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| Philip Bingham Associates  FAO - Mr Philip Bingham  14A Market Place  Hornsea  East Riding Of Yorkshire  HU18 1AW | **Your Ref:**  **Contact:** Mr Peter Robinson  **Email:** peter.robinson@eastriding.gov.uk  **Tel:** (01482) 393720  **Date:** 9 July 2020  Application No: **20/01437/VAR** |

Case Officer: Mr Peter Robinson

**NOTICE OF DECISION**

**TOWN AND COUNTRY PLANNING ACT 1990**

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| **Proposal:** | Variation of Condition 14 (Approved Plans) of planning permission 16/02846/PLF (Change of use of redundant farm building to form dwelling and double garage) |
| **Location:** | Foldyard House, Main Street, North Dalton, East Riding Of Yorkshire, YO25 9UX, |
| **Applicant:** | Mr O Byass |
| **Application type:** | Variation of Condition(s) |

The above application has been considered by the Council in pursuance of their powers under the above mentioned Act and has been **APPROVED**, in accordance with the terms and details as submitted, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 24th March 2020.

This condition is imposed in order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The materials to be used for the external surfaces, including walls and roofs shall match in material, colour, style, bonding and texture those of the existing building unless the Local Planning Authority otherwise first agrees in writing.

This condition is imposed in accordance with policies ENV1 and ENV3 of the East Riding Local Plan and because if the external surfaces of the development were to consist of materials, which did not match the existing building, the development would detract from the appearance of the area.

3. No development shall take place above damp proof course until details of the materials to be used in the construction of the hard surfaces used in the treatment of external ground cover 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 in accordance with policies ENV1 and ENV3 of the East Riding Local Plan and because it is considered that the use of inappropriate materials could be harmful to the visual amenity of the area, and the Council therefore needs to retain a measure of control.

4. Notwithstanding the provisions of Classes A, C, D and E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the dwelling shall not be altered or extended on any elevation nor shall any free standing buildings or structures be erected.

This condition is imposed to ensure that the high quality of details and landscaping are preserved and protected from uncontrolled piecemeal development which would adversely affect the character and appearance of the building and its setting.

5. No development shall take place unless in accordance with the all of the recommendations for mitigation detailed in Appendix 1 of the 2018 Review and Revised Report on Surveys into Protected Species and Mitigation Proposals (Julian Hall Environmental Resource Management, February 2019). Any variation thereto shall be agreed in writing by the local planning authority before such change is made.

This condition is imposed to ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017.

6. The development hereby approved shall not be first occupied until details of a scheme for incorporating two Schwegler bird nesting brick box 1HE or bird nesting boxes such as a Schwegler 17A swift nest box, 2H robin box, sparrow terrace 1SP (or direct woodcrete equivalents of the above) into the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the type of bird nesting bricks or bird nesting boxes, their locations and timing of works. The bird nesting bricks or bird nesting boxes shall be installed within one month of the completion of the development and thereafter be retained in perpetuity.

This condition is imposed to comply with the National Planning Policy Framework (NPPF) and the Natural Environment and Rural Communities Act (NERC) 2006.

7. The development hereby approved shall not be first occupied until the works for the disposal of foul and surface water have been provided on site in accordance with the submitted plans.

This condition is imposed in order to ensure that foul and surface water drainage can be disposed of in a manner which does not cause risks of pollution or injury to public health.

8. The rooflights hereby approved shall be from the range of Conservation rooflights produced by The Rooflight Company.

This condition is imposed in accordance with policy ENV3 of the East Riding Local Plan and in order for details to reflect the character and appearance of the existing building and the visual amenities of the area.

9. No window shall be installed until large scale drawings of all proposed external joinery works which shall include full plans and elevations together with vertical and horizontal sections to a scale of at least 1:10 and a typical section of each joinery detail and moulding proposed to actual scale has been submitted to and approved in writing by the Planning Authority. The details shall include the depth of recess of the window and door frames when measured against the front face of surrounding brickwork/external render/stonework and details of heads, sills and lintels. The development shall then be carried out in accordance with the approved details

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

10. The rainwater goods utilised in the development hereby permitted shall be coloured black and thereafter so maintained.

This condition is imposed in accordance with policy ENV3 of the East Riding Local Plan and in order for details to reflect the character and appearance of the existing building and the visual amenities of the area.

11. The guttering to the development hereby permitted shall be fixed to the external walls by means of gutter spikes and no fascia boarding shall be used unless otherwise agreed in writing by the Local Planning Authority.

This condition is imposed in accordance with policies ENV1 and S4 of the East Riding Local Plan and in order for details to reflect the character and appearance of the existing building and the visual amenities of the area.

12. All new window frames, glazing bars and external door frames shall be of timber construction, painted in a dark colour and thereafter so maintained.

This condition is imposed in accordance with policies ENV1 and S4 of the East Riding Local Plan and in order for details to reflect the character and appearance of the existing building and the visual amenities of the area.

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

1831/007 REV C - As proposed site plan received 23.06.2020

1831/004 REV C - As proposed floor plans received 14.05.2020

1831/006 REV B - As proposed: north and east elevations received 11.05.2020

1831/005 REV B: As proposed: West and South elevations received 11.05.2020

EX20 01 Rev A - As existing - location plan received 23.08.2016

EX20 02 Rev A - As existing - topographical ground floor plan received 23.08.2016

EX20 03 Rev A - As existing - topographical first floor plan received 23.08.2016

EX30 01 Rev A - As existing - elevations received 23.08.2016

This condition is imposed for the avoidance of doubt and to ensure that the development hereby permitted is carried out in accordance with the approved details in the interests of the character and amenity of the area and the provisions of the development plan.

Relevant Planning Policies:

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

Policy S4 Supporting development in Villages and the Countryside

Policy ENV1 Integrating high quality design

Policy ENV3 Valuing our heritage

National Planning Policy Framework (NPPF) (2019)

National Planning Policy Framework (2019)

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

Signed

9 July 2020

Stephen Hunt MRTPI

Head of Planning and Development Management

**NOTES TO ACCOMPANY THIS DECISION**

**Appeals to the Secretary of State**

If you are aggrieved by this decision you can appeal to the Planning Inspectorate. Appeals can be made online at: https//www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on telephone number: 0303 444 5000.

Appeals must be made on the correct forms relating to the type of application you submitted. Information provided as part of the appeal process will be published online.

If you wish to appeal against a decision relating to:

• Householder applications - appeals must be made within 12 weeks of the date of this notice;

• Minor commercial applications - appeals must be made within 12 weeks of the date of this notice;

• Advertisement consents - appeals must be made within 8 weeks of the date of this notice;

• Any other type of application – appeals must be made within 6 months of the date of this notice.

Appellants requesting an inquiry into their appeal must notify the Local Planning Authority and Planning Inspectorate at least 10 days prior to appeal submission.

Please note - If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, you must appeal within 28 days of the date of this notice.

If an enforcement notice is served relating to the same land and development as in your application, you must appeal within 28 days of the date of service of the enforcement notice or within 6 months

(12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

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

**Purchase Notice**

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by carrying out any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with Part VI of the Town and Country Planning Act 1990.

**Approval of Details Required by Conditions**

A fee is payable for the submission of any matters required to be submitted for approval by any conditions attached to this permission. The fee is payable for each submission, not for each condition. Please refer to the council’s website at www.eastriding.gov.uk for more information.