDAY, 24 FEBRUARY 2020 AT 2.00PM.

The business to be transacted is as set out below.

Yours sincerely

for Darren Stevens  
Director of Corporate Resources

Enc

## A G E N D A

1. Declarations of Pecuniary and Non-Pecuniary Interests and Declarations under Section 4 of the Code of Practice for dealing with Planning Applications - Members to declare any interests in items on the agenda and the nature of such interest.
2. To approve as a correct record the minutes of the meeting of the Sub Committee held on 3 February 2020 (pages 1 - 3).
3. Withdrawals - The Director of Planning and Economic Regeneration to inform the Sub-Committee of any applications that have been withdrawn.

cont ...

Caroline Lacey  
Chief Executive

## EAST RIDING OF YORKSHIRE COUNCIL

### Report of the Director of Planning and Economic Regeneration

**Reported to:** Eastern Area Sub-Committee

**Date:** 24<sup>th</sup> February 2020

**Ward:** Beverley Rural

**Parish:** Cherry Burton Parish Council

**Application for Outline - Erection of up to 37 dwellings (all matters reserved)**

**At Land East Of 30, Canada Drive, Cherry Burton, East Riding Of Yorkshire, HU17 7RH**  
**By PPH Commercial**

**Application Number: 19/03661/OUT**

## 1. SUMMARY AND RECOMMENDATION

- 1.1 This application seeks outline planning permission with all matters reserved for a residential development on a field to the east of Canada Drive, within the village of Cherry Burton. The application form indicates that the scheme would provide up to 37 dwellings, the types yet to be determined. The site comprises almost all of a housing allocation (CHER-B) within the East Riding Local Plan Allocations Document. The allocation has an indicative capacity of 37 dwellings.
- 1.2 Indicative details have been provided within the application to show how the site could be developed. These initially showed the majority of the site accessed from Canada Drive, with a small section containing 4 dwellings accessed from Main Street. This has been subsequently amended to remove the link to Main Street due to concerns over highway safety and neighbouring amenity.
- 1.3 In principle, the proposals as amended are considered an acceptable form of residential development on this allocated site in this location. A suitable detailed scheme of development could be achieved at reserved matters stage which would be acceptable in terms of the impact on the character and appearance of the area, heritage assets, neighbouring properties, highway safety, nature conservation interests, the surrounding environment, and in terms of risk to and from flooding, which would accord with requirements within relevant policies within the East Riding Local Plan Strategy Document and National Planning Policy Framework.
- 1.4 The application is recommended for **APPROVAL** with conditions as set out in the report.
- 1.5 The application is referred to the Eastern Area Planning Sub-Committee for determination due to a large number of objections having been received in relation to the proposals.

## 2. SITE DESCRIPTION

- 2.1 The application site is within the development limits of the primary village of Cherry Burton. It is approximately 1.6 hectares in area and comprises a field lying to the east of Canada Drive. Fields lie to the east of the main section of the site beyond a tall mature

tree belt, and to the north beyond a relatively low hedge. To the west of the site beyond a brick wall and tall hedge cover lies Cedar Grange Care Home and its grounds which extend half way along the western border. Neighbouring dwellings on Canada Drive lie to the north of it along the rest of the western site border beyond lower hedgerows and fences. The garden area to the dwelling of Rectory Barn (a former barn conversion) lies to the south, with the grounds of Cherry Burton House which is a Grade II Listed Building are to the south-east of the site beyond a tall mature tree belt. The site lies outside though adjacent to the limits of Cherry Burton Conservation Area which extends to the east, south and halfway along the western border.

- 2.2 Ground levels drop noticeably from south to north across the field which forms the majority of the site. A strip of land approximately 30m wide running parallel to the northern border of the site adjacent to North Drain lies within flood zone 3 which is of high probability of flooding from the adjacent watercourse, and also at medium to high risk of surface water flooding. The rest of the site to the south is within flood zone 1 which is at the lowest probability of flooding from this source. There are also some pockets of low risk surface water flooding within the site.

### 3. KEY POLICIES AND DOCUMENTS

#### **East Riding Local Plan Strategy Document (ERLP SD) – 2016**

S1 (Presumption in favour of sustainable development)  
 S2 (Addressing climate change)  
 S3 (Focussing development)  
 S5 (Delivering housing development)  
 S8 (Connecting people and places)  
 H1 (Providing a mix of housing and meeting needs)  
 H2 (Providing affordable housing)  
 H4 (Making the most efficient use of land)  
 EC4 (Enhancing sustainable transport)  
 ENV1 (Integrating high quality design)  
 ENV2 (Promoting a high quality landscape)  
 ENV3 (Valuing our heritage)  
 ENV4 (Conserving and enhancing biodiversity and geodiversity)  
 ENV5 (Strengthening green infrastructure)  
 ENV6 (Managing environmental hazards)  
 C1 (Providing infrastructure and facilities)  
 C3 (Open space, sport and recreation)  
 A1 (Beverley and Central sub-area)

#### **East Riding Local Plan Allocations Document (ERLP AD) – 2016**

CHER-B (Land East of Canada Drive (1.52Ha))

#### **National Planning Policy Framework (NPPF) – 2019**

#### **Planning (Listed Buildings and Conservation Areas) Act 1990**

Section 66 – special regard to be had to the desirability of preserving the listed building, its setting, and any features of architectural or historic interest it possesses

#### **East Riding Local Plan Supplementary Planning Documents**

Affordable Housing Supplementary Planning Document – 2016

Open Space Supplementary Planning Document – 2016

#### 4. RELEVANT PLANNING HISTORY

Application No	Proposal	Decision	Date
06/04338/PLF	Alterations and change of use of outbuildings to form No. 2 holiday letting units (Amended scheme of application no. 05/06097/PLF) – at no.69 Main St	Refused	11.08.2006
310-128A	Outline residential development	Refused	14.12.1994
310-128	Outline for erection of 24 dwellings on approx. 4.32 acres on land forming part of OS no 2433 East of	Refused	12.06.1985

#### 5. SUMMARY OF CONSULTATION RESPONSES

##### Cherry Burton Parish Council

Strongly object to the proposed development for three primary reasons, in summary:

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.

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.

##### Highway Control

No objections subject to conditions and informatives. The amended layout shows all properties now being served from Canada Drive, which is acceptable from a highway safety point of view. The revised layout shows a mixture of carriageway types, a traditional access road measuring approximately 5.5m wide with footways on either side, shared surface carriageways which as the name suggests are shared by both pedestrians and motor vehicles and some private drives, which will not be adopted as public highway. The highway layout is acceptable and the technical details can be dealt with at Section 38 stage and all properties will now be accessed from Canada Drive. Suitable parking facilities in accordance with the Sustainable Transport SPD would need to be provided at the detailed

stage.

### **Conservation Officer**

No objection in principle. The land east of Canada Drive is surrounded by the designated Cherry Burton conservation area on the east, west and south boundaries. Therefore any following application, including reserved matters, will need to act in accordance with Chapter 16 of the National Planning Policy Framework (NPPF) and Policy ENV3 of the East Riding Local Plan. In addition the grade II listed building, Cherry Burton House, is close to the site; therefore the application must consider the setting of the listed building as per paragraph 189, 190 and 194 of the NPPF.

Whilst the site is allocated under Policy CHER-B with an indicative capacity for 37 dwellings, the statutory tests still apply. Therefore any proposed development will need to consider the layout, design, materials, height, scale and massing of the proposed development, responding to the established character of the conservation area (highlighted within Cherry Burton's Conservation Area Appraisal). Furthermore, I would like to see a detailed landscaping plan that offers screening from the development to the setting of the listed building.

### **Historic England**

On the basis of the information available we do not wish to offer any comments and suggest that you seek the views of your specialist conservation and archaeological advisors as relevant.

### **Environment Agency**

Provided that all buildings are constructed clear of flood zone 2 and 3 on the Environment Agency's flood map for planning, and there is no ground raising within these flood zones, we have no objection to these proposals.

A condition is requested for the development to be undertaken in accordance with the submitted flood risk assessment and the mitigation measures detailed within it, to reduce the risk of flooding to the development and future occupants and to prevent flooding elsewhere by ensuring compensatory storage of flood water is provided.

### **Nature Conservation Officer**

In summary I am satisfied that the evidence available is adequate to properly assess the effects of the proposal in accordance with relevant statutory and policy requirements. Subject to securing the implementation of the mitigation that is recommended and the enhancements that are proposed the submitted information enables the Council to fully address all material considerations and legal obligations in determining the planning application.

