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 Stephen Hunt Director of Planning and Development Management

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**Tel:** (01482) 393748  
**Date:** 30 September 2022

Application No: **20/02106/PLF**

Case Officer: Mr Calum Rowley

## NOTICE OF DECISION

### TOWN AND COUNTRY PLANNING ACT 1990

<b>Proposal:</b>	Alterations and refurbishment of 2 dwelling houses with repairs and conversion of Coach House, stables, granary range to form 2 further dwelling houses, repairs to screen walls, landscaping and parking and garaging facilities (AMENDED PLANS)
<b>Location:</b>	Listed Coach House Stable Granary Range And Screen Wall, The Hall, Main Street, Whitgift, East Riding Of Yorkshire, ,
<b>Applicant:</b>	Mrs Susan Filby
<b>Application type:</b>	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. The development shall be carried out in accordance with an approved programme of architectural recording for the building, with details of scaffolding and any works necessary to make the building safe in order to undertake the survey required by this condition and condition 3 below, shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. All architectural recording work must be undertaken by a professional qualified organisation or person, and should comprise a Level 4 Historic Building Survey.

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Alan Menzies  
 Executive Director of Planning and Economic Regeneration

This pre-commencement condition is imposed in order to secure the recording, investigation and/or protection of architectural/historical remains and to ensure that all plan form, fixtures, fittings, internal partitions, joinery and any other features of historic and architectural value are recorded to an appropriate professional standard before and during the proposed works as the building is of architectural significance and is also a designated heritage Asset. This is in line with Policy ENV3 of the East Riding Local Plan and guidance within the NPPF.

3. No development (other than that approved under condition 2 as necessary to undertake the survey) shall take place until a detailed survey and assessment of the existing internal features and their condition has been completed and used to inform a scheme of work for all construction works (with phasing if considered appropriate), including methods, materials and components to be used, have been submitted to and approved in writing by the Local Planning Authority. The details shall include, but is not limited to, a schedule of retention, replacement and any other works to the eaves, lead work, stacks, existing floors, timbers (trusses, purlins, joists), staircases, internal and external walls (i.e structural strengthening, timber re-jointing, re-plastering, service routes and alterations, replacement or maintenance of architectural features, new partitions, joinery details and any works required for fire protection, sound proofing and insulation). The development shall be carried out in accordance with the approved details.

This pre-commencement condition is imposed in accordance with policy ENV3 of the East Riding Local Plan and in order to ensure that the proposed works can be undertaken without detriment to the special architectural and historic interest of the listed building

4. No development shall take place on site 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. 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. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. This landscaping scheme shall include details for the use of setts/cobbles for the road and a grass mesh system for parking areas.

This pre-commencement condition is imposed in accordance with policies ENV1 and ENV3 of the East Riding Local Plan and 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.

5. Notwithstanding any details shown on the submitted plans and forms, no development shall take place until details and samples of the materials to be used in the construction and/or restoration of the external surfaces, including rainwater goods, windows and rooflights, of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Details shall also include coursing, bedding of the brick, type of pointing and mortar specification. Development shall be carried out in accordance with the approved details.

This pre-commencement condition is imposed in accordance with policies ENV1 and ENV3 of the East Riding Local Plan and because it is considered that the use of inappropriate materials could be harmful to the appearance of the area and that the Council therefore needs to retain a measure of control.

6. No development shall take place until large scale drawings of all proposed external joinery works which shall include full plans and elevations together with vertical and horizontal sections to a scale of at least 1:10 and a typical section of each joinery detail and moulding proposed to actual

scale has been submitted to and approved in writing by the Planning Authority. The details shall include the depth of recess of the window and door frames when measured against the front face of surrounding brickwork/external render/stonework and details of heads, sills, lintels and proposed painting details. The development shall then be carried out in accordance with the approved details

This pre-commencement condition is imposed in accordance with policies ENV1 and ENV3 of the East Riding Local Plan and because it is considered that the use of inappropriate details would be harmful to the appearance of the area and the Planning Authority therefore needs to retain a measure of control.

7. No development shall take place on site until a scheme for the discharge of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied/brought into use until the approved drainage details have been constructed in accordance with the approved scheme, and shall be managed and maintained in accordance with the approved plan.

This pre-commencement condition is imposed in accordance with policy ENV6 of the East Riding Local Plan and to prevent the increased risk of flooding, to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to ensure that the proposal is provided with a satisfactory means of drainage.

8. No construction or demolition, including site deliveries or removal of materials from the site should take place except between the hours of:

08.00 and 18.00 Monday to Fridays;  
08.00 and 14.00 on Saturdays, and  
At no time on Sundays or Bank Holidays

This condition is imposed in accordance with policy ENV1 of the East Riding Local Plan and in the interests of the amenities of the area.

9. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) A scheme for the parking, loading, off-loading, manoeuvring, wheel cleaning for site operatives, delivery and construction vehicles, office and storage compounds for contractors equipment and materials within the site during the entire construction period;
- ii) Details of any lighting during construction;
- iii) Details of any piling activities;
- iv) Provision to be made for the control of noise, dust and fumes emanating from the site during site clearance and construction works;
- v) No burning of any waste material within the site during the entire construction period;
- vi) A scheme for fuel/oil storage including portable containers, proprietary tanks, bunding, impervious hard standing, replenishment of tanks and refuelling procedures;
- vii) A complaints procedure in respect of complaints by members of the public and a complaints resolution process.

