

## COMMITTEE REPORT

**Date:** 5 February 2015      **Ward:** Skelton, Rawcliffe, Clifton Without  
**Team:** Major and Commercial Team      **Parish:** Clifton Without Parish Council

**Reference:** 14/02333/FUL  
**Application at:** 11 Halifax Court York YO30 5ZE  
**For:** Erection of 1no. detached dwelling  
**By:** Miss Emma Brownbridge  
**Application Type:** Full Application  
**Target Date:** 5 January 2015  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application relates to an area of land located on the west side of Water Lane, within a predominantly residential area. It is bounded by the residential properties, 187 Water Lane to the south, 9 and 11 Halifax Court to the north and 15 Halifax Court to the west. It is enclosed on these boundaries by a 2m high timber fence. There is a grassed verge to the front of the site, part of the public highway of Water Lane. An outward bound bus stop is situated within the grass verge to the southern end of the site's frontage. An inward bound bus stop is located opposite the site.

1.2 The application proposes the erection of a detached two-storey dwelling house, with a north-east to south-west orientation following that of 185-187 Water Lane. Its dimensions would be 8m long x 5m wide at two-storey with single storey additions at front and rear, and with heights of 6.9m to ridge and 5 m to eaves (measured from the application drawings). Accommodation would comprise a hall, cloakroom, living room and family room/kitchen on the ground floor with three bedrooms and a bathroom on the first floor. The dwelling would be of traditional brick and tile construction with a rendered finish to the first floor elevation and timber finish to the entrance porch and rear single storey projection and a dual pitched tiled roof. Access to the site would be from Water Lane, at the northern end of the site's frontage, leading to a driveway with turning area along the site's northern boundary.

1.3 There is no relevant planning history for the site. According to aerial photographs held by the Council, the land was formerly part of the garden curtilage for 11 Halifax Court.

1.4 The application has been called to Committee by the Ward Member, Councillor Mcilveen, on the following grounds:

- Inappropriate development of back land / amenity land;
- Inadequate vehicular access into a busy thoroughfare - Green Lane;
- Possible flooding and drainage problems.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGP1	Design
CYGP4A	Sustainability
CYGP10	Subdivision of gardens and infill devt
CGP15A	Development and Flood Risk
CYNE1	Trees, woodlands, hedgerows
CYH4A	Housing Windfalls
CYL1C	Provision of New Open Space in Development

## 3.0 CONSULTATIONS

INTERNAL

### Public Realm

3.1 Request for commuted sum payment in lieu of on site open space.

### Highway Network Management

3.2 No objections in principle. A new access is to be formed on to the C5419, Water Lane, away from the bus stop. Visibility is good and pedestrian visibility splays should be included, both of which may be conditioned. There is car parking for one vehicle which does not exceed our CYC Annex E maximum parking standards. There is turning available within the site which will allow the occupants to enter and exit the site in forward gear. Cycle parking has not been detailed so a condition is requested to require a good quality covered and secure facility to house two cycles to comply with minimum standards. Surfacing has not been detailed but is required to be sealed and positively drained to prevent escape of loose material and water on to the highway. Conditions and informative requested.

## Flood Risk Management Team

3.3 No objections subject to conditions regarding foul and surface water drainage. There are public surface water sewers recorded crossing the site. In this instance, building-over may take place under the control of Part H4 Building Regulations 2000 or diversion of by way of agreement with Yorkshire Water.

## Environmental Protection Unit

3.4 No objection raised subject to condition requiring external electrical socket in line with Council's Low Emission Strategy and informative covering demolition and construction.

## Planning and Environmental Management (Landscape Architect)

3.5 Advice in relation to the trees within the garden of 15 Halifax Court. The three trees, presumably Sycamore, immediately adjacent to the site boundary, have large spreading crowns. During the summer months, the trees will cast heavy shade across the entire main garden space of the proposed property as well as the reception rooms on this elevation. A new residential development in such close proximity to adjacent trees would very likely create a neighbour dispute should the owner of the trees wish to retain them in their current form.