### **Natural England**

No comments to make. Impact on protected species should be assessed using standing advice or following consultation with the Council's ecology services.

### **Open Space Working Group**

The development would trigger the requirements for on-site equipped and recreation space in a centrally located position along with a 10 year maintenance contribution if it is to be adopted by the Council, an off-site financial contribution towards outdoor sports facilities, and for on-site amenity green space along with a 10 year maintenance contribution if it is to be adopted by the Council along with a 10 year maintenance contribution if it is to be adopted by the Council. Figures are provided of the likely area and monetary requirements based on the indicative details.

### **Housing Strategy and Development**

Application triggers the requirement for affordable housing provision whose exact mix and level of need will be determined at reserved matters stage.

### **Land Drainage and Lead Local Flood Authority**

Surface water drainage systems shall be provided in accordance with National Planning Policy Framework guidance and designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible.

Sustainable drainage systems are to be provided as high up the following hierarchy of drainage options as reasonably practicable: into the ground (infiltration); to a surface water body; to a surface water sewer, highway drain, or another drainage system; to a combined sewer.

Full details to support the chosen SUDS method and details to confirm why other hierarchal methods have been discounted, shall to be submitted and approved by the Planning Authority prior to any works commencing on the site in order to reduce the causes and impacts of flooding.

No objections subject to Yorkshire Water agreeing the foul drainage proposals for the site and a complete and operational drainage system being installed prior to any property being occupied.

Recommend conditions relating to foul and surface water, site survey for existing land drainage systems and confirmation of riparian ownership of watercourse for discharge.

### **Yorkshire Water Services Limited**

Conditions requested for site to be developed with separate systems of foul and surface water drainage, surface water drainage to be submitted for approval with no piped discharge from the site until the approved drainage works are in place, in order to protect the local aquatic environment and Yorkshire Water infrastructure.

### **Humberside Fire Brigade**

Comments made in relation to access requirements for the Fire Service, and provision of water supplies for firefighting.

### **Humberside Police**

No comments received.

## **Head of Education And Learning**

No comments received.

## **Forward Planning**

No comments received.

## **6. PUBLICITY**

58 letters of objection have been received raising some of all of the following comments:

- Village has a lack of facilities, limited bus service, and already has enough properties and the infrastructure cannot cope with more.
- Proposals do not address concerns previously raised at time site was proposed for allocation within the Local Plan, or historic refusal for residential development on the site in the 1990s.
- Issues relating to access and highway safety. Existing traffic volumes in village are high enough and the development would add to existing issues with through traffic, congestion in the village and at the junction with the B1248, traffic speeds and on-street parking. Accesses to the site from Canada Drive which is a quiet residential street and Main Street are not acceptable, being too narrow and tight with poor visibility, inadequate parking and room for manoeuvring due to on-street parking, and would affect residents and highway safety through increased accidents, damage to parked cars and impeding access. Would not support heavy construction vehicles and would be concerns for access by emergency vehicles. Applications for development accessed onto Main Street have been previously refused due to restricted visibility and highway safety concerns. More families will mean more children having to travel for schooling increasing traffic. Proposals to restrict parking on Main Street would affect residents who have no off-street parking and church goers.
- Issues relating to residential amenity. Noise, pollution and disturbance from increased traffic and construction activities affecting neighbouring occupiers on Canada Drive, and at the care home, Rectory Barn and no. 69 on Main Street. Would create dirt and dust issues to surrounding properties during construction. Would result in loss of view/natural aspect and loss of privacy to surrounding properties.
- Issues relating to drainage and flood risk. Would result in loss of permeable area and would impact on foul and surface water drainage in area, increasing risk to existing residents where there are already flooding and drainage issues due to inadequate systems in place which have not been addressed by the Council or Yorkshire Water. Open space area would be subject to flooding. Concerns that new houses would be at serious risk of flooding.
- Overdevelopment which would spoil the historic character of the village and its attractiveness for residents.
- Concerns over the potential for further development to the north of the site from indicative plan.
- Would result in possible damage to listed buildings and their setting.
- Village school is already oversubscribed with other services such as secondary schools, dentists and doctors' surgeries struggling to meet local demands.
- Would reduce natural habitat and impact on local wildlife which has not been adequately assessed. Area in the north of the development could be used to provide some habitat.

- Sceptical that housing will be suitable for first time buyers due to property costs. Consideration should be given to purpose built accommodation for the elderly and/or disabled.
- Fire risk due to close proximity of dwellings to each other.
- Would devalue existing properties.
- Access to the field from Canada Drive is not in the applicant's ownership.
- Supporter lives at other end of the village and will not be affected.

There has also been a petition of 91 signatories against access to the development through Canada Drive and from Main Street.

1 letter of support has been received raising the following points:

- The village is one of the most rapidly ageing places in Yorkshire.
- New housing would attract new families and help the village to thrive, contributing to the local economy during construction and afterwards, and supporting local amenities and facilities.
- Consideration should be given to building suitable housing to attract younger people and young families and affordable housing to meet a desperate need for such.

## 7. PLANNING ASSESSMENT

### Principle of Development

- 7.1 Objections have been received from the Parish Council and local residents that the proposals do not address concerns that were previously raised at time site was proposed for allocation within the Local Plan, or from historic refusal for residential development on the site in the 1990s. Objections state that there are a lack of facilities and limited public transport option in the village whose infrastructure would struggle to cope with the additional development. Concerns are also raised as to whether the housing would be suitable for first-time buyers due to property costs in the village, and the potential for further development to the north of the site.
- 7.2 Comments have also been made in support that new housing would attract new families to the village which has an ageing population, helping to support the local economy and facilities, and that consideration should be given to building suitable housing to attract younger people and families and affordable housing to meet a desperate need for such, as well as purpose built accommodation for the elderly and disabled.
- 7.3 It is recognised that an outline planning application for up to 24 dwellings has been previously refused (ref 310-128 dated 12.06.1985) on land which included the northern half of the current application site and part of the field to the north. This application was refused as the site was outside the development limits of the village at that time and considered speculative development in the open countryside contrary to policy within the Humberside Structure Plan, and would be an undesirable extension of the village which would be likely to detract from the visual amenities of the area and setting of the village and the listed Cherry Burton House. There were also concerns as to whether site could be satisfactorily drained.
- 7.4 A further outline application (ref. 310-128A) for residential development of up to 43 dwellings covering the same area was refused on 14.12.1994. This was on the grounds that the application was premature, as although the site had been put forward as housing allocation (H2e) within the draft Beverley Borough Local Plan (BBLP), this document had



yet to be examined at a public enquiry. At the BBLP Inquiry the inspector removed the proposed allocation in Cherry Burton and replaced it with a new allocation in Beverley which was considered to be better located with regards the principles of sustainable development where development should be directed towards larger settlements. The BBLP was subsequently adopted in 1996. It has however now been superseded following the adoption of the ERLP in 2016.

- 7.5 The current application seeks outline planning permission for a residential development, up to 37 dwellings indicated, with all matters reserved for future consideration. The site now lies within the development limits of the primary village of Cherry Burton as identified within the policies maps of the ERLP, and comprises almost all of the land which has been allocated for residential development (CHER-B) within the ERLP AD which has an indicative capacity of 37 dwellings.
- 7.6 In the ERLP AD all potential housing allocations were assessed against the Site Assessment Methodology (2011, updated 2014) ensuring a consistent basis for comparing the different options available. This ensured that the most suitable sites were identified for allocation. Despite the planning history of the site, the principle of residential development has now been established through the allocation in the ERLP SD under policy CHER-B. During the local plan preparation process, it was considered that issues raised during the consultation stage could be addressed through appropriate development proposals on the site. The ERLP was subject to examination in public by an appointed Inspector and although the Parish Council and some local residents remain aggrieved by the allocation of the site, the issues relating to the principle of residential development of this scale in this location have been fully considered and accepted by the Inspector.
- 7.7 The site lies within a sustainable and accessible location. Policy S3 of the ERLP SD highlights the significance of primary villages to the East Riding and their role in supporting limited new development in locations with access to jobs, services and facilities. Within the development limits of primary villages, residential development, including affordable housing, which is commensurate with the scale, role and character of the village would be generally supported. Policy A1 also highlights support for residential development where it is focussed towards larger settlements within the defined settlement network within the Beverley and Central sub-area, including Cherry Burton.
- 7.8 The Council has in excess of a 5 year supply of deliverable housing sites across the authority so policies in relation to housing should be given full weight. The 5-year supply position includes those allocations identified in the ERLP AD, including the application site. This is also in line with Policy S5 which provides the strategic framework for ensuring the Strategy Document delivers sufficient housing in the right locations within settlements and the countryside, and where the policy supports the delivery of 60 dwellings for Cherry Burton to 2028/29 within the allocated sites which contribute towards the housing requirements for the East Riding. For comparison the principal town of Beverley has a much larger housing requirement of 3,300 homes over the period to 2028/29.
- 7.9 In relation to housing mix and type, the indicative 37 dwellings would achieve a density of just over 24 dph. This is in line with the indicative capacity of the site identified within ERLP AD policy CHER-B and the slightly lower than normal density is acceptable taking into account the policy requirement for additional landscaping to the northern and western borders of the site, and the site lying partly with flood zones 2 and 3, reducing the developable area.
- 7.10 Policy H1 of the ERLP SD supports developments that contribute to the overall mix of

housing in the locality. When determining the mix of housing at Reserved Matters Stage, regard would need to be had to ERLP SD policies H1 and A1 in terms of the required housing mix at that point in time and a condition will be imposed requiring that the reserved matters scheme address this requirement.

