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[www.eastriding.gov.uk](http://www.eastriding.gov.uk)  
Stephen Hunt Director of Planning and Development Management

Mr Tom Cannon  
Wykeland House  
47 Queen Street  
Hull  
HU1 1UU

Our ref: 24/00413/PREP  
Enquiries to: Mr Daniel Allen  
E-mail: [daniel.allen@eastriding.gov.uk](mailto:daniel.allen@eastriding.gov.uk)  
Date: 05 March 2024

Dear Mr Cannon,

|                  |  |
|------------------|--|
| <b>Proposal:</b> | Proposed car park  |
| <b>Location:</b> | Unit 1 Flemingate Centre, Flemingate, Beverley, East Riding Of Yorkshire, HU17 0NQ |

I write further to your pre-application enquiry received on 9<sup>th</sup> February 2024 and can make the following comments.

**Summary:**

In principle, no objection is raised to the temporary use of the land as a car park. However, support for the proposal in respect of its impact upon the character and appearance of the area (incl. designated heritage assets in the form of listed buildings and the Beverley conservation area), residential amenity of neighbouring properties, and environmental quality, is subject to satisfactory details being submitted in respect of the proposed means of enclosure, landscaping (incl. biodiversity net gain), surface treatments, opening hours, lighting, and drainage arrangements of the proposal.

At this time however, it is advised that a poorly designed and considered scheme is likely to exacerbate the current negative impact of the site upon the streetscene and character, appearance and setting of designated heritage assets, and is likely to adversely impact upon the living conditions of neighbouring occupiers, therefore raising concerns from a conservation and amenity perspective.

**Background:**

The enquiry concerns land at the junction of Flemingate (B1230) and Harrison Mews, presently vacant, but forming part of the mixed use Flemingate complex subject of planning permission ref: 12/01031/STPLF (as subsequently amended). Under the approved scheme the site, shown as 'Block J' was proposed as a part-two, part-three storey office building. This land has remained vacant following the construction and subsequent occupation of the Flemingate development and is now proposed to be used as a temporary car park to provide 28 off-street parking space. Access and egress would be attained via an established crossover from Harrison Mews to the north of the site.

The site forms part of the 'BEV-O' (Land North of Flemingate) allocation as designated within the East Riding Local Plan Allocations Document (ERLP AD). It does not comprise a statutorily or locally listed building and is not within a conservation area. It does however adjoin the Flemingate Beckside Conservation Area and is within the setting of listed buildings to the south side of Flemingate (incl. Fleming House and its wall, and a mounting block outside no.38 Flemingate. The site is located within Flood Zone 1, and within an area identified as being at 'very low' risk of flooding from surface water accumulations.

Alan Menzies  
Executive Director of Planning and Economic Regeneration

## **Planning Considerations:**

Planning applications are determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this instance the Development Plan comprises the East Riding Local Plan (ERLP) (2016), most notably the Strategy Document (SD) and Allocations Document (AD). The National Planning Policy Framework (NPPF) is also a material consideration in the decision-making process.

### *Principle of Development*

Although no details accompany the enquiry to clarify the time period sought for the use of the land as a car park, it is not considered that a temporary use would prejudice the aims of ERLP AD Policy BEV-O. The time period sought should be confirmed as part of any future application submission, so that this can be subject of appropriately worded planning condition.

On this basis the general principle of the development can be considered acceptable against relevant provisions of the NPPF and policies BEV-O of the ERLP AD and Policy S3 of the ERLP SD. However, the appropriateness of development of this site would be subject to any future proposals according with other relevant provisions of the NPPF and development plan (having regard to any other material considerations arising). With further comments on such matters included below.

### *Character and Appearance*

The NPPF specifies in paragraph 131 that “*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve [and that] Good design is a key aspect of sustainable development*” Such principles are carried forwards within policies S3 and ENV1 of the ERLP SD, with the latter stating that development proposals should have regard to the characteristics of the sites wider context and the character of the surrounding area.

