



EAST RIDING

OF YORKSHIRE COUNCIL

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www.eastriding.gov.uk

Malcolm Sims Director of Corporate Resources

To: Members of the Eastern Area Planning
Sub-Committee

All other Members (for information)

Your Ref:

Our Ref:

Agenda/JMW/PCN

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Date:

25 January 2013

Dear Councillor

I hereby give you notice that a meeting of the EASTERN AREA PLANNING SUB-COMMITTEE will be held at COUNTY HALL, CROSS STREET, BEVERLEY on MONDAY, 4 FEBRUARY 2013 at 2.00PM.

The business to be transacted is as set out below.

Yours sincerely

for Malcolm Sims
Director of Corporate Resources

Enc

A G E N D A

1. Declarations of Pecuniary or Non Pecuniary Interest and Declarations under Section 4 of the Code of Practice for dealing with Planning Applications - Members to declare any interests in items on the agenda and nature of such interest.
2. To approve as a correct record the minutes of the proceedings of this Sub-Committee held on 14 January 2013 (pages 1 - 6).
3. Withdrawals - The Director of Planning and Economic Regeneration to inform the Sub-Committee of any applications referred to in item 4 that have been withdrawn.
4. Schedule of Planning Applications - Report of the Director of Planning and Economic Regeneration (pages 7 - 136).



INVESTORS
IN PEOPLE



5. Any other items, which the Chairman decides are urgent by reason of special circumstances, which must be specified.

Note: Details of planning applications determined under officer delegation and planning appeal decisions are enclosed for information (pages 137 - 156).

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EAST RIDING OF YORKSHIRE COUNCIL

PLANNING COMMITTEE

EASTERN AREA PLANNING SUB-COMMITTEE

14 JANUARY 2013

PRESENT: Councillors Pearson (Chairman), Allerston, Bryan, C Chadwick, Finlay, Hall, Peacock, Pollard, Skow, Suggit and Turner.

Also in attendance: Press - 1
Public - 20

The Sub-Committee met at County Hall, Beverley.

Councillor Cracknell also attended the meeting.

6910 DECLARATIONS OF INTEREST AND DECLARATIONS UNDER THE CODE OF PRACTICE FOR DEALING WITH PLANNING APPLICATIONS - The following members made declarations: -

Item	Members/Interest
(i) General declaration - 12/04106/PLF and 12/04244/PLF - Sleights Farm, Lowthorpe Lane, Nafferton and land to the north of Bengey Cottages, Main Road, Burton Pidsea. (Minutes 6916 and 6917 refer)	Councillor Peacock declared a non-pecuniary interest in Minutes 6916 and 6917 in so far as he was a member of the Humber Archaeology Partnership.
(ii) 12/04458/REG4 The Haven, 5-7 Marshall Avenue, Bridlington (Minute 6920 refers)	Councillor Finlay declared a non-pecuniary interest in Minute 6920 in so far as the owner of the property was a colleague on Bridlington Town Council and a close personal friend, therefore she left the meeting during consideration and voting on this application.
(iii) 12/03308/PLF Manager's Bungalow, Ellifoot Lane, Burstwick (Minute 6913 refers)	Councillor Skow made a declaration in accordance with the Code of Practice for dealing with planning applications in Minute 6913 in so far as he had spoken with, and expressed his views to the applicant about the proposal, therefore he did not participate or vote on this application.

- (iv) 12/04458/REG4
The Haven, 5-7 Marshall Avenue,
Bridlington
(Minute 6920 refers)

Councillor C Chadwick declared a non-pecuniary interest in Minute 6920 in so far as the owner of the property was a close personal friend and therefore he left the meeting during consideration and voting on this application. He also made a declaration under the Code of Practice for dealing with planning applications in that he had also had dealings with one of the objectors to the application.

6911 MINUTES - Resolved - That the minutes of the meeting of the Sub-Committee held on 17 December 2012 be agreed as a correct record.

6912 WITHDRAWALS - The Director of Planning and Economic Regeneration advised the Sub-Committee that the following applications had been withdrawn from the Schedule of Planning Applications: -

Application	Details
(i) 12/00394/PLF Mr Michael Coates	Erection of a wind turbine (height 24.6 metres to hub and 34.2 metres to blade tip) at Ellerby Grange, Skirlaugh Road, Old Ellerby.
(ii) 12/04177/PLF Mr Nick Voase	Erection of one WES250 250 kilowatt wind turbine (height 30 metres to hub and 45 metres to tip height) upon a monopole mast at land south east of Inn Carr House Farm, Burshill Carr Road, Burshill.

6913 MANAGER'S BUNGALOW, ELLIFOOT LANE, BURSTWICK - The Director of Planning and Economic Regeneration submitted a report on an application by Mr D Key for the continued use of land as residential curtilage and retention of brick boundary wall and patio at Manager's Bungalow, Ellifoot Lane, Burstwick (Application 12/03308/PLF).

At the meeting the Director advised the Sub-Committee that the following consultation response had been received on the application following publication of the report:-

- Planning Officer - A meeting had been held with the applicant's agent to discuss ongoing difficulties regarding this application. As a result revised plans and a commitment to a unilateral undertaking had been given by the applicant. A revised planting and maintenance scheme had been received for the land previously granted approval which would now only be used for agricultural purposes and therefore the recommendation should now be amended to approval subject to the expeditious commitment to a unilateral undertaking by the applicant as well as ensuring that the planting scheme was implemented for this season.

Resolved - That the application be refused for the reasons set out in the Director's report.

6914 LAND SOUTH OF CHAPEL MEWS, ABBEY LANE, PRESTON - The Director of Planning and Economic Regeneration submitted a report on an application by Mr A Mcardle for the erection of two detached dwellings and associated garages at land south of Chapel Mews, Abbey Lane, Preston (Application 12/03556/PLF).

At the meeting the Director advised the Sub-Committee that the following consultation response had been received on the application following publication of the report:-

- Tree Officer - Amendment of the planting condition.

The applicant's agent spoke on the application in accordance with agreed protocols.

Resolved - That the application be approved for the reasons set out in the Director's report subject to an amended planting condition.

6915 2 MAIN STREET, SEATON - The Director of Planning and Economic Regeneration submitted a report on an application by Mr Jonathan Chapman for external and internal alterations to school to allow conversion to residential dwelling at 2 Main Street, Seaton (Application 12/03881/PLF).

At the meeting the Director advised the Sub-Committee that no representations or consultation responses had been received on the application following publication of the report.

Resolved - That the application be approved for the reasons set out in the Director's report.

6916 SLEIGHT'S FARM, LOWTHORPE LANE, NAFFERTON - The Director of Planning and Economic Regeneration submitted a report on an application by Mr Ian Martinson for the erection of two wind turbines (height of 25.8 metres to hub and 36 metres to blade tip) with associated infrastructure (amended planning application 12/02105/PLF) at Sleight's Farm, Lowthorpe Lane, Nafferton (Application 12/04106/PLF).

At the meeting the Director advised the Sub-Committee that no representations or consultation responses had been received on the application following publication of the report.

The applicant's agent spoke on the application in accordance with the agreed protocols.

Resolved - (a) That the application be deferred for the receipt of a revised noise assessment and a favourable response from the Public Protection Officer, and

(b) that subject to (a) above the Director of Planning and Economic Regeneration be authorised to approve the application for the reasons set out in the report.

6917 LAND TO THE NORTH OF BENGEY COTTAGES, MAIN ROAD, BURTON PIDSEA - The Director of Planning and Economic Regeneration submitted a report on an application by Burton Pidsea Parish Council for a flood alleviation open watercourse running north from the junction of Church Street and Main Road, turning west between Taranaki and Bengely Cottages, continuing to the north of Gemel Road where it joins the existing watercourse at land to the north of Bengely Cottages, Main Road, Burton Pidsea (Application 12/04244/PLF).

At the meeting the Director advised the Sub-Committee that the following representations and consultation responses had been received on the application following publication of the report:-

- Humber Archaeology - Condition for a scheme of investigation.
- 5 and 8 Gemel Road, Burton Pidsea - Objection. Amendment to the plan does not change the situation or the concerns previously raised.
- Applicant - A further letter from the applicant supporting the scheme and advising that the proposal was a culmination of a study undertaken after the 2007 floods which had been commissioned by the Parish Council with the aim of providing flood alleviation. It also refuted the claims from objectors that it would lead to odour issues and pest nuisance.
- Planning Officer - To confirm that the consultation period had now expired and that the recommendation should be amended to approval.

An objector and the applicant spoke on the application in accordance with the agreed protocols.

Resolved - That the application be approved for the reasons set out in the Director's report subject to an additional condition relating to a Humber Archaeology scheme of investigation.

6918 HIGHFIELD, VICARAGE LANE, SKIRLAUGH - The Director of Planning and Economic Regeneration submitted a report on an application by Mr and Mrs P J and G Wright for the erection of a two-storey and first floor extension to rear, single storey extension to side, construction of one dormer window to front, removal of one chimney stack to side, erection of detached garage and store following demolition of existing garage, construction of brick pillars and boundary wall to front and alterations to existing vehicular access at Highfield, Vicarage Lane, Skirlaugh (Application 12/04413/PLF).

At the meeting the Director advised the Sub-Committee that no representations or consultation responses had been received on the application following publication of the report.

The applicant spoke on the application in accordance with the agreed protocols.

Resolved - That the application be refused for the reasons set out in the Director's report.

6919 LAND SOUTH EAST OF OLD FOLD YARD, SCHOOL LANE, HOLMPTON - The Director of Planning and Economic Regeneration submitted a report on an application by Mr R Dawson for the erection of a dwelling following demolition of existing outbuildings (resubmission of planning application 11/03611/PLF) at land south east of Old Fold Yard, School Lane, Holmpton (Application 12/04422/PLF).

At the meeting the Director advised the Sub-Committee that no representations or consultation responses had been received on the application following publication of the report.

The applicant and Councillor Cracknell spoke on the application in accordance with the agreed protocols.

Moved by Councillor Bryan and seconded by Councillor Hall -

That the application be deferred for a site visit.

Motion Lost.

Resolved - That the application be refused for reasons set out in the Director's report.

6920 THE HAVEN, 5-7 MARSHALL AVENUE, BRIDLINGTON - The Director of Planning and Economic Regeneration submitted a report on an application by Mr Brian Reynolds on behalf of East Riding of Yorkshire Council for the change of use from residential home to hostel including demolition of existing outbuildings at the Haven, 5-7 Marshall Avenue, Bridlington (Application 12/04458/REG4).

At the meeting the Director advised the Sub-Committee that the following representations and consultation responses had been received on the application following publication of the report:-

- Bridlington Tourism Association - Object as Marshall Avenue was the centre of the tourist area and was close to the town centre. The shelter would be detrimental to Bridlington as a tourist destination. It had been noted that in other areas where similar schemes had been developed there had been an increase in crime levels.
- Anonymous - Marshall Avenue, Bridlington - The area was designated as a holiday area but such developments had now degraded this.
- 21 Marshall Avenue, Bridlington - Object. Local residents had not been informed about the proposal. The area already had a high crime level and there were concerns that the proposal would lead to an increase.
- Cosford House, 18-20 Marshall Avenue, Bridlington - Objection. Concerned about the pace of the application and lack of consultation.
- Planning Officer - 19 letters had been sent out to occupiers in the vicinity of the development and there had also been the posting of a site notice. The Authority was satisfied that the proposal had been correctly advertised.

An objector and the applicant spoke on the application in accordance with the agreed protocols.

Resolved - That the application be approved for the reasons set out in the Director's report.

6921 WHARF GIFT SHOP, 18 PRINCE STREET, BRIDLINGTON - The Director of Planning and Economic Regeneration submitted a report on an application by Mr T Hodgson for the display of two non-illuminated fascia signs and one non-illuminated projecting hanging sign (resubmission of planning application 12/02697/PAD) at Wharf Gift Shop, 18 Prince Street, Bridlington (Application 12/04465/PAD).

At the meeting the Director advised the Sub-Committee that no representations or consultation responses had been received on the application following publication of the report.

The applicant's agent spoke on the application in accordance with the agreed protocols.

Moved by Councillor Turner and seconded by Councillor Peacock -

That the application be approved as it is in keeping with the street scene, is appropriate and will not be detrimental to the conservation area.

Motion Lost.

Resolved - That the application be refused for the reason set out in the Director's report.

Agenda Item No

4

EAST RIDING OF YORKSHIRE COUNCIL

**Report to: Eastern Area Planning Sub-Committee
4 February 2013**

WARDS: All in Eastern Area

SCHEDULE OF PLANNING APPLICATIONS

Report of the Director of Planning and Economic Regeneration

Background Papers

Application files held in the Service Office

The officer reports can only summarise responses received but full copies of all correspondence can be viewed on public access.



LIST OF APPLICATIONS

Eastern Area Planning Sub-Committee 4 February 2013

Page 10	12/02979/PLF PP-02005213	Erection of 1 x 15m high to hub and 20.5m to tip wind turbine at Village Hall Main Street Paull East Riding Of Yorkshire HU12 8AW for Paull Parish Council (JS1)
Ward:	South West Holderness	Recommendation: Refuse
Page 37	12/03592/PLF PP-01836858	Installation of 9no floodlights to 2no existing all-weather tennis courts at Beverley And East Riding Lawn Tennis Club Seven Corners Lane Beverley East Riding Of Yorkshire for Beverley & East Riding Lawn Tennis Club (ADEVEY)
Ward:	St Mary's	Recommendation: Approve
Page 58	12/04030/PLF PP-02201428	Change of Use from a shop (Use Class A1) to a mixed use as a shop and cafe and erection of a first floor extension with sloping roof to rear and alterations to shop front at Market Cross News 21 - 22 Saturday Market Beverley East Riding Of Yorkshire HU17 8BB for Mr S Barker (SL)
Ward:	St Mary's	Recommendation: Defer and Delegate Approval
Page 79	12/04535/OUT PP-02287994	OUTLINE - Erection of 2no dwellings following demolition of existing dwelling (Access, Appearance, Layout and Scale to be considered) at 86 Brookland Road Bridlington East Riding Of Yorkshire YO16 4HB for Mr H Kyte (ER)
Ward:	Bridlington Old Town	Recommendation: Approve
Page 88	12/04559/VAR PP-02283486	Variation of Condition 2, relating to the demolition of the existing dwelling, of approved application 08/02530/PLF at Green Close Cottage Gembling Lane Gembling East Riding Of Yorkshire YO25 8HS for Miss Tracy McNelis (JC1)
Ward:	East Wolds And Coastal	Recommendation: Refuse
Page 99	12/04689/PLF PP-02310692	Change of use from an existing dwelling (Class C3) to form a residential care home (Class C2) at The Cedars Hull Road Aldbrough East Riding Of Yorkshire HU11 4QR for Dr Bunting (KA)
Ward:	Mid Holderness	Recommendation: Approve

Page 12/04920/REG3
118 PP-02302665

Erection of 6no. affordable dwellings at Land North Of 26
Mill Lane Skipsea East Riding Of Yorkshire YO25 8SP for
East Riding Of Yorkshire Council (RL)

Ward: East Wolds And
Coastal

Recommendation: Approve

REPORT TO EASTERN AREA PLANNING SUB-COMMITTEE

COMMITTEE DATE: 4 February 2013

PARISH: Paull Parish Council

WARD: South West Holderness

APPLICATION NUMBER: 12/02979/PLF

APPLICATION TYPE: Full Planning Permission

DESCRIPTION: Erection of 1 x 15m high to hub and 20.5m to tip wind turbine at Village Hall Main Street Paull East Riding Of Yorkshire HU12 8AW

APPLICANT: Paull Parish Council

DATE RECEIVED: 12 July 2012

RECOMMENDATION: Refuse

INTRODUCTION

This application seeks Full Planning Permission for the erection of a 15m high to hub and 20.5 m to tip wind turbine at The Village Hall, Main Street, Paull. The application site is located within the settlement limits and Conservation Area for Paull and adjacent to the Grade II Listed Lighthouse and Keepers Cottage. The site is also adjacent to the Humber Estuary Site of Special Scientific Interest (SSSI). This SSSI is part of the Humber Estuary Special Area of Conservation, Special Protection Area and Ramsar. The site is also within Flood Zone 3. The application site is surrounded predominantly on three sides (north, east and south) by residential properties with the River Humber and embankment to the west.

The proposed wind turbine is a Quiet Revolution Vertical Axis Wind Turbine, finished in an off white/light grey colour on a monopole mast with a maximum height of 20.5 metres.

The existing village hall has been demolished to make way for a new larger village hall. The proposed wind turbine will be located to the north-west corner of the site alongside the highway, known as Main Street. Access to the site would be via land comprising the new village hall.

Before this application was submitted it was considered within the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 to determine whether an Environmental Impact Assessment (EIA) was required. It was determined that an Environmental Impact Assessment was not required in this case.

PLANS AND ILLUSTRATIONS

Appendix 1 – Site Location Plan

Appendix 2 – Site Layout Plan and elevations

Appendix 3 – Illustrative plan of wind turbine and lighthouse

Appendix 4 – Plan of neighbouring wind turbines

KEY PLANNING POLICIES

The Development Plan for the area comprises the Regional Spatial Strategy, Joint Structure Plan, and the Holderness District Wide Local Plan.

National Planning Policy

EN1 Overarching Energy Policy

EN3 Renewable Energy Infrastructure

Promoting sustainable transport 4

Requiring good design 7

Promoting healthy communities 8

Conserving and enhancing the natural environment 11

Conserving and enhancing the historic environment 12

Regional Spatial Strategy

YH2 Climate Change and Resource Use

ENV5 Energy

ENV8 Biodiversity

ENV9 Historic Environment

ENV10 Landscape

Joint Structure Plan

SP1 Character and distinctiveness of settlements and their setting

SP4 Distinctive character of Yorkshire Wolds, Jurassic Hills, Vale of York, Holderness, Humber Estuary and Ouse/Trent levels
Landscape Character Areas to be protected.

SP5 Development proposals to achieve a high standard of design

ENV2 Strategic Nature Conservation Sites

ENV3 Species Protection

ENV6 Built and historic assets

Holderness District Wide Local Plan

U16 Renewable Energy

U19 Wind Turbines Benefits

U20 Wind Turbine Removal

G3 Sustainable Environmental Protection

G6 Design of New Development

ENV5 Coastal zone

ENV11 Estuary

ENV12 Sites of International Importance

ENV13 Sites of National Importance

ENV16 Species Protection

ENV17 Wildlife Corridors

ENV22 Listed Buildings

ENV24 Conservation Areas

ENV25 Conservation Areas

Draft Local Plan Strategy Document (East Riding Local Plan)

S1 Presumption in Favour of Sustainable Development

S2 Addressing Climate Change

S4 Rural Development

EC6 Supporting the Energy Sector

ENV2 Promoting a High Quality Landscape

ENV3 Valuing our Heritage

ENV4 Enhancing Biodiversity and Geodiversity

ERYC Landscape Character Assessment (2005)

Planning for Renewable Energy Developments – Interim Planning Document (2009)

Natural England TIN051 Bat Guidelines

Scottish Natural Heritage Assessment of Small Scale Wind Energy Projects (2008)

Scottish Natural Heritage – Siting and Designing Wind Farms in the Landscape (2009)

Scottish Natural Heritage Draft Consultation – Siting and Designing Single and Groups of Small Turbines in the Landscape (2011)

NB- Whilst the above guidance is relevant in Scotland, it has been widely accepted in England as the best practice for the assessment of small wind turbine schemes (including at appeal) and there is no other suitable English alternative at the present time.

Network Services – Spatial Planning Advice SP12/09

Civil Aviation Authority (CAA) CAA Advice for Pre-Planning 2010

Update of UK Shadow Flicker Evidence Base (DECC)

Small Wind: Planning Guidance. Renewable UK (2011)

Micro Certification Scheme (MCS) certification installation standards (MIS 3003 – small and micro wind systems)

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

Section 72 of Planning (Listed Buildings and Conservation Areas) Act 1990 -
Special regard to the desirability of preserving or enhancing the Conservation Area

RELEVANT PLANNING HISTORY

DC/11/02245/PCC Demolition of existing village hall – Approved 22 September 2011.

DC/11/02244/PLF Erection of a new village hall following demolition of existing –
Approved 4 October 2011.

CONSULTATION REPLIES

Parish Council Recommend approval.

JRC Telecoms Does not foresee any potential problems based on known interference scenarios and the data provided.

Highway Control No objections – further comments to follow (fall over distance).

Recommend Refusal due to the turbine been situated too close to the public highway and potential hazard to highway users.

Conservation Officer Under Section 66 of the Listed Buildings and Conservation Areas Act 1990, local planning authorities should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest, which it possesses. Section 72 of the same Act also states that local planning authorities should pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Objection – The proposed wind turbine site lies within the designated Paull Conservation Area and is approximately 50 metres to the north-west of Paull Lighthouse Tower and adjoining Keepers Cottage, which is grade II listed building.

Setting is defined by English Heritage as, “the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

The significance of the lighthouse tower is its focal point status from within the centre of the village and the Estuary. The setting is contained on land by the built environment of Paull; however the setting is more open to the foreshore and across the openness of the Estuary. Due to its height and form, the tower is highly noticeable on the foreshore and from immediate roads including Main Street and Townend Road. The lighthouse was designed as a visual marker to shipping vessels navigating the northern channel of the Humber and over the years it has retained its dominance in a village context. Its importance and significance in a wider context has been diminished somewhat by the expansion of industrial sites during the 20th century. In a localised context within the immediate setting of the tower, from where the asset is experienced, it is still a dominant feature. The significance and importance of the setting is recognised because of the height of the structure.

I am concerned that the height of the proposed turbine would affect the significance of the setting of the lighthouse, as the turbine would be higher than the lighthouse tower. The proximity of the site to the heritage asset means that the difference in height would be highly noticeable and comparable from various viewpoints from within the village and the Estuary. Views from the Estuary must not be discounted, as this is the location where the heritage asset should be appreciated from because of its former use. So views from the estuary are a key part of the setting of the lighthouse, which is

supported by the Paull Conservation Area Appraisal.

The proposed development would not enhance or better reveal the significance of the lighthouse's setting. The proposed structure would compete with the lighthouse tower by becoming the tallest structure on the foreshore of Paull. The supporting heritage statement indicates the support which was given to the new village hall building and the element of modern design. The overall design of this development was excellent and the materials would clearly form an enhancement to the conservation area and the setting of the lighthouse. The turbine would not achieve the same result as the village hall, as the height of the structure would effect both the character of the conservation area and the setting of the listed building.

In conclusion, the development would adversely affect a significant part of the lighthouse's setting as well as affecting the status of a focal point building within the Conservation Area, the development should be refused.

Environment Agency
(Planning Liaison) No objection.

English Heritage The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Natural England Natura 2000 site – not likely to have a significant effect on the interest features for which the Humber Estuary Special Area of Conservation/Special Protection Area/Ramsar has been classified.

SSSI – Given nature and scale of the proposal, NE satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application submitted.

Protected Species – Possible presence of protected or Biodiversity Action Plan (BAP) species on the site, the Local Planning Authority should request survey info from the applicant before determining the application.

Nature Conservation
Officer (Biodiversity) Object – reasonable likelihood of protected species being present and adversely affected by the development. Insufficient information has been provided to allow a reliable assessment of the likelihood of harm to protected species, namely bats.

Following the submission and assessment of a Bat survey I now withdraw my objection. The report provides sufficient information to demonstrate that the proposed MWT is unlikely to impact on any bat foraging, commuting, or roosting sites.

SPECTRUM (Offcom)	Fixed links within 500m of the site, applicant must ensure there is no interference. Add table to NOD.
CAA - Wind Turbines (Anywhere)	No Comments.
Ministry Of Defence	Objects to the proposal. Air Defence (AD) radar - The turbine will be 53.7 km, detectable by, and will cause unacceptable interference to the AD radar at RAF Staxton Wold Trials carries out in 2005 concluded that wind turbines can have detrimental effects on the operation of radar which include the desensitisation of radar in the vicinity of the turbines, and the creation of "false" aircraft returns. The probability of the radar detecting aircraft flying over or in the vicinity of the turbines would be reduced, and the RAF would be unable to provide a full air surveillance service in the area of the proposed wind farm.
Landscape + Visual Impact Assessment	No objection – comments. I have no objection to this proposed development. National Policy Statement for Renewable Energy Infrastructure (EN-3) outlines how the potential harm of renewable energy development should be minimised through careful design, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by reasonable mitigation. There will inevitably be a level of landscape and visual effects as a consequence of this development, but the small scale turbine to be used and its close proximity to, and direct relationship with, the Village Hall and other buildings in Paull mean that any such effects will be mitigated by existing built and natural features present in the immediate and wider landscape.
NERL Safeguarding Officer	Does conflict with our safeguarding criteria. Accordingly, NATS (En Route) Plc objects to the proposal. The development has been examined by technical and operational safeguarding teams. A technical impact is anticipated, however this has been deemed to be acceptable.
Humberside Airport	No safeguarding objection to the proposal providing a condition is imposed, whereby the applicant notifies the LPA in consultation with Humberside Airport within one month of the turbine commencing operation.
Atkins Telecoms	No objections.
BBC	No homes affected if you were to place turbines in the following locations: TA516426.

PUBLICITY

Neighbours/ Publicity

84 letters of support have been received from members of the public, some local to the village some not.

Two letters of objection have been received, one 91 Townend Road) simply saying they do not support the scheme the other (16 Paghill Estate) that the proposal will obstruct the view from our property and concerned about noise this will create and state that they feel fitting solar panels would be much more acceptable alternative to a wind turbine.

CASE ON BEHALF OF THE APPLICANT

The applicant has submitted a Design and Access Statement , flood risk assessment, planning policy context , heritage statement, landscape and visual assessment including photo montages, siting justification including flicker and noise assessment and ecological data, this is summarised below:

It is estimated that the cost of power per year for the new village hall will be approximately £1,500 a significant expense and liability to its long-term sustainability. The free power, plus the feed in tariff would remove the main cost to the village hall and provide a sinking fund that would ensure the long term sustainability to replace the turbine at the end of its useful life and provide funding for the long term maintenance of the village hall itself.

The turbine is a vertical axis wind turbine (VAWT) with the following benefits:

A VAWT can receive winds from any direction, this is important in locations where winds are turbulent, gusty and constantly changing directions. There is no 'down time' as the rotor does not have to yaw to face the wind, in addition there are no gyroscopic effects preventing yaw. The more obstacles (e.g. trees and buildings) in your environment the more turbulent the wind is likely to be. Aerodynamic noise is primarily generated by the fast moving tips of the blades through the air. A VAWTs tips are much closer to the axis of rotation and therefore moving more slowly through the air. Loads are more evenly distributed with a VAWT than a HAWT which results in lower vibration.

The turbine would be a significant asset not only for the provision of power but to the long term sustainability and re-vitalisation of the community. The turbine would be located within close proximity to the village hall and would be viewed in the same visual context and as such would not appear an isolated feature.

The site is located within a Conservation Area; however it is located on the edge of the settlement and not centrally within it. The turbine would not be the only modern development within the area; there are recent developments within close proximity that shows the Conservation Area is adaptable to change. The recently approved village hall is relatively modern and as such the modern design of the VAWT would not be an alien feature when viewed in its context. As such, the character of the Conservation Area would be preserved to a reasonable degree, in accordance with policy ENV24.

Bird species and their habitats are rarely affected by wind turbine developments and the impact of appropriately designed and located wind turbines on local bird life should, in many cases, be minimal. Naturally site specific conditions must still be given due consideration and in this location within a settlement it is considered that the provision of one individual wind turbine can be sensitively sited so as to ensure that the proposals would not result in any adverse impact on ecological issues of the adjacent designated site.

The build site is located within Flood Zone 3a, meaning that the chance of flooding is less than 1:100; which is considered a high risk. The proposed turbine is sited within the land associated with the village hall and due to the nature of the wind turbine and its purpose serving the village hall it cannot be relocated elsewhere in a lower flood zone or in an area at a reduced risk of flooding. Due to the generic design of the turbine flood resilience measures would not be possible; there are no ancillary buildings or access tracks. All electrical equipment is sealed within the turbine ensuring that it would not be at risk.

The turbine would not be a prominent feature within the settlement and would only be visible by a limited number of residents and visitors. It would be visible from some neighbouring streets as illustrated in the photomontage but it would always be seen against buildings and not as an isolated figure, therefore its impact would be reduced and would not appear overly dominant to the detriment of visual amenity.

The proposed turbine would be in relatively close proximity to the listed building and the two features would be seen from various vantage points together. The two features would not be directly adjacent to each other and would be separated by Town End Road which runs in-between the two and acts as a visual break. The turbine would not be overly dominant towards the lighthouse and although there would be some effect it would not be unreasonable or overly detrimental to the historic character or architectural merit of the building, in accordance with ENV22.

There are no other material planning considerations that would outweigh the overriding benefits of this proposal to the Parish Council and local residents in providing a renewable energy source for the village hall, not to mention the long term environmental benefits this brings in line with both local policy U16 and national policy in the NPPF.

KEY ISSUES

- Planning Policy (Renewable Energy)
- Impact on Air Defence and Air Safety
- Impact on the Heritage Assets
- Highways
- Ecology/Biodiversity
- Visual and Landscape Impact
- Noise

OFFICER COMMENTS

Applications are to be determined in accordance with the Development Plan unless there are material considerations which indicate otherwise.

The National Planning Policy Framework (NPPF) is a material consideration which must be taken into account in planning decisions. If the NPPF contains policy guidance that is relevant to this application, the report below will explain this, and consider the extent to which development plan policy is consistent with the NPPF and the weight to be given to that policy. For 12 months from the date of publication of the NPPF full weight may still be given to relevant development plan policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The Regional Spatial Strategy falls into this category. For policies in the Joint Structure Plan and the Local Plan due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

It is the Government's clear policy intention to revoke the Regional Spatial Strategy subject to the outcome of the environmental assessments that are currently being undertaken. Until it is abolished the Regional Spatial Strategy remains part of the development plan although the intention to abolish the Regional Spatial Strategy can be treated as a material planning consideration with the weight to be attached to this intention being a matter for the decision maker.

The Development Plan for the area comprises the Regional Spatial Strategy for Yorkshire and the Humber (RSS), the Joint Structure Plan for Kingston Upon Hull and East Riding of Yorkshire (JSP) and the Holderness District Wide Local Plan (HWDLP).

Planning Policy (Renewable Energy)

Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.

Following the Climate Change Act 2008, The Renewable Energy Strategy 2009 represents a recent development of UK energy policy. The proportion of the electricity supply that will need to come from renewable sources is to increase to 30% or more by 2020.

The NPPF, through its core planning principles, provides checks and balances to prevent inappropriate development. These core principles should underpin decision making. The NPPF seeks to secure high quality design, to take into account the different roles and character of different areas, to recognise the intrinsic character and beauty of the countryside, whilst also conserving the historic and natural environment (NPPF Para 17).

The NPPF is clear in its support for renewable energy in that applicants do not have to demonstrate the overall need for renewable or low carbon energy and also it recognises that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. However, development should only be approved if its impacts are acceptable (or can be made acceptable) (NPPF Para 98).

The applicant therefore must demonstrate that the effects of a development are acceptable.

The NPPF also refers to additional national policy guidance in relation to renewable

energy projects and that planning authorities should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure (NPS). Policy EN-1 highlights the need to meet emissions targets and that the consumption of electricity will need to be almost exclusively from low carbon sources. The UK has substantial renewable energy resources including energy from biomass, waste, tidal and wind. It expects that future large scale renewable energy generation is likely to come from a number of sources including onshore wind.

NPS Policy EN-3 reiterates the important role of on-shore wind but also highlights issues including landscape and visual impact, noise, air safety, biodiversity, the historic environment whilst recognising that there will always be significant landscape and visual impacts and which will sometimes be hard to mitigate.

Regional Spatial Strategy policy ENV5 seeks to reduce greenhouse gas emissions, improve energy efficiency and maximise the efficient use of power sources. The Regional Spatial Strategy sets local targets for renewable energy capacity and recommends that they are minimum targets and should be exceeded.

Holderness District Wide Local Plan policy U16 advises that proposals for the generation of power from renewable energy sources will generally be encouraged provided the proposed development accords with the environmental and other policies.

Policy U19 of the Holderness District Wide Local Plan states that proposals for the generation of power by wind turbines, as well as any ancillary development or connecting transmission line, will be permitted provided the economic and environmental benefits, including the reduction in the emission of greenhouse gases, outweigh their environmental and visual impact. That assessment will take account of, the need for the development, effects on nature conservation interests, archaeological interests, conservation areas, listed buildings. Impact on the heritage coast, visual qualities, effect on amenities due to noise, shadow flicker, reflected light or visual dominance and the effect of any electro-magnetic disturbance caused by the development.

The emerging draft Core Strategy Development Plan Document (Local Plan) is not yet adopted and it is considered that it should be given limited weight in planning decisions until it formally replaces the existing local plans. The presumption is in favour of sustainable development (Policy S1); it supports the transition to a low carbon economy and the reduction in greenhouse gas emissions (Policy S2). Policy S4 sets the criteria for supporting development in villages and the countryside. It generally supports green energy unless the adverse impacts outweigh the wider economic and environmental benefits Policy EC6_. Proposals for renewable energy must therefore clearly demonstrate that the impact is acceptable and that the development is in an appropriate location.

The Draft Local Plan Policy S4 (Rural Development) encourages energy development (policy S4 section D9) provided that the proposals are of an appropriate scale and that development respects the intrinsic character of its surroundings.

Impact On Air Defence and Air Safety

There are a number of ways in which wind farms can have an impact on civilian air safety. These include problems on Air Traffic Radar Displays such as clutter, reduced

sensitivity and overloading of processing functions; as well as the degradation of voice communications facilities and en-route navigation aids.

The Ministry of Defence (MoD) also operates Air Defence radars and Meteorological radars which have wide coverage over the UK (onshore and offshore). It is important that new energy infrastructure does not significantly impede or compromise the safe and effective use of any defence assets.

CAA is unable to respond in time. However the CAA does suggest that clearance should be obtained from other air safety bodies. National Air Traffic Services (NATS) have advised that the proposal does conflict with our safeguarding criteria. Accordingly, NATS (En Route) Plc objects to the proposal. However, the development has been examined by technical and operational safeguarding teams. A technical impact is anticipated, however this has been deemed to be acceptable. Humberside Airport has advised that the proposal has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria and therefore no objection, providing a condition be applied to any consent granted, which requires to applicant to notify the Local Planning Authority within 1 month of the turbine commencing operation.

The Ministry of Defence (MoD) have objected to the proposal in terms of its potential impact upon the National Defence Radar at Staxton Wold:

The turbine will be 53.7 km from the Air Defence Radar at RAF Staxton Wold. Trials carried out in 2005 concluded that wind turbines can have detrimental effects on the operation of radar which include the desensitisation of radar in the vicinity of the turbines, and the creation of 'false' aircraft returns. The probability of the radar detecting aircraft flying over or in the vicinity of the turbines would be reduced, and the RAF would be unable to provide a full air surveillance service in the area of the proposed wind turbine.

The agent has been in contact with MoD with regards to the objection, they have further advised that the turbine is well into the area of coverage therefore a level three assessment may not prove particularly fruitful. They state that radars are able to tolerate a certain level of interference from turbines, however in many areas we have now reached the level of development that is tolerable and this is why they are now objecting to all turbines that are assessed as being detectable.

National Policy Statement (EN1) recommends that:

"Consent should not be granted where the development would significantly impede or compromise the safe and effective use of defence assets or significantly limit military training" NPS EN1 Para 5.4.

The proposal is considered to be unacceptable in terms of impact to air defence and is therefore considered to conflict with National Policy Statement for Energy EN1.

Impact On The Heritage Assets

When considering applications in conservation areas special attention should be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. When considering applications for listed building consent special regard should be had to the desirability of preserving the building or its setting or any

features of special architectural or historic interest, which it possesses.

Section 12 of the NPPF relates to conserving and enhancing the historic environment, paragraph 131 advises Local Planning Authorities when determining planning applications they should take account of the desirability of sustaining and enhancing the significance of heritage assets, the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 132 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 137 of the NPPF deals specifically with setting issue and states that, local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably

Regional Spatial Strategy policy ENV9 sub-section A, states that the region will safeguard and enhance the historic environment, and ensure that historical context informs decisions about development and regeneration. Joint Structure Plan policy ENV6 sub-section iii, iv, advises that the setting, character or appearance of strategically important buildings, features and areas of historic or architectural interest should be protected and where appropriate enhanced.

Policy ENV22 of the Holderness District Wide Local Plan advises that the Council will seek to preserve and enhance the setting of listed buildings by appropriate control of new development. Policy ENV24 of the Holderness District Wide Local Plan advises that when considering planning applications for development within designated conservation areas, the Council will require particular attention to be paid to the desirability of preserving or enhancing the character or appearance of the area. Policy ENV25 of the Holderness District Wide Local Plan advises that in determining applications for development in and adjoining a conservation area, the Council will have special regard to such matters as bulk, height, materials, colour, vertical or horizontal emphasis and design and safeguarding of views. Full weight can be attached to Regional Spatial Strategy policy ENV9 and it is considered that due weight can be given to the requirements of Joint Structure Plan policy ENV6 and ENV22, ENV24 and ENV25 of the Holderness District Wide Local Plan as they are consistent with the NPPF.

The Draft Local Plan Policy ENV3 relates to valuing our heritage and where possible heritage assets should be used to reinforce local distinctiveness, create a sense of place and assist in the delivery of economic well being.

The application site lies within the Paull Conservation Area and is approximately 50 metres to the north west of Paull Lighthouse Tower and adjoining Keepers Cottages, which are Grade II Listed Buildings.

The main heritage issues in this case are the effect the proposed turbine has on the Paull Lighthouse Tower and adjoining Keepers Cottage and their setting which are both grade II listed buildings and the setting of the Paull Conservation Area.

Impact on Listed Buildings

The Lighthouse and adjoining Keepers House are Grade II Listed, the lighthouse is dated 1836 with the keeper's houses being later C19.

The lighthouse was designed as a visible marker to shipping vessels trying to navigate the northern channel of the Humber and the workers and their families would have lived in the adjacent houses. These buildings are therefore, set in a prominent position within the village, along the foreshore and across the estuary and represent the historical importance of shipping both locally and regionally.