3.6 The trees have a public amenity value because they are visible from Water Lane. However it is questionable whether they are worthy of a tree preservation order (TPO) since they are set back from the road, they are fairly close to existing properties, they are not a rare species, nor are they particularly good, balanced specimens. Whilst the loss of the trees would be noticeable, there are several other roadside trees in the vicinity.

3.7 Should the application be approved then a tree protection method statement should be provided under condition to prevent compaction and/or contamination and excavations over the rooting zone of the neighbouring trees which will extend well into the application site.

## EXTERNAL

### Clifton (Without) Parish Council

3.8 Object, giving following reasons:

- overdevelopment of the plot;
- highways will be an issue as the property is located on a bend and opposite a bus stop;

- drainage will be an issue due to increased development;
- application should be classed as Water Lane, not Halifax Court, as access is from Water Lane.

### Neighbour Notification/Publicity

3.9 Three responses have been received by or on behalf of surrounding local residents objecting to the proposal on the following grounds:

#### Amenity

- Loss of privacy and light from two storey property so close to surrounding houses and gardens;
- Noise and disturbance from building works;
- Noise from vehicles manoeuvring;
- Harm to Water Lane as house forward of established building line;
- Back garden too shallow/plot not big enough for house and vehicle turning;
- Hedging along Water Lane removed and replaced with mesh fencing without planning, which is an eyesore and affects security;
- Space around property too small to allow maintenance of property;
- Right of way for emergencies from number 15 Halifax Court has been blocked;

#### Highway safety

- Danger to safety of pedestrians as new access is on a bend and close to bus stop thereby affecting visibility for people close to mini roundabout;
- Access would affect the new bus stop;

#### Trees

- Land was formally woods, becks and ponds relies on trees and vegetation to retain the water table and prevent subsidence;
- Trees, which may have been protected, have been removed affecting wildlife, privacy and security;

#### Other matters

- Services, including sewers, run just under ground level through the site;
- Common restricted covenants in place which would stop development;
- Service strip along southern boundary needs to be kept clear for service and maintenance to rear of private gardens coming off water lane;
- Persimmons never built on land when estate built so why now;
- Queries over land ownership as has been woodland area for more than 30 years;
- Concern due to short notice, limited notification and unclear plans.

## 4.0 APPRAISAL

### KEY ISSUES

4.1 The key material considerations relevant to the determination of this application are:

- Principle of development;
- Sustainability;
- Design and visual amenity;
- Residential amenity;
- Trees and ecology;
- Flood risk and drainage;
- Access and parking;
- Contamination and pollution;
- Public open space.

### POLICY CONTEXT

4.2 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", March 2012). Paragraph 7 of the National Planning Policy Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking. The principles include: seeking high quality design and a good standard of amenity for all existing and future occupants of land and buildings; taking full account of flood risk; contributing to conserving and enhancing the natural environment and reducing pollution; encourage the effective use of land by reusing previously developed land that is not of high environmental value; and, actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling.

4.3 Section 4 of the NPPF promotes sustainable transport. Section 6 sets out the Government's policy for the delivery of homes. Section 7 seeks good design as a key aspect of sustainable development. Section 10 offers advice on meeting the challenge of climate change and flooding. Section 11 contains Government policy that aims to conserve and enhance the natural environment including landscapes, ecology and pollution and land instability.

4.4 The City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications, although it is considered that their weight is limited except when they are in accordance with the NPPF. The relevant policies are summarised in Section 2.2. Of particular relevance are the following policies:

4.5 Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape and incorporate appropriate landscaping.

4.6 Policy GP4a 'Sustainability' seeks, amongst other things, to ensure that development proposals are accessible by other means than the car and be easily accessible for pedestrians and cyclists.

4.7 Policy H4a 'Housing Windfalls' permits the grant of planning permission for residential development on land not allocated on the Proposals Map, where: a) the site is within the urban area and is vacant, derelict or underused; b) the site has good accessibility to jobs, shops and services by non-car modes; c) it is of an appropriate scale and density to surrounding development; and, d) it would not have a detrimental impact on existing landscape features.