Given the proximity of the application site to designated heritage assets in the form of the listed buildings along Flemingate and the Flemingate Becksid Conservation Area, any future application should also be determined having regard to the statutory duties expressed within sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which are carried forward within ERLP SD Policy ENV3 which seeks to ensure that the significance, views, setting, character, appearance and context of heritage assets, both designated and non-designated, be conserved, especially the key features that contribute to the East Riding’s distinctive historic character. Policy BEV-O within the ERLP AD also requires as one of its provisions for proposals to pay special attention to the historic and/or architectural character and setting of the Listed Buildings and Scheduled Monument within and surrounding the site.

A site plan of the proposed car park has been submitted, however this does not include details of any proposed boundary treatments/means of enclosure, landscaping, surface treatments of the car park, or whether any lighting (columns etc.) or ANPR, CCTV, or other security (bollards/barriers) equipment would necessary in association with the proposed use. Such details would be necessary before a fully considered assessment could be undertaken as to the impact of the development proposals upon the character and appearance of the site and designated heritage assets.

Nevertheless, this enquiry has been subject to review by the Council’s Conservation section whose comments have been incorporated into the assessment below.

The site is located on one of the main thoroughfares into the heart of Beverley, terminating with views of the striking east end of Beverley Minster. For much of its length it is tightly lined with attractive buildings, dating from the 16<sup>th</sup> century through to the 19<sup>th</sup>. These contribute considerably to the visual character of Beverley and reinforce its historic street pattern. As such Flemingate makes a key contribution to the character and appearance of the Beverley Conservation Area.

However, midway along Flemingate is the modern mixed-use development of which the enquiry site forms part. Whilst a relatively sensitively designed example of large modern retail development, it is inherently modern in scale and design, and so it is distinctly outside the boundary of the conservation

area. The plot subject of this enquiry forms part of this modern development, both visually and physically. As it is currently undeveloped and surrounded by hoardings (some in a poor condition), it is much more of a visual intrusion in the streetscene than the neighbouring building. There is therefore support from a conservation perspective to the principle of bringing it into use. Ideally this would involve the erection of a building on the site, which reaffirmed the building line along Flemingate, and which was sensitive in scale, design, and materials.

A car park is therefore not the most sensitive use, particularly if the proposals is simply to tarmac the area and mark up the proposed spaces. This would result in a sprawl of insensitive materials, which would be ill-defined, visually unsightly, and out of keeping with the character and appearance of the conservation area. However, this could partly be mitigated if thought was given to the boundary treatment and the hard and soft landscaping. It is therefore advised that any future application proposes soft landscaping to be integrated amongst the parking bays and around the perimeter, and that the edge of the site is defined by a sensitive boundary treatment on the pavement edge, ideally a (low) timber post and rail fence (in an appropriate colour) as part of any temporary period of use (or a brick wall should such a use be sought on a permanent basis). It is not, however, recommend that such boundary treatments be tall enough to obscure views into the car park, as this is likely to create a hostile and fortress-like character. Any drawings etc. accompanying a future application should clearly show the locations, height, and finish of any associated columns, bollards, or barriers.

In principle Conservation area supportive of finding a viable use for the vacant site, as it is currently making a negative contribution to the streetscene. However, they are not convinced that a car park is the most sensitive use for the site. Therefore, consideration would need to be given to how the car park can be integrated into the streetscene without it being a visually jarring element. This would mean giving thought to elements such as hard and soft landscaping and boundary treatments.

If a sensitively designed scheme was brought forward, we are not likely to object to the proposals, as they are likely to result in an enhancement to the conservation area, albeit minor. A poorly designed scheme, however, is likely to exacerbate the current negative impact of the site, and it would therefore raise concerns from a conservation perspective.

#### *Residential Amenity*

The enquiry site is located within a mixed commercial and residential area, though the closest land uses neighbouring the site comprise the dwellinghouses along Flemingate and Harrison Mews, the former of which comprise rear gardens which form the eastern boundary of the site.

