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Date: 7 September 2022

Application No: **21/01745/PLF**

Case Officer: Mr Chris Hodgson

NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990

Proposal:	Erection of 4 detached dwellings with associated access, parking and infrastructure
Location:	Land East Of, 132 - 144 Scarborough Road, Bridlington, East Riding Of Yorkshire, YO16 7PJ,
Applicant:	JHL Buildings Ltd
Application type:	Full Planning Permission

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

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

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

2. Notwithstanding the submitted details, no development shall take place above damp-proof course until details of the bricks and tiles to be used in the construction of the dwellings has been submitted to and approved in writing by the local planning authority. Development shall be undertaken in accordance with the approved details.

This condition is imposed in accordance with policy ENV1 of the East Riding Local Plan and in order to ensure that the materials reflect the character of the site's surroundings.

3. Notwithstanding the provisions of Class A, B or C of Part 1 of Schedule 2 to the Town and



Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the dwellings shall not be altered or extended to the southern elevation of the dwellings or to any part of the roof.

This condition is imposed in accordance with policy ENV1 of the East Riding Local Plan and in order to protect the residential amenity of adjacent properties (Durham Rise) and also to protect the character of the surrounding area. Extensions and alterations could result in the appearance of the dwelling appearing overly large and could result in harm to the residential amenities of the neighbouring properties in terms of overlooking and loss of privacy.

4. The dwellings and surrounding land levels shall be constructed in accordance with the finished floor levels illustrated on plan no. 1488-S9_100G. Care must be exercised to ensure that the hedgerow extending along the site's southern boundary is protected from harm from below ground excavations close to its root system.

This condition is imposed in accordance with policy ENV1 of the East Riding Local Plan and in order to protect the residential amenity of adjacent properties (Durham Rise).

5. No dwelling shall be occupied until the vehicular access has been widened and constructed in accordance with the approved plans and space has been laid out for cars to be parked and to enable vehicles to turn so that they may enter and leave the site in forward gear in accordance with the approved plans. The vehicle parking and turning facilities shall thereafter be retained.

This condition is imposed to ensure satisfactory vehicular access and to ensure that reasonable and adequate space is provided within residential curtilages to meet normal parking demands and avoid the need for vehicles to park on the highway where they could adversely affect the safety of other highway users and to allow them to enter and leave the highway in a forward gear, thus minimising the risk to other road users in accordance with policy ENV1 of the East Riding Local Plan and the Sustainable Transport SPD.

6. No development shall commence on site until a full scheme of soft landscape works for the site boundaries together with a programme of implementation shall be submitted to and approved in writing by the local planning authority. These details shall include planting plans which provide new hedgerows or supplementary planting of the existing hedgerows on the northern, eastern and southern boundaries, including schedules of plants, noting species, plant sizes and proposed numbers / densities, include staking and protection details. The development shall be carried out as approved prior to the occupation of any part of the development or as may be otherwise agreed in writing by the Local Planning Authority.

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

7. If within a period of 5 years from the date of the planting of any tree, hedgerow plants or shrub that, is removed, uprooted or destroyed or dies (or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective) another tree or shrub of the same species, size and maturity as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

This condition is imposed because landscaping works can enhance a development, both for its own sake and for the benefit of the wider area. Trees and shrubs can fail as a result of a number of causes, and it is important that, if the landscaping scheme is to succeed there is provision for replacement planting in accordance with policy ENV1 of the East Riding Local Plan.

8. All existing boundary hedges or hedgerows within the site, as shown on plan no. 1488-S9_100G shall be retained at the height shown. All hedges and hedgerows shall be protected from damage for the duration of works on the site to the satisfaction of the Local Planning Authority and in accordance with British Standards (BS 5837: 2012). Any parts of hedges or hedgerows removed without the Local Planning Authority's consent, or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged following completion of the approved development, shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Authority

This condition is imposed to ensure the continuity of amenity afforded by existing hedges or hedgerows are adequately protected from damage to health and stability in the interests of amenity and to preserve the appearance and character of the area in accordance with policy ENV1 of the East Riding Local Plan.

9. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed. If surface water pumping is required, the maximum pump rate shall not exceed 4.75 litres per second, to the public surface water sewer network.

This condition is imposed in the interests of satisfactory and sustainable drainage in accordance with policy ENV6 of the East Riding Local Plan.

10. Notwithstanding the submitted details, no development shall take place on site until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, has been submitted to and approved by the local planning authority. If discharge to the public sewer is proposed, the information shall include, but not be exclusive to -
 - a) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second.

This pre-commencement condition is imposed in order to ensure that no surface water discharge takes place until proper provision has been made for its disposal in accordance with policy ENV6 of the East Riding Local Plan.

