



# EAST RIDING

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OF YORKSHIRE COUNCIL

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

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DL6 2NQ

Application No:  
DC/16/02440/OUT/WESTWW  
PP-05343981

Case Officer: Mr Nick Macdermott

## NOTICE OF DECISION

### TOWN AND COUNTRY PLANNING ACT 1990

Application Type: **Outline Planning Permission**

Proposal: **Outline - Residential development (All matters reserved)**  
Location: **Land South West Of The Marshes Medical Centre Butt Lane Snaith East Riding Of Yorkshire DN14 9QU**  
Applicant: **Mr Adrian Senior**

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. Approval of the details of the layout, scale, appearance, means of access and landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced and the development shall be carried out as approved.

This condition is imposed in order to comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

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.

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.

4. The details to be provided in respect of condition 1 above shall provide for a layout that incorporates the existing Public Rights of Way as illustrated on the plan attached to and forming part of this decision notice. The details shall also include the diversion of overhead power lines that cross the site. .



INVESTORS  
IN PEOPLE | Gold

Alan Menzies Director of Planning and Economic Regeneration

This condition is imposed in order to ensure that the existing Public Rights of Way are retained and in the overhead line is diverted in the interests of the visual amenity of the development.

5. The details to be provided in respect of condition 1 above shall provide for a detailed flood risk assessment identifying flood resilience measures, existing site levels together with proposed site levels and proposed finished floor levels of each dwelling.

This condition is imposed in order to reduce the risk of flooding to the proposed development and future users

6. The details to be provided in respect of condition 1 above shall provide for a layout that has no dwellings located within flood zone 3.

This condition is imposed in order to reduce the risk of flooding to the proposed development and future users

7. No development shall take place on site until details of the works for the disposal of foul and surface water have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved drainage details have been fully implemented in accordance with the approved plans.

This pre commencement condition is imposed in accordance with policy ENV6 of the East Riding Local Plan and in order to ensure that the proposal is provided with a satisfactory means of drainage.

8. The details to be provided in respect of condition 1 above shall provide for a footpath along the site frontage linking to the existing footway further to the north on the western side of Butt Lane as illustrated on the plan attached to and forming part of this decision notice.

This condition is imposed in order to enable pedestrian access to and from the site without the necessity of crossing onto the eastern side of Butt Lane.

9. The details required to be submitted in accordance with the requirements of condition no. 1 (details of access, landscaping, layout, scale etc.) shall include a scheme for the provision of affordable housing as part of the development., if the numbers of dwellings exceed 10 or the gross internal floor space exceeds 1,000 m2.

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 20% of 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 order to secure the provision of affordable housing in accordance with policy H2 of the East Riding Local Plan.

10. No development shall take place until 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 and the Open Space SPD (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) has been submitted to and agreed 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 pre commencement condition is imposed to ensure a satisfactory provision of open space is to be provided in the interests of the amenity of future residents as required by Policy C3 of the East Riding Local Plan.

11. No development shall take place on site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. Development shall be carried out in accordance with the approved details.

The written scheme of investigation shall provide for:

- i) the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area
- ii) an assessment of the impact of the proposed development on the archaeological remains
- iii) proposals for the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible
- iv) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and
- v) notification in writing to the Curatorial Officer of the Humber Archaeology Partnership of the commencement of archaeological works and the opportunity to monitor such works.

The recommendation for a preliminary geophysical survey has been made because the application site lies in an archaeological landscape that has produced evidence of medieval and post-medieval occupation and industry.

A suitable staged scheme to preserve or record the archaeological deposits should include the following provisions:

#### Evaluation

1. A non-destructive geophysical survey of the proposed development area to test for the presence of buried archaeological deposits on the site.
2. Should the above survey indicate the presence of likely archaeological features, limited trial trenching would be recommended to determine the nature, extent and importance of any remains.

The results of these preliminary stages should enable the impact of the proposed development on any archaeological deposits to be fully assessed. An informed and reasonable decision can then be taken regarding the future treatment of the remains.

#### Further work

1. Should the evaluation show that the site contains significant archaeological remains, mitigation measures should be explored to achieve physical or in situ preservation of those remains. If destruction is unavoidable, detailed excavation of selected areas, followed by post-excavation analysis and publication of results, should take place in order to achieve preservation by record.

All archaeological site work, including geophysical survey, must be undertaken by an archaeological

contractor, who is acceptable to the Local Planning Authority, after consultation with their archaeological advisor.