Whilst it is not expected that the use of the land as a car park would lead to a harmful loss of daylight or outlook, in the interests of the amenity (incl. privacy amenity) of neighbouring occupiers, any means of enclosure to be retained or proposed should be clarified as part of any future application.

It is not clear from the submission as to whether the proposed car park would be open/available 24 hours a day, or for a time limited period. Similarly, no details of any lighting of the car park have been provided. Within ordinary (i.e. ('working?') hours, it would be expected that vehicle movements to, from, and around the car park would not give rise to undue noise and disturbance to the detriment of the living conditions of neighbouring properties, owing to the proximity of these dwellings to adjacent commercial uses (incl. car parks, such as at the Potting Shed PH) and well-trafficked highways. At this time however, and in the absence of detail of hours and lighting, concerns are raised that a car park use would, during evening hours and late-night/overnight, lead to a loss of amenity of the nearest neighbouring occupiers in terms of undue noise and disturbance, with the rear aspect of those properties along Flemingate which are in close proximity to proposed spaces.

Such harm would result in a development proposal contrary to the provisions of paragraph 135(f) of the NPPF and policies ENV1 and ENV6 of the ERLP SD. It is therefore recommended that any future application be accompanied by clear details of the opening hours of the car park, its lighting (incl. light spill), and boundary treatments and security measures (bollards/barriers).

### *Highway Safety, Access and Parking*

The site would be served by an established vehicle access off Harrison Mews, the main part of which serves as the vehicular access into the Flemingate development and multi-storey car park (incl. service access), as well as the dwellings to the northeast of the site. Although the Council's Highway Development Management section have not been consulted on this enquiry, and so full comments are reserved pending the submission of a full planning application, it is not expected that the vehicle movements associated with the proposed use of the land as a 28-space car park would result in an unacceptable impact upon highway safety, or severe cumulative impact on the road network.

Nevertheless, it should be ensured that the proposed car parking spaces are adequately sized (guidance provided within the Sustainable Transport SPD), and that sufficient space is provided between them for vehicles to safely manoeuvre into and out of the site in a forward gear. Although no details of pedestrian access/connectivity into the car park have been provided, the site does link into the wider footpath network along Flemingate and Harrison Mews, so such access could be provided. However, pedestrian access through the site and into the existing footpath network should be made clear on any drawings to be submitted under a future application.

### *Biodiversity Net Gain*

Biodiversity net gain is an approach to development and/or land management that aims to leave the natural environment in a measurably better state than it was beforehand. Minor applications, not meeting the exemption criteria, from 2 April 2024 must be supported by either the Statutory Defra Biodiversity Metric or Defra Small Sites Metric (if the development meets the criteria) illustrating a 10% gain in biodiversity as a result of the development. The submission should include an excel spreadsheet and condition assessments as a minimum. It is advised that pre and post development habitats are assessed as part of the design process to avoid cost implications and delays.

### *Flood Risk and Drainage*

Policy BEV-O within the ERLP AD requires as one of its provisions for development to incorporate sustainable drainage systems. Whilst the proposal would not require a flood risk assessment to be submitted as part of an application due to the low risk of flooding, consideration should be given to the type of material used in the construction of the car park to reduce the risk of flooding to the site and surrounding area. Surface water should be managed in accordance with the drainage hierarchy, which specifies that on-site infiltration (i.e. soakaway) is preferred as a means of disposal, ahead of discharge to a watercourse or mains sewer. As such, any future planning application should be accompanied by sufficient information (results of infiltration tests carried out in accordance with BRE Digest 365) to support the use of soakaways, or to justify an alternate means of disposal for surface water. Such information, to be included within a '(Foul and Surface Water) Drainage Assessment' would be subject to full consultation with the Land Drainage Team and Yorkshire Water, were you to pursue this proposal.

### *Land Contamination*

One of the provisions of Policy BEV-O of the ERLP AD seeks that development proposals on land within the allocation include suitable investigation and remediation of any land contamination associated with the previous uses of the site. It is not clear from the submission whether this land parcel has been subject of previous investigation (and/or remediation as necessary) in the course of the development of the wider site. This matter should be clarified as part of any future submission.