## PRINCIPLE OF DEVELOPMENT

4.8 The site lies within the main built-up area of the City and within a predominantly residential area. It was part of the residential curtilage of 11 Halifax Court, though has now been sub-divided from the garden serving this dwelling.

4.9 One of the core planning principles set out in the (National Planning Policy Framework) NPPF is the effective use of land through the reuse of land which has been previously developed providing it is not of high environmental value. Annex 2 of the NPPF contains a definition of previously developed land, which excludes private residential gardens in built up areas. Paragraph 53 encourages local planning authorities to consider setting out policies to resist inappropriate development of residential gardens and gives the example of development causing harm to the local area. Policies GP10 and H4a of the Draft Local Plan accord with the NPPF in that they only allow for new development where it would not be detrimental to the character and amenity of the local environment (Policy GP10) and is of an appropriate scale and density and would not impact on existing landscape features (Policy H4a).

4.10 The residential development of the land would be compatible with the surrounding area, which is characterised by suburban interwar and post-war housing developments of varying form, layout and design. The scale and density of the proposed building would be comparable to those surrounding it. The site itself is clear of any existing landscape feature, with the exception of overhanging trees. Subject to there being no detriment to amenity of the local area, as considered

below, the proposal would accord with the general thrust in the NPPF of the efficient use of land.

## SUSTAINABILITY

4.11 The NPPF sets out a presumption in favour of sustainable development. Paragraph 49 states that housing applications should be considered in the context of this presumption in favour of sustainable development. Policy GP4a of the Draft Local Plan requires proposals to have regard to the principles of sustainable development as set out in the policy.

4.12 The site is in a sustainable location within the built-up area of the City, on an existing bus route and within easy reach of local services and amenities. There is adequate provision on site for refuse and recycling storage. The Design and Access Statement confirms that sustainable design and construction techniques will be incorporated where possible. Further information is provided in the submitted Sustainability Statement, which refers to the use of renewable construction materials, energy efficient lighting and an air source heat pump.

4.13 In light of the information submitted, the site is in a sustainable location and sustainable construction methods and techniques have been considered as part of the proposal.

## DESIGN AND VISUAL AMENITY

4.14 Policy GP1 of the Draft Local Plan accords with the aim of the NPPF in its requirement for high quality inclusive design.

4.15 The scale of the proposed dwelling is comparable to the houses surrounding it. It would have a traditional form and construction with a gabled tiled roof and part brick external walls. Its fenestration, use of render and single storey timber clad extensions would give a more modern appearance to the proposed building. Its external appearance does differ from the other properties in the vicinity and it is set forward of the semi-detached houses to the south. However, it is noted that the proposed dwelling sits between different housing estates, built at different times and with differing form and appearance. There is no uniform established building line at this point of Water Lane as the site represents a transition between the more formally laid out, front facing semi-detached 1930s properties to the south and the more recent housing estates with side and rear elevations facing towards Water Lane. Despite the differences in the scheme to the surrounding houses, the proposal would not detract from the street scene or have a detrimental impact on the general visual amenity of the area. Conditions should be attached to any approval to cover materials, boundary treatments and landscaping, particularly at the front of the site.

## RESIDENTIAL AMENITY

4.16 One of the core planning principles cited in the NPPF is to seek to secure a good standard of amenity for all existing and future occupants. This is reflected in Draft Local Plan Policy GP1(i) which requires development proposals to ensure that the amenity of nearby residents is not unduly affected.

4.17 The proposed dwelling would sit forward of 187 Water Lane by nearly 4m at two storey and 5m taking into account the entrance porch, but would be located to the north-west and would be separated by the garage belonging to no.187. There would be approximately 10.7m between the two storey elements of the existing and proposed houses. The access and driveway are to be located on the side boundary away from no. 187. As a result, the impact on the amenities of the occupants of 187 Water Lane, in terms of overshadowing, sense of enclosure, privacy and disturbance, would be limited.

4.18 The nearest property on Halifax Court would be no.11. This property would be located to the north of the proposed house, at a distance of approximately 8m, set at a right angle to it and off-set. The main impact on this property would be in terms of the shadows being cast over the garden area during the middle part of the day. However, the garden of no.11 wraps the side and rear of the house and, therefore, there would always remain an area of the garden free from shadow.

