



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

Mathew Buckley – Head of Legal and Democratic Services

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Date: 25 June 2018

Dear Mr Pullan,

Re Land north of 49 Coniston Way Goole

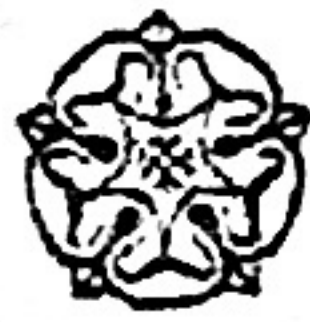
Further to our telephone conversation in which you requested the following two things; first an explanation of the informative on page 9 of the decision notice 13/00931/STOUT; and secondly a list of the conditions which are still outstanding. I will deal with them in that order as follows.

Informative on page 9 of decision notice 13/00931/STOUT

The informative says,

It is the developer's own responsibility to ensure that this site can be developed and occupied safely. It is their responsibility to ensure the validity of the submitted Flood Risk Assessment upon the commencement of development. They should be aware that there will always be a residual risk of flooding in the area if flood defences are breached or overtopped.

The informative was included on the decision notice to draw to the attention of the developer the risk of flooding in this part of Goole and to emphasize their responsibility to provide an adequate FRA on the commencement of development. The use of such an informative is in accordance with Government guidance which says;



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Informative notes allow the local planning authority to draw an applicant's attention to other relevant matters – for example the requirement to seek additional consents under other regimes. Informative notes do not carry any legal weight and cannot be used in lieu of planning conditions or a legal obligation to try and ensure adequate means of control for planning purposes.

You will appreciate the risk of flooding in Goole is a serious concern to which the Council has regard in determining planning applications and has itself undertaken work to assess the risks. The Council's Level 2 STRA (East Riding of Yorkshire Council Strategic Flood Risk Assessment Level 2 – Goole - freely accessible on the Council's website) identifies the flood risks to Goole. It was approved by Cabinet on 5 July 2011 and has the support of the Environment Agency. It has been prepared in accordance with national planning policy (PPS 25), enabling the Council and developers to take into account theoretical 'worst case' flooding scenarios when proposing/determining development. Planning officers (and statutory consultees in drafting their response) in drafting the notice of decision and informatives such as the one in question have regard to this document. It is for land owners and developers in their site specific Flood Risk Assessment (FRA) to identify the flood risks to the individual site and show how such risks are to be mitigated.

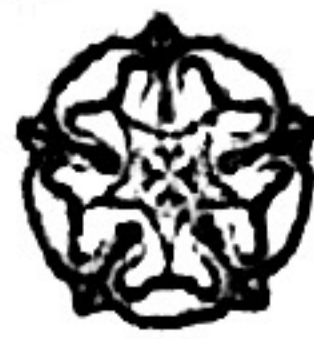
The informative is there to draw to the attention of the developer (this may not be you as you may sell the land) the importance of ensuring the FRA is updated if necessary so that it is valid when development takes place. I am instructed that a site specific FRA was submitted with the 2013 application and this document considered all aspects of possible flooding and the potential for a breach of the flood defences. I understand you submitted a FRA pursuant to conditions attached to the permission in 2016.

Outstanding Conditions

Turning now to the second question of which conditions remain to be satisfied before development takes place:

The following 13/00931/STOUT conditions are not as yet approved or not yet submitted and require submission of further details for approval by the Council: 8, 10, 13, 15, 16, 20, 21, 24,

27, 32, 38, 39, 40.



EAST RIDING

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The following comments have already been made but are worth repeating here.

Condition 8: This condition can be broken down into its requirements for details of both surface water and foul drainage. I am instructed Yorkshire Water have raised no objections to foul drainage arrangements however the condition cannot be FULLY discharged until the LLFA gives its agreement to your surface water drainage proposals. You have been advised that the surface water design can affect the layout or levels of the foul drainage, which is why they need simultaneous approval. The drainage layout plan 40/03A has been approved by the reserved matters application. However further DETAIL is still required - with annotations on the plan, as previously requested by Gerry Frisby. The LLFA need to be satisfied that you will not increase flood risk to existing adjacent properties. This is regardless of what has been submitted previously with the reserved matters application. You have been asked to submit all information as requested in Susan Hunt's email of 19th January 2018 with your future condition discharge application.

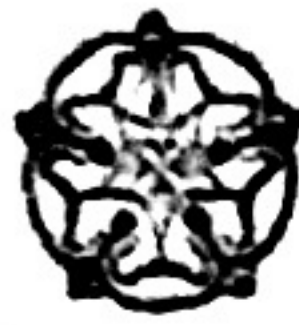
Condition 10: You have not previously applied for discharge of this particular condition and a condition cannot be 'superseded'. Nonetheless, if satisfactory details are submitted for condition 8 then they should also satisfy this particular condition.

Conditions 19 and 20: The conditions are similar but not duplicates. Condition 19 requires details to be submitted with reserved matters. Some (inaccurate) levels drawings were provided by you with the application however further details/plans are required in order to discharge condition 20 as set out in Susan Hunt's email of 19th January 2018. Floor levels of the buildings have been provided as part of the reserved matters. It is not the dwellings the Council are concerned with, as this was set by the Environment Agency, it is the land around them and the relationship with existing properties which border the site. You have been requested to provide accurate cross sections and levels drawings.

Condition 27: Details for a system of perimeter drains around the site and a timetable for implementation need to be submitted. Please refer back to Susan Hunt's email of 19th January



Darren Stevens
Interim Director of Corporate Relations



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2018 which sets out the required details. The IDB will be consulted on your new application. If you would like further advice on their requirements you should contact the IDB directly.

The following conditions were approved by reserved matters application 17/00144/STRE.M: 1, 2, 5, 19 (details were submitted as required by the condition, however the sections are inaccurate), 36 (approved road layout shows connections), 37 (it was agreed that no affordable housing would be provided due to viability), 42 (the scheme was that no open space would be provided due to over-provision on a previous scheme).

The following 13/00931/S10UT conditions were approved by condition discharge application 17/30449/CONDE: 4, 17, 22, 29, 30, 31, 35.

I trust this answers the questions raised in that it makes clear the purpose of the informative and its meaning and sets out those conditions which still require further information to be submitted in order to be satisfied.

Yours sincerely

Peter Atkinson
Solicitor



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Date: 13 July 2018

Dear Mr Pullan,

Re: Complaint re Development at North East Goole

I acknowledge receipt of your letter dated 9th July. During our telephone conversation on 11th June I asked you to be specific regarding those matters which were the subject of your complaint and they were: (1) an explanation of the informative on page 9 of the decision notice 13/00931/STOUT and (2) a list of the conditions which are still outstanding. I dealt with both these matters in detail in my letter of 25th June. To my mind that concludes matters and I do not propose to carry on exchanging correspondence on additional unmeritorious points as they occur to you.

Further I see no need for me to attend a meeting to discuss flood risk in Goole.

Yours sincerely

Peter Atkinson
Solicitor