This pre-commencement condition is imposed in accordance with policy ENV1 of the East Riding Local Plan and to prevent a noise, vibration, dust, fume and smoke nuisance from being caused to the occupiers of adjacent properties and also in the interest of residential amenity

10. The development shall be carried out in accordance with the submitted flood risk assessment (compiled by East Riding Consultants Ltd dated 03 July 2020) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than existing and no lower than 4.5 metres above Ordnance Datum (AOD) for the section of building fronting main street and no lower than 300mm above existing ground level or 4mAOD, whichever is higher, for the remainder of the building;
- A scheme of flood proofing shall be agreed with the LPA and installed to no lower than 5mAOD in the section of the building fronting Main Street and no lower than 600mm above FFL in remainder of the building. As a minimum, this scheme is to include all the measures listed in a) to f) of the recommendations section of the FRA;
- No ground floor sleeping;
- A place of safety shall be available on an upper floor with immediate access from within each dwelling;
- An emergency flood warning plan shall be approved by the LPA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

This condition is imposed in accordance with policy ENV6 of the East Riding Local Plan and in order to reduce the risk of flooding to the proposed development and future occupants

11. The development hereby permitted shall be implemented in strict accordance with the ecological avoidance and mitigation measures detailed in section 4 of the Preliminary Ecological Appraisal Report (Curtis Ecology, February 2020) and section 7 of the Bat Survey Report (Curtis Ecology, July 2020) unless otherwise varied by a European Protected Species license subsequently issued by Natural England or as agreed in writing by the local planning authority.

This condition is imposed in accordance with policy ENV4 of the East Riding Local Plan and to ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017.

12. Within one month of commencement of development a Wildlife Enhancement Plan (WEP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be restricted to, the enhancement prescriptions for biodiversity as detailed in section 4 of the Preliminary Ecological Appraisal Report (Curtis Ecology, February 2020). The WEP shall include a timetable for implementation and a detailed plan showing the locations and details of the enhancement measures.

All aspects of the approved Wildlife Enhancement Plan shall be implemented in full in accordance with the approved measures and timetable and be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

This condition is imposed in accordance with policy ENV4 of the East Riding Local Plan and in accordance with the recommendations of the ecological survey forming part of the application, to comply with the National Planning Policy Framework (NPPF) and the Natural Environment and Rural Communities Act (NERC) 2006.

13. Prior to any work commencing upon or affecting the Public Right of Way, a photographic condition assessment of the public right of way should be submitted to the Council. Following completion of any work a further photographic condition assessment of the public right of way should be submitted. Any damage caused to the surface of the bridleway by works vehicles

should be repaired by the applicant on completion of the works, sooner if the surface hinders use by users of the public right of way. Any surface repairs should be agreed with the highway authority prior to the work being undertaken.

This condition is imposed in accordance with policy ENV1 of the East Riding Local Plan and to ensure the existing public right of way is not damaged during the course of any development to enable its continued use.

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

Location Plan 1:1250 - received 3 July 2020

20L607.1 - Survey of land and range of buildings - received 3 July 2020

20L607.2 - Existing ground floor plan - received 3 July 2020

20L607.3 - Existing west elevation and first floor layout - received 22 July 2020

20L607.4 - Existing north, south and east elevations - received 3 July 2020

20L607.5 - Proposed floor plans and roof plan - received 9 June 2021

20L607.7 - Proposed east, south and north elevations - received 1 September 2022

20L607.8 - Proposed west elevation - received 22 July 2020

20L607.9A - Proposed site plan and garage elevations and floor layout - received 1 September 2022

20L607.10 - Proposed chimney stacks - received 9 June 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.

#### Note to Applicant/Agent:

Package Treatment Plan - The proposed package treatment plant will require routine maintenance and should be emptied regularly by a registered waste carrier. Advice should be sought from the Environment Agency as a permit may be required.

EPSL Informative - Before this development can commence, a Bat Mitigation Licence (under The Conservation of Habitats and Species Regulations 2017) will be required from Natural England. You will need to liaise with your ecological consultant for advice and assistance on the application for this licence.

Asbestos - An appropriate survey should be undertaken to identify any asbestos containing material in existing buildings or elsewhere on the application site. Asbestos containing material must be safely removed from any buildings prior to demolition, to avoid causing contamination of the land and surrounding environment. Asbestos contaminated waste must be disposed of appropriately at a licenced waste facility. The legal requirements for managing and working with asbestos are set out in the Control of Asbestos Regulations 2012.

Imported soil - Where soil needs to be brought on to site for garden areas and soft landscaping, the developer must ensure it is from a certified clean source and is suitable for use.

#### Relevant Planning Policies:

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

Policy S1 Presumption in favour of sustainable development  
Policy S2 Addressing climate change  
Policy S4 Supporting development in Villages and the Countryside  
Policy A4 Goole & Humberhead Levels sub area  
Policy ENV1 Integrating high quality design  
Policy ENV2 Promoting a high quality landscape  
Policy ENV3 Valuing our heritage  
Policy ENV4 Conserving and enhancing biodiversity and geodiversity  
Policy ENV6 Managing environmental hazards  
Policy H1 Providing a mix of housing and meeting needs  
Policy H4 Making the most efficient use of land

Flood Risk Sequential and Exception Test SPD  
Sustainable Transport SPD

Strategic Flood Risk Assessment Level 1

National Planning Policy Framework (NPPF) (2021)

National Design Guide (Sept 2019)

C1 - Understand and relate well to the site, its local and wider context

I1 - Respond to existing local character and identity

Legislation

Section 66 of Planning (Listed Buildings and Conservation Areas) Act 1990 - Special regard to the desirability of preserving or enhancing Listed Buildings and their setting

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

Signed



30 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](http://www.eastriding.gov.uk) for more information.