



EAST RIDING

OF YORKSHIRE COUNCIL

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Application No: **DC/12/04181/OUT/EASTSE**

Case Officer: **Mrs Karen Abba**

NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990

Application Type: **Outline Planning Permission**

Proposal: **Outline - Erection of building to be used as cafe/bar (layout to be considered)
(Renewal of planning permission 09/03128/OUT)**
Location: **Johnsons Of Hedon 4 - 8 Thorn Road Hedon East Riding Of Yorkshire HU12 8PA**
Applicant: **Nagra Properties**

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 scale, appearance, 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.



INVESTORS
IN PEOPLE | Gold

4. No development shall take place until the applicant 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. The scheme shall provide for:

- i. The programme and methodology of site investigation and recording; this would provide for 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. The programme for post investigation assessment of the results of the on-site evaluation.
- v. Provision to be made for analysis of the site investigation and recording, following the post-excavation assessment, where the results justify this (as required under Policy 141 of the NPPF).
- vi. Provision to be made for publication and dissemination of the analysis and records of the site investigation, where the results justify this (as required under Policy 141 of the NPPF).
- vii. Full provision to be made for archive deposition of the analysis and records of the site investigation (as required under Policy 141 of the NPPF).
- viii. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. 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
- ix. 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.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A). In particular, no grubbing out of the foundations shall take place without a nominated archaeologist being present during these works; should archaeological deposits be exposed during the course of these works, they should be properly recorded.

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A), and the provision made for analysis, publication and dissemination of results and archive deposition, has been secured.

This condition is imposed because it lies at the eastern edge of the medieval town of Hedon, close to its eastern limits. Evaluation within the medieval town over the past two decades has constantly revealed the survival of significant, and often well-preserved archaeological deposits. This condition imposed in line with Paragraphs 128-131, 135-136, 139 and 141 of Section 12 of the NPPF.

5. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works have been submitted to and approved by the local planning authority.

This condition is imposed in order to ensure that the development can be properly drained.

6. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

This condition is imposed in order to ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

7. No part of the proposed development shall not be brought into use until: -

- (i) the existing vehicular accesses have been improved,
- (ii) the staff and customer parking spaces laid out and metalled,
- (iii) the manoeuvring areas for all vehicles, including the service yard area, and
- (iv) the cycle parking facilities

Have all been provided in accordance with the submitted details, drawing number L92.3. These facilities shall thereafter be so retained and not used for any other purpose.

This condition is imposed in order to ensure that the demand for vehicle parking and servicing can be met within the site as vehicles having to park, load or un-load or manoeuvre on the public highway would adversely affect the safety of other highway users and to ensure cycle parking facilities are provided commensurate with the proposals.

8. Unless otherwise agreed in writing with the Local Planning Authority the proposed buildings shall not be brought into use until bollards have been erected within the curtilage of the site in accordance with the submitted details, drawing number L92.3. These bollards shall thereafter be so retained in the positions indicated on the agreed details.

This condition is imposed in order to ensure that vehicles using the facilities do not adversely affect pedestrians using the public footway fronting the site, in the interests of road safety.

9. Prior to the commencement of development details shall be submitted and approved in writing by the Local Planning Authority showing the provision of temporary wheel cleaning facilities, vehicle parking, loading, off-loading and manoeuvring facilities for the contractors carrying out the building and construction works and no work shall commence on site until these facilities have been provided in accordance with the approved details and these facilities shall be retained for the duration of the works.

This condition is imposed in order to assist in preventing detritus and other material being deposited on the publicly maintainable highway to the detriment of other road users.

10. No deliveries of goods/raw materials, nor removal of waste from the café bar shall take place outside the hours 8:00am until 8:00 pm inclusive on any day. These hours shall also apply to the movement of bins along the service access area for collection between the hours mentioned above.

This condition is imposed in order to protect the amenities of nearby properties from adverse effects due to noise nuisance.

11. The Café Bar within this new development shall only be open to the public between the hours of 8:00am and 12:00 midnight on any day.

This condition is imposed in the interests of the amenities of the area.

12. Any recorded or amplified music played within the café/bar shall not be audible outside the premises.

This condition is imposed in the interests of the residential amenities of the area.