The significance of the lighthouse is its focal point status and its setting includes the immediate location within the village and the wider context of the foreshore and Humber Estuary. It is acknowledged that the wider setting has changed over the years, in part due to the developments at Salt End, however this setting could still be harmed by inappropriate developments. The localised setting has seen less change which would influence its setting and it is considered that the lighthouse remains a key focal point within the village. The combination of their age, materials, architectural detail and former function/use establish the special architectural and historic interests of these buildings and their setting.

The proposed turbine would be 20.5 metres to tip and finished in a light grey colour and the lighthouse tower is approximately 10-11 metres tall with a white stuccoed finish. The proposed turbine would be sited approximately 50 metres from the lighthouse tower. The proposed turbine is a vertical structure which would compete with and potentially dominate the lighthouse, due to its vertical form, their proximity and the light plain colour and as a result the proposal is considered to harm the special historic and architectural interest of the listed buildings and their setting, in particular the listed lighthouse. The lighthouse would no longer be the main focal point within the village, particularly when viewed from the estuary as the eye would be drawn towards the adjacent taller turbine, if it were to be allowed. The proposed turbine is therefore considered to significantly harm the special character of these listed buildings and their setting.

Impact on Conservation Area

Paull Conservation Area has been the subject of a conservation area appraisal which defines its special interest. It identifies the lighthouse and keeper's cottages as focal point buildings advising particular consideration should be given to development proposals which affect these buildings and their setting.

The proposed turbine would be approximately 50 metres to the north-west of the lighthouse, within the Conservation Area for Paull village. The Conservation Area Appraisal states that *"it must be remembered that Paull is the only village on the north bank of the Humber downstream from Hull which can be clearly seen from the estuary. This makes a positive contribution to the scenery of the area and special attention will be paid to ensuring that development proposals are also considered from this point of view."*

With this in mind, it is considered that the proposed turbine, due to its siting, height, form and colour would compete with the listed lighthouse and fail to make a positive contribution to the local character and distinctiveness of Paull Conservation Area from both within the village itself and from the estuary. It is therefore considered that the

proposed turbine would harm the importance of the setting of the Paull Conservation Area and as such fail to preserve or enhance its character or appearance.

The Conservation Officer has objected to the proposal stating that the development would adversely affect a significant part of the setting of the listed lighthouse as well as affecting the status of a focal point building within the Conservation Area, and as such the development should be refused planning permission. English Heritage do not wish to offer any comments on this occasion and recommend the application be determined in accordance with national and local policy guidance and on the basis of our specialist conservation advice.

In light of the objections raised by the Conservation Officer and the comments noted above it is considered that the proposed turbine would significantly harm the special character of the Grade II Listed Lighthouse and cottages and would materially harm the importance of and as a result fails to preserve or enhance the character and appearance of the Paull Conservation Area. The application is therefore contrary to development plan policies ENV9 (sub-sections A, B8) of the Regional Spatial Strategy, ENV6 (sub-sections iii, iv) of the Joint Structure Plan and ENV22, ENV24 and ENV25 of the Holderness District Wide Local Plan, guidance contained in the NPPF and Policy ENV3 sub-sections A, B1, B2, B5) of the Draft Local Plan.

Highways

Paragraph 35 of NPPF advises that development should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians. The Highways Officer was consulted and his comments are as follows:

The site is within a 30mph speed limit and is situated in the centre of the village near other local amenities, commercial properties and services, including public transport. The proposed wind turbine will be located on land within the curtilage of the site close to the highway boundary on Main Street. The Highway Authority is concerned about the potential safety of users of the adjoining public highway as a consequence of the location of the turbine in this residential environment. Generally accepted best practice and guidance has been to locate turbines more than drop down distance away from a public highway to avoid issues associated with a turbine collapse, blade shedding or accumulated ice falling onto the nearest public highway and its users. The normally accepted distances are, for a setback distance from the highway boundary of the maximum height of the structure plus 10% for micro or small turbines with commercial turbines set back a distance of the maximum height plus 50 metres.

The Highways Officer has recommended refusal on the grounds that the turbine is in a rural residential environment which is situated too close to the public highway boundary and will therefore present a potential hazard to highway users to the detriment of highway safety. The proposal is therefore considered to be contrary to guidance in the NPPF.

Ecology/Biodiversity

The application site is adjacent to the Humber Estuary Site of Special Scientific Interest (SSSI). This SSSI is part of the Humber Estuary Special Area of Conservation, Special

Protection Area and Ramsar.

Paragraph 109 of the NPPF relates to conserving and enhancing the natural environment, advising the planning system should contribute to and enhance the natural and local environment.

Paragraph 118 of the NPPF advises local planning authorities, when determining applications, they should aim to conserve and enhance biodiversity by applying the following principles: if significant harm resulting from a development cannot be avoided, adequately mitigate or compensated for then permission should be refused. Development on land within or outside a SSSI likely to adverse effect of a SSSI should not normally be permitted. Exceptions should only be made where the benefits of the development, clearly outweigh both the impacts that it is likely to have on the features of the site that make it a SSSI and any broader impacts on the national network of SSSI. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, unless the need/benefit for the development outweighs the loss. The following wildlife sites should be given the same protection as European sites; potential SPA and possible SAC, listed or proposed Ramsar sites.

Policy ENV8 (Biodiversity) of the Regional Spatial Strategy seeks to ensure that biodiversity and geological heritage is safeguarded and enhanced and to ensure that the natural environment functions as an integrated network of habitats.

Joint Structure Plan policy ENV2 advises that sites of strategic nature conservation importance will be protected from development likely to have a significant adverse effect. With policy ENV3 stating that development that is likely to have an adverse effect on species identified through UK Wildlife Acts, Regulations and Biodiversity Action Plans will not be allowed, unless it can be demonstrated that there is an overriding need for the development and/or appropriate mitigating compensation measures provided.

Policy ENV12 of the Holderness District Wide Local Plan requests development proposals which are likely to adversely affect an existing or proposed Ramsar site, SPA or SAC will be subject to rigorous examination. Policy ENV13 relates to SSSIs and requires development proposals likely to adversely affect notified SSSI will be subject to special scrutiny. Policy ENV15 relates to species protected under the Wildlife and Countryside Act 1981 and the Habitats and Species Regulations. With Policy ENV17 encouraging measures to consolidate, strengthen and enhance wildlife corridors.

The Draft Local Plan Policy ENV4 relates to enhancing biodiversity and geodiversity, stating that proposals which would have an adverse effect on any site or species protected under international or national legislation will be considered in the context of the statutory protection which is afforded to them.

The application was accompanied with ecological data and details. Following an initial objection from Nature Conservation Officer a Bat Survey was prepared and submitted. An appraisal of the report determined that it followed accepted guidance and provides an appropriate level of information. No evidence was found that bats were currently using the site; therefore the Nature Conservation Officer concluded that wind turbine is unlikely to impact on any bat foraging, commuting or roosting sites. Natural England advised the proposal is unlikely to have a significant effect on the interest features for which the Humber Estuary Special Area of Conservation/Special Protection

Area/Ramsar has been classified. They advise that given the nature and scale of the proposal, NE is satisfied that there is not likely to be an adverse effect on the SSSI.

In conclusion, the proposed turbine is considered acceptable in terms of its potential ecological/biodiversity impact.

Visual and Landscape Impact

The National Policy Statement EN1 is clear that the potential harm should be minimised through careful design, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, including reasonable mitigation and that a judgement should be made as to:

"Whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project" NPS EN1 Para 5.9.15

Policy SP1 of the Joint Structure Plan seeks to ensure that the character and distinctiveness of settlements and their settings will be protected and enhanced. Policy SP4 of the Joint Structure Plan advises that the distinctive character of the Humber Estuary should be protected. Development should protect and where necessary enhance or restore distinctive landscape character. With Policy SP5 being concerned with development proposals achieving a high standard of design that respect local landscape and settlement character, harness local heritage and landscape distinctiveness.

Policies U16, U17, U18 of the Holderness District Wide Local Plan advise that proposals for renewable energy schemes will generally be supported, accompanied with details which relate to environmental and landscape protection, public safety and cumulative impacts. Policy U19 of the Holderness District Wide Local Plan advises proposals for wind turbines will be permitted, provided that assessment will take account of the need for development, the effects on nature conservation interests, archaeology, conservation areas, listed buildings. Together with the visual amenity of the area, impact on amenities due to noise, shadow flicker etc.

The Draft Local Plan Policy ENV2 relates to promoting a high quality landscape, advising that development proposals should be sensitively integrated into the existing landscape.

The applicant has submitted a Design and Access Statement which incorporates a Visual Impact Assessment including photo montages to support the application. The applicant has summarised, there would be some changes in the visual amenity of the settlement, but these would be relatively minor and confined to the micro scale. The key characteristics of the overall settlement and Conservation Area would remain intact. Any alteration to the visual amenity of the area would be outweighed by the benefit the wind turbine would bring for the residents of the village and the Parish Council.

The Council's Landscape and Visual Assessment (LVIA) Officer did not object to the proposal and has advised the following comments.

Landscape Character

This landscape is located in the low-lying flood plain of the River Humber. The area is

flat and dominated by the combined influences of arable agriculture and the industrial edge to the east of Kingston upon Hull. Field pattern here is generally medium in size with often irregular shaped parcels, delineated by the extensive drainage ditch network and fragmented hedgerows. Tree cover is sparse and that which is present tends to be associated with farm holdings in the form of small plantations and shelterbelts. These characteristics combine to provide open, expansive views across the landscape and notably across the Humber Estuary, whilst the large-scale industrial development on the eastern edge of Kingston upon Hull, especially at Salt End, is a dominant visual feature that is clearly visible and has a significant influence on the character of this landscape.

The East Riding of Yorkshire Landscape Character Assessment (LCA) describes how the flat, low-lying nature of this landscape makes it sensitive to large-scale built development with tall vertical structures such as wind turbines having the potential to impact on the characteristic open and extensive views provided by it. The LCA also recognises that flat, low-lying areas with sparse settlement such as this have a greater level of capacity to accommodate wind farm development and, accordingly, the sensitivity of this landscape to wind farm development is medium. It is clear that the impacts on landscape character of this proposed single, small-scale turbine will be locally restricted and not impact significantly on the wider landscape and therefore the key issue relating to this proposal will be the acceptability of visual impacts, as experienced by key receptors present in the area close to the proposed site.

Visual Impacts

In acknowledging the generally open, low-lying nature of this landscape and its capacity to facilitate some long-distance views across it, those perspectives that can be described as being unrestricted or unspoilt are limited, mainly due to the level of visual interventions present in the immediate and wider landscape. These interventions are often dominant in the local landscape here, for example the large-scale industrial infrastructure present at Salt End and along the eastern fringe of Kingston upon Hull, as well as more localised structures such as overhead electricity transfer and telecommunications infrastructure and larger buildings associated with agriculture. In addition, there are some more natural forms of visual intervention present in the immediate landscape such as small areas of woodland and the intermittent, fragmented hedgerow network, including those adjacent to the minor lanes that pass through this area. These features combine to create a landscape that appears capable of accommodating a single turbine of this scale and positioning without unacceptable effects on the visual resource of the area.

This proposal will have an effect on some short-medium range views across the local landscape although the most significant of these are likely to be restricted to those experienced in very close proximity to the site such as perspectives from within the village of Paull (e.g. from residential properties), users of the road network and those experiencing views from the local public right of ways in the area. However, in light of the small-scale of the proposed turbine, its positioning close to the Village Hall ensures that there will be an appropriate level of visual 'attachment' between the turbine and the existing building, thus providing the development with clear contextual resonance with its location and surroundings. This will allow the development to be 'read' and perceived from a range of visual perspectives when experienced from across the landscape and helps the proposal to accord favourably with the aforementioned National Policy Statement for Renewable Energy Infrastructure (EN-3) guidance.

Cumulative Impacts

Whilst this local landscape is recognised by the LCA to be capable of accommodating this size and scale of development due to the nature of the local and wider landscape and the level of visual interventions present in the area, there is the potential for an increased significance and magnitude of visual effects when considering the cumulative impact of this proposal alongside any future wind turbine/wind farm development in close proximity to this site.

Visual and Landscape Impact Conclusion

In conclusion, National Policy Statement for Renewable Energy Infrastructure (EN-3) outlines how the potential harm of renewable energy development should be minimised through careful design, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by reasonable mitigation. There will inevitably be a level of landscape and visual effects as a consequence of this development, but the small scale turbine to be used and its close proximity to, and direct relationship with, the Village Hall and other buildings in Paull mean that any such effects will be mitigated by existing built and natural features present in the immediate and wider landscape.

The proposal is therefore considered to accord with the guidance within the NPPF, NPS EN1, Local Development Plan policies SP1, SP4 and SP5 of the Joint Structure Plan, and U16, U17, U18 and U19 of the Holderness District Wide Local Plan and ENV2 of the Draft Local Plan in terms of visual and landscape amenity.

Noise

The NPPF Paragraph 123 states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, and should mitigate other adverse impacts through the use of conditions. It highlights that areas of tranquillity should be identified and protected. Local Plan Policy U19 relating to renewable energy, states that development should be permitted where the economic and environmental benefits outweigh their environmental and visual impact. The assessment will take account of the effect on amenities due to noise, flicker, and reflected light or visual dominance. Policy EC6 of the Draft Local Plan offers supports for the energy sector, with developments required to consider the effects of development on (sub-3i) local amenity, including noise, air quality, traffic and visual impact.

Although the Draft Local Plan is in the early stages of the consultation process and can only be afforded limited weight and the Holderness District Local Plan having due weight, because of its age, the advice contained within both policies noted above are consistent with the guidance in NPPF in relating to noise.

Matters relating to residential amenity are a very important consideration as it is considered that local residents are amongst the most sensitive receptors to wind turbines, as they will generally experience them for longer periods of time throughout the year and at different times of the day. However, there are no statutory distances relating to residential amenity currently in place in England.

The applicant has provided a noise statement and noise data with regards to this type of turbine and its location in an urban area. They advise that the proposed VAWT turbine is renowned for being incredibly quiet. Noise testing at sites fitted with the turbine show that from a distance of 30-35 metres of a noise sensitive location there is unlikely to be any impact in an urban or sub urban environment. Even at less than 35 metres the noise impact is minimal.

They go on to say that, although there are some properties within close proximity to the site, given that the turbine would be on the edge of a settlement and the noise generated by the turbine, which has been specifically designed for a more urban environment, would not be significantly different from background noise levels, the amenity of neighbouring residents would be maintained to a reasonable degree.

Two letters of objection has been received from a local resident, one with specific concerns about the proximity of the wind turbine to residential properties and the possible noise impacts. It should be noted that the one of the objectors resides at 1 Townend Road, the closest property to the proposed wind turbine and therefore the most likely to be affected by the proposal, in particular due to noise. The other resides at 16 Paghill Estate approximately 94 metres to the NE of the proposed wind turbine

The Public Protection Officer has objected to the proposed turbine, advising that acoustic calculations based on the information provided by Quiet Revolution Ltd in their document 'The relationship between background noise levels and acoustic impact of the QR5 wind turbine indicate that the noise levels at the nearest noise sensitive property will be in the region of 50dB (A) which is likely to have an adverse impact on the amenities of occupiers of nearby properties'.

Although the applicant is of the opinion that the wind turbine is located on the edge of a settlement, Officers do not agree with this statement. The application site has residential and commercial properties to the north, east and south of it and within close proximity. The closest residential property (1 Townend Road) is approximately 28 metres from the proposed wind turbine, with several others on Leonard Close being within 50 metres. To the north of the application site is The Crown Inn PH, the beer garden/play area serving this facility is adjacent to the site of the wind turbine. According to the Public Protection Officer, this separation distance is inadequate and would therefore lead to noise nuisance to neighbouring properties. The proposed wind turbine cannot be moved to another, less harmful position within the application site due to size constraints and the position and scale of the village hall building. In any event the site is surrounded in close proximity to residential and commercial properties.

It is therefore considered that the proposed wind turbine would have an adverse impact on the residential amenities on neighbouring properties as a result of noise contrary to paragraph 123 of the NPPF and policy U19 (sub-section 5) of the Holderness District Wide Local Plan and Policy EC6 (3i) of the Draft Local Plan. Furthermore it is considered that the significant adverse impact on residential amenity from noise outweighs the support for renewable energy on planning policy grounds. I therefore recommend refusal on these grounds.

Other Matters

Shadow Flicker

The applicant has advised that the issue of reflected light for VAWT turbines is not a problem as the twisted helix shape of the blades and the curved shape of other surfaces will disperse light rather than focusing it towards the viewer. They have also advised that as yet there are no British, European or International Standards for shadow flicker levels. This is because the perceived risk is too small and difficult to measure and the subject is complex with a large number of variables. Public Protection have not raised any comments with respect of this issue.

Flood Risk

The wind turbine site is located 15 metres from the tidal defences on the River Humber and is within Flood Zone 3. The applicant has provided a Flood Risk Assessment to support the application, which states that because the wind turbine is required to serve the village hall it cannot be relocated elsewhere in a lower flood zone. The proposed turbine would not necessitate any additional vehicular tracks and would measure approximately 8 square metres, in this respect it would not lead to any significant additional run off. All electrical equipment is sealed within the turbine ensuring that it would not be at risk from the 1 in 100 year flood and is a compatible use. The Environment Agency has been consulted on the submitted FRA, they have replied with no objections.

Telecommunications, TV And Radio

Following consultations with Spectrum (Ofcom), BBC, JRC Telecoms, Atkins they have all replied stating that the proposed turbine is unlikely to create any problems on their systems, transmitters etc.

CONCLUSION

The NPPF is clear in its support for renewable energy in that applicants do not have to demonstrate the overall need for renewable or low carbon energy and also it recognises that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. However, development should only be approved if its impacts are acceptable (or can be made acceptable) (NPPF Para 98).

The Ministry of Defence (MoD) have objected to the proposal in terms of its potential impact upon the National Defence Radar at Staxton Wold: The turbine will be 53.7 km from the Air Defence Radar at RAF Staxton Wold. Trials carried out in 2005 concluded that wind turbines can have detrimental effects on the operation of radar which include the desensitisation of radar in the vicinity of the turbines, and the creation of 'false' aircraft returns. The probability of the radar detecting aircraft flying over or in the vicinity of the turbines would be reduced, and the RAF would be unable to provide a full air surveillance service in the area of the proposed wind turbine. The proposal is considered to be unacceptable in terms of impact to air defence and is therefore considered to conflict with National Policy Statement for Energy EN1.

It is considered that the development would adversely affect the special historic and architectural interest of Grade II Listed lighthouse and Keepers Houses and their setting. The proposed turbine would also cause detrimental harm to the focal point status of these buildings within the Conservation Area and as a result fails to preserve or enhance its character and appearance. The Conservation Officer has objected on this basis. It is therefore considered that the proposed turbine is contrary to development plan policies ENV9 (sub-sections A, B8) of the Regional Spatial Strategy, ENV6 (sub-sections iii, iv) of the Joint Structure Plan and ENV22, ENV24 and ENV25 of the Holderness District Wide Local Plan, guidance contained in the NPPF and Draft Local Plan Policy ENV3 (sub-sections A, B1, B2, B5)..

The Highway Officer has recommended refusal on the grounds that the turbine is in a rural residential environment which is situated too close to the public highway boundary and will therefore present a potential hazard to highway users to the detriment of highway safety. The proposal is therefore considered to be contrary to guidance in the NPPF paragraph 35.

Public Protection have objected to the scheme on the grounds that the proposed noise levels from the wind turbine are likely to have an adverse impact on the amenities of occupiers of nearby properties

Whilst the proposed wind turbine is considered to be acceptable in terms of ecological/biodiversity impact, landscape and visual impact, flood risk, telecommunications and there has been 84 letters of support from members of the public, some local to the village some not; the proposal is considered to be unacceptable in terms of air defence/air safety, highway safety, impact on heritage assets and impact on residential amenity due to noise levels.

In this case, it is considered that the benefits of the turbine to the local community do not outweigh the potential negative impacts in terms on the heritage assets, air defence and air safety, highway safety and adverse impact on residential amenity due to noise.

HUMAN RIGHTS ACT 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

RECOMMENDATION

That the application be **REFUSED** for the following reason(s):

1. The wind turbine will have an unacceptable impact upon The Ministry of Defence (MOD) National Defence Radar at Staxton Wold. The turbine will be 53.7 km from, in line of sight to, and will cause unacceptable interference to the Air Defence Radar at Staxton Wold. Trials carried out in 2005 concluded that wind turbines can have detrimental effects on the operation of radar which include the desensitisation of radar in the vicinity of the turbines, and the creation of "false" aircraft returns. The probability of the radar detecting aircraft flying over or in the vicinity of the turbines would be reduced, and the RAF would be unable to provide a full air surveillance service in the area of the proposed wind farm. The proposal is considered unacceptable in terms of impact to air-defence and is therefore considered to

conflict with National Policy Statement for Energy EN1.

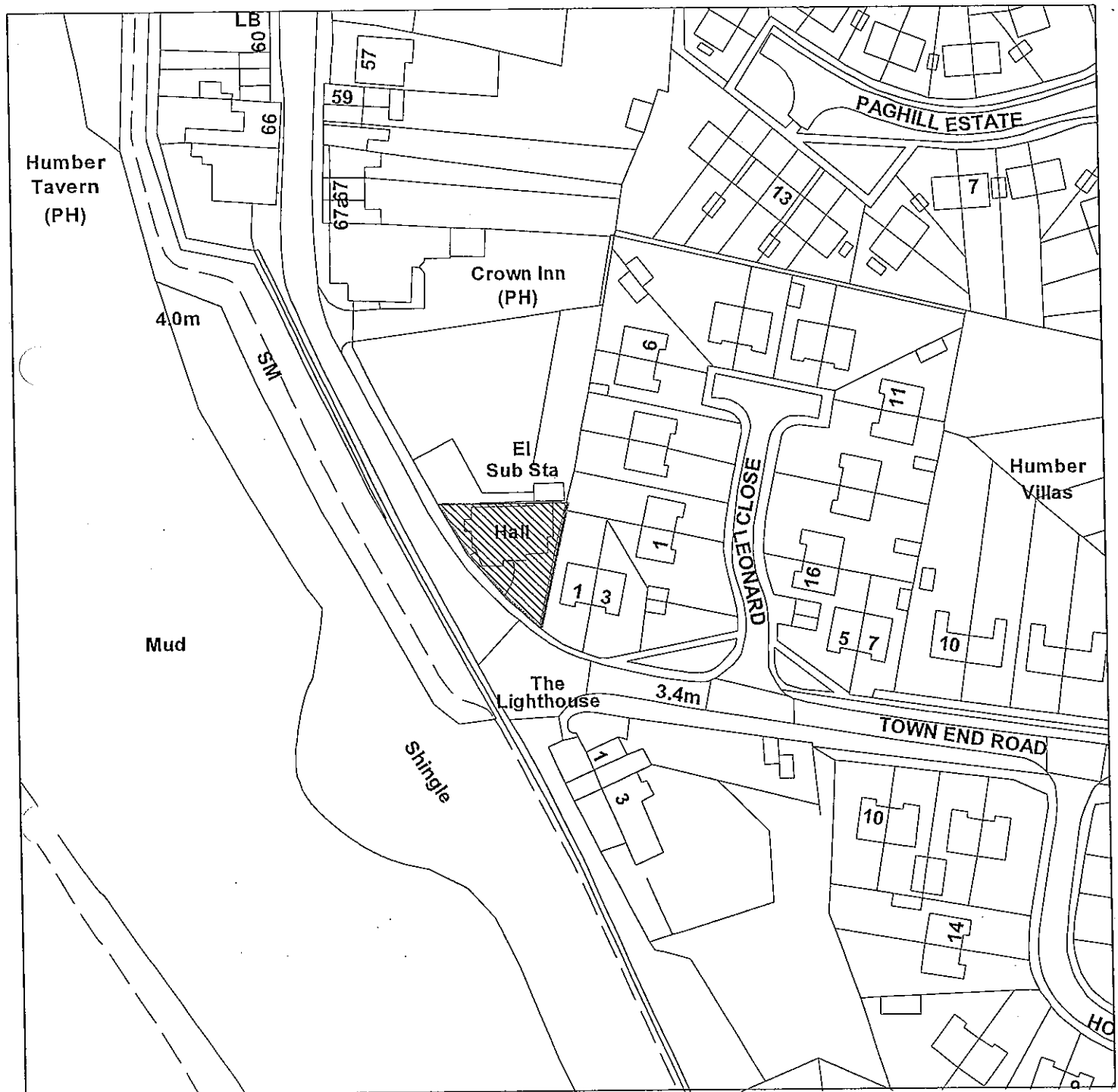
2. The proposed turbine in this rural residential environment is considered to be situated too close to the public highway boundary and would therefore present a potential hazard to highway users to the detriment of highway safety and would be in conflict with paragraph 35 of the NPPF, which advises that developments should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic, cyclists or pedestrians.
3. It is considered that the proposed wind turbine as a result of its location and scale would have an adverse impact upon the special character and setting of significant heritage assets, in particular the Paull Lighthouse Tower (a Grade II Listed Building) and the Paull Conservation Area. The proposed wind turbine due to its height, form, proximity and colour would compete with the focal point status of the listed lighthouse and as a result would impact detrimentally on the character of the Paull Conservation Area, particularly as a result of the visual prominence of the village, the Conservation Area and Listed Buildings across the Humber estuary. The proposed wind turbine is unlikely to enhance or better reveal the significance of the setting of the lighthouse and cottages and fails to preserve or enhance the character and appearance of the Conservation Area, the application is therefore considered to be unacceptable and contrary to policies ENV9 (sub-sections A, B8) of the Regional Spatial Strategy, ENV6 (sub-sections iii, iv) of the Joint Structure Plan and ENV22, ENV24 and ENV25 of the Holderness District Wide Local Plan, Section 12 (paragraphs 131 and 132) of the NPPF and ENV3 (sub-sections A, B1, B2, B5) of the Draft Local Plan.
4. It is considered that the proposed wind turbine would generate noise levels in the region of 50 dB (A) at the nearest noise sensitive property, 1 Townsend Road, which would create an adverse impact on the residential amenities of neighbouring properties. The proposed wind turbine is therefore considered to be contrary policy U19 (sub-section 5) of the HDWLP and EC6 (sub-section 3i) of the Draft Local Plan and guidance contained in paragraph 123 of the NPPF.

In making this decision the Council has followed the requirements in paragraph 186 and 187 of the National Planning Policy Framework, but as the proposal is contrary to established planning principles and will clearly damage national defence interests, adversely impact upon the character and setting of heritage assets, highway safety and residential amenity due to noise. It is understood that the applicant/agent has been advised that solar panels may eliminate some of the reasons for refusal. The use of solar panels would be supported by renewable energy policies.





Committee Plan



Scale : 1:1250



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Organisation	Not Set
Department	Not Set
Application	DC/12/03514/PLF
Date	19 December 2012
SLA Number	Not Set



	2008.12	2009.11
Proposed Wind Turbine Added	0.00	0.00
Proposed Leaky Added	0.00	0.00

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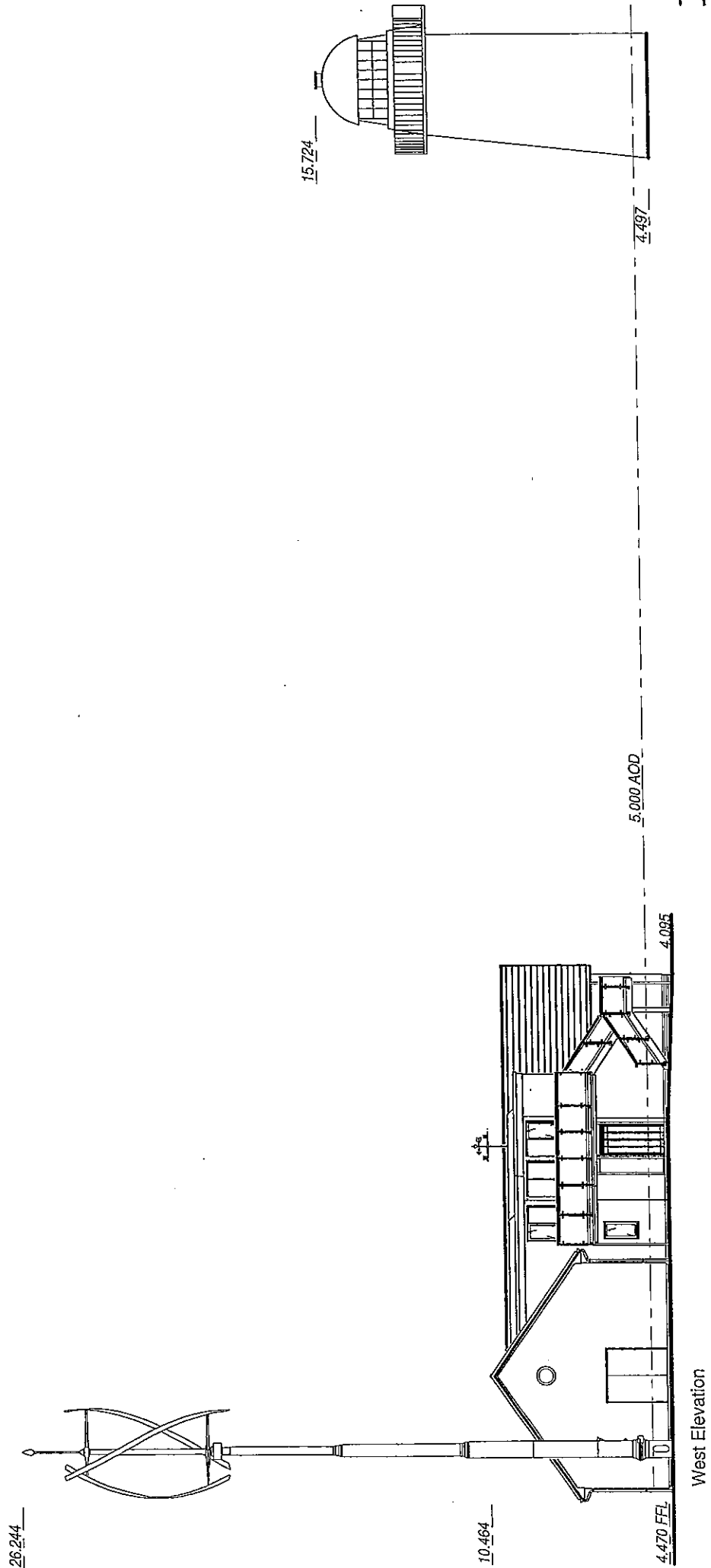
Project

Proposed New Village Hall,
Main Street, Pauli
East Yorkshire
HU12 8AQ

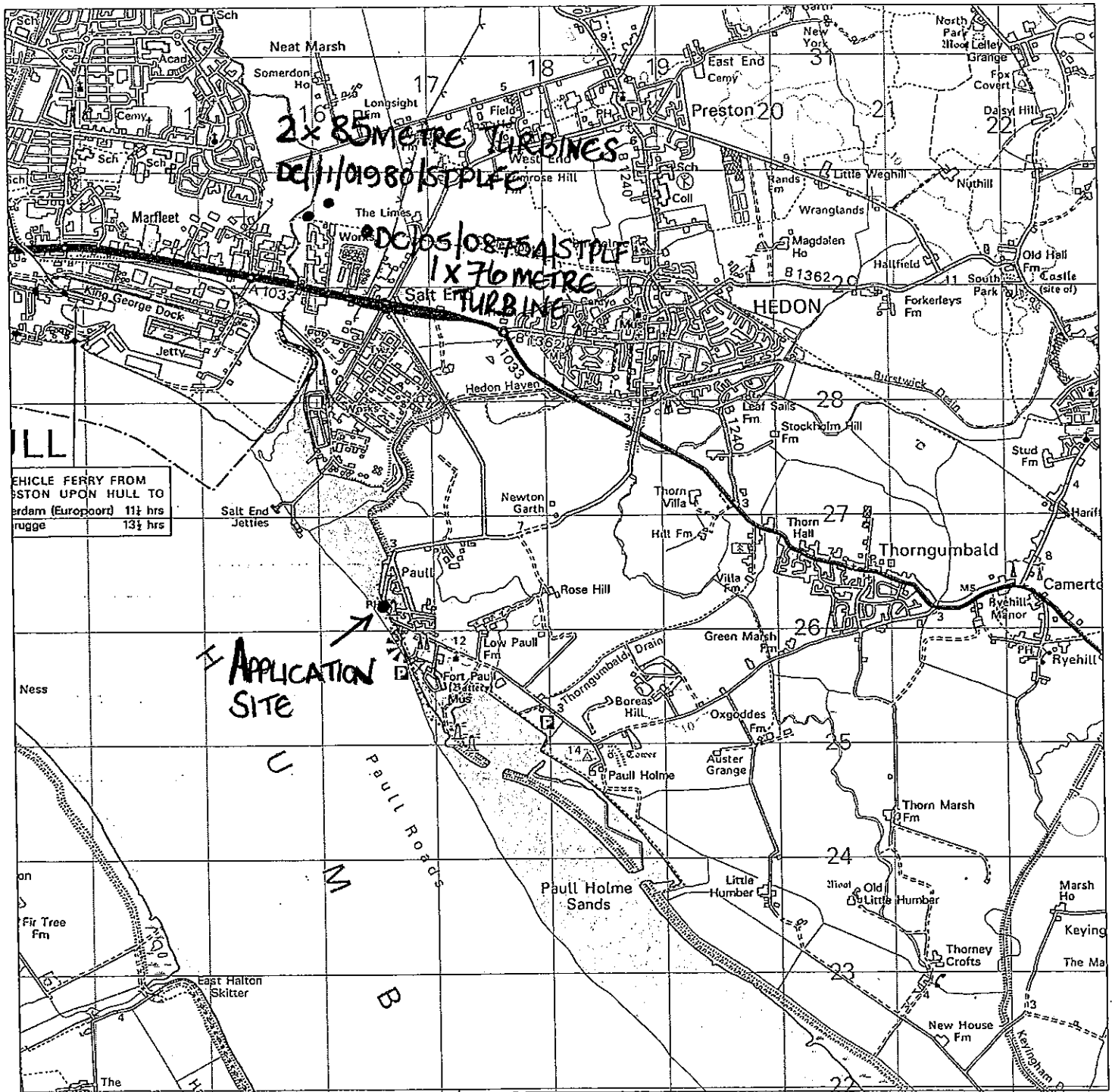
704 South Elevation to Town End Road and Proposed Levels

Date	06.04.15	Scale		1 : 100 @ A1
Drawn by	dmgc	Job no.	32	Rev.
Checked by				B

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Committee Plan



Scale : 1:50000



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Organisation	Not Set
Department	Not Set
Application	DC/12/03514/PLF
Date	19 December 2012
SLA Number	Not Set

REPORT TO EASTERN AREA PLANNING SUB-COMMITTEE

COMMITTEE DATE: 4 February 2013

PARISH: Beverley Town Council

WARD: St Mary's

APPLICATION NUMBER: 12/03592/PLF

APPLICATION TYPE: Full Planning Permission

DESCRIPTION: Installation of 9no floodlights to 2no existing all-weather tennis courts at Beverley And East Riding Lawn Tennis Club Seven Corners Lane Beverley East Riding Of Yorkshire

APPLICANT: Beverley & East Riding Lawn Tennis Club

DATE RECEIVED: 17 August 2012

RECOMMENDATION: Approve

INTRODUCTION

This application seeks full planning permission for the installation of 9 floodlights to two of the existing all-weather tennis courts (courts 5 and 6 as show on Appendix 2) at Beverley and East Riding Lawn Tennis Club, Seven Corners Lane, Beverley. This site is located within the defined Development Limits of Beverley and also lies within the designated Conservation Area.

The Beverley and East Riding Lawn Tennis Club is well established and lies within an area that is predominantly residential in character. The site is close to the western boundary of the town which adjoins the Westwood Pasture. Access to the site is gained via Seven Corners Lane, from either York Road or North Bar Without.

The floodlights would measure 6.7 metres in height and would be finished in a shade of dark green to match the colour of existing fences and ancillary club features. Columns 1, 3, 4, 6, 7 and 9 as shown on Appendix 2 would be fitted with a single floodlight and columns 2, 5 and 8 would be fitted with twin floodlights.

As originally submitted this application proposed the installation of 12 floodlights to three of the existing courts (courts 4, 5 and 6 as show on Appendix 2), however the application was subsequently amended in light of serious concerns regarding the proximity of the floodlights intended to serve court 4 to the residential property known as Park Lodge.

A request has been received from Councillor Charis for this application to be reported to the Sub-Committee for the following reason: to ensure that the full impact on neighbouring properties is considered. There has also been significant public interest,

both in support and against this development proposal.

PLANS AND ILLUSTRATIONS

Appendix 1 – Location Plan

Appendix 2 – Amended Proposed Site Plan

Appendix 3 – Amended Proposed Elevations

KEY PLANNING POLICIES AND GUIDANCE

National Planning Policy

NPPF National Planning Policy Framework

Regional Spatial Strategy

YH5 Principal Towns

ENV9 Historic Environment.

ENV11 Health, Recreation and Sport

Joint Structure Plan

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

ENV6 The setting, character or appearance of strategically important buildings, features and historic/architectural areas should be protected and where possible enhanced.

Beverley Borough Local Plan

E8 Protect views into Beverley.

E21 Seek protection of Conservation Area's character; encourage appropriate development, tree planting etc.; restrict Permitted Development Rights.

E25 Design criteria in, or adjacent to, Conservation Areas.

D1 Layout and design of development to respect and contribute to the character of its locality. Briefs on substantial and important sites.

East Riding Local Plan Draft Strategy Document (January 2013)

Section 72 of Planning (Listed Buildings and Conservation Areas) Act 1990 – Special regard to the desirability of preserving or enhancing the Conservation Area.

RELEVANT PLANNING HISTORY

313-256	Construction of a means of pedestrian access – Approved 14.01.1976
313-10251	(97/60050/PLF) Change 4 grass courts to astro-turf – Approved 01.07.1998

CONSULTATION REPLIES

Parish Council “No objection”.

Highway Control “A desk top assessment has been carried out by Highway Management to consider the consultation copy of the application in question. This has not identified any significant impact / material change on highway safety issues associated with the proposed development. The application can be determined without any further referral to the Highway Authority.”

Public Protection
Division “My main concern with an application of this nature would be potential nuisance caused by light trespass onto neighbouring properties, glare and skyglow.

