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Stephen Hunt Director of Planning and Development Management

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| Middleton On The Wolds Parish CouncilThe GrangeMain StreetThwingEast Riding Of Yorkshire YO25 3DY | **Your ref:****Our ref:** 21/02765/STOUT**Enquiries to:** Mr James Chatfield**E-mail:** james.chatfield@eastriding.gov.uk **Telephone:** (01482) 393770 |

**Date:** 15 July 2022

Dear Middleton On The Wolds Parish Council

**TOWN & COUNTRY PLANNING ACT 1990**

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| **Proposal:** | Outline - Erection of up to 40 dwellings (access to be considered) |
| **Location:** | Land East Of Sunnyside Barn Station Road Middleton On The Wolds East Riding Of Yorkshire YO25 9UQ  |
| **Applicant:** | JG Hatcliffe Property and Planning |

You wrote to me about the above application, and I confirm that your views were taken into consideration when the application was discussed.

After taking all relevant issues into consideration, the Council has resolved to grant planning permission subject to the following conditions:-

1. 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.

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:

o the layout of the development o the scale of the development o the appearance of the development o 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

Alan Menzies

Executive Director of Planning and Economic Regeneration

1. 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.

1. The details submitted pursuant to condition 2 shall provide for no more than 40 dwellings.

This condition is imposed in order to ensure that the development is developed in accordance with the terms of submitted application in the interests of residential amenity and highway safety in accordance with policies ENV1 and EC4 of the East Riding Local Plan.

1. Before the development commences, details of the layout, drainage, construction, services and lighting of the proposed residential streets including the junctions with the existing publicly maintainable highway, shall be 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 secure the provision of a development constructed to standards that will enable the infrastructure to be adopted as publicly maintainable highway, be constructed to the principles and initiatives of Manual for Streets, and to ensure that a safe access to the development is provided in the interest of road safety in accordance with policies S8 and EC4 of the East Riding Local Plan.

1. Development shall not begin until details of the junction between the proposed residential street and the highway (Station Road) have been approved in writing by the Local Planning Authority; and no building shall be brought into use, until that junction has been constructed in accordance with the approved details.

This pre commencement condition is imposed in the interest of road safety in accordance with policies ENV1 and EC4 of the East Riding Local Plan and in order to secure an adequate and safe access to the proposed development.

1. Unless otherwise agreed in writing by the Local Planning Authority, no dwelling on the site shall be occupied until that part of the street which provides access to it has been constructed and lit from the junction with the public highway in accordance with the approved plans.

This condition is imposed in order to secure the provision of an adequate access to occupied dwellings in accordance with policy ENV1 of the East Riding Local Plan.

1. No dwelling shall be occupied until the vehicular access has been provided and space has been laid out within the curtilage of that dwelling or the site for motorcars to be parked in accordance with the details approved through the reserved matters permission. Provision shall thereafter be retained for the parking of these motorcars and not used for any other purpose.

This condition is imposed in order to ensure satisfactory vehicular access and to ensure that reasonable and adequate space is provided within residential curtilages or the site 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.

1. Before the development commences, details shall be submitted to and approved in writing by the Planning Authority showing the provision of the temporary vehicle parking, loading, offloading, manoeuvring and wheel washing facilities for the contractors carrying out building and construction works on the development. No building or construction works shall be commenced until the temporary vehicle parking, loading, off-loading, manoeuvring and wheel washing facilities have been provided in accordance with the approved details. The approved

vehicle parking, loading, off-loading, manoeuvring and wheel washing facilities shall be retained during the construction of the development.

This pre-commencement condition is imposed to secure adequate parking, servicing, manoeuvring, loading, off-loading wheel washing facilities within the site during the construction period of the development for contractors/construction vehicles in the interest of road safety in accordance with policy ENV1 of the East Riding Local Plan.

1. No dwelling shall be occupied until the footpath link and tactile crossing have been provided in accordance with the details shown on shown on dwg no. LTP/4594/P1/01/01/REV 0.