### Other Matters:

Notwithstanding this advice, please see the following sections which sets out the key Development Plan policies that are of relevance, and what would be required should you choose to submit an application for the proposed development.

You may also need permission under the Building Regulations. Local Authority Building Control is wholly independent, non-profit making service that operates only to protect and look after your interests. The service operates from regional offices in Beverley, Bridlington and Goole so help and

advice is always available and enables us to offer same day inspections for requests made prior to 10am. All the details of the Building Regulation Approval service, and the relevant application forms, are available at <https://www.eastriding.gov.uk/buildingcontrolservices/>. You can also contact Building Control at [building.control@eastriding.gov.uk](mailto:building.control@eastriding.gov.uk) or by calling the Building Control helpdesk on 01482 393800.

Please note that while every effort is made to ensure that the advice given is as accurate as possible, I must advise you that the contents of this letter are the informal opinion of an Officer and cannot prejudice the outcome of a formal application for planning permission. Planning applications are subject to consultation processed and any responses have to be taken into consideration prior to a decision being made. Please also note that in the interests of transparent decision making, if you progress to make a planning application for this proposal then this pre-application advice will be made available by the Council in the public domain. Until then, however, the advice will remain confidential and will not be disclosed by the Council.

I trust that this information is satisfactory, should you wish to discuss these matters further please do not hesitate to contact this office.

Yours sincerely

A handwritten signature in black ink that reads "Stephen Hunt". The signature is written in a cursive, slightly slanted style.

Stephen Hunt MRTPI  
Director of Planning and Development Management

## Advice for 24/00413/PREP

| <b>Key Development Plan Policies</b>   |   |
|--|---|
| <p>These are the key local plan policies against which your application will be considered.</p> <p>Your proposal will also be considered against guidance in the <b>NPPF</b> and the <b>Planning Practice Guidance (PPG)</b></p> <p>You can view the Local Plan in the councils website at <a href="https://www.eastriding.gov.uk/planning-permission-and-building-control/planning-policy-and-the-local-plan/">https://www.eastriding.gov.uk/planning-permission-and-building-control/planning-policy-and-the-local-plan/</a></p> | <p><b>East Riding Local Plan Strategy Document (2016)</b></p> <p>Policy S3: Focusing development<br/>Policy EC4: Enhancing sustainable transport<br/>Policy ENV1: Integrating high quality design<br/>Policy ENV2: Promoting a high quality landscape<br/>Policy ENV3: Valuing our heritage<br/>Policy ENV4: Conserving and enhancing biodiversity and geodiversity<br/>Policy ENV6: Managing environmental hazards<br/>Policy A1: Beverley &amp; Central sub area</p> <p>East Riding Local Plan Allocations Document<br/>Policy BEV-O: Land N of Flemingate (4.33ha)</p> <p><b>Other Relevant (ERYC) Documents</b><br/>ERYC Sustainable Transport SPD (2016)</p> |

| <b>Validation Requirements</b>  |   |
|---|---|
| <p>These are the items from the Council's Local List that you need to submit with your application for it to be registered as a valid application.</p> <p>These are in addition to the national requirements (application form, certificates, fees and plans).</p> <p>You can find more guidance on each of these requirements in the Validation Checklist which is available on the Council's website at <a href="https://eryc.link/planning-permission-prior-approvals">https://eryc.link/planning-permission-prior-approvals</a></p> <p>Fees can be calculated on the Planning Portal at <a href="https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1">https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1</a></p> | <p><b>Local List validation requirements</b></p> <ul style="list-style-type: none"><li>- Heritage Statement;</li><li>- Lighting Assessment (if floodlighting proposed);</li><li>- Foul and Surface Water Drainage Assessment;</li><li>- Land Contamination Assessment (or details re. previous permissions)</li><li>- Statutory Defra Biodiversity Metric or Defra Small Sites Metric</li></ul> |