12. In this condition "retained trees/hedge" means an existing trees and hedges to be retained located on the boundaries of the site; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the site for its permitted use.

a) No retained tree/hedge shall be cut down, uprooted or destroyed, nor shall any retained tree/hedge be topped or lopped in such a manner so as to destroy its screening value to the site, without the written approval of the Local Planning Authority.

b) If any retained tree/hedge is removed, uprooted or destroyed or dies, another tree/hedge shall be planted at the same place and that tree/hedge shall be of such size, species and maturity, and shall be planted at such time, as may be specific in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree/hedge shall be undertaken in accordance with the British Standard 5837:2012 (British Standard for Trees in Relation to Design, Demolition and Construction Recommendations) before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority. The tree/hedge protection fencing shall be placed at a distance that corresponds to half the height of the existing tree/hedge, measured from the base of the tree/hedge.

This condition is imposed because the Council is under a statutory obligation when considering planning applications to consider whether it is necessary to take steps to preserve existing trees, hedges. There are existing trees/hedges within or near the site and these contribute to the character of the area. If these trees/hedges are to be retained it is important that they are protected from accidental damage during construction work.

13. No development shall take place until full details of both hard and soft landscape works for the whole site together with a programme of implementation have been submitted to and approved in writing by the Local Planning Authority and these works 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.

These details shall include:

- i) means of enclosure
- ii) hard surfacing materials
- iii) planting plans.

This 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.

14. If within a period of 5 years from the date of the planting of any tree or shrub that tree or shrub or any tree or shrub planted in replacement for it, 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 as 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.

15. A landscape management plan, including long term design objectives, management responsibilities and



maintenance schedules for all soft landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development (as notified in advance to the Local Planning Authority), whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

This 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.

However, for the landscaping scheme to achieve these objectives, it is necessary to impose a condition, which will ensure that it is implemented.

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

Drawing No.	Description	Date Received
	Location plan	21-7-2016
	Site plan	21-7-2016

This condition is imposed 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.

#### **Note to Applicant**

##### Notes for Applicant/Agent

###### Informative Note - Environment Agency

For the avoidance of doubt, the existing recommendations in the Flood Risk Assessment do not meet the requirements of the SFRA. Table 6.4.4 of the SFRA sets out spatial planning and development recommendations. We would also highlight that the site levels quoted in section 8.2 appear incorrect. These levels should be revisited and revised Finished Floor Levels and flood proofing levels provided in metres Above Ordnance Datum (mAOD) showing that they meet the requirements of the SFRA.

###### Flood Warnings:

This may lie within an area covered by a specific flood warning. We would advise residents and tenants to sign up to receive these free warnings via the Environment Agency website or by calling Floodline Warnings Direct on 0345 988 1188.

###### Informative note from the Council as Lead Local Flood Authority

The Council has standing advice regarding surface water design. This is available on the Council Website:

<http://www2.eastriding.gov.uk/environment/planning-and-building-control/design-of-surface-water-drainage-systems/>

Surface water drainage systems shall be provided in accordance with National Planning Policy Framework guidance and designed to control surface water runoff 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; (Watercourse, Pond)

to a surface water sewer, highway drain, or another drainage system; to a combined sewer. (See note below re capacity issues) Full details to support the chosen Suds method, including layout and calculation, together with details to confirm why other hierarchical methods have been discounted, shall to be submitted with any Planning Application for the site.

It is recommended that soakaway tests are carried out on site in accordance with BRE Digest 365. The test results will confirm if this will be a suitable method of surface water drainage for the site.

If the proposed surface water drainage is to be discharged into an off-site riparian owned watercourse rights to discharge into the riparian watercourse must be confirmed.

#### Relevant Planning Policies

East Riding Local Plan Strategy Document (April 2016)

S3      Focusing Development  
A4      Goole and Humberhead Levels sub area  
ENV6   Managing Environmental Hazards  
H2      Providing Affordable Housing  
C3      Public Open Space

East Riding Local Plan Allocations Document (July 2016)  
SNA-C

National Planning Policy Framework (March 2012)

#### Reason for Decision

This application relates to the principle of residential development on this allocated site. Although the details that have been submitted for consideration at this stage only relate to the means of access into the site, all matters relating to appearance, layout, scale and landscaping are to be reserved for consideration at a later time. The site is identified by Policy SNA-C of the ERLP Allocations Document as a site allocated for housing development with a suggested capacity of 20 dwellings and accordingly the principle of development is deemed to be acceptable. In addition Snaith is identified as a Rural Service Centre by Policy S3 of the ERLP where residential development, including affordable housing, commensurate with the scale, role and character of the village will be supported.