13. The use hereby approved shall not be first commenced until there have been submitted to and approved in writing by the Local Planning Authority detailed plans for ventilation, filtration and fume extraction equipment to reduce cooking smells and all approved items of such equipment have been installed. The approved ventilation, filtration and fume extraction equipment shall be used at all times when hot food is prepared and served on the premises and shall be cleaned and maintained in accordance with the manufacturers instructions, a copy of which shall be supplied to the Local Planning Authority before hot foods are prepared on the premises.

This condition is imposed in order to ensure that the residential amenities of the surrounding area are not adversely affected by smells and fumes.

14. Prior to the commencement of any development a scheme for the storage and disposal of refuse and waste products shall be submitted to and approved in writing by the Local Planning Authority.

This condition is imposed in order to ensure that the residential amenities of the surrounding area are not adversely affected.

15. Finished floor levels shall be 4.68m AOD, and flood proofing measures to a minimum of 300mm above the road frontage unless otherwise agreed in writing with the Local Planning Authority.

This condition is imposed to reduce the impact of flooding to the proposed development and the future occupiers

16. The café bar building shall not be altered so as to provide a mezzanine floor within the building.

This condition is imposed in order to limit the amount of floor space and size of the cafe bar to that as shown on the submitted plans and to allow the opportunity to assess the impact of any increase in floor space that may result should such additional floor space be provided.

17. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing, by the local planning authority.

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potential unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

This condition is imposed because the developer has stated that the underground storage tanks will be in-filled with concrete slurry. The underground storage tanks should be completely removed to ensure that both free product and any residual contamination is remediated, and the surrounding areas validated to ensure that there is no residual risk to the surrounding environment. The applicant has carried out limited site investigation to three boreholes. A more robust site investigation is required to assess the risk to the environment from the former petrol filling.

18. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

This condition is imposed to ensure that the site is reclaimed to an acceptable standard.

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

Drawing Numbers:

- | | |
|--------|---|
| L 92.1 | Ordnance Survey Site Location Plan Scale 1:1250 submitted with the application. |
| L 92.3 | Proposed Ground Floor Plans and Levels |
| L 92.5 | Proposed First Floor Plans |

L92.6 Proposed Elevations

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 for Applicant

The applicant should refer to the Defra '*Groundwater Protection Code: Petrol stations and other fuel dispensing facilities involving underground storage tanks*' for advice and guidance.

Relevant Planning Policies

Regional Spatial Strategy

YH6 Local Service Centres and rural and Coastal Areas

YH7 Location of Development.

E3 Land and Premises for Economic Development.

Joint Structure Plan

EC1 Employment development to be concentrated in DS1-3 settlements. Hull City Centre to act as sub-regional focus. Principal towns and towns to provide complementary role commensurate with size and function. Humber Bridge Head and Kingswood identified as strategic employment sites - tests established to ensure that development at these sites does not adversely affect the role of the city centre.

SP1 Character and distinctiveness of settlements and their setting (including important features) to be protected and enhanced.

SP5 Development proposals to achieve high standard of design.

Holderness District Wide Local Plan

Ec6 Small Scale Businesses.

G2 Sustainable Location of Development

G6 Design of new development.

G7 Planning and design considerations.

Tr7 Car Parking.

U9 Drainage

U10 Run-off

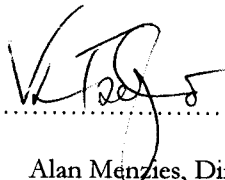
U12 Areas Liable to Flood

National Planning Policy Framework

Reason for Decision

The proposed development is a renewal of a previous permission and the overall design and scale of the scheme represents an acceptable redevelopment of Brownfield land and is in accordance with development plan policy. The proposal will not create any issues of adverse impact on residential amenity, highways safety, flood risk, or on the Public Right of Way.

Therefore the renewal of outline planning permission for the erection of a building to be used as a café/bar is considered acceptable and the proposed development is therefore considered to comply with the aforementioned policies of the development plan and the policy contained within the National Planning Policy Framework in all aspects.

Signed 

Date : 27 November 2012

Alan Menzies, Director of Planning and Economic Regeneration.

Notes to accompany application no DC/12/04181/OUT/EASTSE

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: 01173 726372.

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 www.planningportal.gov.uk/pcs. 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 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.