- 7.11 Concerns have been raised by local residents over the potential for further development to the north of the site from indicative plan. This area is however outside the village development limits and is not currently allocated for residential development and would therefore represent a departure from the development plan. Comments have also been made in relation to a potential “ransom strip” between the site and the end of the cul-de-sac on Canada Drive. A land registry search has however yielded no evidence of title to this land, and it is not part of the title to either of the neighbouring dwellings to the north and south. Whilst this small parcel of land is not within the applicant’s ownership, the applicant has completed the correct certificate of ownership and carried out the requisite publicity to identify any landowner. To date, no submissions have been made to demonstrate that the land is in private ownership.
- 7.12 Despite the objections raised, for the reasons set out above and subject to appropriate conditions, the principle of residential development would be in line with such requirements as detailed within ERLP SD policies S1, S2, S3, S5, S8, H1, H4, EC4 and A1, ERLP AD policy CHER-B and the “Achieving sustainable development”, “Promoting sustainable transport” and “Delivering a sufficient supply of homes” sections of the NPPF which seek to direct residential as well as other forms of development to accessible and sustainable locations such as this.

### **Affordable Housing**

- 7.13 Under the revised NPPF, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more are considered to be major development. This would apply to the current application. Only these major developments are expected to provide a contribution to affordable housing. This is an important material consideration and should be considered alongside the site size threshold set out in Policy H2 of the East Riding Local Plan.
- 7.14 The Council’s Housing Strategy section have advised that the need for additional affordable housing remains high throughout the local authority area based on evidence from both the Strategic Housing Market Assessment (SHMA) 2019 for the East Riding of Yorkshire and the Council’s own Housing Register. Comments have also been received from local residents and the Parish Council in support of affordable housing.
- 7.15 The proposed development is on a site which has been allocated in the Local Plan (CHER-B), and as the site lies within the Beverley Housing Market Area, 25% of the proposed dwellings should be made available as affordable housing to be provided within the development (or through an off-site contribution if more appropriate) unless it can be demonstrated that this would have an unacceptable impact on the economic viability of the development. No statement has accompanied the application to indicate that the development would be unviable economically. Affordable housing should therefore be provided on the site.
- 7.16 As this is an outline application with all matters reserved, it is not appropriate to deal with the details of the affordable housing at this stage, other than to include a condition requiring provision in line with policy at the time of the submission of Reserved Matters. Details would then be dealt with at the Reserved Matters stage to allow both housing need

and the housing market to be considered at a time closer to when the development may take place and in accordance with policy at the time. Whilst it is not a requirement of the Local Plan, good practice suggests that all new homes should meet the nationally described space standards, set out in the Technical Housing Standards report by the Department for Communities and Local Government. This will ensure affordable units are suitably sized to allow them to be allocated appropriately and to meet the requirements of a range of households in housing needs and should be taken into account when designing the affordable house types at the reserved matters stage.

- 7.17 Subject to such a condition in relation to affordable housing provision the development would be in accordance with such requirements within ERLP SD policy H2, the Affordable Housing Supplementary Planning Document, and the NPPF.

### **Open Space Provision**

- 7.18 ERLP SD policy C1 includes provisions that subject to economic viability, development contributions will be sought from new development to meet the need for new/ and or improved infrastructure and facilities (which would include public open space), and to mitigate its impact on the wider environment and community. Policy C3 similarly requires development proposals to maintain or enhance the quantity, quality and accessibility of open space and address any shortfall in provision. Development that increases demand for open space will be required to address this demand, where practicable this should be provided on site.
- 7.19 Policy C3 of the ERLP SD sets out the standards that need to be achieved in respect of open space provision. The supporting text to policy C3 outlines that open space will only be sought via a planning obligation from developments of more than 10 housing units (or more than 1000 square metres internal floor area). As the application is in outline for up to 37 dwellings there would be a potential trigger for open space provision within the development.
- 7.20 Subject to a condition relating to the provision of open space within the reserved matters application, the proposals would be in accordance with such requirements within ERLP SD policies C1 and C3, the Open Space Supplementary Planning Document, and the NPPF (in particular with its “Achieving well-designed places” and “Promoting healthy and safe communities” sections) which indicate that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and should be appropriately provided within developments.

### **Character and Appearance of the Surrounding Area**

- 7.21 Objections have been received from local residents that the proposals would be overdevelopment which would spoil the historic character of the village and that it would result in possible damage to listed buildings and their setting.
- 7.22 The application is in outline with all matters, including scale, layout, appearance and landscaping (which could influence the impact on the character and appearance of the area) reserved for future consideration. An indicative layout has been provided for the development, which proposes an area of open space to the northern end, which would coincide with the area of the site at medium to high risk of surface water flooding. As indicated previously, the density of development would be generally consistent with the requirements within policy H4.

- 7.23 The area of the proposed residential development is currently a grassed field, largely surrounded by fencing and hedging, with a mature tree belt along the eastern border which limits its impact on the surrounding landscape. Residential development lies to the south and west, with fields to the north and east. The site is also adjacent to the village Conservation Area to the south, east and west, with the Grade II Listed Cherry Burton House further to the south-east of the site beyond a tall mature tree belt.
- 7.24 In considering the application site for inclusion within policy CHER-B of the ERLP AD, it was considered that residential development could be achieved on the site which would be acceptable in terms of its impact on the character and appearance of the area, subject to consideration to the need to ensure the proposals pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. This is in accordance with section 12 of the National Planning Policy Framework as well as relevant policies in relation to heritage assets within the ERLP SD.
- 7.25 It has therefore been accepted that residential development of a suitable scale and design can be achieved on the site which would satisfy these interests as well as generally in terms of the character and appearance of the surrounding area, and no objections are raised by the Conservation Officer or Historic England at this time. The detailed scheme of development would be subject to further consideration at reserved matters stage and would need careful consideration in terms of their scale, layout, design, materials and landscaping. Details of existing and proposed levels will also be requested due to the significant change in the gradient across the site.
- 7.26 Precise details of the house types have not yet been determined. There are a mix of house types in the surrounding area including houses and bungalows. In order to reflect the character and appearance of the surrounding development it is considered that the proposed dwellings should preferably be no more than 2-storeys in height reflecting the type of properties within the vicinity.
- 7.27 The mature trees and hedgerows around the site which are beneficial to the rural character and appearance of the area, as well as to biodiversity are indicated to be largely retained, though details would be required within any reserved matters application. Additionally under Policy CHER-B of the ERLP AD additional landscaping is required to be provided to the northern boundary, and the existing landscaping to the east retained and enhanced. This would help to soften the impact of the development and integrate it into the surrounding landscape. These matters as well as others in relation to landscaping would need to be addressed within any detailed scheme of development at reserved matters stage, though a condition will be imposed to indicate that this should include the landscape works required under policy CHER-B.
- 7.28 Despite the objections raised, on consideration of the above a suitably scaled, designed, laid out and landscaped development could be achieved at reserved matters stage which would be acceptable in terms of the density of development and its impact on the character and appearance of the area and setting of adjacent heritage assets in the form of the Conservation Area and Listed Buildings, and would retain/incorporate existing landscaping and green infrastructure within the development and provide the new soft landscaping required to the borders of the site.
- 7.29 This would be in accordance with such requirements which are found in provisions within ERLP SD policies S1, S3, H4, ENV1, ENV2, ENV3, ENV4 and ENV5, ERLP AD policy CHER-B, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the NPPF (in particular within its "Presumption in favour of sustainable

development", "Core planning principles", "Delivering a wide choice of high quality homes", "Requiring good design" and "Conserving and enhancing the natural environment" sections.