4.19 There would be a distance of approximately 11m from the proposed house to that of no.15, which adjoins no.11. There is the potential for some loss of privacy from the upper floor windows of the proposed dwelling to the rear garden of no.15. However, this is not an uncommon relationship in an urban area and would not affect the main habitable rooms of no.15 nor would there be overlooking from the main habitable rooms of the proposed dwelling given the boundary enclosure.

4.20 The impact on no.9 would be limited given the separation distance of over 21m and in line layout. Whilst the occupants would be aware of vehicles using the new access, any disturbance needs to be balanced against the existing level of activity associated with traffic on Water Lane and the low level of activity likely associated with one dwelling.

4.21 Whilst it is acknowledged that the construction of the proposed dwelling would be a noticeable change to the surrounding properties, it would not unduly affect the amenities that the occupants of the surrounding properties can reasonably expect to enjoy in an urban setting and any impact is considered to be within acceptable limits.



## TREES

4.22 Paragraph 118 of the NPPF guides Local Planning Authorities to conserve and enhance biodiversity by refusing significant harm that cannot be adequately mitigated and encouraging biodiversity in and around developments. Policy NE1 of the Draft Local Plan seeks to protect those trees that are of landscape, amenity, nature conservation or historic value, by, amongst others, requiring trees to be retained and adequately protected during development works and making tree preservation orders for trees which contribute to the landscape or local amenity.

4.23 There are no trees within the site itself, though there are mature trees, thought to be Sycamore, in the adjacent garden of 15 Halifax Court that overhang the site. Reference is made in neighbour responses to a large mature tree that has been felled by the applicant. However, neither this tree or those in the garden of the property to the west, are protected by a tree preservation order, and therefore, could have been, and could be, removed without the prior consent of the Local Planning Authority. Whilst the trees do have a public amenity value because they are visible from Water Lane, the Landscape Architect considers that it is questionable whether they are worthy of a tree preservation order since they are set back from the road, are fairly close to existing properties, are not a rare species and are not particularly good, balanced specimens. No approval would have been required for the removal of the vegetation along the site frontage.

4.24 The proposed house would be constructed in close proximity to the mature trees to the west and the trees would cast heavy shade across the main rear garden space and the reception rooms during the summer months. Whilst the current or future owners of the application site could trim back to the boundary those branches that overhang the site, the overall height of the trees could not be reduced without the consent of the neighbour.

4.25 The Landscape Architect has advised that a condition be imposed that requires a tree protection method statement in the event of approval of the application to prevent compaction and/or contamination and excavations over the rooting zone of the trees. Whilst acknowledging the close proximity to the trees, it is considered that it would be difficult to warrant refusal of the application given that the trees are not protected.

## FLOOD RISK AND DRAINAGE

4.26 Section 10 of the NPPF gives advice on how to deal with climate change and in particular the risk of flooding. In summary, it seeks to direct development away from areas at highest risk of flooding without increasing flood risk elsewhere (paragraph 100). This advice is reflected in Draft Local Plan Policy GP15a.

4.27 The site is located within flood zone 1 (Low probability) and should not, therefore, suffer from river flooding. A brief flood risk statement is included in the Design and Access Statement to this effect. The application is also supported by a Drainage Assessment Report that concludes that the site can be successfully drained. The Council's Flood Risk Engineer raises no objections to the scheme, but requests conditions relating to foul and surface water drainage arrangements.

4.28 A public surface water sewer is recorded as crossing in the vicinity of the site from the west and connecting with the sewer under Water Lane. The Engineer confirms that building-over or diversion may take place with the agreement of Yorkshire Water. An informative is requested to bring this matter to the attention of the applicant.

4.29 In light of the above, the proposal is considered to accord with the NPPF and Policy GP15a of the Draft Local Plan.

## ACCESS AND PARKING

4.30 A new vehicular access is proposed from Water Lane, which is at a sufficient distance from the roundabout junction to the north and the existing bus stop to the south. The new access would be approximately 13m from the bus stop, whereas the bus stop is only approximately 9m from the access to 187 Water Lane. On site parking for two vehicles and associated turning is provided. No details are provided of cycle parking provision, though there is considered to be adequate space on site to accommodate such a facility in a covered and enclosed store at the rear of the house. The Local Highway Authority raises no objection to the scheme on highway safety grounds, subject to conditions about visibility splays, cycle parking and surfacing materials.