I have visited the site at night to assess current ambient light levels and I have used this as a baseline on which to ascertain the impact on neighbouring properties.

The lighting design and impact information appears to be robust and when comparing the data with the standards outlined in the Institute of Lighting Engineers Guidance Notes for the Reduction of Light Pollution it can be demonstrated that the impact would be within the limits for this category of area (E2: low district brightness).

I therefore have no objection to the application.”

Further response:

“Following on from my initial response I have had an on-site night time meeting with 3 residents who live in close proximity to the tennis courts. As a result of this meeting I am submitting supplementary comments.

The primary purpose of an Environmental Control consultation in the planning process is to prevent potential statutory nuisances. The Clean Neighbourhoods and Environment Act extended the Environmental Protection Act's statutory nuisance regime to include statutory nuisance from artificial light as a consequence of which we are consulted on planning applications containing lighting schemes.

The assessment of a statutory nuisance is based on the common law concept of an unreasonable interference with someone's use of their

property and therefore a raft of case law is taken into consideration when assessing a nuisance. The defence of the 'best practicable means' being employed to minimise the adverse effects of the lighting would also apply in this instance.

Defra (Department for Environment Food and Rural Affairs) advises that the Institution of Lighting Engineers Guidance Notes for the Reduction of Light Pollution and the International Commission on Illumination (CIE) should be considered when assessing a statutory light nuisance. BS EN 12193:1999 Light and Lighting – Sports Lighting has also been referred to in compiling this response.

When viewing the Seven Corners Lane area from the Westwood at night it can be seen that this is a dark area in comparison to the rest of the Beverley skyline. This is mainly due to the fact that there are only 2 low powered streetlights on Seven Corners Lane in line of sight of the Westwood and also street lighting along North Bar Without is shielded from view by the 3 storey dwellings along the first 100 metres of the street.

Should this project go ahead then, particularly when the trees are not in leaf, some of the luminaires and the playing surface will be seen from the Westwood and this will break up the dark area of the skyline. This would however not constitute a statutory nuisance.

During my night time visit I was invited into Park Lodge which is adjacent to the courts. The view from the lounge and bedroom overlooking the courts is one of almost complete darkness – curtains/blinds are not used in the lounge.

An illuminated tennis court will completely change this view and could be considered to be obtrusive.

Having studied the lighting data accompanying the application I am satisfied that the best practicable means are to be employed in minimising obtrusive light."

Conditions are advised.

Conservation Officer "The scheme would illuminate an area within the Beverley Conservation Area and due to its position and Beverley's topography; it might have an impact on the view of the townscape when seen from the Westwood. This view is of high significance during day and dawn and – especially on those occasion when the Minster or St Mary's church are illuminated – also during night. I would also like to highlight that this is a view that seen and appreciated by many, e.g. by people travelling towards Beverley on the A 1079.

I therefore would like to see – if possible- some kind of

photomontage showing the scheme's impact on the townscape when seen in isolation and in combination with other illumination schemes. This is necessary to fully assess the scheme's impact on the views toward the Beverley Conservation Area.

I also looked at the lanterns as such and I do not feel that during daytime, they will add significant harm to the overall character and appearance of the Conservation Area."

Trees and Landscape
Section

"The proposed development is supported by an Arboricultural Impact Assessment and Method statement in accordance with the recommendations of BS 5837 - 2012.

It is of paramount importance that all works associated with installation of the floodlight columns is carried out in accordance with these statements, in order safeguard the mature trees located close to the existing tennis courts."

A condition is advised.

Public Rights of Way

"The definitive map shows that Beverley Footpath No.2 runs adjacent to the site. It seems unlikely that the application will affect a Public Right of Way..."

Beverley and District
Civic Society

"The longer use of the tennis courts is welcome. However, despite careful calculation to minimise glare to surrounding properties, floodlighting also illuminate particles of suspended moisture at times of higher humidity. The lightspill is difficult to control and produces a halo seen around floodlit areas, usually viewed against a dark sky which increases the contrast. Tall screens (trees, hedging and mesh) can mitigate the effect but these have to be tuned to suit each 'viewer' position. In an area of residential property this requires identification of critical windows and room uses relative to the courts, playing seasons and curfew times. (This has not been very successful in the case of the Longcroft pitch lighting)"

Beverley Renaissance
Partnership

"In general, Beverley Renaissance Partnership welcomes this application. It is likely to encourage wider access to sporting facilities and should also increase participant numbers, especially amongst the younger age group, with the resultant benefits to health and wellbeing. Extended use of the courts provides a practical opportunity to build on the sporting legacy left over from the Olympics, and is also timely in terms of the focus on tennis as a result of recent notable successes. However, the design and installation of the floodlights should be given appropriate consideration to minimise any light pollution and resultant disruption to residential properties in the area. It would also be useful if suitable curfews were agreed, with a means of enforcement, in order to mitigate the risk of anti-social behaviour at the site."

CONSULTATION REPLIES – AMENDED PLANS

Parish Council “No objection after considering the amended plans”.

Conservation Officer “No objection.

The site is part of a built up area of Beverley, certain levels of illumination are acceptable. By restricting the opening hours and by reducing the amount of lighting columns, I think that the scheme's overall impact will not result in harm to the area's character and appearance. An objection could not be justified.

The information I have received makes me understand that this scheme will not result a glow which would detract from the illuminated townscape at night. Therefore the scheme will not result in harm to the view of the Beverley Conservation Area from elevated positions like for example the Westwood.”

PUBLICITY

Neighbours/
Publicity

There have been 46 letters of support for the proposed development. A summary of the comments received in support of this development proposals is as follows:

- Allow for the increased use of the facility into the evening.
- Enhance users enjoyment of the tennis club.
- Necessary to enhance the existing facilities.
- Users won't have to travel to alternative sites to play in the evening.
- Create a similar playing period to that of summer.
- Serve as an additional security measure for the area.
- Improve youth development and club teams.
- Benefit the tennis club and local community sport.
- Promotes positive and healthy activity during winter months.
- Help ensure the future viability of the club.
- Increased potential to attract membership.
- Maintain coaching continuity into the autumn and winter months.
- Greater opportunities for more tennis collaboration with local schools
- More cost-efficient use of the existing expensive court provision
- Access is only by foot so no congestion problems for residents.
- Situated away from roads so no impact the general public.
- No licensing facilities so unlikely to cause “drink” problems.
- put Beverley tennis on an equal footing with competitor clubs
- The club is an important and valuable part of Beverley's life and history.
- No floodlight facilities for coaching to continue after school.
- The lighting should not impact detrimentally on local residents

There have been 37 letters of objection to the proposed development as originally submitted (for 12no floodlights). A summary of objections received is as follows:

- Highly visible and would fundamentally change the character of the area
- The proposals would detract from the Conservation Area.
- Highly visible and would damage views of Beverley from the Westwood
- The floodlights at Longcroft School show how the approach to Beverley can be spoiled.
- Would affect the rural character of the area and would not enhance or preserve it
- An eyesore, particularly in the winter months when screening is reduced.
- The area is currently free from artificial light.
- Increased light pollution in the area and concerns relating to the EHO assessment of Light Pollution.
- Seven Corners Lane is not suitable for increased traffic
- There is no parking for tennis club members on Seven Corners Lane and increased use in winter will encourage increased access by car.
- Existing problems with members parking on the private road in the winter and any increased use would exacerbate these problems.
- Increased noise in the evenings from increased use and additional traffic.
- There is scope for increasing the use of the club without considering the erection of the proposed floodlights
- The floodlights would draw unwanted attention to the area and pose a security threat
- Disruption and increased traffic during construction.
- Private road is not suitable for construction traffic.
- Illuminate a much wider area than the tennis courts.
- Would spoil the unique view of Beverley for the benefit of a very small group of people.
- No factual evidence that floodlights would increase club membership.
- Member's climbing neighbours fences in the dark to retrieve tennis balls.
- The location of the club is not suitable for floodlighting
- Wildlife would be affected if the proposals were to be permitted.
- Underuse of the existing courts in summer and at weekends suggest there is no demand
- No coaching takes place on Sundays when natural light is available.
- Will not preserve or enhance the heritage assets of the locality.
- Planting more trees will adversely affect the neighbours.
- New evergreen trees will not be in keeping with the area.
- The height of the columns is unacceptable

- Atmospheric conditions in winter would create a hazy glow in the sky.
- The lights will change the landscape.
- there are enough floodlit facilities already

PUBLICITY -- AMENDED PLANS

Neighbours/
Publicity

There have been 19 letters of objection to the amended plans. These largely identify that the original objections to the scheme remain unchanged in light of the reduction to 9no floodlights and reiterate the previous objections detailed above.

CASE ON BEHALF OF THE APPLICANT

A Supporting Statement accompanies this application. A summary of the main points in support of the proposals are as follows:

- The main report from Luminance Pro Ltd. shows anticipated light levels and spread patterns... The objective is to achieve the minimum LTA recommended specification for club lighting standards, while using the most-efficient and least-intrusive column layout and light spread.
- The visual effect of the light itself is difficult to mask, but the existing and new proposed trees, many of them evergreen, will create a screening effect.
- The lighting column and unit are specifically chosen to minimise spillage and light trespass.
- The overall aim is to extend the opportunity for all types of play; and to attempt to smooth the disparity between extremely busy periods when members have to wait for courts and those times without any play.

The project will confer the following specific benefits to the club, Beverley and its population:

- the ability to maintain coaching continuity, for youngsters and adults, from summer into the autumn and winter months;
- greater potential for retaining coaches and training new coaches at the club, previously compromised by lack of floodlights;
- greater opportunities for more tennis collaboration with local schools;
- a broader range of tennis opportunities likely to attract new members to the Club, especially those in full-time employment;
- a more cost-efficient use of the existing expensive court provision;
- allowing availability for Hull and East Riding winter tennis competitions;
- club-based, all-weather winter evening tennis for the first time, in Beverley (many current members currently travel 20miles by car for such opportunities);
- placing Beverley tennis on an equal footing with competitor clubs in Hull, Swanland, South Cave and Hessle, all of which offer floodlit tennis in winter;
- helping to ensure the viability of BERLTC as a valuable part of Beverley's life and history, and thus its contribution to the character of the Conservation Area

- The floodlit courts would be in use mainly from October to March, with the possible hours of operation being equivalent to those utilised in the high summer months when play generally comes to an end between 21.00 and 22.00.
- Car parking for members and visitors is only available on North Bar Without and currently meets the daytime, weekend and evening needs of the Club. Of note however, is the fact that the Club's central location means many players come to the Club without using cars.
- The proposed columns and luminaires will no doubt have a visual impact but this will be mitigated by being coloured dark green to match other adjacent features.
- The impact of the evening light will also be softened and diffused by surrounding trees and the scheme has been designed to minimise and avoid un-necessary spillage and glare. It can also be argued that floodlights are features that can be expected at such a sports club and are therefore not incongruous.
- No trees are to be removed or significantly pruned above-ground as a result of the project. Below ground, the proposed excavation work has the *potential* to impact on root zones, however the risk is considered to be minimal and will be mitigated through hand excavation work.

A tree survey report and a report from Luminance Pro Ltd. showing anticipated light levels have also been submitted in support of this application.

KEY ISSUES

- Principle of Development
- Design and Visual Amenity
- Impact on Residential Amenity
- Impact on Conservation Area
- Impact on Trees

OFFICER COMMENTS

Applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) is a material consideration which must be taken into account in planning decisions. If the NPPF contains policy guidance that is relevant to this application, the report below will explain this, and consider the extent to which development plan policy is consistent with the NPPF and the weight to be given to that policy. For 12 months from the date of publication of the NPPF **full** weight may still be given to relevant development plan policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The Regional Spatial Strategy falls into this category. For policies in the Joint Structure Plan and the Local Plan **due** weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

It is the Government's clear policy intention to revoke the Regional Spatial Strategy subject to the outcome of the environmental assessments that are currently being undertaken. Until it is abolished the Regional Spatial Strategy remains part of the development plan although the intention to abolish the Regional Spatial Strategy can be treated as a material planning consideration with the weight to be attached to this intention being a matter for the decision maker.

The Development Plan for the area comprises the Regional Spatial Strategy for Yorkshire and the Humber (RSS), the Joint Structure Plan for Kingston-upon-Hull and the East Riding of Yorkshire (JSP), and the Beverley Borough Local Plan (BBLP).

Principle of Development

Beverley is identified as a Principal Town of the region (through RSS policy YH5) and should therefore be the main local focus for services including leisure, health and cultural activities and facilities. The application site is an existing and well established sporting facility that is located within the Development Limits of the town.

RSS policy ENV11 seeks to improve health by providing, safeguarding and enhancing high quality facilities for sports and recreation. Although the RSS is due to be abolished, policy ENV11 is considered to be consistent with the aims of the NPPF to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. The requirements of RSS policy ENV11 can therefore be given due weight in this case.

This development proposal seeks to enhance an existing sporting facility by providing floodlighting that would enable the club to increase the opportunity to use the courts into the autumn and winter months. A summary of the applicants case in support of the proposed scheme is given in the section entitled 'Case on behalf of the Applicant' above.

The proposal is considered to accord with the general thrust of relevant national and regional planning policy and is therefore considered to be acceptable in principle. The site is however located within a predominantly residential area and the illuminated courts would be within close proximity of a number of neighbouring residential properties. The NPPF also seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The impact on the neighbouring residential occupiers is covered in the following sections of this report.

Design and Visual Amenity

Policy SP1 of the JSP states that the character and distinctiveness of settlements and their settings should be protected. JSP policy SP5 seeks to achieve a high standard of design across all development proposals that, amongst other things, respects local landscape and settlement character and integrates visually and physically with its surroundings. Similarly policy D1 of the BBLP refers to layout and design respecting and contributing to the character of its locality.

The publication of the NPPF allows due weight to be attached to policies SP1, SP5 and D1 as they are considered to be consistent with the NPPF, which seeks to ensure that developments, amongst other things, add to the overall quality of the area, establish a strong sense of place, respond to local character and history and reflect the identity of local surroundings and materials.

BBLP policy E8 is also relevant in this case which seeks to ensure that development does not detract from views into the Urban Centre of Beverley by reason of its height, bulk or the use of inappropriate materials. The aims of the policy E8 are considered to be consistent with the thrust of the NPPF and therefore it can be afforded due weight.

A number of the objectors have expressed concerns regarding the visual impact of the floodlights on the character and appearance of the area and their appearance when approaching Beverley from the Westwood.

It is considered that the application site has limited visibility from York Road and North Bar Within and it is well screened from the approach to Beverley from the Westwood Pasture by existing buildings and tree planting. The floodlight columns would be unobtrusive in terms of their appearance and the submitted details indicate that they would be finished in a dark shade of green, which will assist in integrating them into the tree lined boundary of the application site. As such it is considered that views of the proposed floodlight columns themselves would not be readily available despite their height, and therefore it is considered that their installation would not be harmful to the visual amenity of the surrounding area, nor would they detract from the appearance of this part of the town when approaching Beverley on the A1174.

It is highly likely that, when in use at night, the illumination would be more visible from public vantage points, most notably from the west on the approach to Beverley. This may also be the case in the winter months when the deciduous tree screening is reduced. This proposal must however be looked at in context as the site is located on the edge of a predominantly urban area. Whilst Seven Corners Lane itself has little illumination, as expressed by a number of the objectors, the proposed floodlights would be viewed against the backdrop of the rest of the town which includes numerous sources of illumination, including buildings, street lighting and the floodlit sports facility at Longcroft School, which is much more visible from the Westwood than the application site.

It is therefore the opinion of your Officers that the visual impact of the proposed illumination would not result in significant demonstrable harm to the visual amenity of the area, to the extent that it would justify the refusal of this development proposal. The scheme is therefore considered to accord with the requirements of JSP policies SP1 and SP5, BBLP policies E8 and D1 and the policy guidance set out in the NPPF.

Impact on Residential Amenity

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. JSP policy SP5 and BBLP policy D1 are also considered to be relevant in respect of residential amenity as they aim to ensure that development respects the locality and integrates with its surroundings.

There has been strong local opposition from the immediate neighbouring residential occupiers to the installation of the floodlights, both in respect of the application as originally submitted and in respect on the amended scheme for 9 columns. The primary objections on residential amenity grounds relate to the impact of the floodlights in terms of light spillage and light pollution for neighbouring properties and increased noise and disturbance associated with the extended use of the tennis courts into the evening. Other residential amenity concerns relate to an increased risk of crime, disruption during construction and matters relating to access, parking and highway safety.

The Environmental Health Officer (EHO) has been consulted in respect of the proposal and it is advised that he is satisfied that the best practicable means are to be employed in

minimising obtrusive light and as such he has no objections to this application, subject to conditions. The EHO acknowledges that, when viewed from Park Lodge (the closest property to the illuminated courts as the scheme was originally submitted) the illuminated tennis courts would completely change the existing view from that property and could be considered to be obtrusive. Since this response, the illumination to court 4 has been withdrawn from the scheme, which does not completely address this issue but achieves a better relationship with Park Lodge by moving the closest source of light a further courts distance away.

The proposed floodlights will enable the tennis club to operate later into the evening in the winter months, however the illumination is now only proposed to two of the seven courts. It should be noted that there are no restrictions on the opening hours of the club and therefore, in the summer months, play could continue on all seven courts until such a time as the reduction in light in the evening makes this impossible. It is anticipated that demand for the use of the tennis courts is likely to be reduced in the winter months given the seasonal weather conditions and the fact that only two of the seven courts would be realistically available for use after dusk if this application was successful.

It is considered that a satisfactory level of residential amenity can be preserved for the immediate neighbouring occupiers through the use of planning conditions that prevent the floodlights being switched on when the courts are not in use and by limiting the use of the floodlights to no later than 21:30hrs on any day. Such conditions will prevent the neighbouring occupiers from being unnecessarily affected by the proposed floodlights when the courts themselves are not being used and will also prevent the use of the lights into the unsociable hours of the evening when the neighbours could reasonably expect activity at the site to be dying down as would be the case during the summer.

Officers accept the proposed floodlights will have some impact on the immediate neighbouring residents, in terms of introducing a new light source within close proximity of their properties where none existed previously, however it is considered that any impact must be balanced against the benefits associated with the provision of an improved sports facility for the town. Furthermore, it is considered that any impact on the neighbouring occupiers would be limited given that the illumination is only proposed for two of the seven courts; that the demand for the use of the tennis courts is likely to be reduced in the winter months (i.e. when the illumination would be most prominent) given the seasonal weather conditions; and that appropriate conditions limiting the hours of use and preventing the floodlights being used when the courts are not in use and would ensure that the neighbours retain a good standard of amenity.

The neighbours have also objected on the grounds of nuisance during construction. Whilst there maybe some noise and disturbance during the constriction phase, any nuisance would be temporary, would be for a limited period and would not therefore have any long term detrimental impact on residential amenity.

Officers do not consider it to be necessary to prevent the use of the floodlights in the summer months (i.e. only allowing use in winter months) as the demand for the lighting would be reduced at this time due to natural daylight levels and subject to the imposition of the conditions detailed above, it is considered that their use would not be detrimental to the amenities of the neighbours.

This development proposal is therefore considered to accord with the requirements of

JSP policy SP5, BBLP policy D1 and the policy guidance as set out in the NPPF relating to residential amenity.

Impact on Conservation Area

The site lies within the designated Conservation Area of Beverley and therefore the Local Planning Authority must pay special regard to the desirability of preserving or enhancing the Area.

RSS policy ENV9 seeks to safeguard and enhance the historic environment and JSP policy ENV6 seeks to protect, and where appropriate enhance Conservation Areas. The requirements of policies ENV9 and ENV6 are considered to be consistent with the NPPF, with regard to development within Conservation Areas, and therefore due weight can be attached to their requirements.

Local Plan Policy E21 seeks to protect and promote the aspects of the environment which characterise an area and ensure that the character of the area is not harmed by unsympathetic development. Policy E25 seeks to ensure that development proposals within Conservation Area's consider their relationship with their surroundings, are of an appropriate scale and materials, and are of a design that is in keeping with the established character of the area. The requirements of policies E21 and E25 are considered to be consistent with the NPPF and therefore due weight can be attached to their requirements.

The objections received highlight that the application site lies within part of the Conservation Area that they consider to be unspoilt by sources of artificial light and that this development proposal will detract from the appearance and character of the area.

As previously stated, the use of the site as a tennis club is well established and it is considered that the addition of 9 no. floodlight columns will not change the character or appearance of the site to any significant degree. The Conservation Officer has been consulted in respect of this development proposal and it is advised that, during the daytime, the proposed floodlights will not significantly harm the overall character and appearance of the Conservation Area.

As such it is considered that the proposed floodlights themselves will preserve the existing character and appearance of the Conservation Area and it is the illumination that has the greatest potential to impact on its existing character. It is the advice of the Conservation Officer that, as the site is part of a built up area of Beverley, certain levels of illumination are acceptable. By restricting the opening hours and by reducing the amount of lighting columns, it is considered that the overall impact of the scheme will not result in harm to the area's character and appearance and as such, an objection on conservation grounds would not be justified.

It should also be noted that there are existing light sources within the Conservation Area, which covers much of the centre of the town and not just Seven Corners Lane. Such light sources include domestic and commercial properties and various street lighting and security lighting within domestic curtilages. All of these sources of light contribute to the character of the area as it exists at present.

The proposals are therefore considered to accord with policy ENV9 of the RSS, policy

ENV6 of the JSP, policies E21 and E25 of the BBLP and Section 12 of the NPPF, which seeks to conserve and enhance the historic environment.

Impact on Trees

The application site is surrounded by a number of mature trees which are protected by virtue of their location, within the designated Conservation Area. The trees in question make a positive contribution towards the character of the area and offer some screening of the site for neighbouring residential occupiers. A number of the proposed floodlights, including the necessary electrical connections, would be located within the root protection areas of the trees.

The application is supported by an Arboricultural Impact Assessment and Method Statement in accordance with the recommendations of BS 5837 - 2012. The Trees and Landscape Officer has been consulted in respect of this development proposal and it is advised that it is of paramount importance that all works associated with installation of the floodlight columns are carried out in accordance with the Arboricultural Impact Assessment and Method statement, in order safeguard the mature trees located close to the existing tennis courts. An appropriate condition has been advised.

Subject to the development being carried out in accordance with the Arboricultural Impact Assessment and Method statement, it is considered that the development would not have any significant adverse impact on the existing trees. Additional tree planning is also proposed to the northern and southern site boundaries however no details have been provided as to the size, or species to be used. An appropriate condition can be imposed which requires the submission of details of the proposed tree planting.

Other Matters

One of the primary objections received relates to highway safety concerns regarding an increase in traffic associated with the extended use of the tennis courts into the evening during the autumn and winter months.

The Highway Management section has been consulted in respect of this development proposal and they have not identified any significant highway safety issues. This application relates to the installation of the floodlights only and not the use of the tennis courts themselves and therefore it should be noted that, during the summer months when extended play is available into the evening without additional lighting, tennis club members are not prohibited from driving to the site.

Although members may be less inclined to walk to the site in the autumn and winter evenings, it is anticipated that the number of members visiting the site is likely to be reduced given the seasonal conditions and the fact that only two of the seven courts would be realistically available for use after dusk. As such it is considered that the proposed scheme (for the installation of 9 floodlights) does not give rise to any significant highway safety concerns, over and above the situation as it currently exists.

Objections regarding the impact of the floodlights on wildlife have been received. The site is located on the edge of the town, in an area that is developed in character. It is considered to be unlikely that the proposed development would have any significant impact on 'wildlife' interests given that the only notable change in circumstances will

be during the late autumn, winter and early months of spring and will not continue any later than 21:30hrs on any day.

CONCLUSION

Beverley and East Riding Lawn Tennis Club is an existing and well established sporting facility and this proposal to illuminate two existing tennis courts would enhance the existing provision for sports and recreation within the town by enabling its continued use into the autumn and winter months. The proposals are therefore considered to accord with the general thrust of national and regional planning policy which advocates the provision and enhancement of high quality facilities for sports and recreation to improve health, social and cultural wellbeing for all.

It is acknowledged that the proposed floodlights will have some impact on the immediate neighbouring residents, in terms of introducing a new light source within close proximity of their properties where none existed previously, however it is considered that any impact must be balanced against the benefits associated with the provision of an improved sports facility for the town.

Furthermore, it is considered that any impact on the neighbouring occupiers would be limited given that the illumination is only proposed for two of the seven courts; that the demand for the use of the tennis courts is likely to be reduced in the winter months (i.e. when the illumination would be most prominent) given the seasonal weather conditions; and that appropriate conditions limiting the hours of use and preventing the floodlights being used when the courts are not in use and will ensure that the neighbours retain a good standard of amenity.

It is considered that this development proposal would preserve the existing character of the Conservation Area, and it could be carried out without having any significant adverse impact on the existing mature trees to the site boundaries.

It is therefore considered on balance that this development proposal accords with the relevant policies of the Development Plan and the National Planning Policy Framework.

HUMAN RIGHTS ACT 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

RECOMMENDATION

That the application be **APPROVED**, subject to the following condition(s):

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.

2. The floodlight columns hereby approved shall be finished in dark green as per the submitted details before they are first brought into use and shall thereafter be

maintained as such.

This condition is imposed in the interests of the visual amenity of the locality.

3. The floodlights hereby approved shall not be illuminated unless courts 5 and/or 6 (as shown on the submitted plans) are in use for the purpose of training for or playing tennis in association with Beverley and East Riding Lawn Tennis Club.

This condition is imposed in the interests of the residential amenities of the locality

4. The floodlights hereby approved shall not be illuminated after 21:30 on any day and shall not be re-illuminated before 08:00 the following day.

This condition is imposed in the interests of the residential amenities of the locality

5. The approved development shall be carried out in accordance with recommendations in the Tree Report provided by Waller Tree Consulting (hereinafter called the "Approved Tree Protection Scheme" which provides for the retention and protection of trees in accordance with the guidance set out in BS5837 - 2012 "Trees in relation to design, demolition and construction – Recommendations".

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. 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 important that they are protected from damage before, during and after construction works.

6. No development shall take place until full details of the proposed tree planting together with a programme of implementation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include:

- i) Species of trees to be used;
- ii) Quantities/densities of trees to be used;
- iii) Locations of trees to be used;
- iv) Sizes of trees to be used;
- v) Details of planting methods/materials proposed.

These works shall then be carried out within the next available planting season following the implementation of this permission or as may be otherwise agreed in writing by the Local Planning Authority.

This condition is imposed in order to reduce the impact of the development on the streetscene and to help integrate it into the surrounding area.

7. 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 because 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.

8. The lighting scheme for the tennis courts shall comply with the CIE Guide on the Limitations of the Effects of Obtrusive Light from Outdoor Lighting Installations in Environmental Zone E2 and repeated in the Institution of Lighting Engineers Guidance Notes for the Reduction of Light Pollution.

This condition is imposed in the interests of the residential amenities of the locality

9. Cables running through the lighting columns shall be fixed so as to prevent the cable flapping on the column during windy weather.

This condition is imposed in the interests of the residential amenities of the locality

10. The lighting installation shall be maintained in a satisfactory manner and all screens, baffles and aiming requirements needed to comply with condition 8 (above) shall be maintained throughout the life of the installation.

This condition is imposed in the interests of the residential amenities of the locality

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

04 Rev. A – Site Plan as Proposed – Received 08/11/2012

05 Rev. A – Elevations as Proposed – Received 08/11/2012

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.

Relevant Planning Policies

Regional Spatial Strategy

YH5	Principal Towns
ENV9	Historic Environment
ENV11	Health and Recreation

Joint Structure Plan

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.
ENV6	The setting, character or appearance of strategically important buildings, features and historic/architectural areas should be protected and where possible enhanced.

Beverley Borough Local Plan

- E21 Seek protection of Conservation Area's character; encourage appropriate development, tree planting etc.; restrict Permitted Development Rights.
- E25 Design criteria in, or adjacent to, Conservation Areas.
- D1 Layout and design of development to respect and contribute to the character of its locality. Briefs on substantial and important sites.

National Planning Policy Framework

Reason for Decision

Beverley and East Riding Lawn Tennis Club is an existing and well established sporting facility and this proposal to illuminate two existing tennis courts would enhance the existing provision for sports and recreation within the town by enabling its continued use into the autumn and winter months. The proposals are therefore considered to accord with the general thrust of national and regional planning policy which advocates the provision and enhancement of high quality facilities for sports and recreation to improve health, social and cultural wellbeing for all.

It is acknowledged that the proposed floodlights will have some impact on the immediate neighbouring residents, in terms of introducing a new light source within close proximity of their properties where none existed previously, however it is considered that any impact must be balanced against the benefits associated with the provision of an improved sports facility for the town.

Furthermore, it is considered that any impact on the neighbouring occupiers would be limited given that the illumination is only proposed for two of the seven courts; that the demand for the use of the tennis courts is likely to be reduced in the winter months (i.e. when the illumination would be most prominent) given the seasonal weather conditions; and that appropriate conditions limiting the hours of use and preventing the floodlights being used when the courts are not in use and will ensure that the neighbours retain a good standard of amenity.

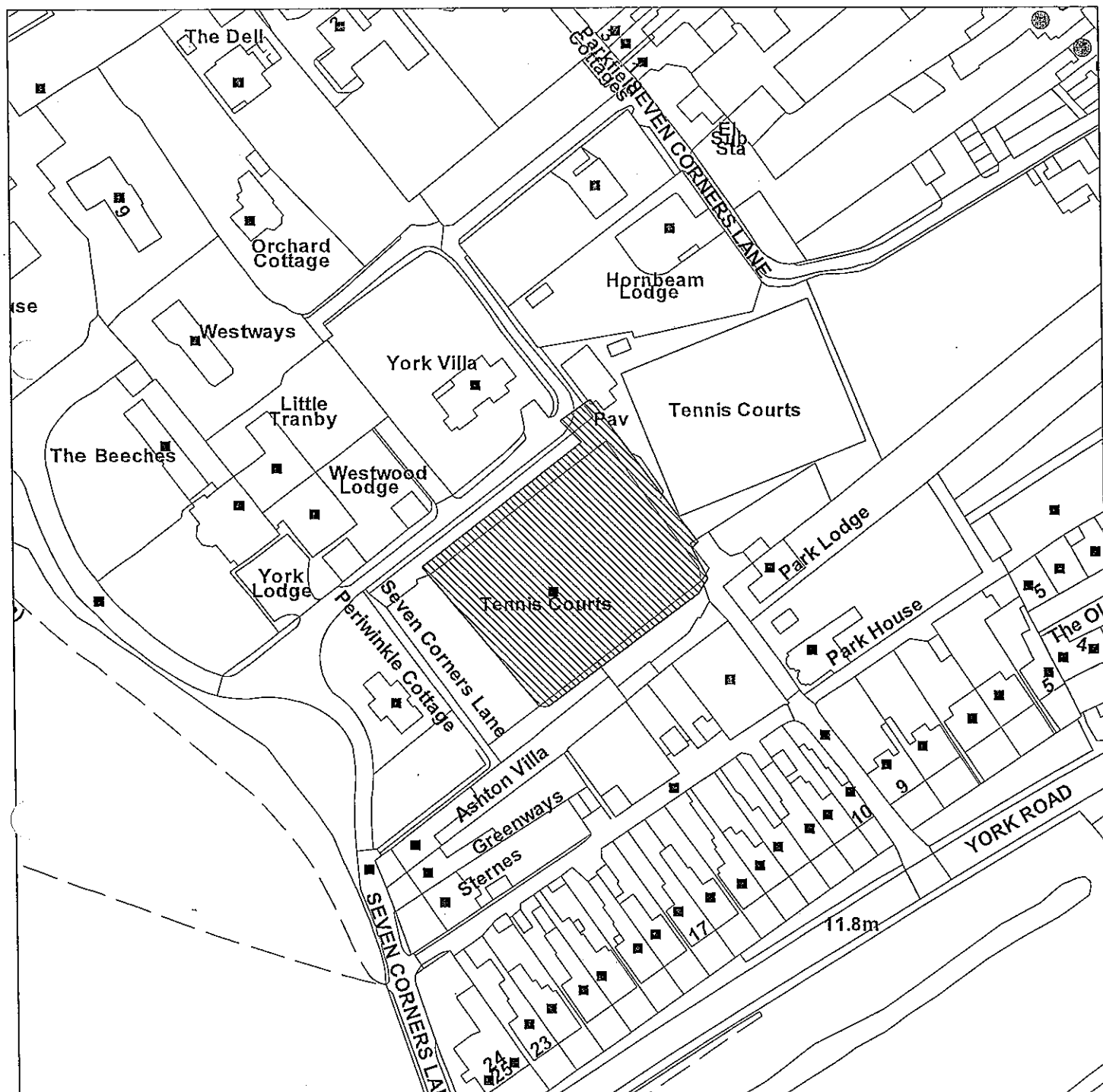
It is considered that this development proposal would preserve the existing character of the Conservation Area, and it could be carried out without having any significant adverse impact on the existing mature trees to the site boundaries.

It is therefore considered, on balance, that this development proposal accords with the relevant policies of the Development Plan and the National Planning Policy Framework.

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



Committee Plan



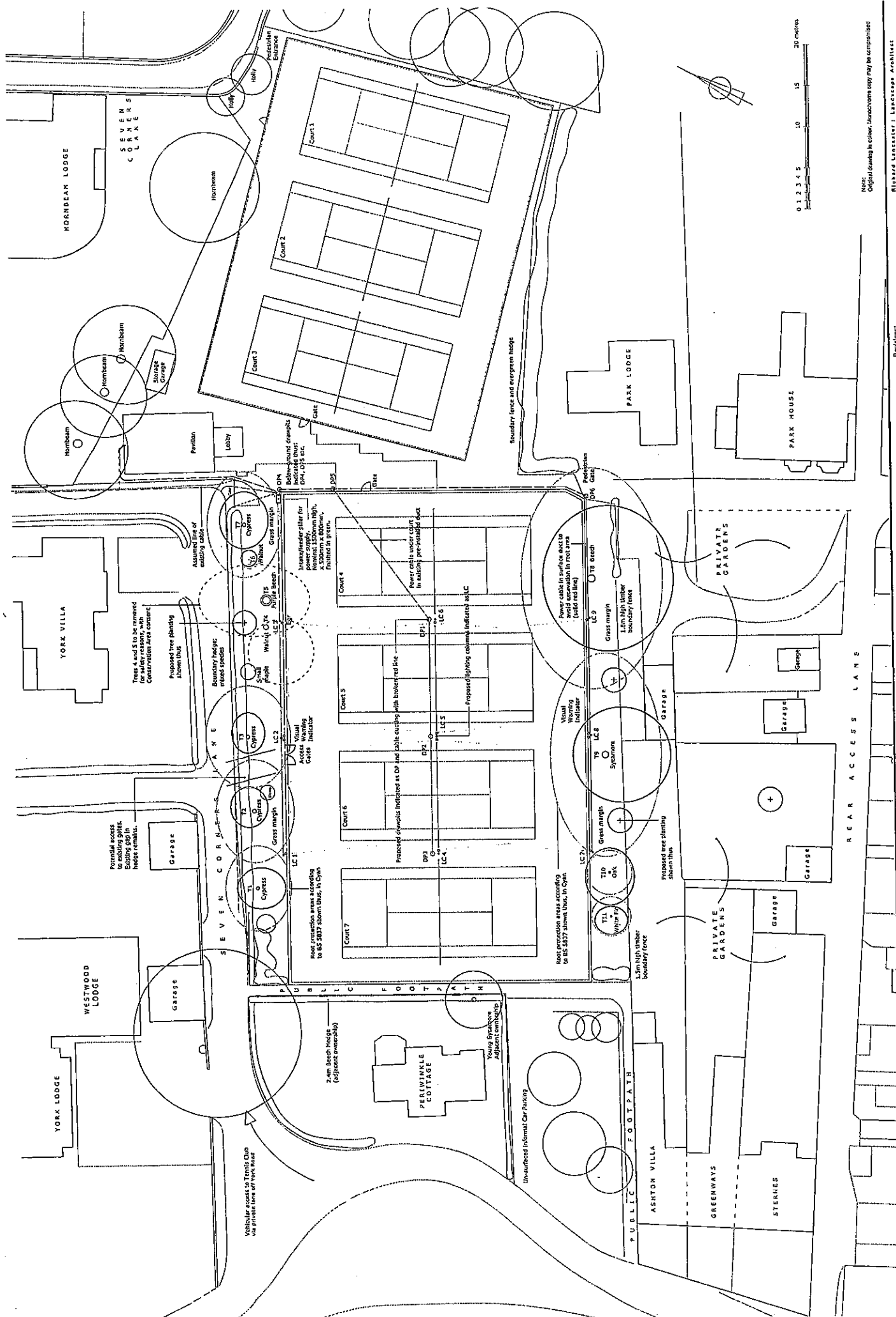
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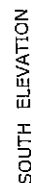
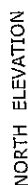
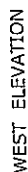
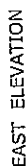
Organisation	East Riding of Yorkshire Council
Department	Planning & Development Management
Application	12/03592/PLF
Date	24 January 2013
SLA Number	100023383



Notes:
Original Drawing in colour. Annotations may be compromised

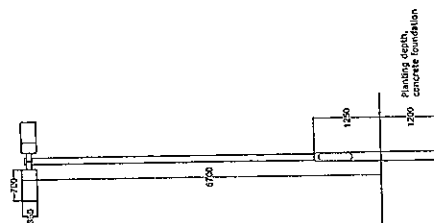
Richard Lancelotti: Landscape Architect
Client: Beverley & ER LTC
Project: Proposed Floodlighting
Title: Scheme Proposals
Project No: L12.100
Scale: 1:200 @ A1
Date: July 2012
Drawing No: 04
Revision: A

Proposed Floodlighting Project
Beverley & East Riding Lawn Tennis Club
SCHEME PROPOSALS



RIGHTING COLUMNS

Elevation of typical twin-luminaire lighting column, finished in dark green, RAL 6005. Dimensions as indicated (shown at 1:50)



NOTE:



Notes:
1. The data are for the calendar 1990-1991. The response rate may be compromised

Revisions:
1. Change to 2 more copies. Columns 10, 11, 12 removed.
Columns 3 and 4 changed to single listings.