### **Neighbouring Uses and Amenities**

- 7.30 Objections have been received from the Parish Council and local residents with regard to loss of residential amenity from noise, dust/dirt, pollution and disturbance from increased traffic and construction activities, loss of view, loss of privacy, and devaluation of existing dwellings.
- 7.31 The application is in outline with all matters, including scale, layout and appearance, which could influence the impact on neighbouring uses and amenities, reserved for future consideration. The removal of the link through to Main Street from the site on the amended plans has addressed concerns in relation to the impact on the residential amenities of Rectory Barn and no. 69 on Main Street.
- 7.32 The site is immediately bordered by fields to the east and north and development would not therefore affect any neighbouring amenities in these directions. Neighbouring residential properties and a care home lie to the east of the site, with a couple of dwellings at Rectory Barn and no.69 Main Street to the south.
- 7.33 In considering the application site for inclusion within the ERLP AD it was concluded that a detailed scheme of development could be achieved with acceptable impacts on neighbouring amenities. It is acknowledged that the design, siting and layout of the proposed dwellings would need careful consideration at the reserved matters stage in order to prevent any unacceptable overlooking, loss of light or unacceptable sense of enclosure issues between themselves and also to existing neighbouring properties, though it is considered that this could be easily achieved. The requirement for additional landscaping along the eastern border of the site within policy CHER-B would also improve screening and separation from the grounds of listed Cherry Burton House to the south-east. The concerns raised could therefore be addressed at reserved matters stage. The site is large enough to provide proposed dwellings with an appropriate degree of private amenity space and maintain adequate separation from the existing dwellings adjacent to the site. The landscaping details to be submitted at reserved matters stage would need to ensure suitable boundary treatments were proposed to maintain privacy and separation between the proposed dwellings themselves and neighbouring properties.
- 7.34 Due to the close proximity of neighbouring residential properties there is a potential for nuisance to arise during the construction phase. In order to protect the neighbouring and nearby residents from any adverse effects of noise, vibration, dust, fumes and lighting, a condition is suggested for a Construction Emissions Management Plan (CEMP) highlighting measures to address the environmental impact of the development and identify the steps and procedures that will be implemented to minimise the creation and impact of air pollution and dust resulting from the site preparation, demolition, groundwork and construction phases of the development. In the interest of neighbouring amenities it is also considered reasonable to impose a restriction on hours of construction activities, and for submission for approval of details of any external plant (including generators and groundwater pumps) to be used during the demolition and construction phases, and for wheel cleaning facilities to be provided within the site.
- 7.35 Despite the objections raised, on consideration of the above and subject to the aforementioned conditions it is considered that a suitable detailed scheme of development

could be achieved at reserved matters stage which would provide future occupants of the proposed dwellings with an acceptable degree of residential amenity and external private amenity space, and would be acceptable in terms of its impact on the residential amenities of neighbouring dwellings. This would be in accordance with such requirements found within ERLP SD policy ENV1, and the NPPF, in particular within the “Presumption in favour of sustainable development” and “Achieving well-designed places” sections).

#### **Access, Parking and Highway Safety**

- 7.36 Objections have been received from the Parish Council and local residents in relation to the detrimental impact on highway safety, considering the proposed access onto Canada Drive and Main Street are inadequate and unsafe due to restricted visibility and width restrictions due to on-street parking and being unsuitable for construction vehicles, and from the increase in traffic on the roads which would increase congestion as a result of the proposals.
- 7.37 The application site is located within a sustainable and accessible location within the development limits of Cherry Burton. The application site is allocated for residential development within the ERLP and so access to the site was considered to be achievable during the site selection process prior to adoption of the ERLP AD.
- 7.38 The originally submitted plans showed the majority of the site served by an extension of the existing cul-de-sac on Canada Drive on the western site boundary and also to utilise an existing private drive connecting with Main Street to the south of the site. However, due to the restricted visibility at this existing access with Main Street, which raised significant highway safety concerns from the Highway Control section (reflecting those raised by the Parish Council and local residents), this element has now been removed, and all access is to be from Canada Drive.
- 7.39 Canada Drive is a residential street which forms a loop to the north of Main Street and separates into a number of cul-de-sacs, including the cul-de-sac of 12 existing dwellings that is to be extended for the proposed development. There are two access points to Canada Drive taken directly from Main Street. Main Street is subject to a 30mph speed limit where the western most access to Canada Drive which connects with it via a simple priority junction. Canada Drive, at this point is approximately 5.6m wide. Visibility is good in both directions and is in line with the recommendations of Manual for Streets (MfS) and there have been no accident injury collisions at this location in the past 5 years.
- 7.40 The eastern most junction of Canada Drive with Main Street is also a simple priority junction and is within a 30mph zone, however, the speed limit reduces to 20mph immediately to the west of the junction due to the 'school zone'. Visibility at this point is also in line with the recommendations in MfS. There have been no accident injury collisions at this location in the past 5 years. The Canada Drive access road beyond the junction flare is approximately 5.5m wide, which is wide enough for two way movement of vehicles. It should be noted that all properties along Canada Drive do have off-street parking facilities. It is also recognised that some on street parking can act as a traffic calming feature.
- 7.41 The indicative site layout shows an extension to an existing cul-de-sac which serves 12 existing properties as previously mentioned. The existing access road at this location is approximately 4.9m wide which is acceptable for two way vehicle movement (4.1m is the minimum width required for two cars to pass on a straight section of carriageway). All properties along this section of road do have available off-street parking should they wish

to use it. Visibility at this junction where it meets the main loop road of Canada Drive is in line with the requirements of MfS.

- 7.42 In terms of the detailed scheme of development to be submitted at reserved matters stage, the layout of the site should meet the principles and initiatives of Manual for Streets (MfS), or similar residential design guidance, and parking provision should be in line with the requirements detailed within the Sustainable Transport SPD.
- 7.43 Based on the assessments detailed the submitted Transport Note, it is considered that the proposed development should not have a significant impact on the operation of the local highway network. The proposals are considered to be in accordance with the NPPF, which states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. As such, subject to conditions in relation to the detailed scheme of development, no objections are raised by the Highway Control section. Further comments on the access and layout will also be provided at the reserved matter stage. As most of the conditions relate to details to be submitted at reserved matters stage, the wording of the conditions has been amended to reflect this.
- 7.44 Despite the objections raised, subject to suitable details being provided at the reserved matters stage, it is considered that development of the site could be achieved which would be acceptable in terms of access, highway safety, and have adequate parking and servicing provision. This would be in accordance with such requirements found within provisions ERLP SD policies ENV1 and EC4, and the NPPF, in particular within the "Achieving well-designed places", "Promoting healthy and safe communities" and "Promoting sustainable transport" sections.").

#### **Flood Risk and Drainage**

- 7.45 Objections have been received from the Parish Council and local residents in relation to the development increasing flood risk to the surrounding area through loss of permeable land, it lying in an area prone to flooding, and increasing foul and surface water drainage from the site into the village systems which are inadequate and frequently flood affecting neighbouring residents.
- 7.46 As the application is submitted with all matters reserved the layout of the development has not yet been set. The application site is identified as lying predominantly within flood zone 1 which is of the lowest risk of flooding from rivers and the sea and would therefore be a sequentially preferable location for development to be sited, though land adjacent to North Drain, which runs to the north of the site, is identified as being within an area of high probability flood risk zone 3.
- 7.47 One of the requirements under ERLP AD policy CHER-B is for proposals to avoid any built development in this area of the site which is within medium - high probability flood risk zones 2 and 3. Any dwellings, which would represent a more vulnerable use would need to be located within the area of the site within flood zone 1 within the detailed scheme of development at reserved matters stage in order to be acceptable in terms of flood risk. Water compatible uses, such as public open space which would be required as part of the development should be located within the part of the site within flood risk zone 3, as also noted in the response from the Environment Agency. The indicative plans show how a development could be provided which would accord with this requirement.
- 7.48 The Environment Agency have reviewed the flood risk assessment accompanying the

application and have raised no objection subject to a condition for the development to be carried out in accordance with the FRA and site layout to show dwellings to be sited outside of flood risk zones 2 and 3 to reduce the risk of flooding to the proposed development and future users, and prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