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

1. Before the development commences, an updated Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority unless it has been confirmed in writing that the development will be carried out in accordance with the submitted Construction Traffic Management Plan dated October 2021. The development shall be carried out in accordance with the approved Construction Traffic Management Plan.

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

1. Heavy Goods Vehicles associated with the construction phase of the development including delivery of materials to the site shall use Route 3 identified in Appendix 4 of the Construction Traffic Management Plan dated October 2021 unless it has previously been agreed in writing with the Local Planning Authority that Route 2 identified in Appendix 3 can be used.

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

1. No construction or delivery traffic shall enter or leave the site outside the hours of 08.00 hours to 18.00 Hours at any time. During school term times within the East Riding of Yorkshire, there shall be no deliveries to the site, nor shall any delivery vehicles leave the site between the hours of 08.30 to 09.15 and 15.15 to 16.00 Monday to Friday.

This condition is imposed in the interests of residential amenity, pedestrian and highway safety to reduce conflict with the start and finish times of the nearby primary school in accordance with policies ENV1 and EC4 of the East Riding Local Plan.

1. No dwelling shall be occupied until an electric vehicle charge point has been installed and is ready for use within the curtilage of that dwelling.

This condition is imposed in accordance paragraphs 104, 105 and 112 of the NPPF which require mitigation of adverse effects of traffic, reduction in emissions and improvement of air quality and specifically require development to enable the charging of plug-in and low emission vehicles.

1. The details submitted pursuant to condition 2 shall include a scheme for the provision of open space 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). 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 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.

1. No development shall take place on site (including site clearance works and any other preparatory works on site) until the tree protection measures recommended in the

Arboricultural Impact Assessment (AIA) (hereinafter called the "Approved Tree Protection

Scheme" have been implemented. Measures installed pursuant to the Approved Tree Protection Scheme shall be retained intact throughout the period referred to above and shall not be breached, removed or re-positioned without the prior written approved of the Local Planning Authority.

No excavations for services, storage of materials, plant or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of waste or surplus construction materials or liquids, shall take place within any area designated as being fenced off or otherwise protected pursuant to the "Approved Tree Protection Scheme".

This pre-commencement 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. There are existing trees within or in the vicinity of the site and these contribute to the character and appearance of the area. It is considered that the details contained in the above assessment are in accordance with policy ENV1 of the East Riding Local Plan and should protect the existing trees from damage before, during and after construction works.

1. No development shall take place on site (including site clearance works and any other preparatory works) until the trees shown on the approved plan - Trees in Relation to

Development - drawing no. 3774/4 Revision A have been protected by protective fencing. The protective fencing shall be maintained during the whole period of site excavation and construction.

The area within the protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:

* 1. There shall be no changes in ground levels;
	2. No materials, vehicles or plant shall be stored;
	3. No buildings or temporary buildings shall be erected or stationed;
	4. No materials or waste shall be burnt or liquid disposed of; and.
	5. No excavation of services, without the prior written consent of the Local Planning Authority.

This pre-commencement 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. There are existing trees within or in the vicinity of the site and these contribute to the character and appearance of the area. It is considered that the above details are in accordance with policy ENV1 of the East Riding Local Plan and they will protect them from damage before, during and after construction works.

The Council expects that the fencing should comprise a vertical and horizontal framework of scaffolding or post and rail fencing, to a height of 1.5 metres, well braced to resist impacts and supporting either cleft chestnut pale or chain link fencing and sited at a minimum distance from the tree as illustrated on the above drawing.

1. The tree belt shown within the area of land within the applicant's control to the east of the site shall be retained and none of the trees pruned or felled unless agreed in writing by the local planning authority.

This condition is imposed to minimise the impact of the development on the significance of the Scheduled Monument in accordance with policy ENV3 of the East Riding Local Plan and section 16 of the NPPF.