11. There shall be no piped discharge of foul or surface water from the development prior to the completion of the approved foul and surface water drainage works. The development shall be carried out in accordance with the approved scheme and be operational prior to the occupation of any dwelling.

This condition is imposed in order to ensure the satisfactory drainage of the site in accordance with policy ENV6 of the East Riding Local Plan.

12. Notwithstanding the submitted details, no development shall take place on site until details of the proposed means of disposal of foul water has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include a risk assessment, demonstrating the risks posed to groundwater and appropriate mitigation measures including construction methodology for the laying of any foul water sewers, and shall be submitted to and approved by the local planning authority. The submitted risk assessment shall include the point of connection and provision of a suitable lined system for foul sewers such that they will not discharge foul water to ground. Any manholes, sewer chambers and pumping stations shall be constructed with a full concrete surround. The development shall be carried out in accordance with the approved scheme and be operational prior to the occupation of any dwelling.

This pre-commencement condition is imposed in order to ensure that the site can be suitably drained and to protect the groundwater environment and the local water supply in accordance with policy ENV6 of the East Riding Local Plan.

13. The developer shall provide at least two weeks notification in writing of the commencement of construction involving ground excavations to the local planning authority.

This condition is imposed in order to allow the local planning authority to consider whether sufficient information has been submitted to ensure that the groundwater environment and the local water supply can be suitably protected and suitable details have been submitted as required by the above drainage conditions in accordance with policy ENV6 of the East Riding Local Plan.

14. No development shall take place on site until a Written Scheme of Archaeological Investigation comprising a scheme of observation, investigation and recording conducted during all below ground works has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

This pre-commencement condition is imposed in order to provide a reasonable opportunity to record the history of the site which lies within an area of archaeological interest in accordance with policy ENV3 of the East Riding Local Plan and Section 16 of the National Planning Policy Framework.

15. The first floor window on the southern elevation of house types A, which serves a bathroom, and house type B, which serves a landing, shall be glazed in obscure glazing and shall either be non opening below a height of 1.7m from first floor level or shall be hinged at the bottom to prevent the window being fully opened. This means of glazing and means of opening shall be provided before this house type is first occupied and shall thereafter be so retained.

This condition is imposed in accordance with policy ENV1 of the East Riding Local Plan and in order to protect the residential amenities of the residents of Durham Rise from overlooking and loss of privacy.

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

1488-S9_101 - Plot 1 - House Type A received 10 Jun 2021
1488-S9_102 - Plot 2 - House Type A received 10 Jun 2021
1488-S9_103 - Plot 3 - House Type B received 10 Jun 2021
1488-S9_108 - Plot 4 - House Type B received 10 Jun 2021
1488-S9_100 Rev G - Proposed Site Plan And Site Location Plan received 28 July 2022
1488 -S9_105 - Existing site plan received 7 December 2021

This condition is imposed in accordance with policy 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.

Informatives:

Informative from Highways

The Applicant/Agent must contact the East Riding of Yorkshire Council's Streetscene Services (Highways Office) tel: 01482-395739 regarding the layout and construction specification of the

altered vehicular access before any works are commenced in the public highway.

Informative from Yorkshire Water

If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team (telephone 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

The proposed site overlies the Chalk aquifer from which YWS abstract groundwater for public water supply. The site falls within groundwater Source Protection Zone I (inner catchment zone), as defined by the Environment Agency (EA), Bridlington borehole lies approximately 115m to the north east of the proposed development site.

Although this is not a large development area, activities at the site may pose potential pollution risks to groundwater. The main period of risk is the construction phase, during periods of ground disturbance and increased risk of hydrocarbon pollution from plant vehicles on site. Post-construction, pollution risks from such a site arise mainly from drainage issues including car park run-off, the risk of hydrocarbon spillage and foul drainage.

The proximity of the site to the Bridlington groundwater source therefore poses a potential pollution risk to the public water supply. The applicant should consult the Environment Agency to ensure that pollution risk to the chalk aquifer is minimised. In particular, the disposal of surface water drainage from roadways to soakaway will not be appropriate at this location and should be to sewer.

The drainage details that have been submitted require amendments where the following points should be addressed when details to satisfy the drainage conditions are submitted -

- a) the details shall show foul and surface water drainage proposals both on and off site as a point of surface water connection is not shown
- b) the submitted details shall show surface water storage and flow control rate
- c) the surface water discharge rate from the proposal to the public surface water sewer network shall be restricted so as not to exceed 3.5 litres per second.