- 7.49 In terms of drainage, as the application is in outline with all matters reserved, no detailed drainage proposals have been provided at this stage. The application site lies in an area covered by the public sewerage system. The supporting statement indicates that foul disposal would be to the existing foul drainage system which would be the most preferable within the foul drainage hierarchy.
- 7.50 Surface water disposal from the development is indicated within the application form as to be to a sustainable drainage system. The FRA indicates that ground conditions would appear unsuited for infiltration methods (though this would need to be demonstrated through appropriate soakaway tests as infiltration would be the preferred means of disposal) and that discharge to the adjacent watercourse would be the preferred approach with on-site storage and restricted discharge.
- 7.51 Yorkshire Water have raised no objections to the drainage proposals, requesting conditions to ensure that they should be to separate systems on and off the site, and for no piped discharge of surface water from the site until surface water drainage works have been provided in accordance with details which have been submitted to and approved in writing by the Council. This is to ensure that the site is properly drained and surface water is not discharged to the public sewer network in order to prevent overloading.
- 7.52 The Council's Land Drainage and Lead Local Flood Authority sections have similarly raised no objections and have requested conditions for full details of the foul and surface water drainage works to be submitted to and approved in writing by the Council, and thereafter implemented in accordance with the approved details prior to any dwelling being occupied to ensure a satisfactory drainage system is proposed for the site that will not increase the flood risk to the site or adjacent property. Surface water drainage would need to be as high up the surface water drainage hierarchy as possible which would mean infiltration would need to be discounted before disposal to watercourse or sewer is considered. This also includes provision for maintenance of the surface water drainage system for the lifetime of the development and inspection of works during its construction and at the end of a minimum 12 month maintenance period.
- 7.53 The LLFA and Land Drainage sections have also commented consent will be required from the Flood Risk Management Section of the Council for discharge into the watercourse, prior to any works commencing on the site. Comments are also made in relation to the agreement of the riparian owner of the watercourse being required for discharge to it. These will be relayed as an informative.
- 7.54 The Land Drainage and LLFA sections have also requested a condition that a site survey is undertaken to determine if there are any piped land drainage systems within the site, and if such drainage systems are found to be present, details of mitigation works to be carried out to preserve the flow from any adjacent affected sites before the development commences are provided to ensure the flood risk to the site and adjacent sites is not increased by the development.
- 7.55 Despite the objections raised, subject to the requirements within the above conditions being satisfied, it is considered that the development could be made acceptable in terms of



its risk from flooding, adequate means of foul and surface water drainage could be provided for the site, the risk of surface water flooding to the surrounding area would not be increased, and the risk of pollution to the surrounding environment minimised. This would be in accordance with such requirements within ERLP SD policies ENV6 and A1, and the NPPF (in particular with the “Meeting the challenge of climate change, flooding, and coastal change” and “Conserving and enhancing the natural environment” sections).

### **Biodiversity**

- 7.56 Concerns have been raised by local residents that the development would reduce natural habitat and impact on local wildlife which has not been adequately assessed.
- 7.57 The site is currently grassed paddock/field with surrounding tree and hedge cover, with the exception of the thin strip to the south which covers garden land and driveway. There would therefore appear to be suitable features on, or close to the site, that may support protected and/or priority habitats and species important for the conservation of biodiversity and these could potentially be affected by the development.
- 7.58 An Extended Phase 1 Habitat Survey and Preliminary Ecological Appraisal (Wold Ecology Ltd dated July 2019) which accompanies the application was considered acceptable by the Biodiversity Officer to adequately assess the impact of the development on the surrounding area. This showed that the core area of the site is of limited ecological value, that the potential impacts of the proposals on habitats and species can be appropriately mitigated for, and that the proposals will not generate significant ecological impacts. As such no objections are raised by the Biodiversity Officer.
- 7.59 A condition is requested for the submission for approval of a Construction Environment Management Plan to ensure that suitable protection and adequate mitigation is carried out for protected species during construction further to the recommendations within the ecological report. A condition is also requested for a Wildlife Enhancement Plan to be submitted for approval to ensure a satisfactory level of biodiversity enhancements are secured to expand on those as recommended within the ecological report which are not considered sufficient for a development of this scale. These will be requested to be submitted concurrent with the reserved matters submission to avoid a pre-commencement condition. Natural England have no comments to make in relation to the proposals which would not adversely affect any statutorily designated sites for nature conservation.
- 7.60 Subject to appropriate conditions as detailed above the development would be in accordance with the requirements for development to have an acceptable impact on nature conservation and wildlife interests and incorporate suitable biodiversity enhancements as detailed within provisions within ERLP policies ENV1, ENV4 and ENV5, and the NPPF (in particular within the “Achieving well-designed places” and “Conserving and enhancing the natural environment” sections).

### **Other Matters**

- 7.61 Comments have been received in relation to the impact of the development on schools and GP surgeries in the area. There is no requirement within the allocation policy for improvements to schools or other services in the village. GPs surgeries are funded according to the number of patients they have and therefore new residents registering as a result of the proposed development would increase funding to such practices.
- 7.62 The relatively small scale of the proposed development at up to 37 dwellings would not

trigger the requirement for consultation with the Council's Education and Learning section. The scale would not be considered to be of such that it would lead to a significant increase in the numbers of children attending schools in the area and that these could be accommodated within them. In preparing the ERLP AD and allocating land for residential development, the Council has already carried out an assessment of the capacity of the local schools to accommodate additional pupils and where necessary has included requirements for improvements within the relevant allocation policies. In this case, no additional provision is necessary.

- 7.63 Humberside Fire Brigade have made some comments in relation to access requirements for the Fire Service, and provision of water supplies for fire-fighting. These will be relayed as informatives.

## 8. CONCLUSION

- 8.1 The site forms part of an allocated site for residential development in the ERLP AD (policy CHER-B) and lies within the development limits of the village of Cherry Burton which is classed as a primary village. It is therefore in a sustainable and accessible location where residential development would be sought to be directed.
- 8.2 The site forms part of the Council's five year land supply which would contribute towards the housing requirements of the settlement identified within the ERLP. The development of the site for up to 37 dwellings would therefore be consistent with the NPPF. Further benefits arising from the development of the site would include a 25% affordable housing requirement, contributions towards open space provision, and biodiversity enhancements. These are material considerations in the determination of this planning application. The principle of residential development on this site is therefore acceptable.
- 8.3 It is considered that a suitable detailed scheme of development could be achieved at the reserved matters which would be acceptable in terms of its impact on the character and appearance of the area, neighbouring residential amenities, highway safety, nature conservation and biodiversity interests, , and the environment of the surrounding area. A detailed scheme of development could also be achieved which would be acceptable in terms of its drainage provision, risk from flooding whilst not increasing the flood risk to the surrounding area.
- 8.4 Whilst objections have been raised, these matters have been considered, and subject to appropriate conditions and submission of an acceptable scheme of development at reserved matters stage would be addressed.
- 8.5 As such the development is considered to accord with such requirements within the aforementioned policies within the East Riding Local Plan and National Planning Policy Framework. There are no material considerations which would indicate a recommendation other than for support.

## 9. RECOMMENDATION

It is therefore recommended that the application be **APPROVED** subject to the following condition(s):

1. Approval of the details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority in writing before any development is commenced and the development shall be carried out as approved:

- a) the layout of the development
- b) the scale of the development
- c) the appearance of the development
- d) the means of access to the site
- e) the landscaping of the site

This condition is imposed as the application was made for outline planning permission and is granted to comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

This condition is imposed in order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

This condition is imposed in order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. Notwithstanding the information and illustrative plans submitted with the application and the Supporting Document and Checklist statement, the details to be submitted in accordance with the requirements of condition no. 1 (details of reserved matters) shall include a supplement to the Design and Access Statement with regard to layout, scale, appearance, access and landscaping.

This condition is imposed in accordance with policies ENV1, ENV2 and ENV3 of the East Riding Local Plan as the information submitted with the outline application is not sufficient to cover future reserved matters applications.

5. The details required to be submitted in accordance with the requirements of condition no. 1 (details of reserved matters) shall include a scheme for the provision of affordable housing as part of the development within the site (unless the developers have previously entered into a binding agreement with the Council to secure the provision of all or part of the requirement elsewhere) to be submitted to and agreed in writing by the Local Planning Authority.

The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 25% of the housing units;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

This condition is imposed in accordance with policy H2 of the East Riding Local Plan in order to secure the provision of affordable housing.

6. The details required to be submitted in accordance with the requirements of condition no. 1 (details of reserved matters) shall include a scheme for the provision of a mix of housing types to be provided as part of the development, the type and number to be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

This condition is imposed in accordance with policies H1 and A1 of the East Riding Local Plan to ensure the development provides a mix of housing types to meet the housing need within the East Riding.