1. The details submitted pursuant to condition 2 shall include a scheme for the provision of a mix of housing types to be provided as part of the development in accordance with by Policy H1 of the ERLP SD, the type and number to be agreed by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

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

1. The details submitted pursuant to condition 2 shall include a scheme for the provision of affordable housing as part of the development. 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:

* 1. 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 housing units unless there is a viability appraisal which has been accepted by the Council as demonstrating that it would not be economically viable to do and which demonstrates the level of affordable housing that could be viably provided.
	2. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing.
	3. 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).
	4. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
	5. 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.

1. The details submitted pursuant to condition 2 shall include a scheme for a separate surface water drainage system. The submitted details shall include details of the flow restrictions, proposed means of attenuation, the proposed surface water discharge point and any head wall construction. The development shall be carried out in accordance with the approved details prior to the occupation of any of the dwellings.

This condition is imposed to ensure a satisfactory surface water drainage system is proposed for the site that will not increase the flood risk to the site or adjacent properties in accordance with policy ENV6 of the East Riding Local Plan.

1. There shall be no piped discharge of surface water from the application site until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with the approved details. None of the dwellings shall be occupied until the drainage works have been constructed in accordance with the approved details. There shall be no temporary storage of foul sewage.

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

1. The details submitted pursuant to condition 2 shall include a scheme for a separate foul water drainage system on and off site. The separate systems should extend to the points of discharge. The development shall be carried out in accordance with the approved details prior to the occupation of any of the dwellings.

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

1. The details submitted pursuant to condition 2 shall include a bat survey and demonstrate how the site layout has incorporated appropriate mitigation measures in response to the findings of that survey.

This condition is imposed to maximise the gain to biodiversity from the development in accordance with policy ENV4 of the East Riding Local Plan.

1. The details submitted pursuant to condition 2 shall provide for the retention of the woodland and land drain within the site boundaries.

This condition is imposed to maximise the gain to biodiversity from the development in accordance with policy ENV4 of the East Riding Local Plan.

1. Before the development commences, 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 measures along with a programme for implementation. The scheme shall include: o A risk assessment of potentially damaging construction-type activities; o 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;
	* The location and timing of sensitive works to avoid harm to biodiversity features;o Use of protective fences, exclusion barriers and warning signs; o Details of site induction information and tool box talks for all relevant on site working practices. 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; o Details of personnel responsible for over-seeing the implementation of measures detailed in the CEMP.

The development shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

This pre commencement condition is imposed to mitigate the impacts of the construction phase of development on ecological interests in accordance with policy ENV4 of the East Riding Local Plan.

1. The development shall not progress beyond damp proof course level on any dwelling until a Wildlife Enhancement Plan (WEP) has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide: o A timetable for implementation;
	* A detailed plan showing the locations and specifications of all enhancement measures; o A minimum of 40% ecological features to dwelling ratio shall be provided. The range of features shall be designed to provide a mix of species enhancements, which may include but not be restricted to, the following features; o A minimum of 25% (features to dwelling ratio) of bird nesting boxes in buildings or trees.
	* A minimum of 10% (features to dwelling ratio) of bat boxes in buildings or trees or bat access tiles;
	* Hedgehog houses; o Bee bricks; o Insect boxes;
	* Reptile hibernacula; o Ponds:
	* Details of 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.

The WEP shall also consider wider enhancements which shall include;

* + Details of wildlife corridors, linear features and habitat connectivity that provide foraging opportunities and connective habitat for bats and birds as appropriate; o Details of creation, restoration and enhancement of semi-natural habitats as appropriate; o Details of woodland, tree, hedgerow, shrub and wildflower planting/establishment as appropriate;

Habitat enhancements shall use species that are native to the UK and be of local provenance wherever possible. The development shall be carried out in accordance with the approved details and the enhancements measures shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

This condition is imposed to provide a gain for biodiversity on the site in accordance with paragraph 174 of the NPPF and policy ENV4 of the East Riding Local Plan.

1. Before the development commences, a Construction Emissions Management Plan (CEMP) to address the environmental impact during all phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP 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.

This pre-commencement condition is imposed to prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by poor air quality in accordance with policy ENV6 of the East Riding Local Plan.