Richard Lancaster : Landscape Architect
Client: Beverley & ER LTC
Project: Promoting Floodlighting

Project: Proposed Floodlighting
Title: Elevations Proposed
Project No: L12.100 Scale: 1:200 @ A1
Drawing No: 05 Date: July 2012
Revision: A Drawn: RJL

**Proposed Floodlighting Project
Beverly & East Riding Lawn Tennis Club
ELEVATIONS: AS PROPOSED**



REPORT TO EASTERN AREA PLANNING SUB-COMMITTEE

COMMITTEE DATE: 4 February 2013

PARISH: Beverley Town Council

WARD: St Mary's

APPLICATION NUMBER: 12/04030/PLF

APPLICATION TYPE: Full Planning Permission

DESCRIPTION: Change of Use from a shop (Use Class A1) to a mixed use as a shop and cafe and erection of a first floor extension with sloping roof to rear and alterations to shop front Market Cross News 21 - 22 Saturday Market Beverley East Riding Of Yorkshire HU17 8BB

APPLICANT: Mr S Barker

DATE RECEIVED: 4 October 2012

RECOMMENDATION: Defer and Delegate Approval

INTRODUCTION

This application seeks full planning permission for the change of use of an existing shop to a mixed use comprising a shop (A1 use) at ground floor level and a café/A3 use at first floor level along with a first floor extension to the rear and alterations to the shop front. The building was until recently used as a newsagent and art/craft shop and occupies two units (no's 21 and 22 Market Place) both with a large modern shop windows and single entrance door. The second door is currently blocked off and has been used as a display window in the past.

The proposed retail use will occupy both ground floor with access via a new staircase within no. 22 Market Place to the first floor café/A3 use.

A new shop front of a more traditional design is proposed to replace the modern shop fronts which are currently in situ. A small extractor fan expel air is proposed on the rear elevation and a bin store would be provided at ground floor level adjacent to the rear alley way.

Amended plans were submitted on the 28th November in response to requests from the Conservation Officer and Planning Officer.

The building is Grade II Listed and is situated in the Beverley Town Conservation Area. A separate application has been received for Listed Building Consent which can be determined under delegated powers.

This application has been referred to the Planning sub Committee at the request of Councillor Harold to allow a full discussion and debate.

PLANS AND ILLUSTRATIONS

Appendix 1 - Location Plan

Appendix 2 - Layout Plan

Appendix 3 - Elevations

KEY PLANNING POLICIES AND GUIDANCE

The Development Plan for the area comprises the Regional Spatial Strategy, Joint Structure Plan, and the Beverley Borough Local Plan.

National Planning Policy

National Planning Policy Framework

Regional Spatial Strategy

YH5 Principal Towns.

ENV9 Historic Environment.

Joint Structure Plan

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.

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.

ENV6 The setting, character or appearance of strategically important buildings, features and historic/architectural areas should be protected and where possible enhanced.

Beverley Borough Local Plan

E21 Seek protection of Conservation Area's character; encourage appropriate development, tree planting etc.; restrict Permitted Development Rights.

E25 Design criteria in, or adjacent to, Conservation Areas.

- E27 Criteria for new uses for old buildings.
- E37 Protect character of the building, setting or special features of Listed Buildings
- E38 Encourage the use of traditional materials and practices for work to historic buildings.
- E39 Criteria for altering or converting Listed Buildings.
- In9 Criteria for the expansion or redevelopment of existing business premises.
- S2 Central Shopping Areas identified on the Proposals Map.
- S4 Will approve development proposals for uses within Classes A1, A2 and A3 within the Secondary Shopping Zones, providing access etc. satisfactory.
- S12 In shopping areas will approve suitable first floor uses
- D13 Retain significant shop fronts.
- D14 New shop fronts and fascias to relate sympathetically to the building.

Emerging Policy

Draft East Riding Local Plan Document (January 2013)

- S7 Delivering Retail Development
- EC4 Supporting the vitality and viability of centres
- ENV3 Valuing our heritage

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

Section 72 of Planning (Listed Buildings and Conservation Areas) Act 1990 -
Special regard to the desirability of preserving or enhancing the Conservation Area

RELEVANT PLANNING HISTORY

12/02327/PLF Change of use from shop to restaurant and take away, installation of new shop front and installation of extraction flue to rear –Withdrawn

12/02328/PLB Installation of new shop front and installation of extraction flue to rear in connection with proposed change of use to restaurant and take away – Withdrawn

12/04031/PLB - Installation of new shop front, erection of a first floor extension to rear with pitched roof and internal alterations –Pending Consideration

CONSULTATION REPLIES

Parish No Objection
Council

Public
Protection
Division

I am aware that a previous proposal for a fish and chip shop led to a significant degree of opposition and was subsequently withdrawn. When assessing planning applications for potential food businesses reference is often made to the Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems Defra (January 2005).

Annex C of this guidance includes a risk assessment method for odour in which dispersion, proximity of receptors, size of kitchen and cooking type are considered. This is particularly important where potentially high odour risk premises are being proposed near to sensitive receptors with extraction at low level.

With this proposal, the exact type of cooking to be carried out on the premise (if approved) has not been stated. The amended application statement from November 2012 reads as follows:

'The kitchen will be equipped with a microwave and domestic type cooker. Food will be warmed through or toasted. There will be no large scale cooking. Fume extraction will be through the cooker hood discharging via a domestic type louvered vent fitted to the outside wall.'

This statement does not specify the type of cooking but does paint a picture of very low risk in terms of odour when considered with the fact that there are to my knowledge no nearby residents which could be affected by this.

Given the proposals as they stand on this application it could be considered that a requirement to fit an extraction system normally associated with a larger scale or higher odour risk commercial kitchen would be excessive. The difficulty with this particular issue however is that if granted a certain class use (i.e. A1 which includes a café as in this case) should the circumstances change and a different food type or scale be prepared on the premises which may then increase the risk (according to Defra Guidance) then the planning system may not be able to require appropriate extraction systems are installed commensurate with that change. It may well be the case that if the premise changed hands and became more of a café/restaurant in its own right then a subsequent planning application to A3 or A5 use may be required. At that time I would expect that we would be consulted again and have the opportunity to require a more robust extraction system appropriate for what was being proposed.

In addition to the extraction system I am becoming increasingly

aware of a number of complaints in Beverley about the permanent storage of commercial waste bins on relatively narrow footpaths at the rear of or next to commercial premises. I fully appreciate that historic town centres were not designed or built with waste disposal as a consideration and indeed the alleyway at the rear of this premise currently houses a number of commercial waste bins already. I note that the application has been amended to include a bin store.

If committee are minded to approve this application I would strongly suggest that a condition is included in any permission which restricts the storage of bins to the bin store/curtilage of the premise at all times other than an appropriate period immediately prior to collection and not on footpaths or the highway.

If the proposed use is as stated in the documentation submitted with the application, (on the face of it low risk in terms of noise and odour) and that any significant change in catering scale/style may require a further application for change of use I would recommend approval. This approval would be with an appropriate condition restricting the location/use of the bins but without specific conditions to control the extraction

Conservation
Officer

No objection to the principle, the scheme has the potential to improve the architectural and historic interest of the building significantly. Request some minor amendments to the shop front.

1st Amended Plans response:

No objection to the principle. This amendment addresses some of the concerns that I have raised in my previous comments. However, some information is still vague. As this is a listed building in a very sensitive location, I would like to see more information before making a final decision.

I appreciate that the pilaster design has changed. Unfortunately the joinery details are still vague. Joinery details in a 1:5 scale will be needed to fully assess the design of this shop front. These details should include information about the proposed colour scheme for this shop front. The design of the entablature is still only an outline and it is not clear at all how the awning will be integrated or added to it.

I still wonder whether these large glazed areas could be visually broken up by timber mullions and a transom. Especially a transom could be continued across the entrance door to create a fanlight above it. The proposed door, due to its increased height is looking slightly awkward. I would also like to see how the lowering of the entrance step will result in a ramp on the inside of the shop, details are needed to understand this feature. The drawings indicate a kind of internal lobby, detailed plans are needed to clarify this.

The plans now show an outlet for a fume extraction equipment, there is no information about air conditioning units. However relatively recent pipework to the rear of the building indicates that air conditioning units will or already have been installed.

Public Rights of Way Further to your letters dated 10th October, the working map shows that Beverley footpath No.7 is adjacent to the application site. It seems unlikely that the application will have any effect on the Public Right of Way

Beverley and District Civic Society Beverley Civic Society We have two different objections to this planning application. 1. The rear of this site borders a public footpath which is defaced and obstructed by numerous large commercial waste bins. Proper provision should be required on each of these properties for the storage of waste within their own curtilage, and certainly in this case this should be made a condition of any proposal. The form of the additional first floor area should integrate with the existing building in a traditional manner. A change of pitch should break at the line of the existing main range though this is unlikely to give enough headroom for useable 1st floor space. Instead a second parallel traditional pitched roof and internal valley should be preferred. The proposed shop frontage drawing is somewhat vague about the form of the existing traditional brackets at each end of the fascia. Clearly rewriting the existing will continue the clumsy underhang of the fascia panel. The proposed traditional treatment should be applauded if it follows correct detail and proportion. Therefore a small adjustment to the fascia panel depth should be preferred. 2. The most recent application to make a fish and chip shop on this property was withdrawn, after it had met with fierce opposition. The property is absolutely central to the ancient core of the town, being on the site of the medieval archbishop's hall and the earliest known Guildhall. Now a new proposal comes from a business that runs fish and chip shops - very good ones. But we would like assurances that this application is not a Trojan Horse to bring fish and chips to the 'restaurant' and, in a short time, carry out fish and chips to the ground floor too. Can the planning authority ensure this in some way?

Georgian Society For East Yorkshire Our general view of the proposal is that it should be supported, especially since various improvements regarding the storage of bins have been made in the amended application. We do have a few concerns remaining regarding the design of new elements and the historic fabric to be removed. Although the staircases to be removed appear not to be very old, one of them merited inclusion in the list description. We would suggest that if further investigation shows that there are any eighteenth century elements surviving either the plans should be reconsidered or the relevant timbers should be preserved along with the sash windows which are to be reserved. The proposed shop front will be an improvement, but we would like to see more details of the proposal. The drawings show

what appears to be the generic "traditional" type shop front which was common 1980's with routed fluting and applied panel moulds. We would hope that, through study of historic examples, something a bit more refined and specific could be developed.

PUBLICITY

Neighbours/ A response has been received from:
Publicity

Guest and Philips Jewellers, 23/24 Saturday Market

Stating the following:

No objection to the proposed change of use provided that, given the previous withdrawn application for a use as a fish and chip shop and the applicants other business, this will not lead to the eventual establishment of a fish and chip shop or take away. Suggest that a condition is imposed preventing such a use. Rubbish bins should be kept on their own property.

CASE ON BEHALF OF THE APPLICANT

- 21-22 Saturday Market appears to have been two separate buildings at one time but has been use as one unit as a newsagent, the entirety of the first floor is used as part of the shop. It is a building that is 2 storeys to eaves with accommodation in the roof.
- Application is for shop at ground floor and a café at first floor
- Existing shop front will be removed and new shop front installed
- First floor extension to rear with mono pitch roof proposed
- Large scale drawing and sections of shop front provided in amendment 3/ 10/12
- Further amendments were provided on the 28/12/2012 and the latest amendments on the 15/1/2013
- Planning application if for a mixed use of the building for A1/A3
- Shop front is not original and is from 1960's.
- Proposed to remove the inappropriate shop front and replace it with something more appropriate.
- Internal alterations proposed which are being dealt with under the listed building application
- The application is in line with policies within the BBLP, the JSP and the RSS along with the provisions of the NPPF
- Proposed alterations to shop front will have a positive impact on the listed building and enhance the conservation area
- Local plan supports full use of upper floors
- Site within the town centre therefore unrestricted opening hours are requested and there are no good reasons why this should not be the case
- Public parking available outside premises and rear door to bin store opens inwards and does not affect Prow
- Food from café to be warmed through or toasted with a domestic type cooker and microwave, there is no intention of large scale cooking. Fume extraction is

through cooker hood via a domestic type louvered vent on outside wall.

KEY ISSUES

- Policy/Principle of Development
- Design/Impact on Listed Building/Conservation Area
- Impact on Residential Amenity

OFFICER COMMENTS

Applications are to be determined in accordance with the Development Plan unless there are material considerations which indicate otherwise.

The National Planning Policy Framework (NPPF) is a material consideration which must be taken into account in planning decisions. If the NPPF contains policy guidance that is relevant to this application, the report below will explain this, and consider the extent to which development plan policy is consistent with the NPPF and the weight to be given to that policy. For 12 months from the date of publication of the NPPF full weight may still be given to relevant development plan policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The RSS falls into this category. For policies in the JSP and the Local Plan due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

It is the Government's clear policy intention to revoke the Regional Spatial Strategy subject to the outcome of the environmental assessments that are currently being undertaken. Until it is abolished the RSS remains part of the development plan although the intention to abolish the RSS can be treated as a material planning consideration with the weight to be attached to this intention being a matter for the decision maker.

In this case, the Development Plan comprises the Regional Spatial Strategy (RSS), the Hull and East Riding Joint Structure Plan (JSP) and the Beverley Borough Local Plan (BBLP) the relevant policies are listed above and will be discussed in more detail below.

The NPPF requires LPA's to approve development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out date, grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF, taken as a whole or specific policies in the NPPF indicate development should be restricted.

One of the core 12 planning principles of the NPPF that should underpin both plan-making and decision taking is to be proactive in driving and supporting sustainable economic development.

Policy/Principle of Development

The application site is within the town centre of Beverley which is identified as a Principal Town under policy YH5 of the Regional Spatial Strategy. According to policy YH5, Principal Towns should be the main local focus for housing, employment, shopping, leisure, education, health and cultural activities and facilities.

Policy EC1 of the Joint Structure Plan states that *'The principal town centres, town centres and district centres will provide complimentary office, shopping, and other commercial uses, health, education, leisure, recreation, entertainment, culture and public services'*.

These policies are considered to be in line with the provisions of the NPPF and can therefore be attributed significant weight in the decision making process.

Policy S4 of the Beverley Borough Local Plan (BBLP) relates specifically to Secondary Shopping Zones and states that development proposals for uses within Classes A1, A2 and A3 will be approved provided that they are satisfactory in terms of their provision for customer and delivery parking and there being no significant adverse impact on neighbours or their surroundings generally.

Policy S12 of the BBLP deals with the re-use or change of use and alteration to properties in the shopping area and supports the use of upper floors providing there is no impact on neighbours or the surrounding area.

The above policies carry less weight due to the fact that they are not strictly in accordance with the provision of the NPPF. Their weight will be discussed in more detail below in this paragraph.

Draft policy S7 of the East Riding Local Plan (ERLP) lists the settlement network and hierarchy of centres, Beverley being classed as a Town Centre details of which are set out in the draft Allocations Document.

The draft Allocations Document of the ERLP shows the application site as being Primary Shopping Frontage and within the Primary Shopping Area.

Draft policy EC4 of the ERLP states that retail development (A1) will be supported within the Primary Shopping Frontages. Non-retail development will be supported within the Primary Shopping Frontages where the proportion of non-retail uses represents approximately no more than 25% of a Primary Shopping Frontage within a Town Centre. Proposals that support night time economy, where there are no implications on amenity are considered as valuable to the vitality and viability of the Town Centre.

Draft policy EC4 and the existing BBLP policy S4 take two slightly different approaches to the provision of non A1 retail premises within the town centre.

Whilst the BBLP states that the application site is within the secondary shopping zone where A1, A2 and A3 uses are acceptable, the policies of the draft ERLP state that as primary shopping frontage (at ground floor level) A1 retail is supported. Non A1 uses can be supported where no more than 25% of Primary Shopping Frontage is given to non A1 retail.

As the policies of the draft ERLP are derived from a more up to date evidence base and in accordance with the provisions of the NPPF it is considered in this case that policy EC4 should be given more weight in this case.

The application site is an existing shop within the town centre of Beverley and the proposal is to retain the existing ground floor to create a shop/delicatessen at ground

floor level and at first floor level create a café/A3 use. The premises require a change of use as a mixed use is being created within classes A1 and A3.

No assessment has been made in accordance with the draft ERLP by the applicant, as the application was submitted before the draft Strategy and Allocations documents of the ERLP were approved by the Cabinet in December. However, since the approval of the Plan in draft form it is necessary to consider the relevant policies.

The application as submitted, with the A1 (retail) part of the use at ground floor level and the café/non-retail use at first floor level is in accordance with draft policy EC4 of the ERLP and it is considered that there is no impact on the vitality and viability of the Town centre providing this layout is retained. The impact of the A3 element at ground floor level would need to be considered in the light of the emerging policy requirements and therefore it is recommended in this case that a condition be imposed on any permission granted to restrict the layout in accordance with the plans submitted with the A1 (retail) element at ground floor level and the A3 (café/restaurant) element at first floor level only. Should the applicant then wish to alter the balance or distribution of uses in the future, a further application would be required to vary the condition and an assessment of the proportion of non A1 uses within the primary shopping frontage could be assessed.

Therefore in conclusion it is considered that the principle of the use as a shop at ground floor level and a café at first floor level is in line with the most up to date policies in the draft ERLP and the provisions of the NPPF.

Design/Impact on the Listed Building/Conservation Area

When considering applications in Conservation Areas special attention should be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Policy E27 of the BBLP deals with the conversion of existing buildings within Conservation Areas to new uses and states that it will be approved providing there is no significant impact on the building itself of the character of the area or neighbours, etc.

In addition to this when considering applications for listed building consent special regard should be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest, which it possesses.

Policies E37, E38 and E39 of the BBLP deal with application for Listed Building Consent or Planning Applications for development of Listed Buildings and state that proposals will be supported providing the special architectural or historic interest will be preserved, traditional materials, practices and standards are applied and the importance of the retention of the original fabric is recognised.

Policies D13 and D14 of the BBLP specifically relate to shop fronts and state that existing shop fronts should be retained if they are significant and that new shop fronts, fascias and alterations to them will be approved if they are architecturally sympathetic to the building and adjoining buildings

These policies are considered to be in line with the provisions of the NPPF and can

therefore be attribute due weight in the decision making process.

Section 12 of the NPPF deals with the historic environment. Para 137 states that new developments within Conservation Areas that enhance or better reveal their significance should be considered favourably.

Section 131 deals with planning applications and states that the desirability of sustaining and enhancing the significance of the heritage asset and putting them to viable uses should be taken account of.

Draft policy ENV3 of the ERLP considers development and heritage assets. It states that heritage assets should be put to an appropriate, viable and sustainable use. It goes onto say that significant views, setting, character, appearance and context of heritage assets should be conserved.

The proposed application also involves external alterations to the property in the form of alterations to the shop fronts, and a first floor extension to the rear of the property, these are dealt with in turn below:

Shop Front

The existing shop front to both units is constructed of aluminium framed windows and is to be replaced with a more traditional design. The existing fascia and brackets are to be retained unaltered as part of the application. The new shop front incorporates stall risers and pilasters and creates a symmetrical shop front with two large windows either side of the centre, a smaller window at one side and an entrance door at the other.

The Conservation Officer requested some amendments to shop front to create two separate pilasters in the centre along with the recommendation of mullions and a transom to break up the expanse of glazing and a transom above the door. Some of the alterations have already been carried out by way of amended plans but further changes are still required to ensure the most appropriate scheme is secured.

Beverley Civic Society have also commented on the fascia and brackets, stating that the present fascia is clumsy, however this element of the shop front is not being altered by this proposal and is to remain the same as existing. The alterations already suggested by the Conservation Officer are considered to enhance the character of the Conservation Area and positively impact on the character of the Listed Building and it is not considered necessary to ask for further amendments to the fascia.

The Georgian Society for East Yorkshire have also commented on the shop front and asked for amendments. They have stated that the new shop front is a generic "traditional" shop front common in the 1980's and that we should look to historic examples to create something more refined.

This has already been done by studying the two adjacent traditional shop fronts to the north of the site which both have large glazed window, but both are broken up into smaller panes with mullions. In addition to this it is noted that Stretfords (19 Saturday Market) does not have any mouldings within the stall riser. These details form part of the additional amendments requested which would be considered to further improve the proposed shop front.

It is therefore suggested that the application be deferred for the submission of further amended plans and the further comments of the Conservation Officer.

On receipt of satisfactory amended plans it is considered that this element of the application would be in line with the above policies in the BBLP and the emerging policies in the Draft ERLP and long with the provision of the NPPF. The new shop front, once the amendments are in place will enhance the character of the Conservation Area and positively impact on the character and appearance of the Listed Building.

Rear Alterations and Extension

The proposed extension is at first floor level and is to accommodate the kitchen to the proposed café/restaurant. It is situated above an existing single storey flat roof extension. The proposed extension is adjacent to an existing two storey element of the building and at the request of the Conservation Officer, the new extension has been set in fractionally to create a clean division between the old and the new parts of the building.

At ground floor level a bin store has been added to the building to ensure that adequate space is provided to all bins to be stored on site rather than on the Public Right of Way to the rear. The bin store creates a new door in the existing rear elevation which does not detract from the building or the area. At first floor level in the rear an air extraction grill is proposed in connection with the fume extraction equipment.

The proposed extension, extraction grill and new door to the bin store are considered acceptable and preserve the character of the Conservation area and will not adversely impact on the character and appearance of the Listed Building.

The Civic Society have suggested that the roof slope of the new extension should be altered to a more traditional approach. Initially the Conservation Officer had suggested that the roof should create another valley gutter however on further inspection it was considered that due to the age of the existing roof the valley gutter would have a bigger impact on the historic fabric and design therefore the present approach is considered the better option.

It is therefore considered that both the rear alterations and extensions, along with the suitably amended plans for the new shop front are in line the above policies in the BBLP and the emerging policies in the DERLP along with the provisions of the NPPF. The new shop front, once the amendments are in place will enhance the character of the Conservation Area and will have a positive impact on the character and appearance of the Listed Building.

Impact on Amenity

Whilst there are no immediate residential neighbours the issue of general amenity is being considered.

The application involves the use of the first floor as a café/restaurant and as such issues arising from cooking odours need to be considered. Within the design and access statement it states that *"The kitchen will be equipped with a microwave and domestic type cooker."*

Food will be warmed through or toasted. There will be no large scale cooking. Fume extraction will be through the cooker hood discharging via a domestic type louvered vent fitted to the outside wall."

Policy IN9 of the Beverley Borough Local Plan states that proposals for the expansion or re-development of existing employment premises within their existing sites will be approved, providing they do not raise issues relating to the effect on the amenity, appearance or character of adjacent properties or the area, road safety problems, nature conservation or the loss of agricultural land.

The above policy is considered relevant and in line with the provisions of the NPPF and can therefore be attributed due weight in the decision making process.

Section 11 of the NPPF para 109 deals with the air quality and states that new and existing development should not be put at unacceptable risk from (amongst other things) air pollution.

Policy ENV1 of the DERLP deals with design and other issues such as amenity.

Cooking Smells/Odours

In terms of odour from cooking smells, the proposed use is a café as opposed to a restaurant. However, the two uses are within the same Use Class A3 and if approved the premises could be used for any purpose within that use class. The applicants have stated that they intend to warm up food and utilise a domestic cooker and as such there are no large scale cooking ranges/extractors involved. A small domestic fume extraction system is proposed which expels on the rear wall of the new extension. At this scale it is considered that the proposed use is unlikely to have any adverse impact on the amenity of neighbouring properties from odour and cooking smells.

The Public Protection Officer has confirmed that they have no objection to this scale of operation with the fume extraction equipment proposed. There are concerns that should the operation change to a restaurant as opposed to a café then better fume extraction equipment will be required. If this did occur, whilst planning permission would not be required for the change in the type of food cooked on the premises or the change from a café to a restaurant, planning permission would be required if new or additional fume extraction equipment was required and any issues regarding noise/odour arising from such installations would be considered at that time.

An adjacent neighbour has requested that a condition is imposed on the application to prevent the premises becoming a fish and chip shop. The change of use to a fish and chip shop (for the consumption of hot food off the premises – i.e. a hot food take away) would require further planning permission, therefore it is not necessary to impose a condition in this respect. However the use of the premises as a fish and chip restaurant at first floor level would not require further planning permission, but as stated above, new or additional extraction equipment would require planning permission, and in the event that a statutory nuisance occurred from cooking odours, Public Protection would have control over the issue.

Bin Storage

The storage of bins has also become an issue in other areas of Beverley therefore the

application has been amended to accommodate on site bin storage. Public Protection are satisfied with this and the inclusion of a bin store also addresses issues raised by some other consultees.

Impact of Proposed First Floor Extension

The proposed first floor extension is to the rear of the site, above an existing single storey extension. The extension is adjacent to the rear roof of Stretfords (no. 19 Saturday Market) which are commercial premises. With the proposed roof design there will be no impact on the amenities of this neighbour to the north. The neighbour to the south is Guest and Philips jewellery, the extension is not adjacent to their boundary therefore again there will be no impact on that property.

It is considered that the issues relating to amenity within the application have been satisfactorily addressed and that there will be no loss of amenity to the neighbouring properties or the area in general. The application is therefore considered to comply with the above policies from the BBLP, the NFFP and the Draft ERLP.

Other Issues

Highways

As the site is within Saturday Market, there is ample parking for visiting members of the public. The application is not therefore considered to have any impact on the public highway or existing parking situation.

CONCLUSION

It is considered that the proposed application with the suggested amendments is acceptable in line with the provisions of national and local planning policies. The new shop front and rear extension will enhance the character of the conservation area and will have a positive impact on the character and appearance of the listed building. The use of the premises as a shop at ground floor level and a café/restaurant above is classed as a mixed use, however in order to comply with the provisions of the NPPF and draft planning policy it is necessary to ensure that only the A1 retail element of the use is operated at ground floor level and this can be achieved by condition. The use as a café/restaurant at first floor level is also considered appropriate in principle and the level of fume extraction proposed for the type of food to be cooked on the premises is also considered adequate and will not lead to a loss of amenity to adjacent neighbours.

HUMAN RIGHTS ACT 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

RECOMMENDATION

That the application be **DEFERRED** for the submission of amended plans showing the addition of mullions to the large glazed windows (and the removal of the moulding from the stall risers to accommodate the smaller glazing panels), further joinery details showing these amendments along with a details showing the existing brackets in relation to the

shop fascia, re-consultation with Conservation Officer and expiry of consultation on an amended description to include changes to the shop front.

Once satisfactory amendments have been made and subject to no new issues being raised as a result of re-consultation, the Director of Planning and Economic Regeneration be authorised to **APPROVE** the application 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.

- 2 The proposed A3 café/restaurant use hereby approved shall only be operated at first floor level (within the areas specified on the approved plan *ref to be added upon receipt of amended plans*) and only A1 retail uses shall operate at ground floor level (with the exception of the access to the first floor).

This condition is imposed in order to ensure that the vitality and viability of the Primary Shopping Frontage is not adversely affected by the loss of an A1 retail unit to non-retail use, which has not been assessed under this application.

- 3 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.

Note – Further planning permission and/or listed building consent may be required for any new or replacement installations.

- 4 No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

This condition is imposed because the submitted application did not specify the materials to be used in the proposed development or the specified materials were not considered acceptable. 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.

Note: The developer's attention is drawn to the fact that development cannot commence until the facing materials have been agreed. A period of at least 10 working days should be allowed for the submission and approval process. Developers are, however, advised that whilst the Council expects to be able to respond within 10 working days, the lack of a response within that time should not be taken as a deemed approval.

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

Drawing Numbers:

Awaiting the submission of amended plans

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.

Relevant Planning Policies

Regional Spatial Strategy

YH5 Principal Towns
ENV9 Historic Environment

Joint Structure Plan

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.
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.
ENV6 The setting, character or appearance of strategically important buildings, features and historic/architectural areas should be protected and where possible enhanced.

Beverley Borough Local Plan

E21 Seek protection of Conservation Area's character; encourage appropriate development, tree planting etc.; restrict Permitted Development Rights.
E25 Design criteria in, or adjacent to, Conservation Areas.
E27 Criteria for new uses for old buildings.
E37 Protect character of the building, setting or special features of Listed Buildings.
E38 Encourage the use of traditional materials and practices for work to historic buildings.
E39 Criteria for altering or converting Listed Buildings.
In9 Criteria for the expansion or redevelopment of existing business premises.
S2 Central Shopping Areas identified on the Proposals Map.
S4 Will approve development proposals for uses within Classes A1, A2 and A3 within the Secondary Shopping Zones, providing access etc. satisfactory.
S12 In shopping areas will approve suitable first floor uses.
D13 Retain significant shop fronts.

D14 New shop fronts and fascias to relate sympathetically to the building.

Draft East Riding Local Plan Document (December 2012) (DERLP)

S7 Delivering Retail Development

EC4 Supporting the vitality and viability of centres

ENV3 Valuing our heritage

National Planning Policy Framework

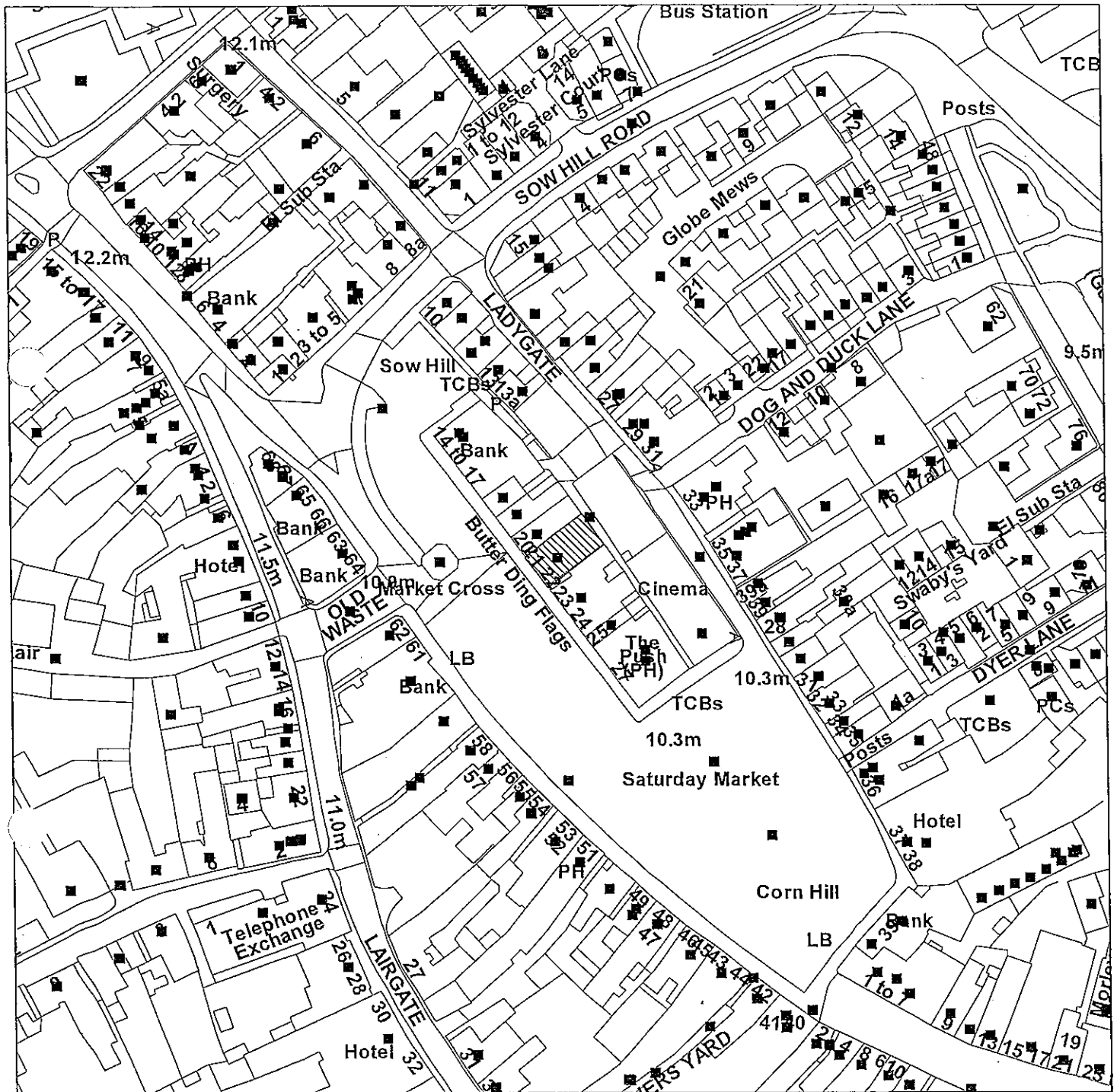
Reason for Decision

It is considered that the proposed application with the suggested amendments is acceptable in line with the provisions of national and local planning policies. The new shop front and rear extension will enhance the character of the conservation area and will have a positive impact on the character and appearance of the listed building. The use of the premises as a shop at ground floor level and a café/restaurant above is classed as a mixed use, however in order to comply with the provisions of the NPPF and draft planning policy it is necessary to ensure that only the A1 retail element of the use is operated at ground floor level and this can be achieved by condition. The use as a café/restaurant at first floor level is also considered appropriate in principle and the level of fume extraction proposed for the type of food to be cooked on the premises is also considered adequate and will not lead to a loss of amenity to adjacent neighbours.

In making this decision the Council has followed the requirements in paragraphs 186 and 187 of the National Planning Policy Framework. Various amendments have been sought throughout the planning process to ensure that the scheme is in line with national and local planning policy and that the alterations to the building will enhance the character of the Conservation Area and will positively impact on the character and appearance of the Listed Building.



Committee Plan



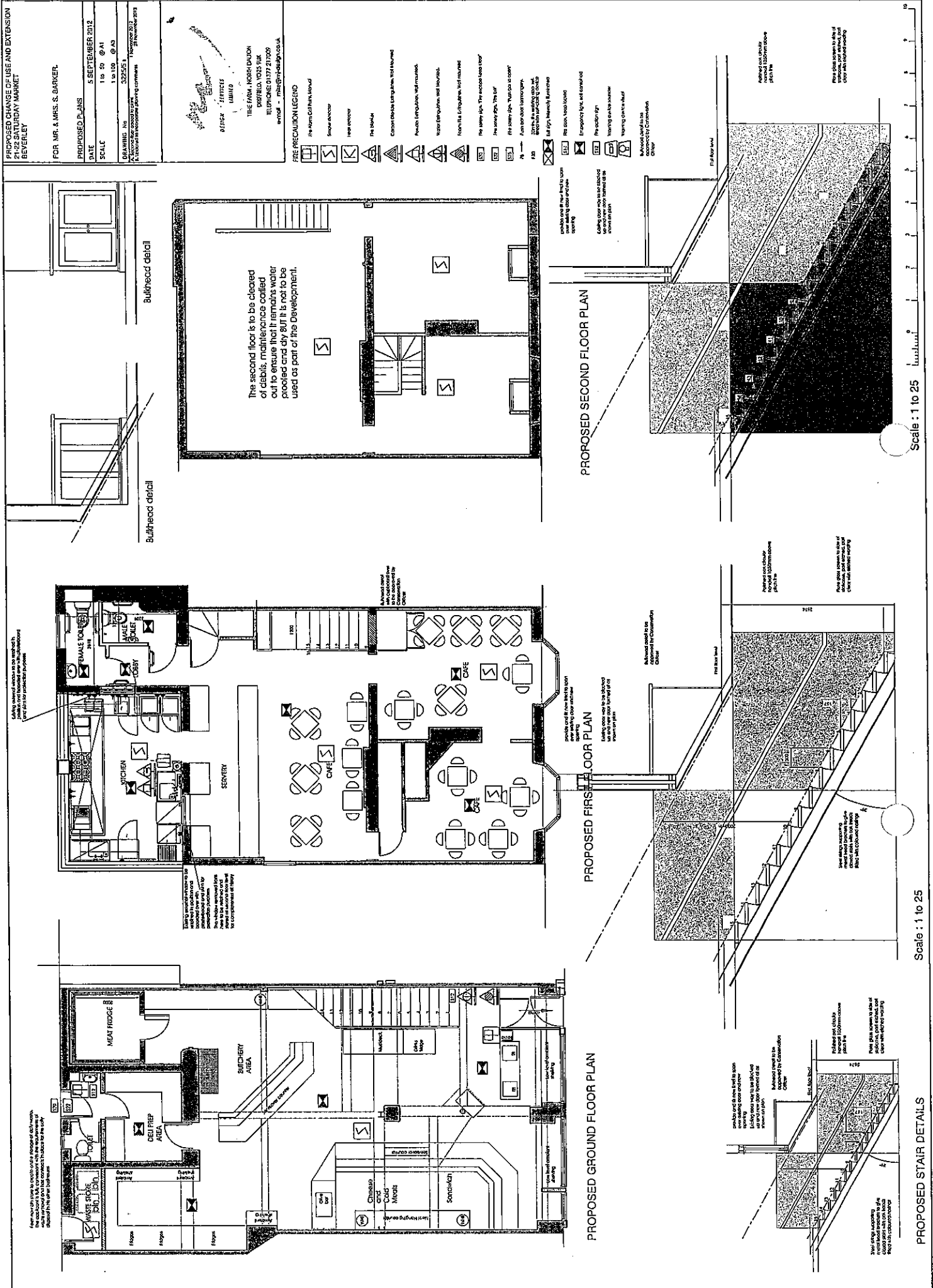
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OF YORKSHIRE COUNCIL

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Organisation	East Riding of Yorkshire Council
Department	Planning & Development Management
Application	12/04030/PLF
Date	24 January 2013
SLA Number	100023383



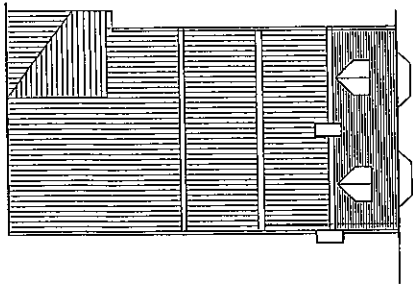
PROPOSED CHANGE OF USE AND EXTENSION
21-22 SATURDAY MARKET
BEVERLEY

FOR MR. & MRS. S. BARKER.