7. The details required to be submitted in accordance with the requirements of condition no. 1 (details of reserved matters) shall include a scheme for the provision of open space as part of the development within the site in accordance with policy C3 of the East Riding Local Plan Strategy Document and the Open Space Supplementary Planning Document (unless the developers have previously entered into a binding agreement with the Council to secure the provision of the required open space elsewhere in the area) which shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of the laying out and construction of the open space, the equipment to be provided on the open space, a timetable for its provision, and arrangements for its future maintenance. The open space shall then be provided and maintained in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning authority.

This condition is imposed in accordance with policy C3 of the East Riding Local Plan to ensure a satisfactory provision of open space is to be provided in the interests of the amenity of future residents.

8. The details required to be submitted in accordance with the requirements of condition no. 1 (details of reserved matters) above shall include details of the proposed finished floor levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land. The building(s) shall then be constructed in accordance with the approved levels.

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

9. The details in relation to landscaping required to be submitted in accordance with the requirements of condition no. 1 (details of reserved matters) shall include:-

- i) indications of all existing trees and hedgerows on land including species, spread and maturity
- ii) details of any retained trees and hedgerows, together with measures for their protection in the course of development
- iii) details of additional landscaping to the northern and eastern boundaries
- iv) planting plans with written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities.
- v) proposed finished levels or contours
- vi) means of enclosure
- vii) Incorporation of vehicle and pedestrian access, parking and circulation areas
- viii) hard surfacing materials
- ix) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
- x) a programme for the implementation of the landscaping works.
- xi) a scheme for the future maintenance of the areas not included within private curtilages.

This condition is imposed in accordance with policies ENV1, ENV2, ENV4 and CHER-B of the East Riding Local Plan because a well-designed landscaping scheme can enhance the living environment of future residents, reduce the impact of the development on the amenities of existing residents and help to integrate the development into the surrounding area.

10. Prior to commencement of development, or concurrently with the details to be submitted in accordance with the requirements of condition no. 1 (details of reserved matters) above, a Construction Emissions Management Plan to address the environmental impact during the development of all phases of the site shall be submitted to and approved in writing by the Local Planning Authority and thereafter adhered to during the course of the development. The Construction Emissions Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of air pollution and dust resulting from the site preparation, demolition, groundwork and construction phases of the development. Appropriate measures such as the use of agreed routes to and from site during the construction works and allocating arrival times for construction vehicles and suppliers shall be agreed with consideration given to the setting of minimum emission standards for construction vehicles operating on, and those delivering to, the site.

This condition is imposed in accordance with policies ENV1 and ENV6 of the East Riding Local Plan to prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of pollution.

11. Prior to commencement of development, or concurrently with the details to be submitted in accordance with the requirements of condition no. 1 (details of reserved matters) above, a scheme showing the location of any external plant including generators and groundwater pumps to be used during the demolition and construction phases shall be submitted to and approved in writing by the Local Planning Authority and thereafter adhered to during the course of the development. The scheme shall address their sound output, and any measures to be taken to prevent noise and vibration problems to neighbouring residential properties.

This condition is imposed in accordance with policies ENV1 and ENV6 of the East Riding Local Plan and to ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

12. No construction work shall take place, no machinery shall be operated, no process shall be carried out and no construction traffic shall enter or leave the site outside the following times:

08:00 hours to 18:00 hours daily Monday to Friday

08:00 hours and 13:00 hours on any Saturday

Nor at any time on Sundays or Public Holidays

This condition is imposed in accordance with policies ENV1 and ENV6 of the East Riding Local Plan and to ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

13. Means of vehicular access to the development hereby approved shall be from Canada Drive only.

This condition is imposed in accordance with policies ENV1 and EC4 of the East Riding Local Plan in the interests of road safety.

14. No building on the site shall be occupied until that part of the service road which provides access to it has been constructed from the junction with the public highway, in accordance with details to be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition no. 1 (details of reserved matters) above.

This condition is imposed in accordance with policies ENV1 and EC4 of the East Riding Local Plan in order to secure the provision of an adequate access to occupied buildings in the interests of road safety.

15. No dwelling shall be occupied until the vehicular and pedestrian access has been provided and space has been laid out for cars to be parked in accordance with details to be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition no. 1 (details of reserved matters) above. The approved access and vehicle parking facilities shall thereafter be retained.

This condition is imposed in accordance with policies ENV1 and EC4 of the East Riding Local Plan in order to ensure satisfactory vehicular access and parking facilities are provided, whilst avoiding the need for vehicles to park on the highway where they could adversely affect the safety of other highway users.

16. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and subsequently re-enacting that Order, no gates, fences, walls or other means of enclosure shall be erected or constructed within any service strip so identified in the approved plans without the prior express consent in writing of the Local Planning Authority.

This condition is imposed in accordance with policies ENV1 and EC4 of the East Riding Local Plan because the service strip will eventually form part of the adopted public highway. If gates, walls, fences or other means of enclosure are erected or constructed

within a service strip it is unlikely that the Council will be able to adopt the road as a public highway. This will deny residents the opportunity to have their dwelling served by an adopted highway.

Note: The service strip will eventually form part of the highway. No planting works should be carried out without the specific consent of the Council. However, the Council is prepared to allow appropriate planting within the limits of the public highway and early discussion with the Council is advisable. Until such time as the road is adopted the Council is unable to prevent planting taking place. However, the use of inappropriate species could prevent the road from being adopted.

17. Prior to commencement of development, or concurrently with the details to be submitted in accordance with the requirements of condition no. 1 (details of reserved matters) above, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be implemented in accordance with the approved CTMP. The CTMP is to include the following measures:-
- (i) Routing agreement for deliveries and construction traffic
  - (ii) Timings of deliveries and construction traffic movements
  - (iii) Signage and traffic management details
  - (iv) Measures to rectify any damage caused to the public highway as a result construction vehicles associated with this development

This condition is imposed in accordance with policies ENV1 and EC4 of the East Riding Local Plan in the interests of highway safety and amenity.

18. Prior to commencement of development, or concurrently with the details to be submitted in accordance with the requirements of condition no. 1 (details of reserved matters) above, details of wheel cleaning facilities to be provided within the curtilage of the site shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the approved wheel cleaning facilities have been provided, and the approved facility shall be retained and used for the duration of the works.

This condition is imposed in accordance with policies ENV1, ENV6 and EC4 of the East Riding Local Plan in order to ensure that vehicles leaving the site do not drag mud and other debris onto the public highway to the detriment of road safety and visual amenity.

19. The development shall be carried out in accordance with the submitted flood risk assessment (compiled by East Riding Consultants Ltd dated 27 July 2019) and the following mitigation measures it details:
- a) All dwellings shall be constructed clear of flood zones 2 and 3 on the Environment Agency's flood map for planning.
  - b) A scheme of compensatory floodplain storage shall be provided to account for any and all volume lost due to any ground raising within flood zone 3, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority prior to commencement of development, or concurrently with the details required to be submitted in accordance with the requirements of condition no. 1 (details of reserved matters) above. The compensation shall be provided on a level for level basis, such that the floodplain rises and falls in the same way as existing.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

This condition is imposed in accordance with policy ENV6 of the East Riding local Plan to reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

20. The site shall be developed with separate systems of drainage for foul and surface water on and off the site.

This condition is imposed in accordance with policies ENV1 and ENV6 in the interests of ensuring satisfactory and sustainable drainage provision.

21. Prior to commencement of development, or concurrently with the details required to be submitted in accordance with the requirements of condition no. 1 (details of reserved matters) above, a scheme for the discharge of surface water from the site, incorporating a sustainable drainage system and associated management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan should also include details for inspection of the surface water drainage system, during its construction and at the end of a minimum 12 month maintenance period by a suitably qualified party. There shall be no piped discharge of surface water from the site and the development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme, and it shall be managed and maintained in accordance with the approved plan.

This condition is imposed in accordance with policy ENV6 of the East Riding Local Plan to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal.

22. Prior to commencement of development, or concurrently with the details required to be submitted in accordance with the requirements of condition no. 1 (details of reserved matters) above, details of the works for the disposal of foul sewerage shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied/brought into use until the approved sewerage details have been fully implemented in accordance with the approved plans.

This condition is imposed in accordance with policy ENV6 of the East Riding Local Plan to prevent pollution by ensuring the provision of a satisfactory means of foul water disposal.

23. Prior to commencement of development, or concurrently with the details to be submitted in accordance with the requirements of condition no. 1 (details of reserved matters) above a site survey shall be undertaken to determine if there are any piped land drainage systems within the site in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. If such drainage systems are found to be present, mitigation works shall be carried out to preserve the flow from any adjacent affected sites before the development commences.