Informative from Humber Historic Environment Record

The programme of archaeological work, which must be undertaken by a professional archaeological contractor, should comprise a scheme of observation, investigation and recording conducted during all the below-ground works associated with the proposed development. If archaeological remains are uncovered, the archaeological contractor on site should be afforded the opportunity to record them by means of photographs and scale drawings. This may involve a temporary suspension of construction work in a specific area; however, the archaeological work should cause no significant delay to the development overall. A report on the archaeological observations should be produced and an ordered archive prepared.

Relevant Planning Policies:

East Riding Local Plan Strategy Document (ERLP SD) (April 2016)

Policy S3 Focusing development

Policy S5 Delivering housing development

Policy S8 Connecting people and places

Policy H1 Providing a mix of housing and meeting needs
Policy H4 Making the most efficient use of land
Policy ENV1 Integrating high quality design
Policy ENV2 Promoting a high quality landscape
Policy ENV4 Conserving and enhancing biodiversity and geodiversity
Policy ENV6 Managing environmental hazards
Policy C1 Providing infrastructure and facilities
Policy C3 Open space, sport and recreation
Policy A2: Bridlington Coastal sub area

East Riding Local Plan Allocations Document (ERLP AD) (July 2016)

Policy AD1 Existing residential commitments

Supplementary Planning Documents

Sustainable Transport (May 2016)

Other Relevant Documents

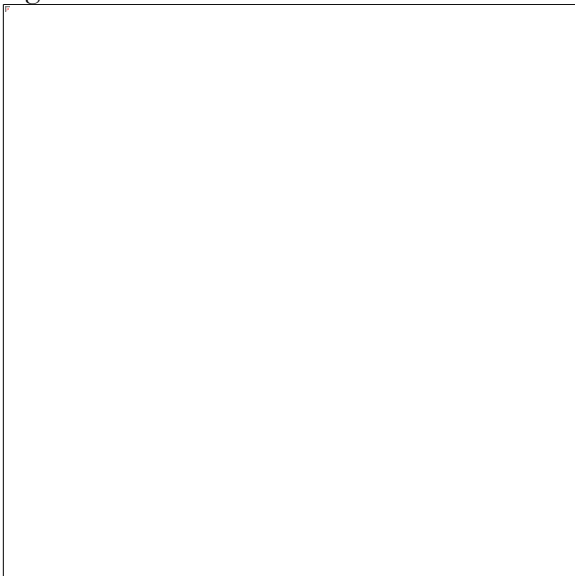
Strategic Housing Market Assessment (SHMA - 2019)
Housing Land Supply Position Statement (May 2021)
Planning Guidance Note on Housing Mix (June 2020)
Manual for Streets (2007)

National Policy and Guidance

National Planning Policy Framework (NPPF) (2021)
National Planning Policy Guidance (NPPG)
National Design Guide

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

Signed



7 September 2022

Stephen Hunt MRTPI
Director of Planning and Development Management

NOTES TO ACCOMPANY THIS DECISION

Appeals to the Secretary of State

If you are aggrieved by this decision you can appeal to the Planning Inspectorate. Appeals can be made online by accessing the Planning Inspectorate website (links shown below) dependant upon the type of application. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on telephone number: 0303 444 5000.

Appeals must be made on the correct forms relating to the type of application you submitted. Information provided as part of the appeal process will be published online.

If you wish to appeal against a decision relating to:

Householder applications - appeals must be made within 12 weeks of the date of this notice; please refer to Planning Inspectorate guidance at <https://www.gov.uk/appeal-householder-planning-decision>

Minor commercial applications - appeals must be made within 12 weeks of the date of this notice; please refer to Planning Inspectorate guidance at <https://www.gov.uk/appeal-minor-commercial-development-decision>

Advertisement consents - appeals must be made within 8 weeks of the date of this notice; please refer to Planning Inspectorate guidance at <https://www.gov.uk/appeal-decision-consent-display-advertisement>

Any other type of application – appeals must be made within 6 months of the date of this notice; please refer to planning Inspectorate guidance at <https://www.gov.uk/appeal-planning-decision>

Appellants requesting an inquiry into their appeal must notify the Local Planning Authority and Planning Inspectorate at least 10 days prior to appeal submission.

Please note - If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, you must appeal within 28 days of the date of this notice. Please refer to Planning Inspectorate guidance at <https://www.gov.uk/appeal-enforcement-notice>

If an enforcement notice is served relating to the same land and development as in your application, you must appeal within 28 days of the date of service of the enforcement notice or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notice

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by carrying out any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with Part VI of the Town and Country Planning Act 1990.

Approval of Details Required by Conditions

A fee is payable for the submission of any matters required to be submitted for approval by any conditions attached to this permission. The fee is payable for each submission, not for each condition. Please refer to the council's website at www.eastriding.gov.uk for more information.