The proposed development would marry up with the residential allocation identified as Policy SNA-B on the eastern side of Butt Lane forming a new southern edge to the built up area of Snaith. In visual terms the proposed development would present an edge of settlement similar to the existing in that it would consist of a straight linear form of development.

There is no reason to indicate that satisfactory relationships and separation distances between buildings cannot be achieved at this stage and the proposal does not conflict with Policy ENV1 of the ERLP which requires that development has regard to the amenity of existing or proposed properties.

Although the greater part of the site lies within flood zone 1 the southern edge of the site lies within flood zone 3a where built development is to be avoided. The Environment Agency states that they are satisfied at this stage that the proposed development could be allowed in principle. The Council as Lead Local Flood Authority and Yorkshire Water have no objections to the proposal.

There is adequate visibility within the highway verge where the speed limit is 30 mph and that a footway will be required to be provided along the site frontage linking to the existing footway further north. The proposed vehicular access shows the radius for the proposed potentially adoptable estate road junction on to Butt Lane to be 10 metres which should be reduced to 6 metres to allow easier pedestrian crossing. The proposal is considered to be acceptable from a highway aspect.

Regarding the provision of affordable housing Policy H2 of the ERLP and the affordable housing

SPD requires 20% of the housing to be built in Snaith to be affordable. If the site was to provide for 20 units the requirement would be for 4 units. The exact mix and level of need for the affordable housing requirement will need to be assessed at the reserved matters stage.

Policy C3 (B) of the ERLP requires that development that increases demand for open space addresses any shortfall in provision. Any application for the approval of reserved matters will be required to provide the necessary contribution either on site or in lieu of on site provision.

In making this decision the Council has followed the requirements in paragraphs 186 and 187 of the National Planning Policy Framework.

Signed ..........

Date : 21 October 2016

Alan Menzies, Director of Planning and Economic Regeneration.



**1. Town and Country Planning Act**

Any approval given by this notice of decision refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under other legislation, e.g. Building Regulations.

**2. Duration of Permission**

The Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) provides that every permission shall be granted subject to a condition that the development must be begun within a specified time period. This period of time can vary depending on the type of application and the circumstances of the particular case. Usually there will be a specific condition on the notice of decision itself specifying the relevant period but if this has not been imposed, please refer to the provisions of Section 51 of the Planning and Compensation Act 2004 for a definition of the relevant period. Further guidance on this is also available in Circular 8/2005.

**3. Appeals to Planning Inspectorate**

If you are aggrieved by this decision you can appeal to the Planning Inspectorate within six months of the date of this decision (longer in special circumstances) on a form obtainable from

The Planning Inspectorate, 3/05 KiteWing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, Tel: 0303 444 00 00.

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

The Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal – see <http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal

**4. Purchase Notice**

If either the Local Planning Authority or the Secretary for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonable use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

**5. Disabled Persons**

Where permission is granted and relates to development resulting in the provision of buildings or premises to which the public are to be admitted (on payment or otherwise) or of premises being office, shop, railway or factory premises in which persons are employed to work, your attention is directed to Section 4, 7 and 8a of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access for the Disabled to Buildings: being the British Standards Institution Code of Practice BS 5810: 1979.

**6. Fire Brigade Access**

If planning permission is granted and relates to the erection or extension of a building, your attention is drawn to the provisions of Section 14 of the Humberside Act 1982 whereby the Council are required to reject plans submitted for building regulations approval if the plans do not show adequate means of access for the fire brigade to the building or if the erection of the building or extension would render inadequate the means of access for the fire brigade to a neighbouring building.

**7. Affects Public Right of Way**

A grant of planning permission does not entitle a developer to obstruct a public right of way. Development, in so far as it affects a public right of way, should not be commenced, and the right of way should be kept open for public use, until the necessary order under Section 247 or Section 257 of the Town and Country Planning Act 1990 for the diversion or extinguishment of the right of way has been made and confirmed.