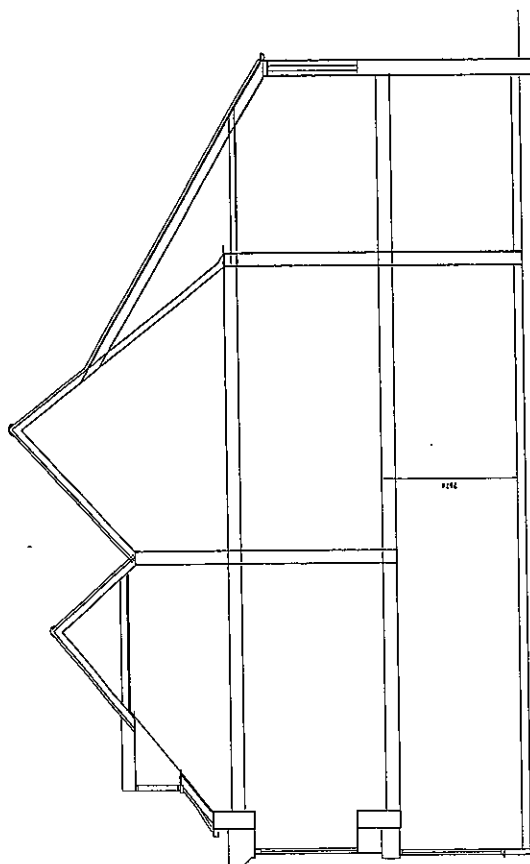
PROPOSED ELEVATIONS AND SECTION
DATE 5 SEPTEMBER 2012
SCALE 1/8" = 1'-0" @ A1
1/4" = 1'-0" @ A2

DRAWING No. 222585
DRAWN BY J. BARKER
CHECKED BY J. BARKER
DATE 5 SEPTEMBER 2012

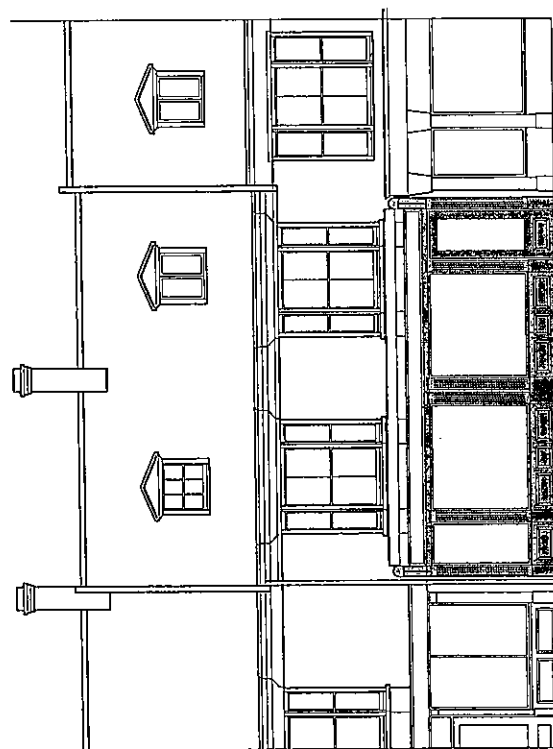
THE FARM - NORWICH
DORSET, N13 9LX
TELEPHONE 01277 217009
email - info@thefarm.co.uk



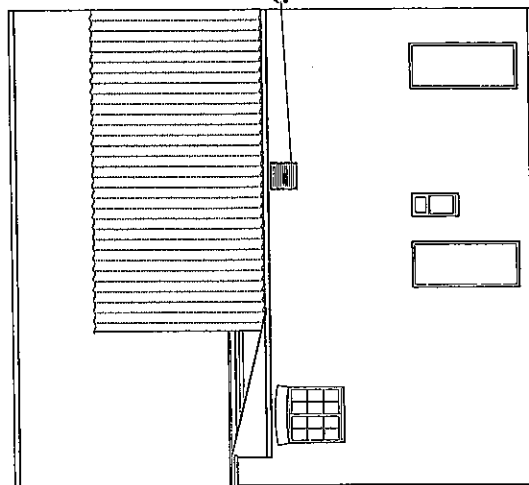
PROPOSED ROOF PLAN



PROPOSED SECTION



PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION

REPORT TO EASTERN AREA PLANNING SUB-COMMITTEE

COMMITTEE DATE: 4 February 2013

PARISH: Bridlington Town Council

WARD: Bridlington Old Town

APPLICATION NUMBER: 12/04535/OUT

APPLICATION TYPE: Outline Planning Permission

DESCRIPTION: OUTLINE - Erection of 2no dwellings following demolition of existing dwelling (Access, Appearance, Layout and Scale to be considered) at 86 Brookland Road Bridlington East Riding Of Yorkshire YO16 4HB

APPLICANT: Mr H Kyte

DATE RECEIVED: 19 November 2012

RECOMMENDATION: Approve

INTRODUCTION

This application seeks outline planning permission with all matters except landscaping to be considered for the erection of two two-storey dwellings following demolition of an existing dwelling which forms part of an end-terraced property.

The site is located within a well established residential area within the development limits of Bridlington, close to the town centre. The site includes the overgrown garden to the dwelling to be demolished.

The dwellings would front onto Brookland Road, a residential street mainly comprising of terraced properties with a number of properties similar to those proposed.

PLANS AND ILLUSTRATIONS

Appendix 1 – Site Location Plan

Appendix 2 – Site Layout Plan/elevations

KEY PLANNING POLICIES

The Development Plan for the area includes the Joint Structure Plan (JSP), and the East Yorkshire Borough Wide Local Plan.(EYBWLP)

Joint Structure Plan

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.

East Yorkshire Borough Wide Local Plan

EN1 Development Limits (Environment)

H2 Development Limits (Housing)

TM4 Development and the Transport System

Draft East Riding Local Plan

S3 Focusing Development

National Planning Policy Framework

RELEVANT PLANNING HISTORY

None relevant.

CONSULTATION REPLIES

Town Council Recommend approval.

Highway Control This application is acceptable as the proposed development will not generate an unacceptable increase in the level of vehicle turning movements and on-street parking on the adjacent public highway network. The proposed vehicular access serving this development should be made wide enough to accommodate the turning requirements of motor cars at the junction with Brookland Road. Visibility for the drivers of emerging vehicles should be compatible with the traffic flows and the vehicle speeds that can be expected at this location. Parking facilities for two cars per dwelling should be provided within the site curtilage. The site is accessible to pedestrians by means of the adjacent public footway. Shopping facilities and alternative means of public transport are available within walking distance. There have been no recorded injury accidents on the adjacent public highway within the period 2007 - 2011.

Yorkshire Water Services Limited No comments.

Environment Agency (Planning Liaison) No comments.

PUBLICITY

Neighbours/ 82 Brookland Road object.
Site Notice

Key issues raised include:

- Will result in loss of on street car parking
- Increased traffic
- Danger of reversing onto road
- Increased drainage problems
- Demolition process could cause damage

CASE ON BEHALF OF THE APPLICANT

A Design and Access Statement has been submitted to support the application the key points identified are as follows:

- The site is currently a derelict piece of land
- The proposal is of a scale and in character with the surrounding area
- Minimal effect on the street scene
- The proposal will not overlook neighbours' gardens
- Adequate provision has been made in the proposal to accommodate for disabled wheelchairs on the ground floor

KEY ISSUES

- Principle of development
- Impact on neighbouring properties
- Impact upon the character and appearance of surrounding area
- Highway safety
- Other considerations

OFFICER COMMENTS

Applications are to be determined in accordance with the Development Plan unless there are material considerations which indicate otherwise.

The National Planning Policy Framework (NPPF) is a material consideration which must be taken into account in planning decisions. If the NPPF contains policy guidance that is relevant to this application, the report below will explain this, and consider the extent to which development plan policy is consistent with the NPPF and the weight to be given to that policy. For 12 months from the date of publication of the NPPF **full** weight may still be given to relevant development plan policies adopted since 2004 even if there is a limited degree of conflict with the Framework. For policies in the JSP and the Local Plan **due** weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

Principle Of Development

The site is located within the development limits of Bridlington, which is identified by the East Yorkshire Borough Wide Local Plan as a major town

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and paragraph 17, which sets out the core planning principles, states that planning should "proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs".

The NPPF states that decision makers may also give weight to relevant policies in emerging plans according to their stage of preparation of that plan, with greater weight being given to the more advanced it is in its stage of preparation. The Draft East riding Local Plan has been agreed for consultation. Policy S3 identifies Bridlington as a Principal Town within the hierarchy of settlements and will function as a focal point for housing growth.

Therefore, it is considered that the principle of residential development on the site is acceptable as it would represent a sustainable form of development to help meet the growing need for housing within the town.

Impact on Neighbouring Properties

Although in outline form, the application includes all details apart from landscaping. It is considered that the proposed dwellings will have an acceptable relationship with the neighbouring properties and the remaining properties within Brookland Road. There are no proposed windows in the side elevation; therefore it is considered that no overlooking or loss of privacy will occur. To the rear there is a modest size garden, which borders the adjacent neighbouring gardens to the rear, and with a sufficient separation distance from these properties.

There is one small window at first floor to the neighbouring property to the south; however it is not considered that the proposal would cause significant loss of light as there is an adequate gap between the two properties.

Impact Upon The Character And Appearance Of Surrounding Area

The properties within Brookland Road represent a mixture of designs, with differing window styles and materials. The original properties within the street are located directly to the north of the site and opposite and comprise two/three storey terraced properties. Immediately to the south are more modern two-storey dwellings. The proposed dwellings are therefore not considered to be out of character with the surrounding properties, as their ridge height will be similar to the properties to the south. As a result the proposed development as a whole would not unduly dominate the streetscene or neighbouring properties.

Highway Safety

The objector has raised concerns regards the availability of on-street car parking. Brookland Road has two-way traffic and parking on both sides of the road. Each of the

proposed dwellings will have two off-street car spaces available at the front of each property, so would accommodate their own parking needs. The proposal would reduce the availability of on-street parking in the front of the dwellings but it is not considered that this reduction would cause a highway safety hazard nor would it be a justifiable reason for refusal of the application.

No objection has been raised by the Highway Officer, however he recommends a condition to ensure that the dwellings should not be occupied until the vehicular and pedestrian access has been provided and space has been laid out within the curtilage of the dwellings for two cars to be parked.

In summary, as the development includes two off-street parking spaces per dwelling, it does not raise any concerns with regards to highway safety and consequently complies with Policy TM4 of the Local Plan.

Other Considerations

The objector also expresses concern that the proposal may result in subsidence following the demolition of the end terraced dwelling resulting in damage to the neighbouring properties. However, this is not a material planning consideration and is a matter for the builder and building control to ensure safety on the site at all times and that the construction of the proposed dwellings complies with building regulations and the Party Wall Act.

A further objection concerns blocked drains and the pressure on the sewerage system. However Yorkshire Water has been consulted and have made no comments on the application.

CONCLUSION

It is considered that the principle of residential development in this location is acceptable. The design of the proposed dwellings will ensure that there is an acceptable relationship with the neighbouring properties whilst at the same time having an acceptable appearance within the street scene. Off-street parking has been provided and is not considered a highway hazard, however a condition is appropriate to ensure reasonable and adequate space is provided within the curtilage of the dwellings.

HUMAN RIGHTS

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. Approval of the details of the landscaping of the development (hereinafter called "the reserved matter") 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 the approval of the reserved matter 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 reserved matter.

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

4. No dwelling shall be occupied until the means of vehicular and pedestrian access has been provided and space has been laid out within the curtilage of that dwelling for two cars to be parked in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These vehicle parking and turning facilities shall thereafter be retained.

This condition is imposed in order to ensure a safe and adequate means of vehicular and pedestrian access and to ensure that reasonable and adequate space is provided within residential curtilages 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.

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

Drawing Numbers:

362/12/02 - Proposed layout plans, elevations and location plan - received on 19 November 2012

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

The Applicant/Agent must contact the East Riding of Yorkshire Council's Streetscene Services (Highways) Section, Becklands Park Depot, Becklands Industrial Estate, Market Weighton, East Riding of Yorkshire YO43 3GA (tel: 0845-6001666) regarding the construction specification of the vehicular access before any works are commenced in the public highway.

Relevant Planning Policies

Joint Structure Plan

- 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.

East Yorkshire Borough Wide Local Plan

- EN1 Development Limits (Environment)
- H2 Development Limits (Housing)
- TM4 Development and the Transport System

Reason for Decision

The principle of residential development in this location is acceptable. The design of the proposed dwellings will ensure that there is an acceptable relationship with the neighbouring properties whilst at the same time having an acceptable appearance within the street scene. Off-street parking has been provided and will be secured and retained by means of a condition to ensure reasonable and adequate space is provided within the curtilage of the dwellings.

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

Committee Plan



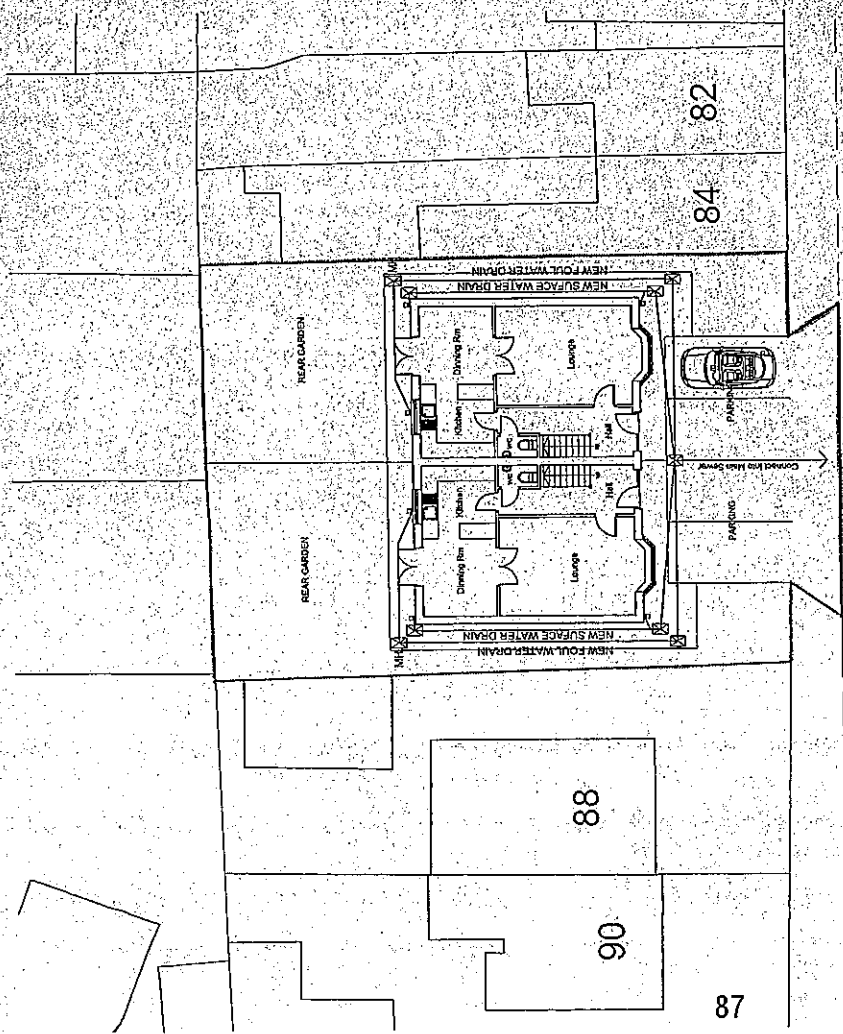
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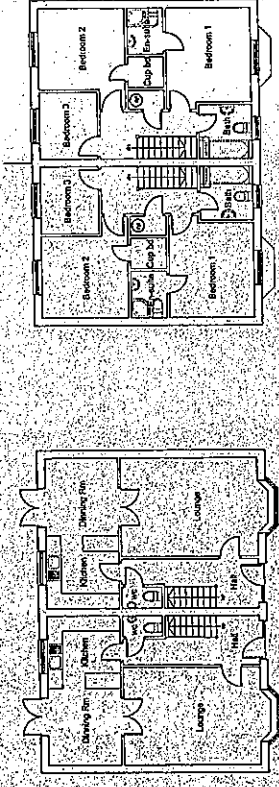
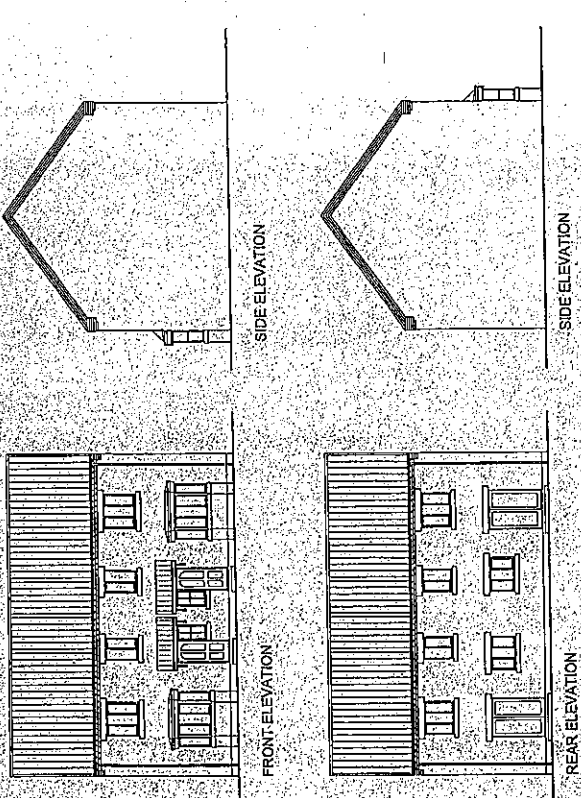
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Organisation	Not Set
Department	Not Set
Application	12/04535/OUT
Date	24 January 2013
SLA Number	Not Set



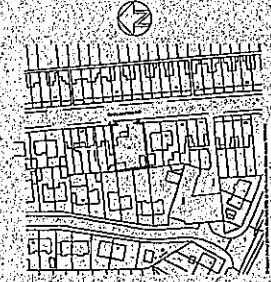
BROOKLAND ROAD



FIRST FLOOR PLAN AS PROPOSED

SCALE 1:100

GROUND FLOOR PLAN AS PROPOSED



LOCATION PLAN (1:1250)

MARTIN BELT ARCHITECTURE ARCHITECTS 100 BROOKLAND ROAD SYDNEY NSW 1580 TEL: 02 9550 1234 WWW.MARTINBELT.COM.AU		Client: MR HYTE	
Project: PROPOSED DEMOLITION OF 86 BROOKLAND ROAD AND ERECTION OF 2 DWELLINGS		Date: 30/01/2022	
Drawing: PLANS AS PROPOSED, SITE PLAN AND LOCATION PLAN		Scale: 1:100, 1:1250 & A	
Drawing No: 302/2022		Drawing Date: 30/01/2022	
Drawing Title: PLANS AS PROPOSED, SITE PLAN AND LOCATION PLAN		Drawing Scale: 1:100, 1:1250 & A	
Drawing Author: MR HYTE		Drawing Checker: MR HYTE	
Drawing Approver: MR HYTE		Drawing Date: 30/01/2022	

REPORT TO EASTERN AREA PLANNING SUB-COMMITTEE

COMMITTEE DATE: 4 February 2013

PARISH: Foston Parish Council

WARD: East Wolds And Coastal

APPLICATION NUMBER: 12/04559/VAR

APPLICATION TYPE: Variation of Condition(s)

DESCRIPTION: Variation of Condition 2, relating to the demolition of the existing dwelling, of approved application 08/02530/PLF at Green Close Cottage Gembling Lane Gembling East Riding Of Yorkshire YO25 8HS

APPLICANT: Miss Tracy McNelis

DATE RECEIVED: 7 November 2012

RECOMMENDATION: Refuse

INTRODUCTION

This application is being reported to committee at the request of Councillor Evison for the following reason: 'the applicant feels that the original flood risk has been removed'.

The application seeks to remove a condition imposed on a planning permission for a replacement dwelling, to allow both the original dwelling, and the new dwelling, to be retained. The site is within the small hamlet of Gembling, which in planning terms, is in the open countryside, where most forms of development are resisted.

When permission was granted in August 2008 a condition was imposed stating that the original dwelling must be demolished within 28 days of the first occupation of the new dwelling. Normally a replacement dwelling is built on the site of the existing, but in this case it was agreed that the dwelling could be built on higher land to the rear, to avoid risk of flooding. A condition was necessary because the new dwelling was not being built on the footprint of the original dwelling. The reason for the condition states "This condition is imposed because development plan policy would not normally allow the erection of new dwellings in this location, and the approval is based on the dwelling being a replacement of the existing dwelling."

The new dwelling has now been completed but not yet occupied.

Having completed the new dwelling, the applicant is now seeking to remove the condition so that the original dwelling can be retained. They argue that flood alleviation works have now been implemented to solve the problems of surface water run-off, such that the original house is no longer at risk of flooding and can be retained.

Removal of the condition would effectively result in planning permission having been granted for a large new dwelling that would fundamentally conflict with local and national planning policy aimed at protecting the countryside.

PLANS AND ILLUSTRATIONS

Appendix 1 – Location Plan

Appendix 2 – Approved Plans

KEY PLANNING POLICIES AND GUIDANCE

Joint Structure Plan

SP5 Design

East Yorkshire Borough Wide Local Plan

EN1 Development limits

EN2 Development in the open countryside

H4 Replacement dwellings

Draft East Riding Local Plan

Policy S4 Supporting development in Villages and the Countryside' and
supporting para 4.38.

National Planning Policy Framework – para 55 – homes in countryside

RELEVANT PLANNING HISTORY

07/00733/PLF – erection of first floor extension at side and two-storey extension at rear of Green Close Cottage. Approved 23/03/07

07/03181/PLF- erection of extension to rear and detached garages to Green Close Cottage. Approved 15/08/07

07/03956/PLF – siting of mobile home. Approved

08/02530/PLF – erection of dwelling following demolition of existing. Approved 08/08/08

08/20512/AMPLAN – proposed minor amendments to 08/02530/PLF. Approved 24/10/08

09/20191/AMPLAN – minor amendment to 08/02530/plf to increase width of porch etc. Approved 01/06/09

09/20237/AMPLAN – minor amendment to 08/02530/plf in relation to size and style

of chimney.

10/30111/CONDET – submission of details required by condition 3, 5, 6, 7 of 08/02530/PLF. Approved 17/03/10

11/02309/PLF - installation of photovoltaic panels to new dwelling. Approved 09/08011

12/01901/PLF erection of single storey extension at rear and side of new dwelling. Approved 31/05/12

EXTANT PLANNING PERMISSIONS

At the present time, there are no residential plots with extant planning permission within the Parish.

Highway Control No objections

Yorkshire Water
Services Limited No comments. Gembling is not served by the public sewer network. Properties on septic tanks or similar.

Land Drainage Team
(ERYC) No objection. The reduced flood risk to this property is reliant on the village drainage system being maintained by the owners. Details of time scale of drainage works provided.

Parish Council Objection. Without the flooding imperative the application would have probably been refused as inappropriate to the hamlet of Gembling, and contrary to Policy T1 of the EYB Wide Plan part 6 being outside development limits, and not related to the public transport network. Additionally, Gembling is designated Open Countryside (paragraph 4.5.4) where development is inappropriate except to meet agricultural needs. To accept the variation would be to set a precedent to all those that have sufficient plot size in Gembling. This in contradiction to the clear planning guidelines referred to above in paragraph 4.5.4.

PUBLICITY

Neighbours/
Publicity

Objection from Diamond Cottage, Gembling

- Purpose of original application to construct house at higher elevation.
- Flood alleviation programme had following dates Mason Clarke reports and options Feb 08; funding approval 12/03/08 ; application under section 38 of Commons Act 11/05/08; Public hearing Planning Inspectorate 20/10/08;

Planning Inspector Decision 21/01/09; Ground works engineers engaged 5/09; completion 07/09

- Reports being referred to were in public domain before application made to East Riding of Yorkshire Council
- Owners could have awaited outcome of flood alleviation programme as did other owners
- Applicant is using reports they ignored before their application
- Key issue is – would planning consent have been granted but for flooding? Previous applications refused as inappropriate in Gembling and outside development limits, unrelated to public transport network.
- Would set precedent
- As original house free of flooding should an application be made to demolish new dwelling?

Gembling House supports on grounds that existing cottage adds to the character of the village, and there is a lack of affordable homes in the area.

CASE ON BEHALF OF THE APPLICANT

- Village suffered from surface water flooding in 2005 and 2007.
- Flood alleviation scheme designed in 2008 and has been implemented
- Reduction in flood risk has occurred after planning condition put in place
- New open drainage ditch built at side of adjoining road.
- House is in flood zone 1. Flooding classed as low risk.
- Demolishing dwelling will not benefit adjoining dwellings re flood risk.
- Planning authority acknowledged that site in open countryside where new development controlled. Special justification put forward on flood risk grounds. FRA submitted.
- New dwelling complete. Extensions to it have been approved..
- Gembling is an attractive settlement and cottage is attractive. Loss could adversely affect character and amenity of locality. Would expose larger (new) dwelling to rear.
- Benefits of retaining cottage in streetscene terms outweigh benefits which would have occurred from its demolition. As no longer at risk of flooding greater weight should be attached to its retention.
- No adverse amenity issues for either dwelling if cottage retained.
- Demolition would undermine duty to demonstrate sufficient housing supply.
- When condition imposed it was reasonable etc. Special circumstances that justified a new dwelling in open countryside and influenced requirement for demolition have changed.

KEY ISSUES

- Policy Considerations – dwellings in open countryside
- Drainage Issues

- Any other material considerations that would justify an exception to policy

OFFICER COMMENTS

Applications are to be determined in accordance with the Development Plan unless there are material considerations which indicate otherwise.

The National Planning Policy Framework (NPPF) is a material consideration which must be taken into account in planning decisions. If the NPPF contains policy guidance that is relevant to this application, the report below will explain this, and consider the extent to which development plan policy is consistent with the NPPF and the weight to be given to that policy. For 12 months from the date of publication of the NPPF full weight may still be given to relevant development plan policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The RSS falls into this category. For policies in the JSP and the Local Plan due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

It is the Government's clear policy intention to revoke the Regional Spatial Strategy subject to the outcome of the environmental assessments that are currently being undertaken. Until it is abolished the RSS remains part of the development plan although the intention to abolish the RSS can be treated as a material planning consideration with the weight to be attached to this intention being a matter for the decision maker.

Policy Considerations

Gembling is a small hamlet that does not have a development limit in the East Yorkshire Borough Wide Local Plan (EYBWLP). This is echoed in the Draft East Riding Local Plan (ERLP) which was approved for consultation purposes in December 2012 and can now be afforded some weight. In planning terms Gembling is in the open countryside where most forms of development, and in particular new dwellings with no agricultural justification, are resisted. The NPPF is also clear in this approach to protecting the countryside and steering development into appropriate and sustainable locations, and specifies when new homes in the countryside may be acceptable (paragraph 55). The position taken in the EYBWLP and the Draft ERLP are fully consistent with this approach. Removal of the condition would therefore result in planning permission effectively having been granted for an extra new dwelling that would be wholly in conflict with local and national planning policy aimed at protecting the countryside.

Planning policy does however recognise that, for whatever reason, dwellings in the countryside may need to be replaced. The original application was therefore assessed against Policy H4 of the EYBWLP which allows replacement of existing dwellings. It states:

“Proposals for the replacement of an existing dwelling in the open countryside will be permitted where they form part of a group of houses. Elsewhere proposals will only be permitted where the previous residential use has not been abandoned. In all cases, proposals will only be acceptable where they are of a similar size to the existing dwelling to be replaced and will be of a design and character to reflect the surrounding area.”

The key issue here is that policy does not require that any specific justification must be given in order to seek consent for a replacement dwelling. Planning permission would

have been granted for a replacement dwelling irrespective of the flooding issue. The flooding issue only had a bearing on allowing the new dwelling being sited on higher ground. Importantly the policy does not stipulate that dwellings must be sited on or close to the footprint of the existing dwelling, although in practice this tends to be the case.

The 28 day period for demolition was to allow the applicants to continue to live in the original dwelling until the replacement was complete, but then to ensure demolition took place within a reasonably short period of time.

The Council were satisfied at the time of consent that the new dwelling was an appropriate size and design, and would be a suitable replacement that overall would be in keeping with the appearance of the area.

Drainage

The issue of flooding is irrelevant in considering this application, as it had no bearing on the principle of allowing the new dwelling. The flooding problems at this site only affected the siting of the replacement dwelling on higher ground. Nevertheless, as the matter has been raised by the applicant the background to the drainage issues are explained below.

The application for the replacement dwelling made in 2008 followed pre-application advice given to the applicant after flooding of Green Close Cottage from localised surface water. The applicants had already obtained permission for, but not built, extensions to the cottage. The advice given was that a replacement dwelling of the size proposed would be acceptable taking into account the approved extensions. The proposed siting of the replacement dwelling on higher ground was justified, quite reasonably on the basis of flooding.

The applicants would have been fully aware of the proposed flood alleviation works as these were being discussed prior to commencement of work on the new dwelling. Although they depended on an application under the Commons Act, it is clear that discussions and works were progressing at the time of the application and certainly at the time of commencement of the dwelling in June 2009. It is certainly unclear why the applicants chose to continue with work at the same time that drainage works were being undertaken directly opposite their home. Shortly after starting work the drainage improvements were completed, so the applicants could have ceased work on the new dwelling at that stage, before incurring substantial costs, but instead chose to continue. Indeed, works have continued until the present, and the applicants have even commenced construction of an extension to the new dwelling, approved last year.

Other Material Considerations

It should be recognised that removing this condition would result in an additional new dwelling in the countryside outside a sustainable settlement, contrary to adopted policies and Government guidance. An alternative suggested by an objector, is that the applicants demolish the new dwelling if the flooding that initiated the original application is no longer a risk factor. Whilst there may be some sympathy for this view, because the applicants continued to build the new dwelling 'at their own risk', officers are not

recommending this course of action, because it would not be feasible or enforceable to frame a condition imposing a time scale for the demolition to take place.

The applicants now argue that the streetscene would be enhanced should the existing dwelling be retained. They state that the "benefits of retaining the cottage in streetscene terms outweigh benefits which would have occurred from its demolition in terms of flood risk". While it is recognised that the existing cottage is attractive and relates well to the streetscene, this was not considered to be an over-riding factor limiting development at the time of the original permission and the proposal was considered to satisfy the requirements of Policy H4.

In a similar way any shortfall in overall housing numbers would not be a justification for approving an additional dwelling in the open countryside.

CONCLUSION

It is considered that the condition was fairly and reasonably imposed, on the understanding that permission was being granted for a replacement, not an additional dwelling. The applicants embarked on building the new dwelling, and continued to complete the new dwelling, in the full knowledge that works were being undertaken to resolve the flooding issues. As granting permission for replacement dwellings in the circumstances of this case did not and does not depend on there being a flooding problem, releasing the applicant from their obligation would set a dangerous precedent, and undermines the policy approach towards allowing genuine replacement dwellings. Approval to the variation of this condition would result in an additional dwelling in the open countryside which would be contrary to adopted and emerging policies and Government guidance that aim to limit new development in the open countryside. It is considered that there are no material considerations that would justify an exception to this approach.

HUMAN RIGHTS ACT 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

RECOMMENDATION

That the application be **REFUSED** for the following reason:

1. Condition 2 was included at the time of the approval under reference no 08/02530/PLF to ensure compliance with Policy H4 of the East Yorkshire Borough Wide Local Plan and other policies of restraint, notably Policies EN1 and EN2 of the East Yorkshire Borough Wide Plan that aim to control new housing development in the open countryside. The consent in 2008 was justified only on the basis of it being for a replacement dwelling. The removal of the condition would result in an additional new dwelling in the open countryside thereby being contrary to Policies EN1, EN2 and H4 of the East Yorkshire Borough Wide Local Plan, Policy S4 D of the Draft East Riding Local Plan and guidance in the National Planning Policy Framework, in particular paragraph 55.

East Yorkshire Borough Wide Local Plan

Policy EN1

"Subject to consideration against all relevant development plan policies proposals will be permitted where they are within defined development limits unless they would result in harm to, or loss of, site considered important to the character and amenity of the surrounding area. Development within these limits shall be sited, designed and landscaped so as not to harm the appearance of the area.

Proposals outside these areas will be treated as development in the open countryside."

Policy EN2

"Proposals acceptable in the open countryside under other plan policies will be permitted where in terms of siting, layout, design and landscaping they:-

1. Avoid the loss of the best and most versatile agricultural land; and
2. Will not harm the character of the surrounding area; and
3. Safeguard sites and features considered important for their landscape, amenity or historical value; and
4. Safeguard nature conservation interests; and
5. Will not harm the landscape setting of settlements."

Policy H4

"Proposals for the replacement of an existing dwelling in the open countryside will be permitted where they form part of a group of houses. Elsewhere proposals will only be permitted where the previous residential use has not been abandoned.

In all cases, proposals will only be acceptable where they are of a similar size to the existing dwelling to be replaced and will be of a design and character to reflect the surrounding area."

Draft East Riding Local Plan Policy S4 D:

Supporting development in Villages and the Countryside

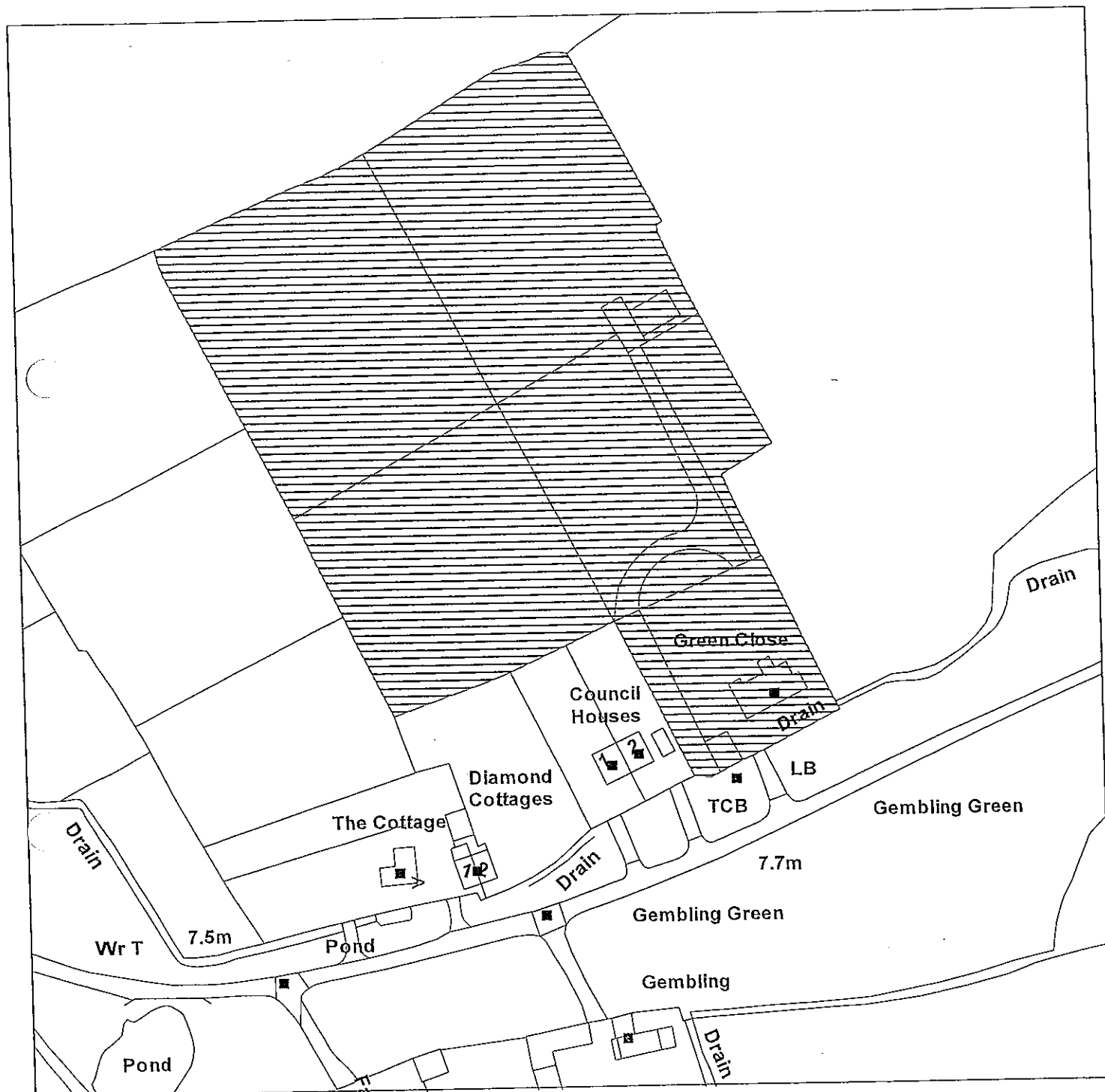
D. Outside of a development limit, land will be regarded as the Countryside and the following forms of development encouraged, where proposals respect the intrinsic character of their surroundings:

1. Conversion of buildings for economic development (including work-live units), tourism, community or residential uses. Conversions for new housing will be supported where the preservation of the building would enhance the immediate setting and where it:
 - i. would represent the optimal use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset; or
 - ii. would re-use a redundant or disused building.

The recommendation is based upon established and important principles of planning policy. If the Committee wishes to come to a contrary decision it should do so in the form of a recommendation to the next available meeting of the Planning Committee.



Committee Plan



Scale : 1:1250



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Organisation	Not Set
Department	Not Set
Application	12/04559/VAR
Date	24 January 2013
SLA Number	Not Set



drug no. MOI / 541 / 08

REPORT TO EASTERN AREA PLANNING SUB-COMMITTEE

COMMITTEE DATE: 4 February 2013

PARISH: Aldbrough Parish Council

WARD: Mid Holderness

APPLICATION NUMBER: 12/04689/PLF

APPLICATION TYPE: Full Planning Permission

DESCRIPTION: Change of use from an existing dwelling (Class C3) to form a residential care home (Class C2) at The Cedars Hull Road Aldbrough East Riding Of Yorkshire HU11 4QR

APPLICANT: Dr Bunting

DATE RECEIVED: 3 December 2012

RECOMMENDATION: Approve

INTRODUCTION

This application seeks full permission for the change of use of an existing residential dwelling (use class C3) to form a residential care home (use class C2) at The Cedars, Hull Road, Aldbrough. The site is located to the south of the main body of the village, outside the current development limits and is therefore considered to be in open countryside. The property is a large detached dwelling set in substantial grounds, set well back from the main road. Access is via an existing private driveway, which would remain unchanged. The site is located within Aldborough Conservation Area and there are a number of trees within the site that are protected with a Tree Preservation Order (TPO).