This condition is imposed in accordance with policies ENV1 and ENV6 of the East Riding Local Plan to ensure any existing drainage systems within the site are not adversely affected by the development.

24. Prior to commencement of development, or concurrently with the details to be submitted in accordance with the requirements of condition no. 1 (details of reserved matters) above, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall be compiled by a suitably qualified ecologist, include a timetable for implementation and a detailed plan. The scheme shall provide full details of all ecological mitigation and management measures along with a programme for implementation. The scheme shall include:
- a) A risk assessment of potentially damaging construction-type activities;
  - b) Full details of practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including action to be taken if any protected species are found during construction works;
  - c) Use of protective fences, exclusion barriers and warning signs;
  - d) Details of a lighting strategy which secures dark corridors for foraging bats and nesting birds on the boundaries of the site;
  - e) Protocols to demonstrate that the site work force will be briefed about potential ecological issues on the site prior to commencement of construction shall be provided;
  - f) Details of personnel responsible for over-seeing the implementation of measures detailed in the CEMP.
  - g) Responsible persons and lines of communication.

Upon commencement of development all aspects of the approved construction environmental management plan (CEMP: Biodiversity) shall be implemented in full.

This condition is imposed in accordance with policy ENV4 of the East Riding Local Plan to ensure that protected species and priority habitats would not be harmed by the development of this site having regard to the Wildlife and Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017(as amended).

25. Prior to commencement of development, or concurrently with the details to be submitted in accordance with the requirements of condition no. 1 (details of reserved matters) above, a Wildlife Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include:
- a) A timetable for implementation;
  - b) A detailed plan showing the locations and specifications of the enhancement measures;
  - c) A 25% bird box to dwelling ratio;
  - d) A 25% bat box to dwelling ratio;
  - e) Details of the means of enclosure to demonstrate that boundary treatments will not result in a loss of habitat connectivity through the development, by creating 'hedgehog highways' which provide holes under boundary features for hedgehogs to pass through.
  - f) A minimum of two hedgehog houses, two insect boxes and two log piles to increase the habitat for local biodiversity.
  - g) Provision of foraging opportunities and connective habitat for bats;
  - h) Provision of foraging opportunities for birds;

- i) Provision of wildlife friendly planting that utilizes British native species of local provenance wherever possible.

The development shall be carried out in accordance with the approved details and the enhancements measures thereafter retained.

This condition is imposed in accordance with policies ENV1 and ENV4 of the East Riding Local Plan in the interests of nature conservation, to comply with the National Planning Policy Framework (NPPF), and the Natural Environment and Rural Communities Act (NERC) 2006.

26. In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it must be reported immediately to the Local Planning Authority. An appropriate investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be prepared by competent persons and submitted to the Local Planning Authority for approval. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

27. The development hereby permitted shall be carried out in accordance with the following approved plans, but only in respect of those matters not reserved for later approval:

019/049/TP/A – Title plan – received 02.01.2020

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

#### **Notes to applicant/agent:**

##### Affordable Housing

It is recommended that the applicant discusses affordable housing matters with officers in the Council's Housing Strategy and Development Team before submission of a reserved matters application.

Ideally all new affordable homes should meet the nationally described space standards. Guidance can be found in the Technical Housing Standards report by the Department for Communities and Local Government. Housing Strategy can also provide further guidance if required.

##### Housing Mix

In terms of overall housing mix, the Strategic Housing Market Assessment 2019 indicates that there is an adequate supply of larger properties (with four or more bedrooms) but a shortage of smaller homes. The Housing Mix Guidance indicates that the existing 4+ bedroom housing

stock in the Beverley Housing Market Area and the proportion of new homes completed is already higher than the SHMA requires. The SHMA recommends that 5-10% of new dwellings should have 4+ bedrooms; 35-40% should have 3 bedrooms; and 40-45% of new dwellings should have 2 bedrooms, to meet future need and demand. The applicant should consider this when making the final decision on the overall mix of properties on the site.

#### Open Space

The applicant is advised to take into account the comments of the Council's Open Space Consultation Group in their response to this application when considering the details of the open space provision within and off the site to be submitted at the reserved matters stage.

#### Surface Water Drainage

In terms of the details of the surface water drainage for the site, sustainable drainage systems for surface water disposal are to be provided as high up the following hierarchy of drainage options as reasonably practicable: into the ground (infiltration); to a surface water body; to a surface water sewer, highway drain, or another drainage system; to a combined sewer. Full details to support the chosen Suds method and details to confirm why other hierarchical methods have been discounted would need to be provided.

#### Flood Risk Management Consent

Consent will be required from the Flood Risk Management Section of the Council for any proposed discharge into the watercourse prior to any works commencing on the site. The applicant should contact the Flood Risk Management Section on 01482 395810 for further information.

#### Riparian Ownership

Confirmation of the approval by the adjacent riparian owner must be provided for the proposed discharge of surface water from the site to watercourse. The developer shall document the riparian ownership of any ditches or piped systems on the site and ensure all flows are maintained prior, during and post development. Access is to be provided post development to ensure the drainage systems can be accessed for maintenance purposes.

#### Flood Risk

Local ground raising may help to account for any uncertainty in the modelled evidence and the effects of climate change. However, should this not occur, the Environment Agency advise the applicant to take a precautionary approach to flood risk. This could include providing a minimum finished floor level (FFL) for dwellings that is elevated above the existing site levels, and the use of flood resilient construction techniques to ensure any localised flooding or future increase in the extent of flood zones 2 and 3 is mitigated. Using a 600mm freeboard on top of land levels at the edge of the flood zone 3 could be one way of defining an appropriate height for this mitigation.

#### Charging Points for Low Emission Vehicles

It is recommended that charging points for Low Emission Vehicles should be incorporated within the development to encourage the use of low emission sustainable transport and help to minimise potential longer term impacts on local air quality from the development. The density and specification recommended would be 1 charge point per unit (dwelling that has allocated parking/driveway) or 1 charge point per 10 spaces (unallocated parking). Charging points should consist of a three pin 13amp electrical socket in a suitable location to enable the charging of an electric vehicle using a 3m length cable. Sockets must comply with BS1363 or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. Sockets should have a weatherproof cover and where on an allocated parking space /driveway an internal switch

should be provided in the property to enable socket isolation.

#### Need for an agreement with the Local Highway Authority - S38 & S62

The Highway Authority will require the applicant/developer to enter in to a legally binding agreement to secure the proper implementation of the proposed highway works including an appropriate Bond.

There is normally a three month period associated with Traffic Management Act notifications, the applicant should therefore contact Streetscene Services on 01482 395699 to discuss the traffic management proposals.

#### Access for Fire Service

It is a requirement of Approved Document B5, Section 16 Commercial Properties or B5, Section 11 for Domestic Premises that adequate access for fire-fighting is provided to all buildings or extensions to buildings. Where it is a requirement to provide access for high reach appliances, the route and hard standing should be constructed to provide a minimum carrying capacity of 24 tonnes.

#### Water Supplies for Fire Fighting

Adequate provision of water supplies for fire-fighting appropriate to the proposed risk should be considered. If the public supplies are inadequate it may be necessary to augment them by the provision of on-site facilities. Under normal circumstances hydrants for industrial unit and high risk areas should be located at 90m intervals. Where a building, which has a compartment of 280m<sup>2</sup> or more in the area is being, erected more than 100m from an existing fire hydrant, hydrants should be provided within 90m of an entry point to the building and not more than 90m apart. Hydrants for low risk and residential areas should be located at intervals of 240m.