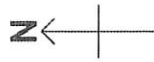
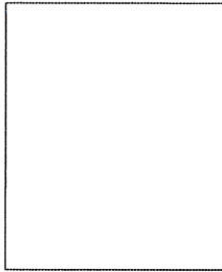
**8. Approval of Details Required by Condition**

Please note that there is now a fee 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, so you may wish to minimise the fee payable by submitting all of the outstanding details required by all of the conditions at the same time. Relevant forms for the submission of such details are available on the Planning Portal [www.planningportal.gov.uk](http://www.planningportal.gov.uk) together with details of the fee payable. Please be aware that conditions which require correspondence between the Local Planning Authority and outside bodies could take approximately four weeks, to agree on the suitability of the details submitted. It is therefore in your own interests to submit such information at the earliest opportunity.

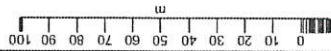
**9. Amendment to Plans**

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





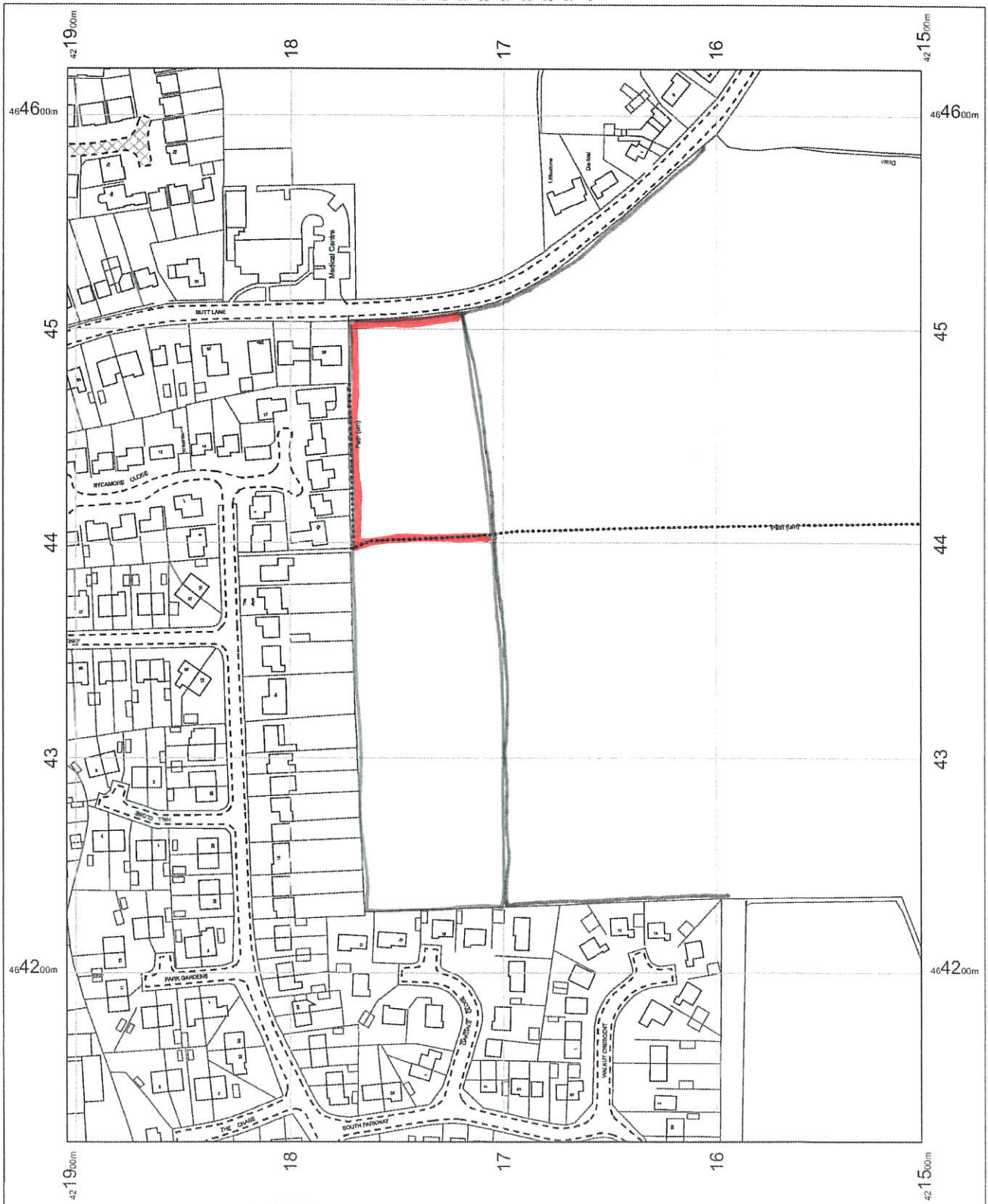
PUBLIC RIGHT OF WAY  
WITHIN SITE  
(CONDITION 4)  
16/02440/OUT



OS MasterMap 1250/2500/10000  
scale  
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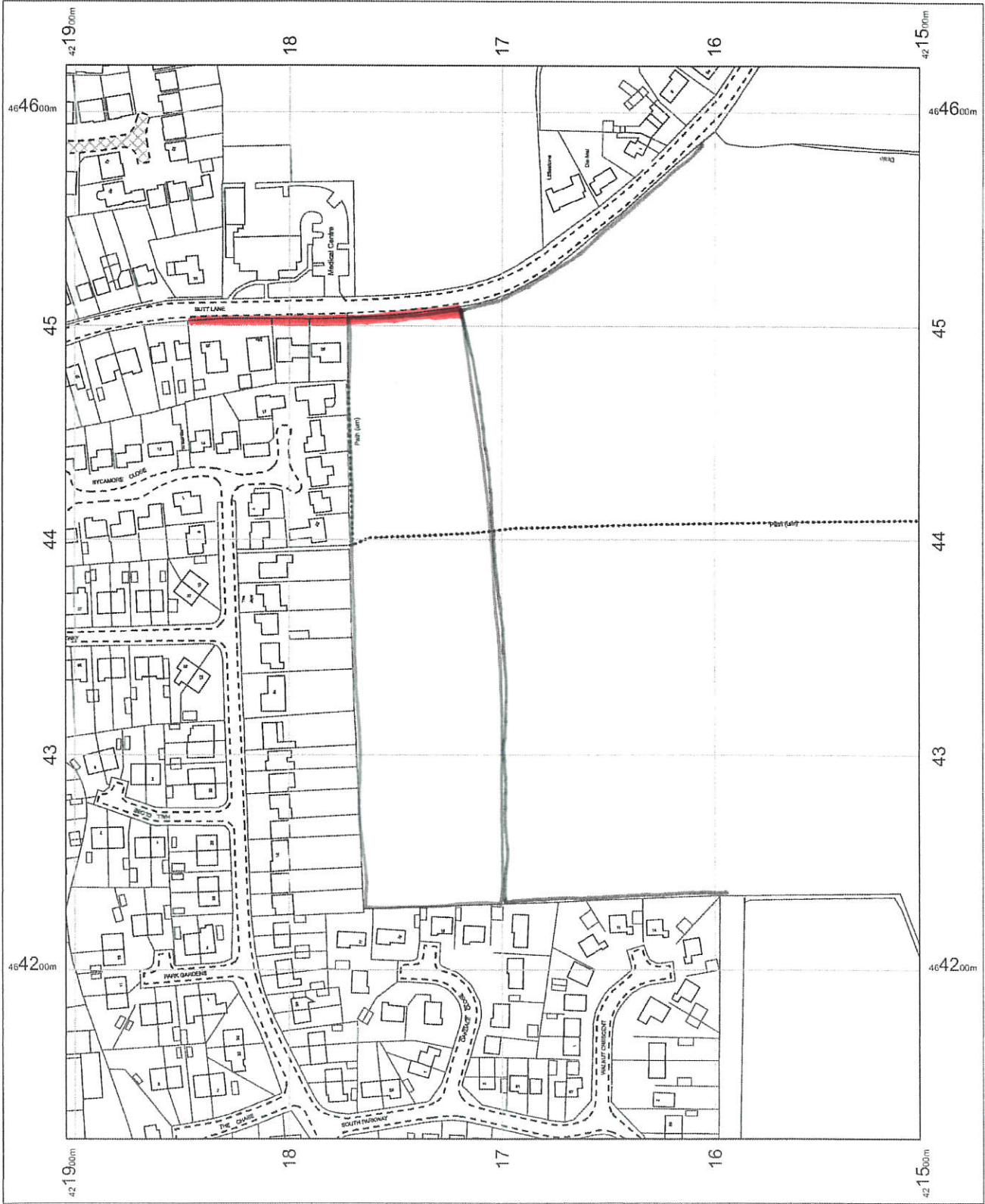
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FOOTPATH TO BE  
PROVIDED  
(CONDITION 8)  
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