1. Before the development commences, a Construction Method Statement (CMS) shall be submitted in writing to and approved in writing by the Local Planning Authority. The CMS shall address the groundwork and construction phases of the development and include details relating to:
	1. The control of noise and vibration emissions from construction activities including groundwork and the formation of infrastructure. This should include the location of any external plant, including generators and groundwater pumps and the sound power/pressure levels of any external plant to be used.
	2. Any measures to be implemented to mitigate/prevent noise and vibration causing disturbance at nearby residential dwellings.
	3. Arrangements to monitor noise emissions from the development site during the construction phase.

The development shall be carried out in accordance with the approved Construction Method Statement.

This pre-commencement condition is imposed in order to protect the amenity of residents living nearby during the construction phase of the development and in the interests of highway safety in accordance with policy ENV1 of the East Riding Local Plan.

1. During the construction phase of the development, no works shall take place, no machinery be operated and no process shall be carried out outside the hours of 08.00 hours to 18.00 hours Monday to Friday, nor outside the hours of 08.00 hours and 13.00 hours on Saturdays, nor at any time on Sundays or Public Holidays, unless previously approved in writing by the Local Planning Authority.

This condition is imposed to protect the amenity of residents in the area from disturbance caused by noise/vibration during the construction phase of the development in accordance with policy ENV1 of the East Riding Local Plan.

1. In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, 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.

1. The details submitted pursuant to condition 2 shall include details of:
	* Existing site levels; o Proposed site levels; o Finished floor levels;
	* Where possible, existing levels of adjacent land; o Eaves and ridge heights of adjacent properties;

The development shall be carried out in accordance with the approved levels.

This condition is imposed in the interests of residential amenity in accordance with policy ENV1 of the East Riding Local Plan.

1. The details submitted pursuant to condition 2 shall include a mitigation written scheme of investigation and an archaeological mitigation strategy to secure the preservation of any archaeological remains. This should be undertaken in accordance with the approved mitigation written scheme of investigation, which has been submitted with the application. The archaeological programme includes:
	1. An assessment of the impact of the proposed development on the known archaeological remains.
	2. An allowance for sufficient notification and time for the archaeological contractors nominated by the developer to ensure that any archaeological fieldwork is completed before the development commences.
	3. Proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publication of the findings, it being understood that there shall be a presumption in favour of their preservation in-situ wherever feasible.
	4. The programme of post-investigation assessment of the results of the on-site archaeological work.
	5. Provision to be made for the analysis of the site investigation and recording, following the post-excavation assessment, where results justify this.
	6. Provision to be made for publication and dissemination of the analysis and records of the site investigation, where results justify this.
	7. Full provision to be made for archive deposition of the analysis and records of the site investigation.
	8. Nomination of a competent person or persons/organisation to undertake any archaeological work as set out in an agreed Written Scheme of Investigation.

Unless otherwise agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the approved scheme, and the dwellings hereby approved shall not be occupied until the site investigation and post investigation assessment has been completed and the provision for analysis, publication and dissemination of results and archive deposition has been secured in accordance with the approved scheme.

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.

1. Before any groundworks commence on the site, details of a maintenance and management scheme for the drain running through the allocation shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and carried out in perpetuity.

This pre-commencement condition is imposed in order to ensure the satisfactory drainage of the site in accordance with policies ENV6 and MID-A of the East Riding Local Plan.

1. The details submitted pursuant to condition 2 shall include a scheme to mitigate the additional educational need arising from the development. The development shall be carried out in accordance with the approved scheme.

This condition is imposed to ensure there is sufficient provision for education to meet the needs of the development in accordance with the National Planning Policy Framework and policy C1 of the East Riding Local Plan.

1. 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:

3720/PD/01 Rev B - Location Plan received 05 Jan 2022

LTP/4594/P1/01/01/REV 0 - Proposed Site Access & Local Footway Improvements received 17 Nov 2021

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.

Please inform me if you require further details or an explanation of this decision.

Yours sincerely



Stephen Hunt MRTPI

Director of Planning and Development Management