## PUBLIC OPEN SPACE

4.31 The Council's Public Realm officer requests a commuted sum payment be made in lieu of the provision of on-site public open space in line with Draft Local Plan Policy L1c. However, following recent changes to Planning Practice Guidance, policy L1c is no longer compliant with the NPPF and in lieu payments on sites of less than 10 dwellings can no longer be sought.

## OTHER MATTERS

4.32 Residents raise concern about noise and disturbance during construction works, the loss of an access across the land in the event of an emergency, the limited space around the property to allow for maintenance, services that run underground across the site. Reference is made to restricted covenants that

prevent development of the land. The potential noise and disturbance during construction works would apply to all building works that occur, is likely to be during working hours and short-lived. The Environmental Protection Unit have asked for an informative to be added to draw the developer's attention to the requirements under the Environmental Protection Act and Control of Pollution Act. The remaining matters are not material to the consideration of this application as they either require subsequent approvals from interested parties or are separate legal matters.

## **5.0 CONCLUSION**

5.1 The proposal represents the efficient use of land in a sustainable location at low risk of flooding and for a use that is compatible with the surrounding area. The proposed house would be of traditional design and comparable in its scale to surrounding buildings. Its access and parking arrangements are acceptable in terms of highway safety. Drainage from the site could be satisfactorily addressed. The building would not have a detrimental impact on the visual amenity of the area due to the differing housing styles and informal layout of the street. The site could accommodate the dwelling proposed without causing substantial harm to the amenity of neighbouring residents. The property would be in close proximity to mature trees within a neighbouring property and, whilst the dwelling could be built without harm to the trees, it would have a smaller useable garden and experience significant shade from the trees in the summer months.

5.2 However, on balance, the proposal is considered to be acceptable in planning terms, subject to conditions. As such, the proposal is recommended for approval.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years -

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

Drawing no. B163.01.03 'Site Plan as Proposed' dated Sept 2014 and received 9 October 2014;

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Prior to the development coming into use, the initial 3m of the vehicular access, measured from the back of the public highway, shall be surfaced, sealed and positively drained within the site. Elsewhere within the site all areas used by vehicles shall be surfaced and drained, in accordance with the approved plans.

Reason: To prevent the egress of water and loose material onto the public highway.

4 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

5 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

6 Prior to the development coming into use 2.0 x 2.0m sight lines, free of all obstructions which exceed the height of the adjacent footway by more than 0.6m, shall be provided both sides of the junction of any access with the footway, and shall thereafter be so maintained.

Reason: In the interests of pedestrian safety.

7 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuDs). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided to discount the use of SuDs.

If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate

(based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site and that no foul and surface water discharges take place until proper provision has been made for their disposal.

Informative: The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

8 The applicant shall install a three pin 13 amp external electrical socket which is suitable for outdoor use. The socket shall be located in a suitable position to enable the charging of an electric vehicle using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. It should also have a weatherproof cover and an internal switch should also be provided in the property to enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles in accordance with paragraph 35 of the National Planning Policy Framework.

9 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

10 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials, including surfacing materials, to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

11 VISQ4 Boundary details to be supplied -

12 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs for the front of the site. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

## **7.0 INFORMATIVES: Notes to Applicant**

### **1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

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- Implementation of conditions to address identified issues.

## 2. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named: Works in the highway - Section 184 - Stuart Partington (01904) 551361

## 3. INFORMATIVE:

There are public surface water sewers recorded crossing the site. In this instance, building-over may take place under the control of Part H4 Building Regulations 2000 or diversion of by way of agreement with Yorkshire Water.

## 4. INFORMATIVE:

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the Council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the Council may consider taking action under Part IIA of the Environmental Protection Act 1990.

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for

"Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturer's instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site.

**Contact details:**

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