It is proposed that the care home would be occupied by people who are not able to look after themselves as they have an intellectual disability and require full-time care. The application proposes that there would be 3 members of staff on site during the day and 1 member of staff overnight. The agent has provided a further supporting statement to clarify the proposal and has stated that the proposed residents would be at the very mild end of learning disability who are just incapable of independent living, and should therefore be entitled to a "normal" family life. The proposed staffing level would be open to review and additional staff could be employed where necessary.

This application is reported to Committee due to a request from Councillor Grove and as the Parish Council have raised a strong objection to the application.

PLANS AND ILLUSTRATIONS

Appendix 1 – Location Plan

Appendix 2 - Existing and Proposed Site Layout Plans

Appendix 3 - Existing Floor Layout Plans

Appendix 4 - Proposed Floor Layout Plans

KEY PLANNING POLICIES AND GUIDANCE

The Development Plan for the area comprises the Regional Spatial Strategy, Joint Structure Plan, and the Holderness District Wide Local Plan.

Regional Spatial Strategy

YH6 Local Service Centres and Rural Coastal Areas

YH7 Location of Development

ENV11 Health, Recreation and Sport

Joint Structure Plan

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

SP5 Development proposals should achieve a high standard of design

ENV6 The setting, character or appearance of strategically important buildings, features and historic/architectural areas should be protected and where possible enhanced.

Holderness District Wide Local Plan

G2 Sustainable Location of Development

G6 Design of New Development

G7 Planning and Design Considerations

Env2 Trees & Hedgerows

Env24 Development in Conservation Areas

Env25 Conservation Areas - Design Considerations

Env33 Important Open Area Within or adjacent to Settlements

Cf1 Retention and Creation of Community Facilities

Cf2 Community Facilities

Cf4 Residential Care Homes Location

Cf5	Residential Care Homes
Cf6	Care Homes - Conversions - open space
Tr7	Car Parking
U9	Drainage
U10	Run-Off

Draft East Riding Local Plan

ENV1	Integrating High Quality Design
ENV2	Promoting a High Quality Landscape
ENV3	Valuing our Heritage
C2	Supporting Community Services and Facilities

National Planning Policy Framework

Section 72 of Planning (Listed Building and Conservation Areas) Act 1990 - Special regard to the desirability of preserving or enhancing the Conservation Area.

RELEVANT PLANNING HISTORY

None directly relevant to this application.

CONSULTATION REPLIES

Parish
Council

1st Response

No objection, although there are concerns as to the potential impact of the proposal on the community, especially the young and the vulnerable.

- The Parish Council is concerned in respect of the level of staffing and what degree of threat or alarm the proposed residents present to the people of Aldborough.
- The site is close to a busy road, what steps are to be taken to ensure that the vulnerable residents do not wander onto the road and create a danger to themselves and other motorists.

2nd Response

Following a further Parish Council meeting in respect of the proposal the Parish Council Strongly object to the application for the following reasons:

- The applicant can give no assurances that the proposed residents would be at the mild end of learning disability and accepted that teenagers in other care homes who attained the age of 18 could be allowed as residents.
- It would be totally unacceptable to have the potential for seven young men with learning difficulties to be housed together in what could never be a secure environment under the present provisions of Class C2
- The overwhelming feeling from all the residents in the village is that the residents of the care home would be capable of causing alarm or distress to the small community and do not feel that Aldbrough is a place that can accommodate people with special needs
- There are no facilities near to hand, public transport is minimal and there will be no benefit to the village and would be more suited to a larger urban conurbation.
- In recent years the village has been the subject of a number of contentious enterprises and we seek the support of the Planning Committee

Highway
Control

No objections - The site is within a 30mph speed limit and is served by an existing vehicular access from Hull Road. There is a footway leading from the site entrance towards the village and there is space within the curtilage for the parking, loading, manoeuvring of vehicles. A condition is recommended to ensure that these facilities are provided and retained

Conservation
Officer

The site is located within Aldborough Conservation Area, therefore the LPA must have special regard to the desirability of preserving or enhancing the character and appearance of the area.

The Cedars is a 20th Century dwelling probably built around the 1930's, all the proposed changes to the building would be internal and the appearance would not be altered. The addition of the 3 gravelled parking spaces would not significantly affect the setting of the site which is well secluded by a mature tree belts.

The proposal would have a neutral impact, preserving the character and appearance of the Conservation Area. It is important that any signage at the entrance to the site is kept minimal and traditional in form and appearance. Some painted timber signs may require advertisement consent.

Trees and
Landscape
Section

The trees to the northern side of the driveway are protected by a Tree Preservation Order. The existing driveway is broken tarmac and there are no proposals in the application to alter this. The parking spaces for staff/visitors adjacent to the existing garage

outbuilding will not impact on any trees as the hardstanding is already in place. Any future alterations to the driveway or the area of hardstanding could impact on the health and/or stability of the trees. A condition is recommended to ensure that a method statement is submitted prior to any alterations to the hard surfacing or access and for any pruning works necessary to the trees to facilitate access

PUBLICITY

Neighbours/ Publicity

Letters of objection have been received from:

- Aldborough Hall, Hornsea Road, Aldborough,
- Long Leys, Hull Road Aldborough,
- 5 Hornsea Road, Aldborough
- 9 Elm Grove, Aldborough
- 4 Sandpits Lane, Aldborough
- 32 Church Street Aldborough
- Daisy Farm, Hornsea Road, Aldborough
- 21 Queensmead, Aldborough
- 4 anonymous letters (names provided but no addresses)

Raising some or all of the following points:

- The usual scenario is that children with behavioural problems and are persistent offenders are put in a quiet village and reap havoc on the village and the immediate neighbours. There is a similar home in Withernwick that has experienced similar problems
- Homes such as these are a massive drain on Police resources
- There is likely to be an increase in traffic and the access and entrance are only equipped to deal with a single flow of traffic and will therefore impact seriously on road safety in the area
- Houses like these should be placed in larger conurbations
- There will be an increase in the victims of crime locally should permission be granted and the fear of crime will increase disproportionately
- The proposal will not support economic growth and will not make a positive contribution to sustainability objectives
- The staffing levels are a concern with only one member of staff on duty overnight, and if passed will the Council guarantee the safety of our children
- The proposal will result in antisocial behaviour and will impact on Aldbrough
- The true nature of the proposal has been kept hidden so that it goes under the radar and it is believed that is not for elderly residents
- It is appalling that the nearby residents were not consulted
- A residential home for the elderly would be more appropriate
- There would be nothing for the residents to do during the daytime

CASE ON BEHALF OF THE APPLICANT

A supporting statement has been submitted with the application, the main points of which are summarised below:

- The proposal is for the change of use of a private dwelling to a care home which will be occupied by people that are not able to look after themselves as they have an intellectual disability and require full-time care. The care will be provided by 3 members of staff during the day and 1 member of staff overnight
- The existing building is suitable for the proposed use as it can be adapted to provide multiple bedrooms as well as a large open plan living area for the residents to enjoy. There is a large expanse of external amenity area that is maturely landscaped and will enable residents to remain cared for in the application site.
- The existing building is located outside the development limits but is adjacent to and therefore is felt to be sustainable within the settlement of Aldborough and will make a positive contribution towards sustainability objectives including the maintenance of local services, businesses and facilities in a rural area
- The development will provide employment opportunities as full-time carers will be required both day and night
- It is felt that the existing building is ideal for the type of development proposed as it will sustain the role of the settlement
- Aldborough is identified as a Primary Rural Service Centre in the Draft Strategy Document and although the site is outside the development limits the proposal is suitable in terms of meeting revised policy SS2 of this document
- Although the site is located adjacent to an important open area it should be noted that there are no alterations that would disturb this area
- There are currently 5 bedrooms in the property and it is proposed to create 7 bedrooms, the scale of the buildings is to remain as existing
- All the landscaping details are to remain as existing with the exception of 7 car parking spaces which are to cater for both the staff as well as the visitors
- Access to the site is to remain as existing and is gained to the east of the dwelling off Hull Road

KEY ISSUES

- Planning Policy Context
- Impact on Residential Amenity
- Design/Impact on Surrounding Area
- Impact on the Conservation Area
- Parking/Highway Safety
- Trees and landscaping
- Drainage/Flood Risk

OFFICER COMMENTS

Applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Planning Policy Context

The National Planning Policy Framework (NPPF) is a material consideration which must be taken into account in planning decisions. If the NPPF contains policy guidance that is relevant to this application, the report below will explain this, and consider the extent to which development plan policy is consistent with the NPPF and the weight to be given to that policy. For 12 months from the date of publication of the NPPF full weight may still be given to relevant development plan policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The RSS falls into this category. For policies in the JSP and the Local Plan due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

It is the Government's clear policy intention to revoke the Regional Spatial Strategy subject to the outcome of the environmental assessments that are currently being undertaken. Until it is abolished the RSS remains part of the development plan although the intention to abolish the RSS can be treated as a material planning consideration with the weight to be attached to this intention being a matter for the decision maker.

The Development Plan for the area comprises the Regional Spatial Strategy for Yorkshire and the Humber (RSS), the Joint Structure Plan for Kingston Upon Hull and East Riding of Yorkshire (JSP) and the Holderness District Wide Local Plan (HDWLP). The Draft East Riding Local Plan is also a material consideration.

Section 3 of the NPPF supports the sustainable growth and expansion of all types of businesses and enterprise in rural areas, promotes the development and diversification of agricultural and land-based rural businesses, supports sustainable rural tourism and leisure developments and promotes the retention and development of local services and community facilities.

Policies Cf1, Cf2, Cf4, Cf5 and Cf6 of the HDWLP are relevant to the proposal and seek to encourage the retention and creation of community services and to ensure that they are in the most appropriate location for their users. Proposals for residential homes should normally be located within residential areas of larger settlements, however could be located in rural locations if there is a need for such a facility and adequate facilities are made for on-site occupational facilities and there are transport links to nearby towns and villages. In addition to this, proposals for residential homes should have direct vehicular access to a publicly maintained highway, improved parking and access facilities, and such facilities should have adequate areas of private open space for the needs of residents.

Policy C2 (Supporting community services and facilities) of the Draft East Riding Local Plan seeks to retain or enhance existing services and facilities and seeks to prevent the loss of existing health, education and other facilities.

The site is located outside the development limits of Aldbrough to the south of the main body of the village, it is however, in close proximity to the village and access is from the main Hull Road. The property itself is located set back from the road in substantial grounds within the Conservation Area and there are a number of trees on the eastern and western boundaries and is therefore screened from public vantage points. The property is located adjacent to an area identified as an important open area within or adjacent to settlements (Env33 of the HDWLP). The proposal is for the change of use of the property to a residential care home and will not involve any alterations to the external

fabric of the house. The internal alterations will involve the creation of 7 bedrooms a communal dining/living area an office, disabled bathroom, 3 other bathrooms and utility room and kitchen. The care is to be provided by 3 members of staff during the day and 1 member of staff over-night. There is a large area of private garden surrounding the property that would be used by the residents.

Whilst the site is located outside the village development limits, it is located in close proximity to it. Aldbrough is classed as a Primary Rural Service Centre in the Draft East Riding Local Plan. There is a range of facilities within the village in the form of shops, public houses, other local businesses (including a caravan park), village hall and a primary school, and is therefore considered to be a suitable and sustainable location for the creation of a new residential care home. The site is within easy access of the larger settlements of Withernsea and Hull where a larger number of other services and amenities are available. The site is a good distance from neighbouring properties to the north and east and there is suitable and safe access to the site from the main road.

The proposal would provide a new community facility in the form of a residential care home to that is to be occupied by people that are not able to look after themselves as they have an intellectual disability and require full-time care. The property is not directly visible from the road frontage or other public vantage points due the fact that it is set back from the road and there are trees to the boundaries of the site. The proposal will not impinge on the existing open area adjacent to the settlement.

It is therefore considered that the proposal complies with policies Env11 of the RSS, Cf1, Cf2, Cf4, Cf5 and CF6 of the HDWLP, the advice contained in the NPPF and the Draft East Riding Local Plan in respect of community facilities and rural enterprises.

Impact on Residential Amenity

Policies G6 and G7 of the HDWLP require that development should not harm the character of the area, should be appropriately designed, sited and landscaped to minimise its visual impact, which can be attributed due weight as they remain relevant and in line with the advice contained within the NPPF.

Paragraphs 56 and 59 of Part 7 of the NPPF are relevant to this element of the proposal. Paragraph 56 places great importance on the design of the built environment, stating that good design is a key aspect of sustainable development, and require planning to always seek to secure high quality design and a good standard of amenity for all existing and future occupiers of land and buildings.

The dwelling itself is located over 100 metres from the closest residential properties to the north-east and east, and over 60 metres from the residential properties to the north-west. There are no residential properties to the south of the site as the site adjoins open fields. There are trees to the western and eastern boundaries of the site that provide good screening. There are no external alterations proposed to fabric of the building, the only alterations are to the internal layout to create additional bedrooms and communal living areas.

Objections have been received from the Parish Council, the Ward Councillor and a number of residents of the village raising concerns in respect of antisocial behaviour and an increase in crime. The proposed use is that of a care home (C2), which could be

occupied by a variety of different types of residents such as the elderly, intellectually disabled (both young and old) or adults, all whom may require different levels of care. In this case the applicant has advised that it is the intention that the residential care home would be occupied by people who are at the mild end of the learning disability spectrum who are incapable of independent living. The care home is seeking to provide its residents with some element of "normal family life" in an environment where they can be properly looked after.

The agent has stated that the staffing levels would be open to review, depending on the needs of the residents. It is not considered that there is any justification to conclude that the proposed residents would cause any "threat or harm" to the residents of Aldborough, or that their presence would result in an increase in crime or antisocial behaviour.

The property is located a good distance from the neighbouring properties and the issues of a potential increase in crime or antisocial behaviour are not considered to be an issue in this case despite the fears of local residents and the Parish Council. It is important that all people have the opportunity to live with a degree of independence wherever possible and this proposal would provide an additional facility in the area where this would be possible with the support of carers. The siting of the premises would also allow the occupants of the care home, whether they be young or old, some degree of integration into the existing community which would help enhance the diversity of the village in line with the aims of the NPPF.

Therefore, it is considered that the proposal would have an acceptable relationship with the neighbouring properties and would not have a detrimental impact on the visual and residential amenities of these properties and there is no evidence to suggest that it would result in antisocial behaviour or an increase in crime in the village.

Based on the above it is considered that the proposed development would have an acceptable relationship with the surrounding residential properties and would not harm the visual and residential amenities of the neighbouring properties. It is therefore considered that subject to the condition detailed above that the proposal is in accordance with policies SP5 of the Joint Structure Plan, G3 and G6 of the Holderness District Wide Local Plan, the guidance contained within Section 7 of the NPPF in respect of design and impact and the policies in the Draft East Riding Local Plan.

Design/Impact on Surrounding Area

Policies SP1 and SP5 of the JSP require that consideration should be given to historic street and development patterns; important skylines and views; valuable open areas within settlements; and important edges and settings to settlements as well as ensuring that development proposals respect local landscape and settlement character and should achieve a high standard of design that integrates visually and physically with its surroundings. Policies G6 and G7 of the HDWLP require that development should not harm the character of the area, should be appropriately designed, sited and landscaped to minimise its visual impact, which can be attributed due weight as they remain relevant and in line with the advice contained within the NPPF.

Paragraphs 17, 58 and 60 of the NPPF require new development proposals should seek to achieve a high standard of design, respond to the local character and history and reflect the identity of local surroundings and materials, and ensure that development is

visually attractive as a result of good architecture, and should seek to reinforce local distinctiveness.

The proposal seeks consent for the erection of the change of use of the property and there are no external alterations proposed. The property is screened from public vantage points and the main road by the existing trees on the boundaries, which would not be affected by the proposal.

Therefore, it is not considered that the proposal will have a detrimental impact on the character and appearance of the area, would not be visually prominent in the landscape and would not have a detrimental impact on the open nature of the surrounding land. The proposal is therefore considered to comply with policies SP1 and SP5 of the JSP and policies G6 and G7 of the HDWLP and the advice contained in Section 7 of the NPPF and the policies within the Draft East Riding Local Plan.

Impact on the Conservation Area

The site lies within the Conservation Area and therefore the Local Planning Authority must pay special regard to the desirability of preserving or enhancing the Area.

Regional Spatial Strategy policy ENV9 seeks to safeguard and enhance the historic environment and Joint Structure Plan policy ENV6 seeks to protect, and where appropriate enhance, the setting, character or appearance of strategically important buildings, features and areas of historic or architectural interest, which includes Listed Buildings and Conservation Areas. Policy ENV3 of the Draft East Riding Local Plan seeks to ensure that heritage assets are conserved, particularly those that contribute to the setting of Conservations Area, such as views, landscape settings and open spaces.

Local Plan polices Env24 and Env25 are also applicable to this development proposal. Policy E24 requires that proposals should preserve or enhance the Conservation Area and policy Env25 seeks to ensure that development proposals place special regard to such matters as bulk, height, material, colour, vertical or horizontal emphasis and design and safeguarding of views. The requirements of these policies are considered to be consistent with paragraphs 131 and 137 of the NPPF with regard to development in Conservation Areas and therefore due weight can be attached to their requirements.

The Conservation Officer has no objection to the proposal and has stated that the change of use will have a neutral impact as all the proposed changes are to the interior of the property with no external alterations taking place. The alterations to the gravelled parking area will not significantly affect the setting of the site which is secluded by the mature tree belts. Therefore, the proposal will preserve the character and appearance Of the Conservation Area.

In view of the above it is considered that the proposal would ensure that the character of the Conservation Area is preserved or enhanced, therefore complying with the aims and objectives of Section 72 of the Listed Buildings and Conservation Area Act 1990. The proposal is considered acceptable and in accordance with Paragraphs 58, 131 and 137 of the NPPF and policy ENV9 of the Regional Spatial Strategy, policies Env6, SP1 and SP5 of the Joint Structure Plan and G6, G7, Env24 and ENV25 of the Holderness District Wide Local Plan and the policies in the Draft East Riding Local Plan.

Parking/Highway Safety

Policy Tr7 of the Holderness District Wide Local Plan, policy SP5 of the Joint Structure Plan and Paragraphs 17 and part 4 of the NPPF require that new development proposals should provide adequate off-street car parking and servicing to meet the likely demand generated by the schemes in a manner which is convenient and will not affect the character or amenities of the surrounding area. In this case the development plan policies can be attributed due weight as they remain relevant and in line with the advice contained in the NPPF.

A number of objections have been received from the occupiers within the village as there are concerns that the proposal will result in problems of highway safety and access. The dwelling is currently accessed via an existing access off Hull Road, with a driveway leading up to the house. There are 7 parking spaces proposed within the curtilage of the site. It is not thought that the proposal would result in a significant increase in vehicular and pedestrian access to the site, and there is a footpath leading from the site into the village. There are no objections to the proposal from the Highway Control Officer, subject to a condition to ensure that the parking is provided and retained within the site.

Therefore, is it not considered that the proposal would have a detrimental impact on highway safety and the proposal is therefore in accordance with policies SP5 of the JSP, G2 and Tr7 of the HDWLP, the advice contained within the NPPF relating to safe and secure layout of new development and safe and suitable access for all and the policies in the Draft East Riding Local Plan.

Trees and Landscape

Policy Env2 of the Holderness District Wide Local Plan states that when considering proposals for new development, the Council will expect existing healthy trees and hedgerows to be retained so far as such retention is reasonably practical. The NPPF (core principles) supports development which contributes to conserving and enhancing the natural environment and promotes visually attractive development from, amongst other things, as a result of good landscaping. Policy Env2 of the Holderness District Wide Local Plan can be attributed due weight in the decision making process as it remains relevant and in line with the aims of the NPPF.

There are a number of trees within the site and on the boundaries, some of which are protected with a Tree Preservation Order. There are no alterations proposed to the access driveway and the only other alterations are to create parking spaces close to the existing garage. The Trees and Landscape Officer has commented that the alterations to the parking spaces would not impact on any trees. However, in view of the fact that there are protected trees within the site it is considered that a note should be added to any permission given to advise the applicant that should any alterations to the driveway be required in the future that do not require planning permission, it would be necessary to ensure that the trees on the boundary of the driveway are protected due to their TPO status.

Therefore, subject to an appropriate condition it is considered that the application is in accordance with policy Env2 of the HDWLP and the policies in the Draft East Riding Local Plan and the NPPF in respect of the protection of existing trees on and around the site.

Drainage/Flood Risk

Policy U9 of the HDWLP states that all new development should be served by mains drainage and in circumstances where this is not possible, small scale development may be permitted using private treatment provided the developer can demonstrate the suitability of this form of disposal to the satisfaction of the Local Planning Authority. Policy U10 of the HDWLP requires development proposals to be designed so as to avoid adverse impact on existing watercourses resulting from an increase in the rate of surface water run-off from the site. The NPPF (section 10) requires new development to be directed away from areas at highest risk of flooding but where development is necessary making it safe without increasing flood risk elsewhere and (section 11) requires new development to conserve the natural environment by preventing new development from contributing to unacceptable levels of soil or water pollution. Policies U9 and U10 of the HDWLP can be attributed due weight as they are consistent with the aims of the NPPF to prevent the risk of flooding and pollution by controlling the disposal of foul water and protecting groundwater.

The application does not propose any alterations to the existing drainage, which is via a connection to the main sewer for foul drainage and surface water currently discharges to an existing watercourse which are shown on the submitted plans.

The site does not lie within an area at risk of flooding, it is in Flood Zone 1; therefore, a Flood Risk Assessment is not required.

Therefore, based on the above it is considered that subject to a suitable condition, the development can be satisfactorily drained, and is not at an unacceptable risk of flooding and would therefore comply with policies U9 and U10 of the Holderness District Wide Local Plan, the policies in the Draft East Riding Local Plan and the policy contained within the NPPF relating to Flood Risk and drainage.

CONCLUSION

Whilst the site is located outside the village development limits, it is located in close proximity to it. Aldbrough is classed as a Primary Rural Service Centre in the Draft East Riding Local Plan. There is a range of facilities within the village in the form of shops, public houses, other local businesses (including a caravan park), village hall and a primary school, and is therefore considered to be a suitable and sustainable location for the creation of a new residential care home. The site is within easy access of the larger settlements of Withernsea and Hull where a larger number of other services and amenities are available. The site is a good distance from neighbouring properties to the north and east and there is suitable and safe access to the site from the main road.

The proposal would provide a new community facility in the form of a residential care home to that is to be occupied by people that are not able to look after themselves as they have an intellectual disability and require full-time care (although it could accommodate different types of residents within use class C2). The site is in a relatively accessible location accessible via walking, car, bike and public transport. The property is not the road frontage or other public vantage points due the fact that it is set back from the road and the substantial trees to the boundaries of the site.

It is not considered that the proposed change of use will harm the character and appearance of Conservation Area or the area as a whole, will not give rise to issues of highway safety/access or parking, will not impact on the existing trees within and adjacent to the site and will not harm the visual and residential amenities of the neighbouring properties or the village as a whole. The proposal is considered to be in accordance with the aforementioned policies of the development plan and the policy contained within the National Planning Policy Framework in all aspects.

HUMAN RIGHTS ACT 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

RECOMMENDATION

That the application be **APPROVED** subject to the following condition(s)

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.

2. No part of the development shall be brought into use until the vehicular access to it and the vehicle parking, loading, off-loading and manoeuvring facilities serving it have all been constructed in accordance with the submitted details and the vehicle parking, loading, off-loading and manoeuvring facilities shall thereafter be so retained.

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.

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

BUNTING 10 2012 1 - Floor Layout Plans as Existing
BUNTING 10 2012 2 - Proposed Layout Plans
BUNTING 10 2012 3A - Existing and Proposed Site Layout Plans

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/Agent:

Prior to the erection of any signage to the entrance of the site the applicant/agent is advised to contact the Local Planning Authority as any such signage may require separate advertisement consent.

Should any alterations be required to the driveway in the future that do not require planning permission it would be necessary to ensure that the trees on the boundary of the driveway are protected during any construction work in order to protect the future health and stability of these trees as they are protected via a Tree Preservation Order. For advice please contact the Council's Trees and Landscapes Section.

Relevant Planning Policies

Regional Spatial Strategy

YH6	Local Service Centres and Rural and Coastal Areas
YH7	Location of Development
ENV9	Historic Environment
ENV11	Health and Recreation

Joint Structure Plan

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.
ENV6	The setting, character or appearance of strategically important buildings, features and historic/architectural areas should be protected and where possible enhanced.

Holderness District Wide Local Plan

G2	Sustainable Location of Development.
G6	Design of New Development
G7	Planning and Design Considerations
Env24	Development in Conservation Areas
Env25	Conservation Areas - Design Considerations
Env33	Important Open Areas Within or Adjacent to Settlements
Cf1	Retention of Community Facilities
Cf2	Community Facilities
Cf4	Residential Care Homes - Location
Cf5	Residential Care Homes - Access
Cf6	Residential Care Homes: Conversions - Open Space
Tr7	Car Parking
U9	Drainage
U10	Run-Off

Draft East Riding Local Plan

ENV1	Integrating High Quality Design
ENV2	Promoting a High Quality Landscape
ENV3	Valuing our Heritage
C2	Supporting Community Services and Facilities

National Planning Policy Framework

Reason for Decision

Whilst the site is located outside the village development limits, it is located in close proximity to it. Aldbrough is classed as a Primary Rural Service Centre in the Draft East

Riding Local Plan. There is a range of facilities within the village in the form of shops, public houses, other local businesses (including a caravan), village hall and a primary school, and is therefore considered to be a suitable and sustainable location for the creation of a new residential care home. The site is within easy access of the larger settlements of Withernsea and Hull where a larger number of services and amenities are available. The site is a good distance from neighbouring properties to the north and east and there is suitable and safe access to the site from the main road.

The proposal would provide a new community facility in the form of a residential care home to that is to be occupied by people that are not able to look after themselves as they have an intellectual disability and require full-time care. The site is in a relatively accessible location accessible via walking, car, bike and public transport. The property is not the road frontage or other public vantage points due the fact that it is set back from the road and the substantial trees to the boundaries of the site.

It is not considered that the proposed change of use will harm the character and appearance of Conservation Area or the area as a whole, will not give rise to issues of highway safety/access or parking, will not impact on the existing trees within and adjacent to the site and will not harm the visual and residential amenities of the neighbouring properties or the village as a whole. The proposal is considered to be in accordance with the aforementioned policies of the development plan and the policy contained within the National Planning Policy Framework in all aspects.

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





Site Plan

Can be used for Planning and Building Control purposes only.



Scale : 1:2500

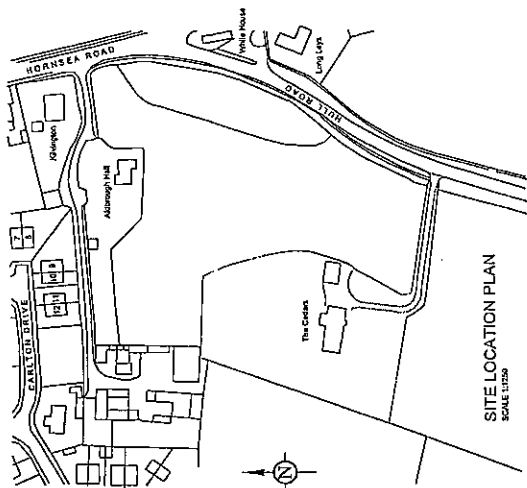


EAST RIDING
OF YORKSHIRE COUNCIL

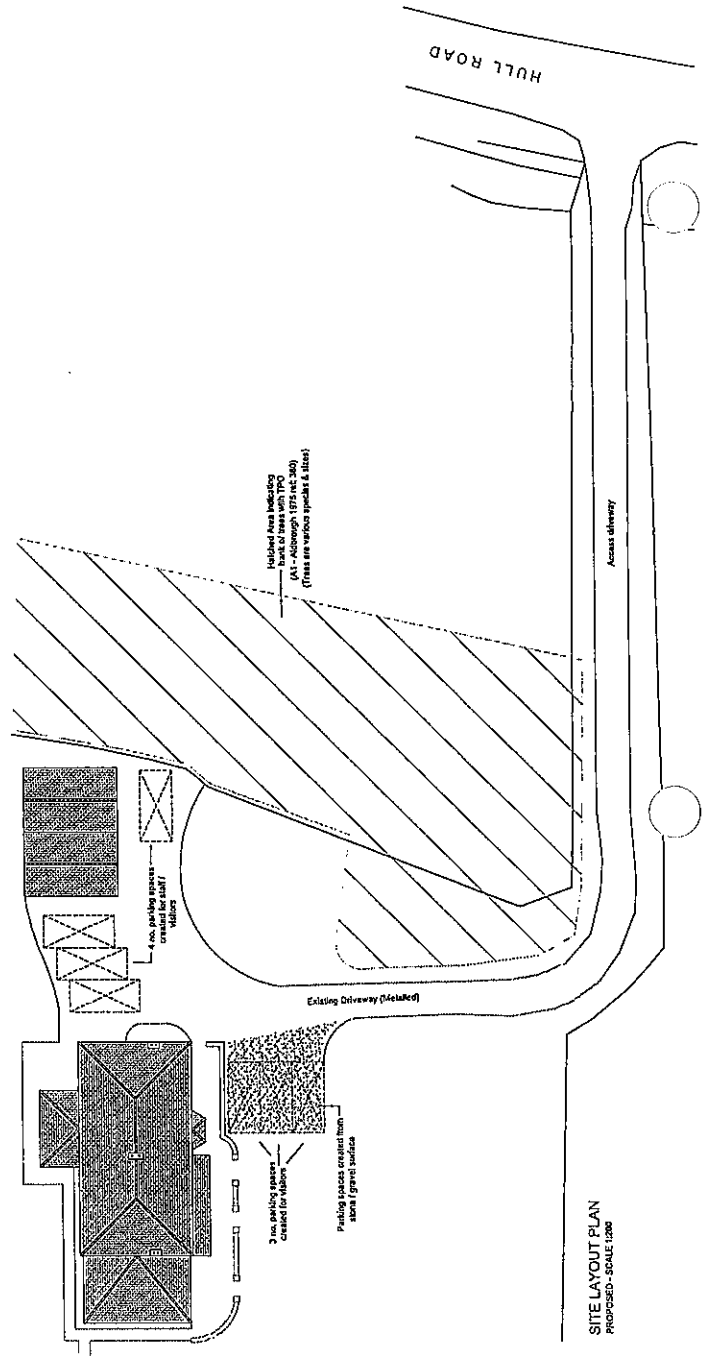
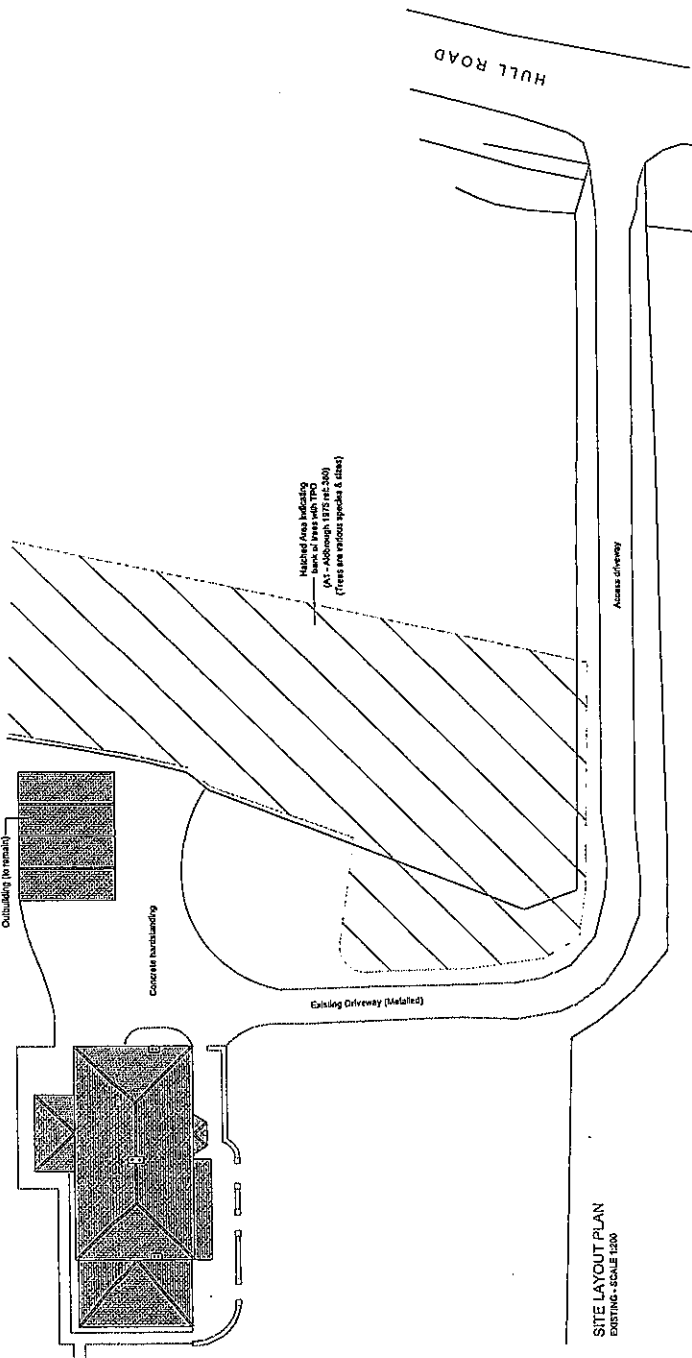
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Organisation	East Riding of Yorkshire Council
Department	Planning and Development Management
Application	12/04689/PLF
Date	21 January 2013
SLA Number	100023383

LOCATION PLAN PRODUCED FOR APPLICATION PURPOSES ONLY



SITE LOCATION PLAN
SCALE 1:1250



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PRELIMINARY
2020

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ARCHITECTURAL SERVICES

COMMERCIAL AND RESIDENTIAL BUILDING DESIGN
TOWN PLANNING & BUILDING REGULATION APPLICATIONS

CLIENTS NAME
DR BUNTING

CLIENTS ADDRESS
THE CEDARS
HULL ROAD
ALDEROUGH
HU11 4QR

PROJECT ADDRESS
AS ABOVE

PROJECT DETAILS
CHANGE OF USE FROM AN EXISTING DWELLING
(CLASS C3) TO FORM A RESIDENTIAL HOME (CLASS C2)
SITE LAYOUT PLANS AS EXISTING
AND PROPOSED / SITE LOCATION PLAN

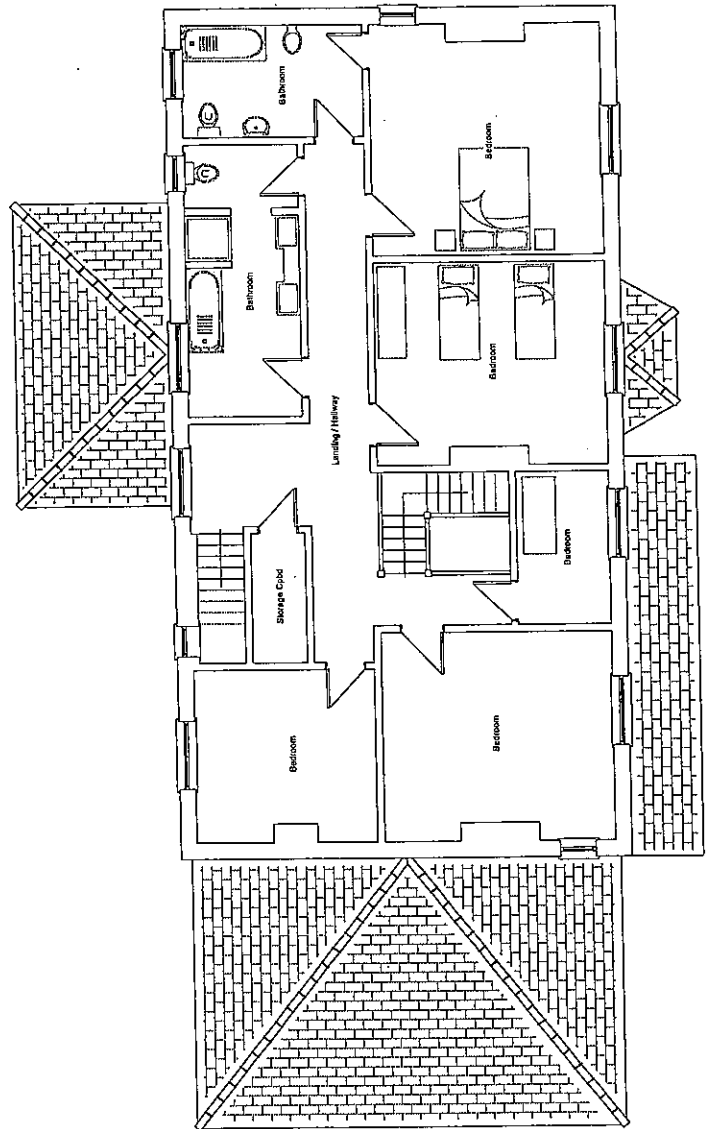
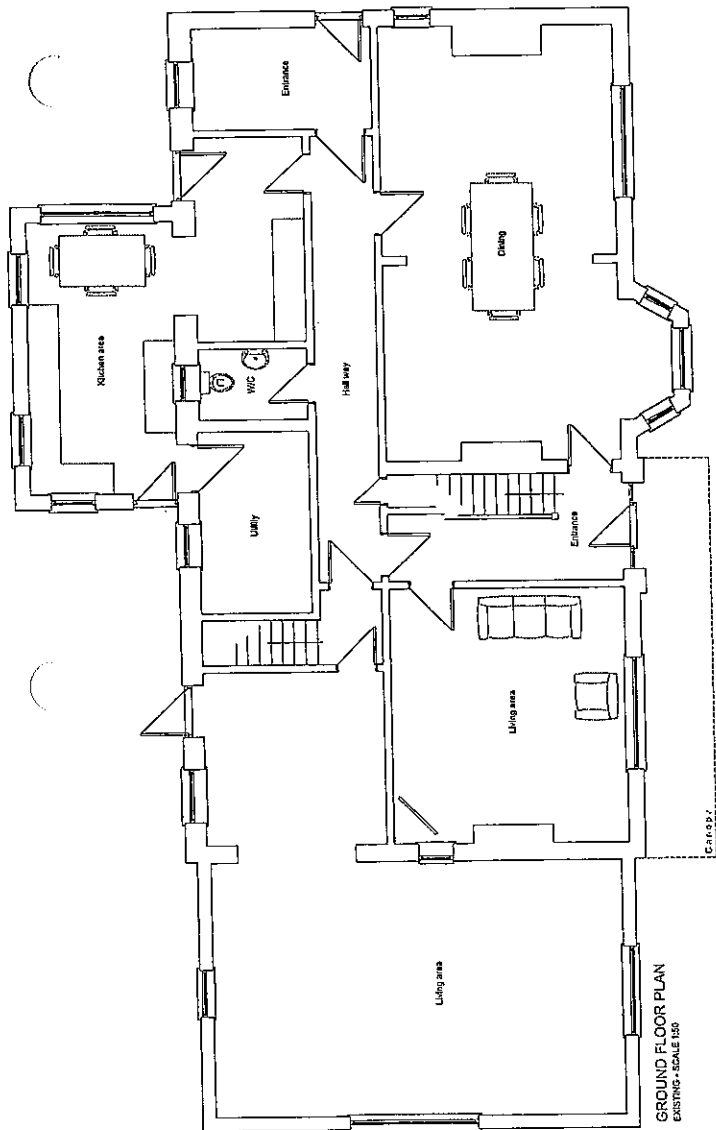
AMENDMENTS
DRAWING No.
3A (5.12.12) Amended for DC
BUNTING 10 2012 3A

STATUS
PLANNING

SCALE
1:200 / 1:1250

DRAWN BY
MSD

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ARCHITECTURAL SERVICES

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TOWN PLANNING & BUILDING REGULATION APPLICATIONS

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HU11 4QR

PROJECT ADDRESS

AS ABOVE

PROJECT DETAILS

CHANGE OF USE FROM AN EXISTING DWELLING
(CLASS C3) TO FORM A RESIDENTIAL HOME (CLASS C2)

FLOOR LAYOUT PLANS AS EXISTING

AMENDMENTS

DRAWING NO.