#### New Addresses or Street Names

If, as a result of this development, the property needs a new address or street name creating please contact the Address Management Team on 01482 393967/393943 or visit the Councils website to download the relevant forms at:

<http://www.eastriding.gov.uk/environment/roads-streets-traffic-and-parking>

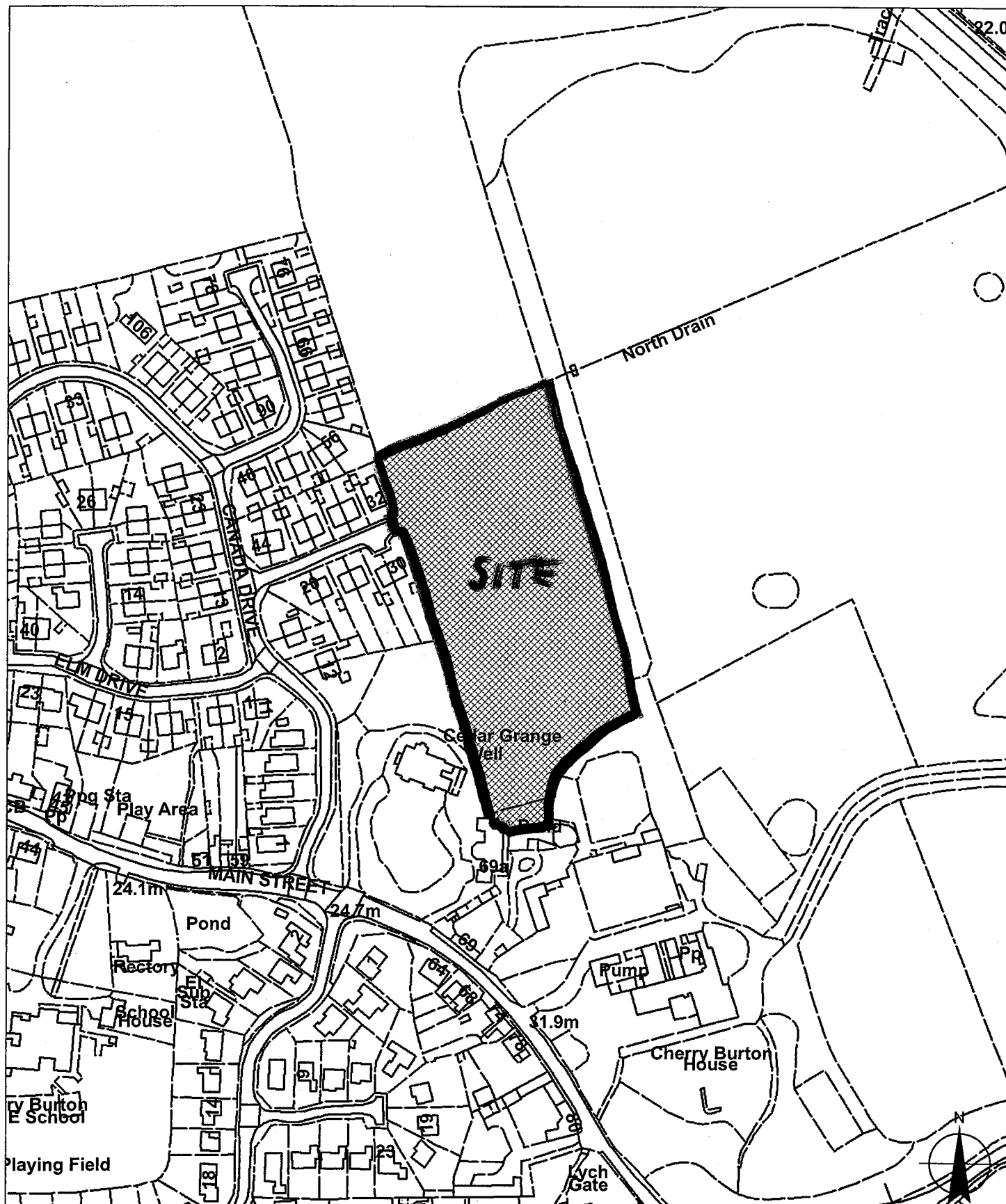
It is considered that a decision made in accordance with this recommendation would not result in any breach of the Human Rights Convention.

In making this decision the Council has followed the requirements in paragraph 38 of the National Planning Policy Framework.

Alan Menzies  
Director of Planning and Economic Regeneration

Contact Officer  
Mr Tim Williams

# Committee Plan



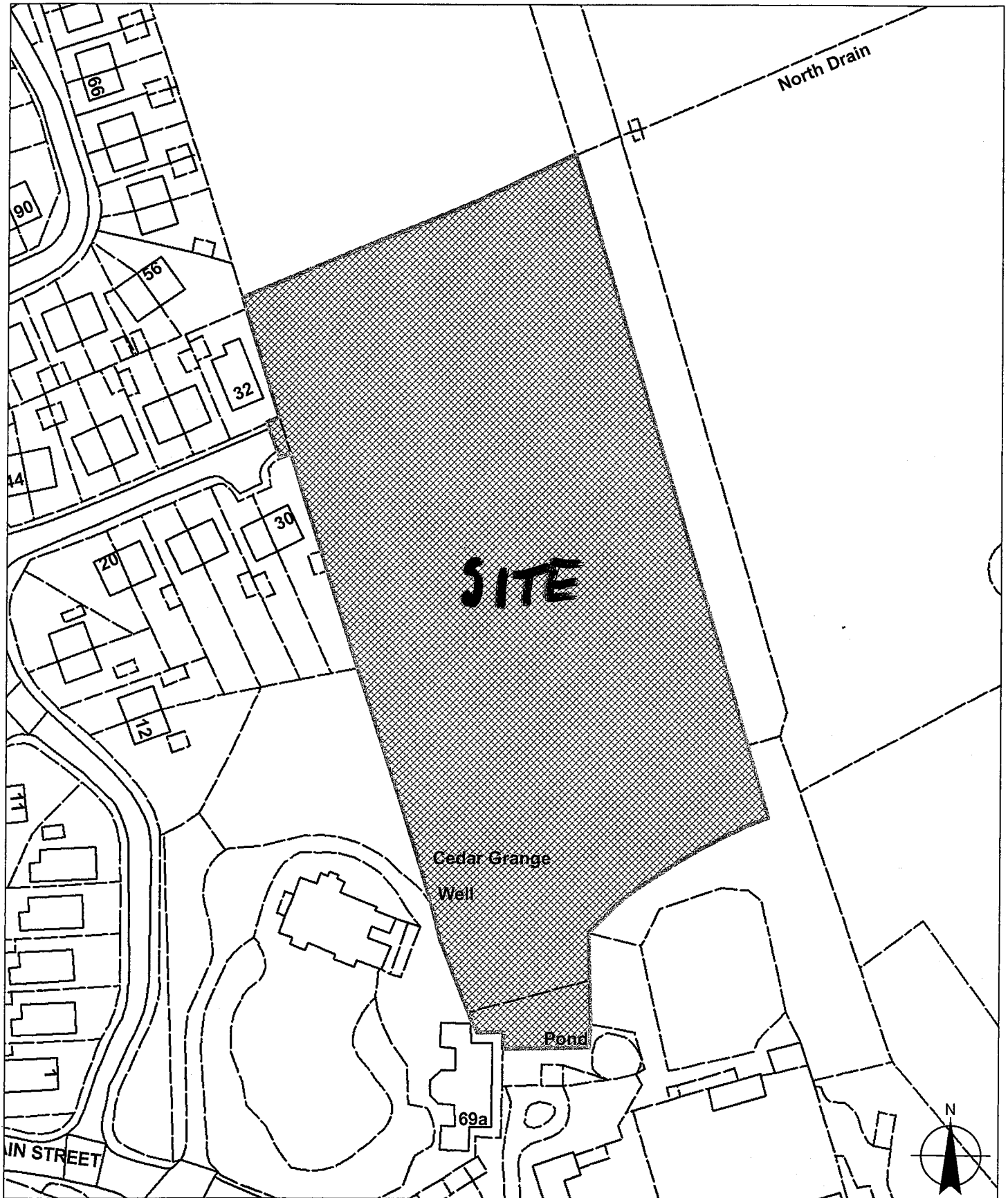
Scale 1:2,500

m  
0 10 20 40 60 80 100 120 140 160

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Organisation	ERYC
Department	Planning
Comments	19/03661/out
Date	03 February 2020
PSMA Number	100023383

# Committee Plan



Scale 1:1,250

m  
0 5 10 20 30 40 50 60 70 80

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Organisation	ERYC
Department	Planning
Comments	19/03661/OUT
Date	03 February 2020
PSMA Number	100023383



19/03/2019/OUT

19/03/2019/OUT

CLIENT	PPH COMMERCIAL
DRAWING TITLE	INDICATIVE SITE LAYOUT
PROJECT	PROPOSED DEVELOPMENT OFF CANADA DRIVE CHERRY BURTON
DRAWN BY	019 / 049 / SK1 / C
DRAWING DATE	JULY 2019
SCALE	1:500 @ A2
DATE	19/03/2019
BY	IKB



**BARRATTON**  
DESIGN STUDIO

BARRATTON DESIGN STUDIO  
BRANDSFOOT FARM  
WATERSIDE  
DONCASTER  
SOUTH YORKSHIRE  
DN4 6EZ  
TEL: 01302 771188  
EMAIL: info@barrattondesign.co.uk