BUNTING 10 2012 1

STATUS

PLANNING

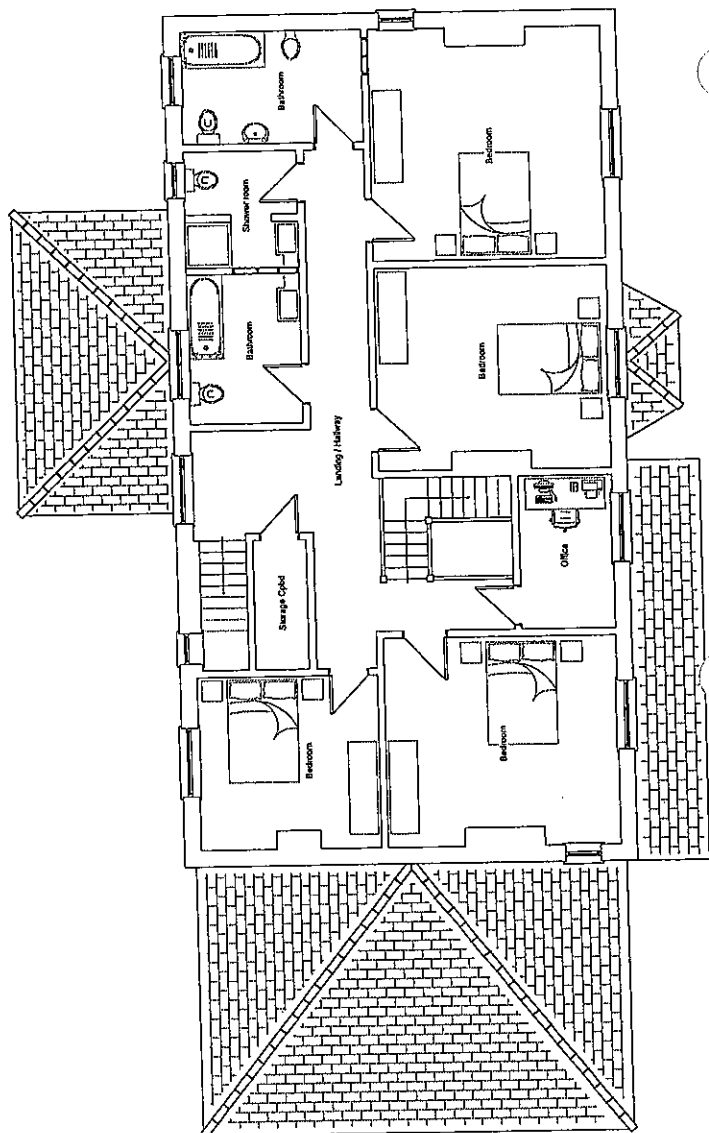
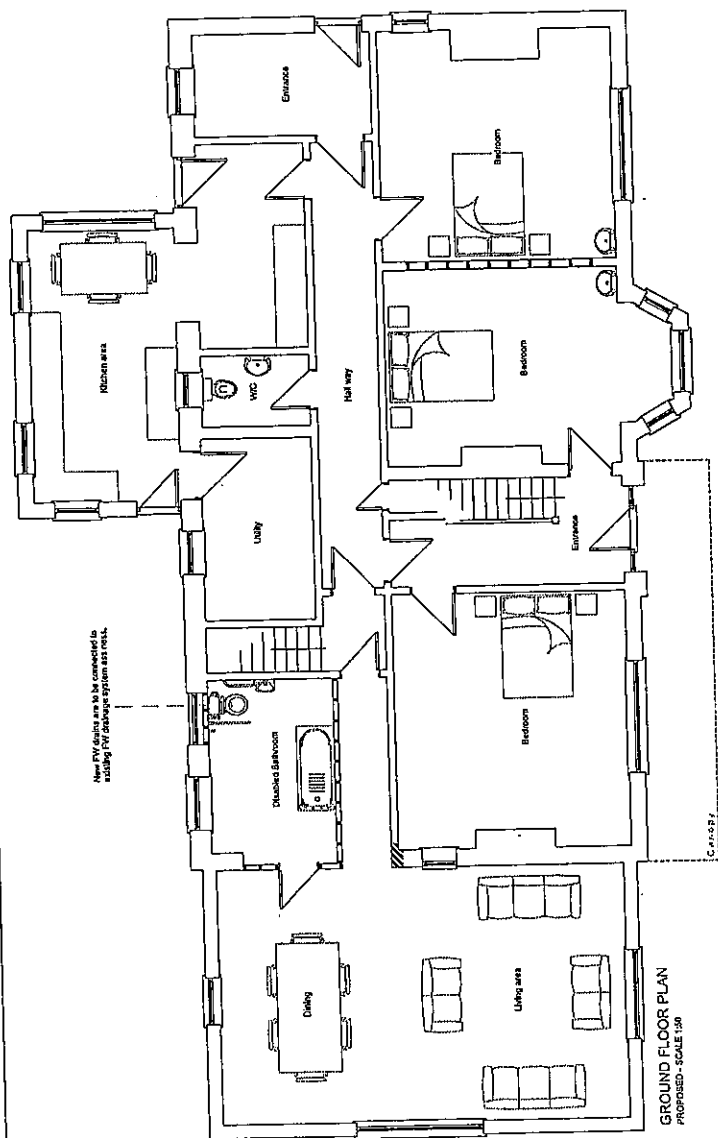
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ARCHITECTURAL SERVICES

COMMERCIAL AND RESIDENTIAL BUILDING DESIGN
TOWN PLANNING & BUILDING REGULATION APPLICATIONS

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PROJECT ADDRESS

AS ABOVE

PROJECT DETAILS

CHANGE OF USE FROM AN EXISTING DWELLING
(CLASS G3) TO FORM A RESIDENTIAL HOME (CLASS C2)
FLOOR LAYOUT PLANS AS PROPOSED

AMENDMENTS

DRAWING No.

BUNTING 10 2012 2

STATUS

PLANNING

SCALE

1:50

DRAWN BY

MSD

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REPORT TO EASTERN AREA PLANNING SUB-COMMITTEE

COMMITTEE DATE: 4 February 2013

PARISH: Skipsea Parish Council

WARD: East Wolds And Coastal

APPLICATION NUMBER: 12/04920/REG3

APPLICATION TYPE: Regulation 3 - Development by Council

DESCRIPTION: Erection of 6no. affordable dwellings at Land North Of 26 Mill Lane Skipsea East Riding Of Yorkshire YO25 8SP

APPLICANT: East Riding Of Yorkshire Council

DATE RECEIVED: 10 December 2012

RECOMMENDATION: Approve

INTRODUCTION

This application seeks full planning permission for the erection of three pairs of semi-detached houses facing Mill Lane, on the northern edge of the village of Skipsea.

The site presently forms part of an agricultural field and is located outside but contiguous with the defined development limits of Skipsea.

The proposal would continue as part of an existing linear residential development on the west side of Mill Lane.

There is a substantial field edge hedgerow along the front boundary fronting Mill Lane, which will be removed to allow development to take place.

PLANS AND ILLUSTRATIONS

Appendix 1 - Site Location Plan.
Appendix 2 - Site Layout Plan.
Appendix 3 - Elevations
Appendix 4 - Contextual Site Sections

KEY PLANNING POLICIES AND GUIDANCE

Regional Spatial Strategy

H4 The Provision of Affordable Housing

Joint Structure Plan

SP5 Development proposals to achieve high standard of design.

East Yorkshire Borough Wide Local Plan

EN2 Open Countryside

EN14 Landscape Features

H6 Affordable Housing in the Rural Areas

TM6 Accessibility to Development

TM7 Car Parking

National Planning Policy

Draft East Riding Local Plan – H2(C). – Providing Affordable Housing

CONSULTATION REPLIES

Skipsea Parish
Council

Strongly object:

The proposed development site should be looked at to provide bungalows for the elderly/disabled, as there are only 4 council bungalows in the village. There has been local news stations that state East riding Council are lacking in providing accommodation for disabled persons, according to the flood risk assessment there is no risk of flooding of the proposed site which would be an ideal site to provide elderly/disabled homes. This would also provide homes for local people who may want to move out of Council houses and therefore free up 2/3 bed accommodation.

The new properties would be more cost efficient regarding heating – with less garden area to maintain. (How much does East Riding Council spend in supplying stair lifts/wet rooms/alternative bathing for elderly/disabled people – when ground floor purpose built accommodation could be built on the Mill lane site.

The site slopes to the west/rear of proposed development – it has to be noted that part of the field slopes toward he Bridlington Road. In approaching the village from Ulrome during the recent bad weather, standing water has covered the left hand side carriageway in two areas, if there is surface water dispersal from the site will this increase the risk. There has been standing water on the main road adjacent to the village green, further along near to Cross Street and Hornsea Road. Yorkshire Water state that the combined sewer does not have the capacity to accept discharge of surface water from the site. Foul water disposal requires looking into as according to other proposed plans fro development within the village it was stated that there was no more capacity for same. The pumping station on

Beeford Road has been under water during the 2007 floods and recent 2012 floods – the discharge overflow from the pumping station discharges into the adjacent dyke/watercourse of Barmston Drain. farmers or landowners allowed this to happen they would be prosecuted.

Other areas of concern are that the flood risk assessment mentions that the shallow ditch on Mill Lane where the proposed development is planned was dry in November 2012 – this is not always the case and this requires checking.

Speed limit – requires to be extended to beyond Mill House – Skipsea Sands have applied for 12 month occupancy use – therefore this will increase the volume of traffic on an already narrow country lane with two bad bends, which have been the scenes of vehicles coming off the road.

Highway Control

Mill Lane is a relatively lightly trafficked highway and consequently there are no capacity issues with the proposal. The horizontal alignment (bend) helps reduce vehicle speeds travelling south towards the village centre yet the lane has sufficient width to accommodate two way movements for the vast majority of vehicles that use the lane – motor cars.

The proposed dwellings will gain access and egress onto and off Mill Lane via vehicular crossings that have the required width and visibility splays commensurate with the site location, use and proposed amended road speed.

Parking for at least two vehicles within each plot will be provided, together with a turning facility for Plot 6 due to the plots location close to the bend in Mill Lane allowing entry onto the highway in a forward gear.

Trees and Landscape Section

No objections in principle. Planning conditions advised.

Yorkshire Water Services Limited

Yorkshire Water has no objection in principle to the proposed separate systems of drainage on site and off site, the proposed amount of domestic foul water to be discharged to the public combined water sewer, or the proposed point of discharge of foul water to the respective public sewer. Conditions should be attached in order to protect the local aquatic environment and YW infrastructure:

Beverley And North Holderness Drainage Board

Where possible, the risk of flooding should be reduced and that, as far as is practicable, surface water arising from a developed site should be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development.

Nature Conservation Officer (Biodiversity)

No objections. Subject to compliance with the mitigation and enhancement strategies recommended in the report, there is unlikely to be a significant impact on protected or notable species resulting

from this scheme. Advise that these recommendations should be imposed by way of a planning condition.

Humber Archaeology Partnership Whilst the application site lies within an area of archaeological interest, the nature and scale of these proposals would not appear to adversely affect any below-ground archaeological deposits.

PUBLICITY

Neighbours/ Comments have been received from the following addresses;
Publicity

- Mill Farm, Mill Lane, Skipsea x 2
- Mill House, Mill Lane, Skipsea

Matters raised include;

- The present plan will dwarf the two bungalows at 25 & 26 Mill Lane.
- Six new bungalows would complement the two existing bungalows
- More consideration needs to be given to affordable housing in the form of bungalows.
- The development needs a wider road width.
- Consideration should be given to putting a 30mph speed limit.
- Provision needs to be made for the ditch which takes water from the farm fields.

CASE ON BEHALF OF THE APPLICANT

The site is the southeast corner of an agricultural field at the northern end of the village.

Mill Lane is an unclassified road which gives access to Skipsea Sands Holiday Park. Traffic restrictions and controls stop access to Ulrome from this route. Main Street (B1242) is 200m away and the main road through the village. The village has facilities which cater for everyday living without the need to travel to neighbouring towns. Shops and amenities include places of worship, general store, post office, newsagent and public house. Skipsea Primary School is on Hornsea Road. The district doctor's surgery is in neighbouring Beeford.

The existing properties to the south of the site are semi-detached affordable / social houses. These are predominantly two storeys but the site's immediate neighbours is a pair of semi-detached bungalows.

The authority has identified a need for additional affordable housing within the immediate area of the site. The scale and type of housing reflects the identified need and the site conditions. The form of development has regard to the rural setting and is a logical extension to the village envelope.

Government policy supports the release of land to provide affordable housing to meet local needs in rural areas providing there is an identified community need for affordable housing based upon a comprehensive assessment of local housing need.

The initial and successive occupancy of rural exceptions housing will be regulated to ensure availability in perpetuity for identified needs, if necessary by a planning obligation or a planning condition. It is important that rural exceptions housing remains affordable. The housing if permitted by this application will be subject to established arrangements of the authority and intended to ensure initial and successive occupancy by local people in housing need.

The design is simple and modest in keeping with the local character. The land being considered for this development is classed as Grade 3 (*good to moderate quality agricultural land*) on Natural England's Agricultural Land Classification – Provisional (England).

Environmental considerations have been taken into account and important interests must not be prejudiced. Alternative potential development sites within the locality have been explored, but unfortunately the Authority does not have access to sufficient land. Therefore, it is considered that this land is appropriate for the proposed development under the local planning policy.

KEY ISSUES

- Policy Position
- Design
- Highways
- Flood risk
- Landscape Features

OFFICER COMMENTS

Policy Position

Applications are to be determined in accordance with the Development Plan unless there are material considerations which indicate otherwise. The Development Plan for the area comprises the Regional Spatial Strategy, Joint Structure Plan, and the East Yorkshire Borough Wide Local Plan. The Council has produced its Draft East Riding Local Plan (ERLP) which was approved for public consultation by Cabinet on the 11th December 2012, and therefore policies within that document carry due weight and require consideration.

The National Planning Policy Framework (NPPF) is a material consideration which must be taken into account in planning decisions. If the NPPF contains policy guidance that is relevant to this application, the report below will explain this, and consider the extent to which development plan policy is consistent with the NPPF and the weight to be given to that policy. For 12 months from the date of publication of the NPPF full weight may still be given to relevant development plan policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The RSS falls into this category. For policies in the JSP and the Local Plan due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

It is the Government's clear policy intention to revoke the RSS subject to the outcome of the environmental assessments that are currently being undertaken. Until it is abolished the RSS remains part of the development plan although the intention to abolish the RSS can be treated as a material planning consideration with the weight to be attached to this intention being a matter for the decision maker.

Affordable Housing

RSS policy (H4), recognises that the region needs to increase its provision of affordable housing, to address the needs of local communities.

The National Planning Policy Framework (NPPF) makes clear that, amongst other matters, Local Planning Authorities should be responsive to local circumstances and plan housing development (evidence based) to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.

The EYBWLP policy EN2 sets out the criteria for development in the open countryside acceptable under other plan policies. Policy H6 permits residential development on sites outside the development limits of a settlement where the proposal would meet an identified need for affordable housing in the locality which could not be met in any other way. It makes clear that suitable arrangement should be made to ensure that the benefits of the scheme will be available in perpetuity.

The Draft ERLP policy H2(C) supports the use of rural exception sites for affordable housing adjacent to the development limits of a village, where this meets an identified local need for the type and scale of development, are of a scale and design that is appropriate to the role, character and appearance of the settlement and provide for a 100% affordable housing.

The Council have undertaken a Strategic Housing Market Assessment (SHMA) 2011 across the Authority area. Need for additional affordable housing in Skipsea is identified in the SHMA, with further evidence drawn from the Council's Housing Register and turnover in the existing council owned homes in the village.

The SHMA found that a further nine affordable homes were needed in the village of Skipsea over the five year period from 2011 - 2016, with the majority of these being smaller dwellings to meet general rather than older people's housing needs. At the beginning of April 2012 there were 19 households on the Council's Housing Register who gave Skipsea as their first choice location for re-housing, with 10 being general need and nine being older or disabled households.

There are currently 29 affordable rented homes in Skipsea with 20 belonging to the Council and nine to a housing association with whom the Council has a nomination agreement for 50% of vacancies. There are only four two bedroom houses, all of which belong to the housing association.

Turnover is limited in the Council's stock of 16 three-bedroom houses and four bungalows: only five properties were re-let between April 2010 and December 2012: two houses and three bungalows.

The addition of six two-bedroom houses to the Council's housing stock will help it to

meet the need for affordable, smaller family homes in the village. This need is likely to increase when the welfare reforms relating to under-occupation of social rented homes take effect and families seek opportunities to down-size to properties.

While Skipsea Parish Council see this as an ideal site for bungalows to provide elderly/disabled homes, this does not address the general needs as identified in the SHMA, evidence drawn from the Council's Housing Register, or the opportunity for families who will seek to down-size as a result of the welfare reforms.

Design

The proposal includes three pairs of two storey semi-detached dwellings running parallel to Mill Lane. The dwellings are set back from Mill Lane in line with the existing bungalows to the south to provide front gardens and off street parking for two cars. Rear gardens of a size commensurate to the style and proposed use of the dwellings has been provided.

The only existing residential property likely to be affected is the direct neighbour to the south 26 Mill Lane. That immediate neighbour forms one half of a pair of semi-detached bungalows. The distance between 26 Mill lane and the first proposed two storey dwelling is some 18m which is more than adequate to ensure that there will not be a negative impact on the amenities of that dwelling.

Beyond the bungalows are more semi-detached two storey dwellings and consequently, the proposed dwellings will not look out of place in this setting.

It is therefore considered that the proposed development complies with the design requirements set out in the EYBWLP and JSP (SP5), which are consistent with the design objectives set out in the NPPF.

Highways

With regards to highways, some concern has been raised with regard to traffic on Mill Lane. The Highway Control Officer is of the view that as Mill Lane is a relatively lightly trafficked highway there are no capacity issues with the proposal. The horizontal alignment (bend) helps reduce vehicle speeds travelling south towards the village centre yet the lane has sufficient width to accommodate two way movements for the vast majority of vehicles that use the lane.

Further to the above, the Highway Control Officer is recommending that the speed limit in the area of the development be reduced to 30mph. The proposed dwellings will gain access and egress onto and off Mill Lane via vehicular crossings that have the required width and visibility splays commensurate with the site location, use and proposed amended road speed.

Parking for at least two vehicles within each plot will be provided, together with a turning facility for Plot 6 due to the plots location close to the bend in Mill Lane allowing entry onto the highway in a forward gear.

Surface water run-off from the driveways will be collected via drainage grips or similar catchment facilities prior to this run-off reaching the publicly maintainable highway.

Given the above, it is considered that this proposed development will provide adequate off street parking to serve the development, and will not cause danger to the adjacent highway which is lightly trafficked, and adequate in size to accommodate the proposed development. The proposal is therefore considered to comply with policies TM6 & TM7 of the EYBWLP.

Flood Risk

A level 1 Strategic Flood Risk Assessment (SFRA) has been prepared and forms part of the detail submitted with the application.

The latest SFRA1 indicative Flood Risk map (Appendix 4), the proposed development site lies entirely within Flood Zone 1. A sequential test is not required to be undertaken if the site is within Flood Zone 1, with no appreciable, 'significant' risk from surface water and/or groundwater flooding. In addition, if the site is less than 1ha, no further action is required in respect of flood risk. The proposed development is therefore appropriate, subject to the sequential test being passed.

The site is identified as being within a potential groundwater emergence zone1. The map confirms that the risk posed to the site from groundwater flooding is negligible to low.

A shallow ditch is present running along the road frontage. At the time of the site visit (November 2012) the ditch was dry, and there was no evidence of a continuation of the ditch either to the North or the South and has no bearing on drainage of the site.

Landscape Features

The aims and objective set out in the NPPF seek to ensure that the planning system contributes to and enhances the natural and local environment, as in part does policy EN14 of the EYB, which seeks to ensure that existing landscape features which make a positive contribution to the environment are safeguarded.

An ecological survey has been carried out which recognises the existing hedgerow as offering good nesting, foraging and roosting habitat for birds, small mammals and insects.

Whilst it is recognised that this hedge will have to be removed in part to allow for development, mitigation is offered by new hedge planting to the site frontage, and along the full extent of the north and west boundaries.

The ecological survey makes a series of recommendation to mitigate the loss of the hedgerow, which includes ecological enhancements to the site.

The Council's Nature Conservation Officer has been consulted and is satisfied that the ecological enhancements are satisfactory, and that planning conditions be imposed to ensure that these are complied with.

CONCLUSION

This application for six affordable dwellings forms a satisfactory scheme of development that satisfies policy, nationally (NPPF), regionally (RSS) and locally (EYBWLP & Draft ERLP).

The design is considered to be complementary to its location, and whilst the development is located in open countryside, it can be considered as a rural exception site for 100% affordable housing.

The site does not lie in an area susceptible to flood risk, and is satisfactory in regard to the safe use of the adjacent highway.

The loss of habitat by removal of the roadside hedgerow can be mitigated for by ecological enhancements which will be required by means of planning conditions.

HUMAN RIGHTS ACT 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

RECOMMENDATION

That the application be **APPROVED** 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.

2. No development shall take place until details of the materials (brick) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

This condition is imposed because the submitted application did not specify the materials to be used in the proposed development or the specified materials were not considered acceptable. 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.

Note: The developer's attention is drawn to the fact that this development cannot commence until all the facing materials have been agreed. A period of at least 10 working days should be allowed for the submission and approval process. Developers are, however, advised that whilst the Council expects to be able to respond within 10 working days, the lack of a response within that time should not be taken as a deemed approval. Please note that samples of materials will only be needed if specifically requested. In the event of this, please arrange with the case officer for the samples to be seen on site.

3. 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 including boundary treatment
- ii) planting plans including species, plant size, spacing and programme of maintenance.

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.

4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme of implementation if this has been previously agreed in writing by the Local Planning Authority.

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.

5. The details to be submitted for approval in writing by the Local Planning Authority in accordance with Condition (3) shall provide for native hedge planting on the north, east, and west boundaries. Once planted, the hedges shall thereafter be retained, allowed to grow, and be maintained at a height of no less than 1.5m

This condition is imposed in the interest of the amenities and character of the area and to assist in assimilating the proposed development into the open countryside.

6. 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.

7. No development or other operations shall commence on site until protective fencing is put in place to protect Sycamore T1 in accordance with the details set out in the submitted Arboricultural Assessment Report October 2012 . (hereinafter called the "Approved Tree Protection Scheme"

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".

NB: For the purposes of this Condition "other operations" means any site preparation works, demolition, clearance of the site, soil moving, temporary access construction, widening or alterations to any existing access, delivery to the site of materials, plant or machinery, erection of hoarding or screening on or around the site, use of motorised vehicles, plant or machinery, installation of temporary buildings in connection with the development, felling, pruning or removal of any tree, shrub or 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. 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 important that they are protected from damage before, during and after construction works.

8. The affordable housing, hereby permitted, shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annexe 2 of the National Planning Policy Framework or any future guidance that replaces it and shall thereafter be so retained.

This condition is imposed as the site is located outside the Village Development Limits where open market housing could not be supported. It is necessary, therefore that these dwellings provide affordable housing to meet a particular need for low cost housing in the local area in perpetuity, regulated by secure arrangements.

9. No development shall commence on site until details have been submitted and agreed in writing by the Local Planning Authority identifying:
 - i) The arrangements to ensure that the provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - ii) 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 as the site is located outside development limits where open market housing could not be supported. It is necessary, therefore that these dwellings provide affordable housing to meet a particular need for low cost housing in the local area in perpetuity, regulated by secure arrangements.

10. Unless otherwise agreed in writing with the Local Planning Authority, the development shall be carried out in complete accordance with the details shown on the submitted plan 25189-2 / 101 (revision B) dated 30/11/2012 (Flood Risk Assessment & Drainage Strategy Report that has been prepared by GGP Consult.

This condition is imposed in the interest of satisfactory and sustainable drainage.

11. Development shall not begin on the site until details of the layout, drainage, construction, levels and lighting of the proposed footpath fronting the site as indicated on drawing number 46353 PL03 have been submitted to and approved in writing by the Local Planning Authority. No dwelling on the site shall be occupied until this footpath has been constructed and completed in accordance with the approved details.

This condition is imposed in order to secure a safe and adequate means of access and egress to and from the development for pedestrians and other users, in the interest of road safety.

12. 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 motor cars to be parked in accordance with the details included within the submitted application, drawing number 46353 PL03. Provision shall thereafter be retained for the parking of these motorcars and this provision shall not be used for any other purpose.

This condition is imposed in order to ensure satisfactory vehicular access and 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.

13. Prior to the commencement of the development details shall be submitted to and approved in writing by the Planning Authority showing the provision of the temporary vehicle parking, loading, off-loading and manoeuvring facilities for the contractors carrying out building and construction works on the development and no other building or construction works shall be commenced until the temporary vehicle parking, loading, off-loading and manoeuvring facilities have been provided in accordance with the approved details. The approved vehicle parking, loading, off-loading and manoeuvring facilities shall be retained during the construction of the buildings on the development.

This condition is imposed to secure adequate parking, servicing, manoeuvring, loading and off-loading facilities within the site during the construction period of the development for contractors vehicles in the interest of road safety.

14. The development hereby permitted shall be implemented in strict accordance with the working approach set out in Paragraph 4.1.2.1 of the Ecological Survey (Mill Lane, Skipsea, Wold Ecology Ltd, September 2012) as submitted with the application, any variation thereto shall be agreed in writing by the local planning authority before such change is made.

This condition is imposed in accordance with the recommendations of the Ecological Survey forming part of the application, 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 2010

15. No development shall commence until plans and particulars of a detailed Ecological Enhancement Mitigation Strategy, based on the recommendations made in Paragraph 4.1.3.1 of the Ecological Survey (Mill Lane, Skipsea, Wold Ecology Ltd, September 2012) have been submitted to and approved in writing by the local planning authority. The details shall include the exact location, specification and design of bird nesting boxes, bat roosting boxes and other biodiversity features that will be incorporated into the design of the development. The approved strategy shall thereafter be implemented in accordance with the approved details prior to the occupation of any of the buildings hereby permitted, unless otherwise agreed in writing by the LPA

This condition is imposed in accordance with the recommendations of the Ecological Survey forming part of the application, to make appropriate provision for natural habitat within the approved development, to comply with the National Planning Policy Framework (NPPF) and the Natural Environment and Rural Communities Act (NERC) 2006.

16. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with out without modification) no enlargement or other alteration of the dwellinghouse; no addition or alteration to its roof; no porches, garages, other buildings or structures; no fences, gates or walls shall be erected or constructed other than those expressly authorised by this permission.

This condition is imposed in order to ensure that the character and appearance of the countryside location is maintained, and to ensure that the dwellings remain at an affordable price in perpetuity.

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

Drawing No	Description	Date Received
PL01/46353	Site Location Plan	10 December 2012
PL03/46353	Proposed Site and Roof Plan	10 December 2012
PL04/46353	Proposed Plans & Elevations	10 December 2012

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.

Notes to Applicant

1. Yorkshire Water

a). Please note that it is recommended that any drainage proposals incorporating soakaways and/or infiltration systems etc. should be designed based on suitable ground investigations carried out over at least a 12 months period. This is to ensure that the design adequately takes account of any seasonal fluctuations in the ground water table. The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0845 120 84 82, Fax 01274 303 047) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

b). The public sewer network is for domestic sewage purposes. This generally means foul water for domestic purposes and, where a suitable surface water or combined sewer is available, surface water from the roofs of buildings together with surface water from paved areas of land appurtenant to those buildings. Land and highway drainage have no right of connection to the public sewer network. Land drainage will not be allowed into a public sewer. Highway drainage, however, may be accepted under certain circumstances; for instance, if SUDS are not a viable option and there is no highway drain available and if capacity is available within the public sewer network. In this event, a formal agreement for highway drainage discharge to public sewer, under Section 115 of the Water Industry Act 1991, will be required.

2. Highways

a). The development will encroach into land forming part of the public highway. In order to implement this planning permission a stopping up order made pursuant to section 247 of the Town and Country Planning Act 1990 is required. This requires a separate application to be made by the developer or his agent direct to the government office in Leeds (telephone number 0113 2800600 or 2836348) That application should be made as soon as possible after the grant of this permission.

Until such time as a stopping up order is confirmed any encroachment into the public highway by the development may be unlawful and contrary to the provisions of the Highways Act 1980. Under section 143 of the highways act 1980 the council as highways authority has powers to serve formal proceedings requiring the removal of any structure unlawfully erected in the highway.

b). The Applicant/Agent must contact the East Riding of Yorkshire Council's Streetscene Services (Highways), Highways Building, Grovehill Depot, Annie Reed Road, off Grovehill Road, Beverley HU17 0LF, tel: 0845 6001666 regards the construction & specification of the proposed vehicular access before any works are commenced on the public highway. There is normally a three month period associated with Traffic Management Act notifications therefore contact with D. Shepherd tel; 01482 395699 is advised to discuss your proposals.

Trees & Landscape

Additional landscaping should be included on the northern and western boundaries. On the northern boundary two small trees should be incorporated, one near the road side and one to the rear of the dwelling with a further four along the western boundary. The latter will help break up the views of the site from the Bridlington Road and blend with other small trees which help break up views of the existing houses on Mill Lane. Species choice should be in accord with the tree species identified in Para. 6.5.4 of the Ecological Survey Report.

Any hard surface between the front of the proposed Sub-Station and the highway should include permeable and above ground construction within the Root Protection Zone of the Sycamore to avoid damage to the tree and its roots.

If any cable route passes through the Root Protection Zone of the Sycamore, any trenches shall be hand dug in accordance with NJUG Publication No.10 "Guidelines for the planning, installation and maintenance of utility services in proximity to trees", or undertaken by underground boring.

Relevant Planning Policies

Regional Spatial Strategy

H4 The Provision of Affordable Housing

Joint Structure Plan

SP5 Development proposals to achieve high standard of design.

East Yorkshire Borough Wide Local Plan

EN2 Open Countryside

H6 Affordable Housing in the Rural Areas

TM6 Accessibility to Development

TM7 Car Parking

Draft East Riding Local Plan – H2(C). – Providing Affordable Housing

National Planning Policy Framework

Reason for Decision

This application for six affordable dwellings forms a satisfactory scheme of development that satisfies policy, nationally, regionally and locally. The design is considered to be complementary to its location, and whilst the development is located in open countryside, it can be considered as a rural exception site for 100% affordable housing. The site does not stand in an area susceptible to flood risk, and is satisfactory in regard to the safe use of the adjacent highway.

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



Committee Plan



Scale : 1:2500

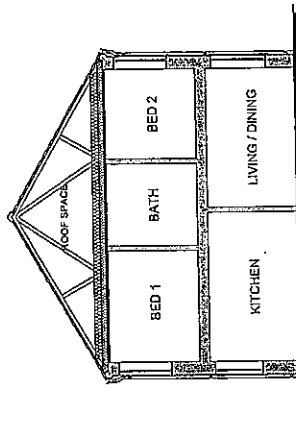


EAST RIDING
OF YORKSHIRE COUNCIL

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East Riding of Yorkshire Council
Licence: LA09056L

Organisation	Not Set
Department	Not Set
Application	Not Set
Date	17 January 2013
SLA Number	Not Set

NOTES



TYPICAL SECTION

NOTE:
HOUSE DESIGNED TO MEET PART 3 OF THE CODE FOR SUSTAINABLE HOUSES & PART 6 OF THE BUILDING REGULATION. THE HOUSE IS DESIGNED TO MEET THE REQUIREMENTS OF THE BUILDING REGULATION. THE HOUSE IS DESIGNED TO MEET THE REQUIREMENTS OF THE BUILDING REGULATION.

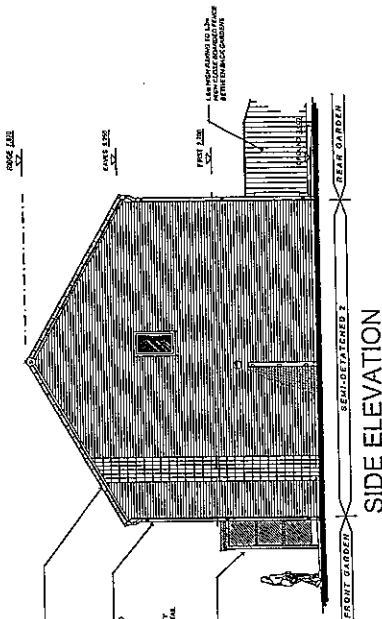
Rev. No.	Description	Rev. By	Date
1	ISSUED FOR TENDER		

EAST RIDING
OF YORKSHIRE COUNCIL
East Riding of Yorkshire Council
County Hall, Beverley
East Riding of Yorkshire HU17 9DA
Tel 01482 359900
www.eastriding.gov.uk

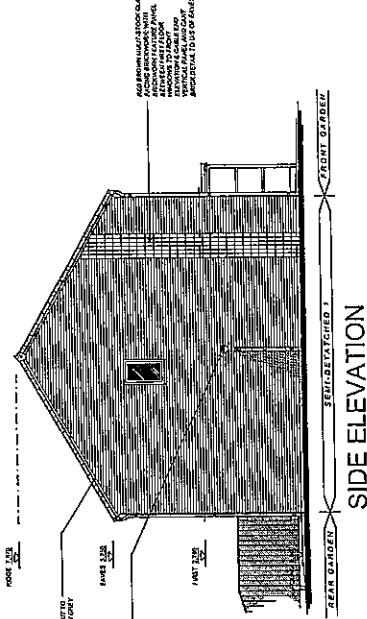
Director of Environment and Neighbourhood Services
NIGEL LEIGHTON

Project:
AFFORDABLE HOUSING - PHASE 3
MILL LANE
SKIPSEA
Drawing Title:
PROPOSED PLANS AND ELEVATIONS
TWO BED FOUR PERSON HOUSE TYPE
(TYPICAL SEMI-DETACHED UNIT INDICATED)

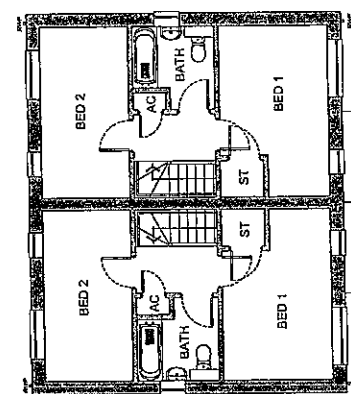
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Drawing Status:	PLANNING		



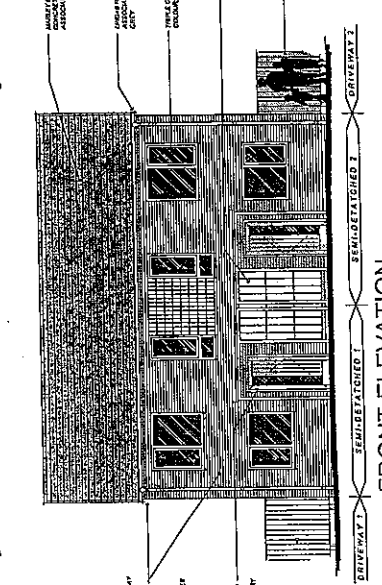
SIDE ELEVATION



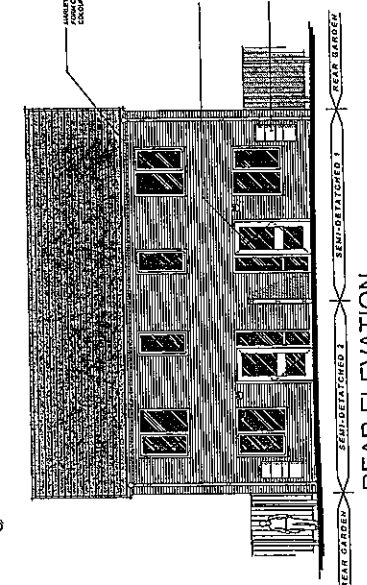
SIDE ELEVATION



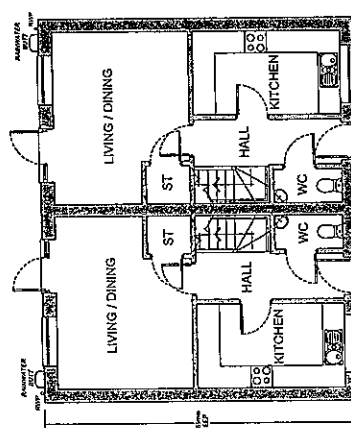
FIRST FLOOR PLAN



FRONT ELEVATION



REAR ELEVATION



GROUND FLOOR PLAN

CONTEXTUAL SITE SECTIONS

Scale 1:200

NOTES

KEY PLAN

NOTE: THESE SECTIONS TO BE USED TO COMPLY WITH THE REQUIREMENTS OF THE LONDON PLANNING ACT 1990 (AS AMENDED) AND THE LONDON PLANNING (AMENDMENT) REGULATIONS 2008.

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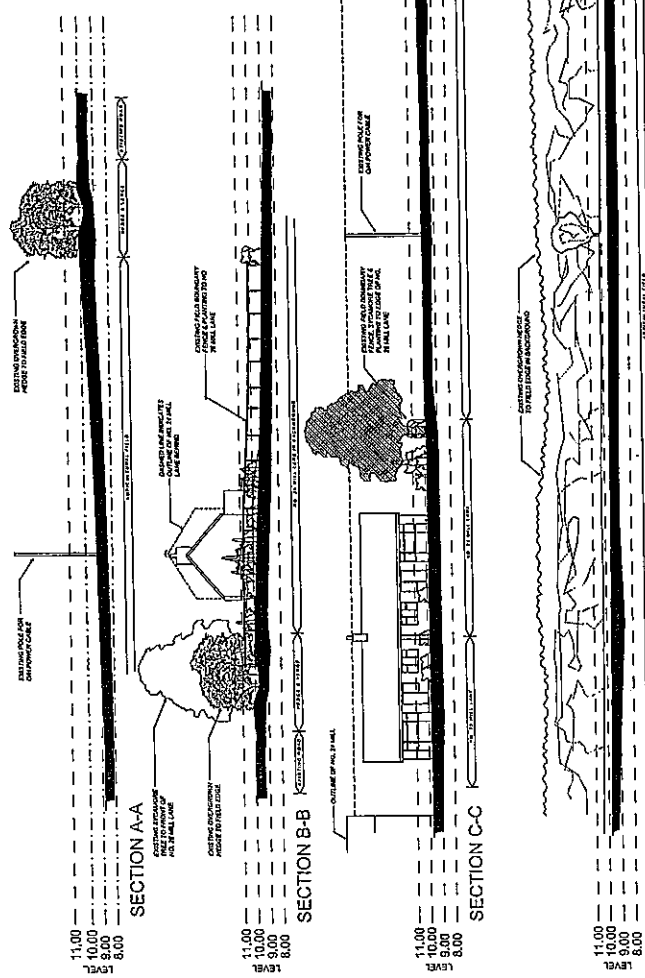
EAST RIDING
OF YORKSHIRE COUNCIL
Planning & Development
East Riding of Yorkshire Council
Council House, 100, Market Street
Leeds LS1 1JQ
Tel: 0113 255 5555 Fax: 0113 255 5556
www.eastriding.gov.uk

Director of Environmental Services
100, Market Street
Leeds LS1 1JQ

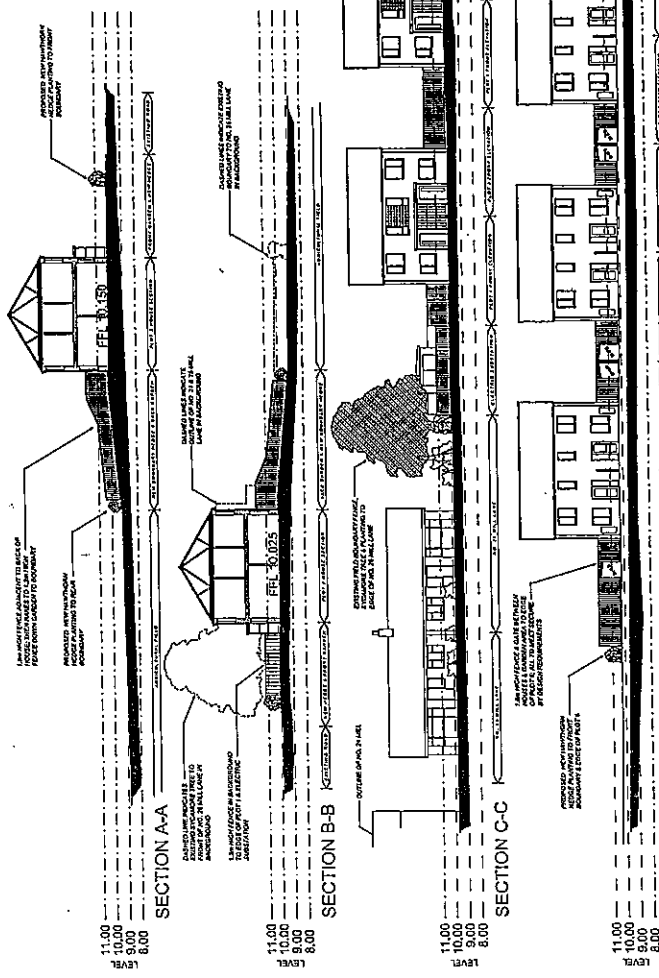
AFFORDABLE HOUSING - PHASE 3
MILL LANE
SKIPSEA

EXISTING AND PROPOSED CONTEXTUAL
SITE SECTIONS

Project Name	Affordable Housing - Phase 3
Project Location	Mill Lane, Skipsea
Project Number	46353
Project Date	13.11.2012
Project Status	PL05
Project Type	PLANNING



EXISTING SITE SECTIONS



PROPOSED SITE SECTIONS

DELEGATED LIST – EASTERN COMMITTEE TO 24.01.2013

APPLICATION NO: DC/12/02095/PLF/EASTSE

APPLICANT: Mr C Aylward
LOCATION: 235 Main Road Bilton East Riding Of Yorkshire HU11 4DX
DESCRIPTION: Erection of detached dwelling following demolition of existing.
DATE ISSUED: 18.01.2013
DECISION: Approve

APPLICATION NO: DC/12/02657/PLF/EASTSE

PP-02009057
APPLICANT: M Ralph & Sons (Builders) Ltd
LOCATION: Nags Head Main Street Burstwick East Riding Of Yorkshire HU12 9EB
DESCRIPTION: Erection of 4 dwellings with associated parking following demolition of existing public house (Re-submission of 11/03598/PLF)
DATE ISSUED: 09.01.2013
DECISION: Refuse

APPLICATION NO: DC/12/03565/PLF/EASTSE

PP-02121659
APPLICANT: Mr WA Bethell
LOCATION: Arnold Grange Arnold Lane West Arnold East Riding Of Yorkshire HU11 5HP
DESCRIPTION: Part change of use of agricultural building to residential dwelling, installation of 3 no. windows to first floor and wrought iron guard rails to existing external staircase
DATE ISSUED: 18.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04297/PLF/EASTSE

PP-02200132
APPLICANT: Mr Ged Lees
LOCATION: 8 Westfield Garth Walkington East Riding Of Yorkshire HU17 8TJ
DESCRIPTION: Construction of pitched roof to garage and porch
DATE ISSUED: 18.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04315/PLF/EASTSE

PP-02254587
APPLICANT: Mr Davis
LOCATION: 14 Wylies Road Beverley East Riding Of Yorkshire HU17 7AP

DESCRIPTION: Erection of conservatory to rear
DATE ISSUED: 10.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04405/PAD/EASTSE

APPLICANT: Punch Partnerships Plc
LOCATION: Ship Inn Main Street Keyingham East Riding Of Yorkshire HU12 9RD
DESCRIPTION: Retention of externally illuminated wall mounted lettering signs to front and rear, one double sided hanging sign with trough lights, and two non illuminated amenity boards.
DATE ISSUED: 17.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04412/PAD/EASTSE
PP-01976851
APPLICANT: Mr Kenneth Jackson
LOCATION: Beverley Conservative Club 10 Wylies Road Beverley East Riding Of Yorkshire HU17 7AP
DESCRIPTION: Display of 2 no. externally illuminated fascia signs
DATE ISSUED: 09.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04526/PLF/EASTSE
PP-02286297
APPLICANT: Mr Bassam Mansoor
LOCATION: 78 Victoria Road Beverley East Riding Of Yorkshire HU17 8PJ
DESCRIPTION: Erection of two storey extension to side and first floor extension over existing dwelling
DATE ISSUED: 11.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04527/PAD/EASTSE
PP-02286559
APPLICANT: Halifax Plc
LOCATION: Halifax 30 - 32 Toll Gavel Beverley East Riding Of Yorkshire HU17 9AR
DESCRIPTION: Display of 1 replacement non-illuminated projecting hanging sign
DATE ISSUED: 10.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04542/PLF/EASTSE
PP-02285248
APPLICANT: Mr R Pearce
LOCATION: 31 Long Lane Woodmansey East Riding Of Yorkshire HU17 0NJ
DESCRIPTION: Erection of a single storey extension to rear and installation
of replacement windows
DATE ISSUED: 03.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04572/PLF/EASTSE
PP-02247528
APPLICANT: Mr And Mrs Mike Farrell
LOCATION: 86 Main Street Etton East Riding Of Yorkshire HU17 7PQ
DESCRIPTION: Erection of a single storey extension to rear following demolition
of existing swimming pool and detached double garage (ADDITIONAL
DRAINAGE INFORMATION)
DATE ISSUED: 15.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04579/PLF/EASTSE
PP-02292888
APPLICANT: Preston County Primary School
LOCATION: Preston County Primary School Station Road Preston East Riding
Of Yorkshire HU12 8UY
DESCRIPTION: Erection of a mobile classroom
DATE ISSUED: 17.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04599/PLB/EASTSE
PP-02295771
APPLICANT: Mr P Hough
LOCATION: Station Farm Cottage Souttergate Hedon East Riding Of Yorkshire
HU12 8JS
DESCRIPTION: Construction of tiled roof to existing day room to the rear following
removal of existing glazed roof (AMENDED DESCRIPTION)
DATE ISSUED: 18.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04618/PLF/EASTSE
APPLICANT: Mr And Mrs Peter And Sue Gott
LOCATION: 93 Beaconsfield Withernsea East Riding Of Yorkshire HU19 2EW
DESCRIPTION: Erection of single storey extension to rear and detached garage

to side following demolition of existing conservatory and garage
DATE ISSUED: 08.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04630/PLF/EASTSE
PP-02300447
APPLICANT: Mr C Greeves
LOCATION: 58 Westlands Way Leven East Riding Of Yorkshire HU17 5LG
DESCRIPTION: Erection of dormer extension to front
DATE ISSUED: 04.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04642/PLF/EASTSE
PP-02302189
APPLICANT: Mr And Mrs Learoyd
LOCATION: St Louie Patrington Road Hollym East Riding Of Yorkshire HU19 2SG
DESCRIPTION: Erection of a replacement dwelling (Re-submission of 12/01719/PLF)
DATE ISSUED: 09.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04651/PLF/EASTSE
PP-02302558
APPLICANT: Mrs K Waring
LOCATION: Land South West Of Sandhill Nurseries Wyton Road Preston East Riding Of Yorkshire HU12 8TY
DESCRIPTION: Erection of a portakabin office building, composting toilet, two bay poly tunnel and siting of 3 steel storage containers
DATE ISSUED: 18.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04655/PLF/EASTSE
PP-02304653
APPLICANT: Mr & Mrs A Rich
LOCATION: Sandholme Sandholme Lane Leven East Riding Of Yorkshire HU17 5LW
DESCRIPTION: Erection of first floor extension to side
DATE ISSUED: 10.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04658/PLF/EASTSE
PP-02303980
APPLICANT: MKM (Beverley) Ltd
LOCATION: MKM Building Supplies Swinemoor Lane Beverley East Riding Of Yorkshire
HU17 0JX
DESCRIPTION: Retention of building used for the sale of food and drink ancillary
to main use of site as a builder's merchant
DATE ISSUED: 11.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04667/PLF/EASTSE
PP-02306506
APPLICANT: Ms Stephanie Taylor
LOCATION: 8 South Glebe Lockington East Riding Of Yorkshire YO25 9ST
DESCRIPTION: Erection of single storey extension to rear and side and alterations
to existing roof
DATE ISSUED: 15.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04670/VAR/EASTSE
PP-02306382
APPLICANT: Mr & Mrs D Setterington
LOCATION: New Ferry Farm Weel Road Weel East Riding Of Yorkshire HU17 0SQ
DESCRIPTION: Removal of Condition 1 (agricultural occupancy) of planning application
308-178A
DATE ISSUED: 14.01.2013
DECISION: Approve

APPLICATION NO: DC/12/30565/CONDET/EASTSE
APPLICANT: Frank Hill & Son
LOCATION: Hand Car Wash Oyston Motor Services Limited Main Road Skirlaugh
East Riding Of Yorkshire HU11 5DT
DESCRIPTION: Submission of details required by Condition 12 (Landscaping) of
planning permission (10/03794/PLF)
DATE ISSUED: 11.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04718/PLF/EASTSE
PP-02313551
APPLICANT: Mr Waterman
LOCATION: Land North Of 7 Elm Garth Roos East Riding Of Yorkshire HU12 0HH
DESCRIPTION: Erection of dwelling
DATE ISSUED: 15.01.2013

DECISION:

Refuse

APPLICATION NO: DC/12/04755/PLB/EASTSE

APPLICANT: Mr John Hawley
LOCATION: Hull Daily Mail 5A North Bar Within Beverley East Riding Of Yorkshire
HU17 8AP
DESCRIPTION: Installation of external condenser unit and internal alterations
to form disabled toilet and kitchen area
DATE ISSUED: 22.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04795/PLF/EASTSE

PP-02327548
APPLICANT: Mr And Mrs Beckett
LOCATION: 44 Kings Square Beverley East Riding Of Yorkshire HU17 9HH
DESCRIPTION: Erection of conservatory to rear
DATE ISSUED: 18.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04877/PLF/EASTSE

PP-02343138
APPLICANT: Mr John Traynor
LOCATION: 17 St Marys Terrace Beverley East Riding Of Yorkshire HU17 8EH
DESCRIPTION: Erection of a two storey and single storey extension and installation
of 3 rooflights to rear and alterations to bay window and dormer window and
installation of 1 rooflight
at front
DATE ISSUED: 23.01.2013
DECISION: Approve

APPLICATION NO: DC/12/05013/AGNOT/EASTSE

PP-02363758
APPLICANT: Mr Jonathan Hodgson
LOCATION: Great Newsome Farm Arables Lane Winestead East Riding Of Yorkshire
HU12 0NR
DESCRIPTION: Erection of a portal framed building with box profile roof for
the storage of straw
DATE ISSUED: 16.01.2013
DECISION: Prior Approval Required

APPLICATION NO: DC/12/04090/PLF/EASTNN
PP-02212146
APPLICANT: Mr R Bacon
LOCATION: 40 York Road Little Driffield East Riding Of Yorkshire YO25 5XD
DESCRIPTION: Erection of dwelling following part demolition of existing outbuilding to create a carport
DATE ISSUED: 04.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04353/REM/EASTNN
PP-02261363
APPLICANT: Mr Martin Rhodes
LOCATION: Land North Of 103 Marton Road Bridlington East Riding Of Yorkshire YO16 7DN
DESCRIPTION: Erection of two dwellings to land north of 103 Marton Road following outline approval 11/05679/OUT (access, appearance, landscaping, layout and scale to be considered)
DATE ISSUED: 08.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04432/PLF/EASTNN
APPLICANT: Mr David Watt
LOCATION: Warren Farm Garton Road Sledmere East Riding Of Yorkshire YO25 3AJ
DESCRIPTION: Erection of pig finishing house
DATE ISSUED: 10.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04512/PLF/EASTNN
PP-02283242
APPLICANT: Cawkeld Farming Ltd
LOCATION: 1 & 2 Cawkeld Cottage Cawkeld Lane Watton East Riding Of Yorkshire YO25 9JH
DESCRIPTION: Demolition of two dwellings and erection of a building for use as either one or two dwellings
DATE ISSUED: 09.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04530/PLF/EASTNN
PP-02282886
APPLICANT: Flintcross Limited
LOCATION: 50 Flamborough Road Bridlington East Riding Of Yorkshire
DESCRIPTION: Erection of two storey extension to rear following removal of existing

outbuildings to create extension to take-away and staff bed-sit over
DATE ISSUED: 16.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04590/PLF/EASTNN
PP-02265466
APPLICANT: Swallow Country Homes
LOCATION: Folly Barn Main Road Gransmoor East Riding Of Yorkshire YO25 8HX
DESCRIPTION: Change of use, conversion and alteration of redundant agricultural
buildings to form 1 No live/work unit
DATE ISSUED: 21.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04612/PLF/EASTNN
PP-02293061
APPLICANT: Rhyl Jones
LOCATION: Drifffield Fire Station Bridlington Road Drifffield East Riding Of
Yorkshire YO25 5HN
DESCRIPTION: Erection of single storey extensions to front and rear
DATE ISSUED: 10.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04615/PLF/EASTNN
APPLICANT: Mr Edward Cherry
LOCATION: 93 Main Street North Frodingham East Riding Of Yorkshire YO25 8LJ
DESCRIPTION: Erection of two storey extension to rear and erection of detached
garage following demolition of existing
DATE ISSUED: 16.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04627/PAD/EASTNN
PP-02286743
APPLICANT: Mr Robert Young
LOCATION: 2 Marlborough Terrace Bridlington East Riding Of Yorkshire
DESCRIPTION: Retention of No2 externally illuminated wall mounted signs and
No1 non illuminated fascia sign
DATE ISSUED: 22.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04639/REM/EASTNN

PP-02300282
APPLICANT: FA Burton And Son
LOCATION: Little Westfield Main Street Cottam East Riding Of Yorkshire YO25 3BY
DESCRIPTION: Erection of an agricultural workers dwelling following outline approval 10/02604/OUT (access, appearance, landscaping, layout and scale to be considered)
DATE ISSUED: 08.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04663/PAD/EASTNN
PP-02306155
APPLICANT: The Money Shop
LOCATION: 36 King Street Bridlington East Riding Of Yorkshire YO15 2DQ
DESCRIPTION: Display of 1 externally illuminated fascia sign
DATE ISSUED: 11.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04736/PLF/EASTNN
PP-02313615
APPLICANT: Ms Samantha James
LOCATION: 80 St Johns Avenue Bridlington East Riding Of Yorkshire YO16 4NL
DESCRIPTION: Construction of dormer window to front elevation
DATE ISSUED: 18.01.2013
DECISION: Refuse

APPLICATION NO: DC/12/04813/PCC/EASTNN
PP-02286621
APPLICANT: Mr Ian Harland
LOCATION: East House Farm Back Street Langtoft East Riding Of Yorkshire YO25 3TG
DESCRIPTION: Conservation Area Consent for the demolition of existing redundant agricultural building
DATE ISSUED: 23.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04814/PLF/EASTNN
PP-02286665
APPLICANT: Mr Ian Harland
LOCATION: East House Farm Back Street Langtoft East Riding Of Yorkshire YO25 3TG
DESCRIPTION: Erection of replacement agricultural building following demolition of existing
DATE ISSUED: 23.01.2013

DECISION:

Approve

APPLICATION NO: DC/12/04837/VAR/EASTNN

APPLICANT: RGS Estates Ltd

LOCATION: Imperial Showrooms Olivers Lane Bridlington East Riding Of Yorkshire

DESCRIPTION: Variation of condition 14 of planning permission 07/04649/PLF

DATE ISSUED: 15.01.2013

DECISION: Approve

APPLICATION NO: DC/12/04839/PLF/EASTNN

PP-02327667

APPLICANT: Mr R F Gobel

LOCATION: 44 Chantry Meadows Kilham East Riding Of Yorkshire YO25 4RB

DESCRIPTION: Erection of two storey extension to side including garage and single storey extension to rear following demolition of existing garage

DATE ISSUED: 21.01.2013

DECISION: Approve

APPLICATION NO: DC/12/04845/PAD/EASTNN

APPLICANT: New Look Group PLC

LOCATION: New Look 29 Chapel Street Bridlington East Riding Of Yorkshire YO15 2DP

DESCRIPTION: Display of 4 no. internally illuminated fascia signs and 2 no. non-illuminated fascia signs

DATE ISSUED: 21.01.2013

DECISION: Approve

APPLICATION NO: DC/13/00041/DEMNOT/EASTNN

PP-02387269

APPLICANT: DC Thomson & Co Ltd

LOCATION: Peter Haddock Limited Pinfold Lane Bridlington East Riding Of Yorkshire YO16 6BT

DESCRIPTION: Demolition of steel portal framed buildings

DATE ISSUED: 21.01.2013

DECISION: Prior Approval Not Required

APPLICATION NO: DC/12/00230/PLF/EASTNE

PP-01781509

APPLICANT: J B Catton & Son

LOCATION: Church Farm Church Lane Atwick East Riding Of Yorkshire YO25 8DH
DESCRIPTION: Erection of single storey extensions and external and internal alterations to allow conversion of two farm buildings to use as 2 no. residential dwellings and including erection of open fronted building for parking
DATE ISSUED: 14.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04417/PLF/EASTNE
PP-02269476
APPLICANT: East Riding Of Yorkshire Council
LOCATION: Bempton Primary School School Lane Bempton East Riding Of Yorkshire YO15 1JA
DESCRIPTION: Retention of 1.8 metre high boundary fence
DATE ISSUED: 04.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04514/PLF/EASTNE
PP-02261722
APPLICANT: Mrs Gresswell
LOCATION: 42 Ranby Crescent Hornsea East Riding Of Yorkshire HU18 1SY
DESCRIPTION: Erection of a conservatory to rear following demolition of existing
DATE ISSUED: 08.01.2013
DECISION: Approve

APPLICATION NO: DC/12/04796/VAR/EASTNE
PP-02327747
APPLICANT: Mrs Kathleen Robertson
LOCATION: La Mancha Victoria Avenue Hornsea East Riding Of Yorkshire HU18 1NH
DESCRIPTION: Variation on condition 3 (use of extension) from planning permission 97/40663/PLF
DATE ISSUED: 23.01.2013
DECISION: Approve





Appeal Decision

Site visit made on 18 December 2012

by John Woolcock BNatRes(Hons) MURP DipLaw MPIA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 January 2013

Appeal Ref: APP/E2001/A/12/2177875

Denby House Farm, Rudston, North Yorkshire YO25 3DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by E Falkingham and Sons Ltd against the decision of East Riding of Yorkshire Council.
 - The application No:DC/11/05702/PLF/EASTNN PP-01731301, dated 2 December 2011, was refused by notice dated 8 May 2012.
 - The development proposed is siting of 2 x 36.4 m high (hub) wind turbines.
-

Decision

1. I allow the appeal, and grant planning permission for the erection of 2 No. wind turbines (24.6 m to hub and 34.2 m to tip) at Denby House Farm, Rudston, North Yorkshire YO25 3DL in accordance with the terms of the application No:DC/11/05702/PLF/EASTNN PP-01731301, dated 2 December 2011, as amended, subject to the conditions set out in the Schedule of Conditions attached to this decision.

Preliminary matters

2. Following an objection from the Ministry of Defence (MoD) concerning the impact of the turbines on the RAF Staxton Wold radar facility, an amended scheme was considered by the Council for the erection of 2 No. wind turbines (24.6 m to hub and 34.2 m to tip). The MoD does not object to the revised scheme.

Main issues

3. The main issues in this appeal are the effects of the proposed development on the character and appearance of the area, and whether the benefits of the scheme would be sufficient to outweigh any harm that might be caused.

Reasons

4. In the East Riding of Yorkshire Landscape Character Assessment (LCA) the appeal site lies within Landscape Type 13D – the North Wolds Plateau (Open High Rolling Farmland). This is assessed as high quality, offering a varied rolling landform, and extensive views with scattered farmsteads and shelterbelts. The LCA considers this character type to have high sensitivity to wind farm development because of its openness and attractiveness.

5. The proposed turbines would appear as utilitarian structures located just below a ridge in the open countryside, some 200 m west of the farm buildings. This is a large-scale agricultural landscape of rounded, rolling hills, with some long views, which also feature a large sky. In some of these views the turbines would appear on the skyline. However, turbines of this height would have a minor impact on the key characteristics of this landscape. The dominant features would remain, such as the landform, the pattern of fields and vegetation, along with the sense of openness and wide expanse of sky. I consider that the overall significance of the impact of the proposed turbines on the landscape resource would be minor and adverse. I turn next to consider visual impact.
6. The turbines would be seen as part of the farm complex in some views, and the roadside vegetation along the B1253 would soften the visual impact from this scenic route across the Wolds. Further to the north the landform would provide an effective screen from many vantage points. Similar considerations apply to views from the east and from Rudston village. From the south high roadside hedgerows and tree belts associated with farmsteads would limit opportunities for prominent views of the turbines. Views from higher land along the B1253 and Thwing Road to the west would be possible, but again trees and vegetation close to these routes would result in intermittent views of the proposed turbines for those travelling along these roads. Nevertheless, from the nearest roads, where visible, the turbines would have a moderate and adverse degree of visual impact significance. However, with increasing distance this impact would quickly diminish and the turbines would be readily absorbed into the wide views of this rolling landscape. In this context the proposed turbines would, beyond the immediate vicinity of the appeal site, have a minor or negligible adverse degree of visual impact significance.
7. I saw during my visit to the locality other wind turbines in the wider area, and the Council has referred to others either approved or the subject of appeals. However, the separation distances of these other turbines from the appeal site, and from each other, are considerable. For those travelling in the area the appeal scheme would not make turbines so numerous or concentrated that successive or sequential views would diminish the overall character and appearance of this wide agricultural landscape. The proposal would not result in an unacceptable cumulative visual effect.
8. The Rudston monolith lies in the churchyard within the village. It was apparent from my visit that its setting comprises the churchyard and neighbouring parts of the village. Given the separation distance, the proposed turbines would not have a significant impact on the setting of the Rudston monolith. The nearest dwellings lie to the north of the appeal site beyond the B1253. The intervening vegetation, along with the separation distance, would mean that the turbines would not have an unacceptable adverse effect on the living conditions of neighbouring residents.
9. The proposed turbines would make a significant contribution to the generation of electricity by using renewable energy, and so the proposal would accord with climate change objectives by reducing the production of greenhouse gases. This is a consideration which weighs in favour of allowing the appeal.
10. The development plan includes The Yorkshire and Humber Plan Regional Spatial Strategy to 2026 (RSS), the Joint Structure Plan for Kingston Upon Hull and the East Riding of Yorkshire 2005 (JSP), and the East Yorkshire Borough

Wide Local Plan 1997 (LP). The Localism Act 2011 provides for the abolition of Regional Strategies by Order. The Secretary of State has announced his intention to lay an Order shortly revoking the RSS for Yorkshire and the Humber, which comprises the RSS and the Regional Economic Strategy for Yorkshire and the Humber, subject to saving policies protecting the York Green Belt. However, I do not consider that the intention to revoke the RSS changes my view on this appeal and I see no reason to go back to parties on the matter. The proposed turbines would contribute to meeting the targets set out in the RSS for renewable energy capacity, and the scheme gains support from RSS Policies ENV5 and YH2.

11. The harm to the local landscape from the turbines would be at odds with the aims of RSS Policy ENV10 and SP Policies SP4 and SP5 concerning the protection of the distinctive character of the Yorkshire Wolds, and development respecting local landscape and integrating visually with its surroundings. However, the proposal would accord with LP Policy EN25, which is supportive of renewable energy generators provided that they would not unduly harm the appearance of the landscape. LP Policy EN2 provides that proposals acceptable in the open countryside under other policies would be permitted where they would not harm the character of the surrounding area. LP Policy EN3 concerns development in the open countryside and the Wolds Area of Landscape Protection. This is a non-statutory designation which provides that development should not be prominent in or harm the quality of the landscape. The limited impact of the proposed development would not significantly compromise the objectives of these policies. Taken as a whole, I consider that the proposal would accord with the development plan.
12. Relevant policies of the development plan are generally consistent with the *National Planning Policy Framework* (hereinafter the *Framework*), and require in this case a balancing exercise between the benefits of the proposal and any resultant harm. The *Framework* refers to National Policy Statement for Renewable Energy Infrastructure (EN-3), which requires that proposals should demonstrate good design in respect of landscape and visual amenity. The *Framework* encourages the use of renewable resources and advises that a proposal should be approved if its impacts are acceptable.
13. The landscape in this locality is associated with paintings by David Hockney. This is a consideration which adds to the overall appreciation of the Yorkshire Wolds as a valued landscape. The *Framework* provides that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. However, there is no compelling evidence to indicate that the appeal scheme would significantly affect any of the views that feature in David Hockney's paintings. This is not a consideration which weighs heavily against the proposal.
14. Significant weight should be given to the renewable energy benefits of the proposal. In my judgement, the benefits of the proposed turbines would outweigh the limited harm I have identified to the local landscape. Given that the planning balance here falls in favour of allowing the appeal, the proposal would gain support from relevant national policy. I have taken into account all other matters raised in evidence, but have found nothing to outweigh the main considerations that lead to my conclusion.
15. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans,

for the avoidance of doubt and in the interests of proper planning. A condition would be necessary, in the interests of the appearance of the area, to remove turbines which ceased to operate. Noise conditions to accord with the guidance in *The Assessment and Rating of Noise from Wind Farms, ETSU-R-97* would be necessary to safeguard the living conditions of neighbouring residents. However, it would not be reasonable to impose a condition requiring maintenance in accordance with the supplier's/manufacturers recommendation, because such a condition would lack the necessary precision for it to be enforceable. Furthermore, it would be unnecessary as other conditions would control any unacceptable noise arising from inadequate maintenance. Appropriate notification about the turbines would be necessary for air safety reasons. The implementation of a programme of archaeological work in accordance with a written scheme of investigation would be necessary to safeguard any archaeological remains.

16. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

John Woolcock
Inspector

Schedule of Conditions 1 to 11

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Area Plan scale 1:17,000, Location Plan scale 1:2,500, Location Plan and Access scale 1:2,500, Block Plan scale 1:500, E-3120 Elevation Drawing No.E-3120-50 kW Monopole Rev.A.
- 3) If either of the turbines cease to operate for a continuous period of 12 months (unless such cessation is due to the turbine(s) being under repair or replacement) then, unless otherwise approved in writing by the local planning authority, a scheme for the decommissioning and removal of the turbine(s) and any ancillary equipment and structures relating solely to the turbine(s), shall be submitted within 3 months of the cessation to, and for approval in writing by, the local planning authority. The approved scheme shall be implemented within 12 months of the date of its approval by the local planning authority.
- 4) At the request of and following a complaint to the Council, the operator of the development shall measure and assess at its expense the level of noise emissions from the wind turbines following the procedures described in '*The Assessment and Rating of Noise from Wind Farms, ETSU-R-97*' published by ETSU for the Department of Trade and Industry.
- 5) Noise emissions from the site (as measured $L_{A90, 10\text{mins}}$) in free-field conditions, at any noise sensitive premises in existence or which have planning permission prior to this decision, except at any dwelling occupied by person(s) having a financial interest in the wind turbines, shall not exceed the greater of 35 dB(A) or 5 dB(A) above the background noise level ($L_{A90, 10\text{mins}}$) during the quiet daytime and shall not exceed the greater of 43 dB(A) or 5 dB(A) above the background noise level ($L_{A90, 10\text{mins}}$) during night-time at all wind speeds up to 12m/s. Quiet daytime means all evenings from 6pm to 11pm plus Saturday afternoon from 1pm to 6pm plus all day Sunday from 7am to 6pm. Night-time is defined as 11pm to 7am.
- 6) Noise emissions from the site (as measured $L_{A90, 10\text{mins}}$) in free-field conditions, at any dwelling occupied by person(s) having a financial interest in the wind turbines shall not exceed the greater of 45 dB(A) or 5 dB(A) above the background noise level ($L_{A90, 10\text{mins}}$) at any time at all wind speeds up to 12m/s.
- 7) Tonal noise shall be measured by the operator of the development at its expense for audibility at the request of and following a complaint to the Council in accordance with the procedure described in ETSU (page 102 (paragraph 2)).
- 8) If, at any property, the tonal noise from the wind turbines exceeds the threshold of audibility: (a) by more than 2.0 dB but less than 6.5 dB a penalty of $((5/6.5) \times \text{Audibility})$ dB shall be added to the noise level derived for that property in accordance with the procedure described in ETSU (pages 102-103 (paragraphs 2-5)); (b) by more than 6.5 dB a penalty of 5 dB shall be added to the noise level derived for that property

in accordance with the procedure described in ETSU (pages 102-103 (paragraphs 2-5)).

- 9) The operator of the development shall produce wind speed, wind direction and turbine operational status data to the Council at its request to enable compliance with and performance under conditions 5, 6, and 8 to be monitored. The data shall include the wind speed in metres per second and the wind direction in degrees from north for each 10 minute period. The measuring periods shall be set to commence on the hour and in 10 minute increments thereafter. The data shall be provided in a format previously approved in writing by the local planning authority. Where wind speed is measured at a height other than 10 m, the wind speed data shall be converted to a 10 m height, accounting for wind shear by a method previously approved in writing by the local planning authority.
- 10) No development shall take place until the Ministry of Defence has been provided with the following information: The proposed date when construction will start and the projected completion date, the maximum height of proposed construction equipment, and the latitude and longitude of the turbines.
- 11) No development shall take place until a scheme for the implementation of a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.



Appeal Decision

Site visit made on 8 January 2013

by Michael R Moffoot DipTP MRTPI DipMgt MCMI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 January 2013

Appeal Ref: APP/E2001/D/12/2186931

High Trees, 95 Main Street, Brandesburton, Drifffield YO25 8RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Stephen Atkinson against the decision of East Riding of Yorkshire Council.
 - The application Ref. DC/12/02798/PLF/EASTNN was refused by notice dated 16 August 2012.
 - The development proposed is a detached garage.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Brandesburton Conservation Area and whether it would preserve the setting of nearby listed buildings; and
 - the implications of the proposal for the retention and health of the copper beech tree adjacent to the site.

Reasons

Effect on the conservation area and listed buildings

3. The *National Planning Policy Framework* states that when considering the impact of a proposed development on the significance of a designated heritage asset such as a conservation area or listed building, great weight should be given to the asset's conservation, and significance can be harmed or lost through development within its setting. It describes the setting of a heritage asset as the surroundings in which the asset is experienced, and advises that its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
4. The character of Main Street in this part of the Conservation Area derives from tight-knit, two-storey buildings and brick boundary walls which give way to contrasting open areas around the War Memorial and Market Cross. Approaching the appeal site from the east, the street scene is significantly

enhanced by a number of mature trees, including an impressive copper beech that adjoins the site.

5. The bungalow on the site is a relatively modern building, and whilst it sits well back from the brick wall and foliage that form the front boundary, it is nevertheless prominent in the street scene from localised viewpoints due to its scale, elevated position and expansive roof area. The style and form of the dwelling contrasts with the more traditional buildings in the vicinity.
6. The proposed single garage would be of a simple design with a hipped roof and matching materials, and would be located between the dwelling and the front boundary. Although it would be partly screened by foliage to the front and side, the structure would be a prominent feature in views from Main Street and the area around the Market Cross due to its elevated siting, and more so during winter months when leaf fall occurs. It would dominate the front of the site rather than comprise a subordinate addition to the existing dwelling, and as a result would be harmful to the character and appearance of the Conservation Area. As such, it would be contrary to saved Policies G6, G7, ENV24 and ENV25 of the adopted *Holderness District Wide Local Plan* which, amongst other things, reiterate the statutory duty in relation to conservation areas and seek to ensure that new development is sympathetic to its surroundings and context in terms of siting and layout.
7. I now turn to the implications of the proposal for the setting of listed buildings in the vicinity of the site. The primary school is an impressive and significant building in the street scene, and its setting is enhanced by the open grassed area to the front, the brick walls, railings and trees which enclose it and the backdrop of the church. The proposed garage would impose upon this setting, and would therefore conflict with saved Policy ENV22 of the Local Plan which seeks to preserve and enhance the setting of listed buildings. It would also adversely affect the setting of the Black Swan public house in views to the north-east from the green towards the school and church, and this adds weight to my concerns.
8. For these reasons, I conclude on the first issue that the proposed development would fail to preserve or enhance the character or appearance of the Conservation Area and would harm the setting of listed buildings. As such, it would be contrary to the Local Plan Policies I have referred to, and would also conflict with policies in the Framework regarding the conservation of heritage assets.

Implications for the beech tree

9. The copper beech tree is situated on an area of open ground to the immediate east of the appeal site and is a fine mature specimen that makes a significant contribution to the street scene and the character of the Conservation Area.
10. BS5837:2012 *Trees in relation to design, demolition and construction - Recommendations* advises that for single stem trees (as in this case), the root protection area (RPA) should be calculated as an area equivalent to a circle with a radius 12 times the stem diameter. The RPA is a "*layout design tool indicating the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority*". It is important therefore

that the proposal does not encroach upon the RPA of the tree in order to safeguard its health.

11. The Case Officer's report states that the south-western¹ corner of the garage would be 8 metres from the trunk of the tree and therefore within the RPA, whereas the appellant submits that the building would be 10.1 metres from the centre of the tree. As my site visit was unaccompanied, I was unable to verify these measurements with the main parties, and no further detailed information has been submitted in support of either case. I am not therefore convinced that the "*high level raft construction*" proposed by the appellant would safeguard the RPA. In the absence of this information, I am unable to give full and proper consideration to the implications of the proposal for the health of the tree.
12. In coming to this view, I am mindful of the playground that has been constructed to the north of the tree. However, I have no information before me concerning the considerations which led to the provision of this facility or details of its construction, and it therefore has very little bearing on my decision.

Other Matters

13. I acknowledge that the proposal would increase parking provision within the site and thereby reduce on-street parking, but this could be achieved within the curtilage without garaging, and I therefore attach limited weight to this argument.

Conclusions

14. I am unable to reach a conclusion on the implications of the proposal for the retention and health of the beech tree adjacent to the site. However, the harm that the development would cause to the character and appearance of the Conservation Area and the setting of nearby listed buildings provide compelling reasons to dismiss the appeal.

Michael R. Moffoot

Inspector

¹ I take this to be a typographical error as the nearest part of the garage to the tree would be the south-east corner

