



## 2.2 York Development Control Local Plan (2005) Policies:

CYGP1 Design

CYED4 Developer contributions towards Educational facilities

CYH2A Affordable Housing

CYL1C Provision of New Open Space in Development

CYH1 Housing Allocations

## 3.0 CONSULTATIONS

### INTERNAL

#### Publicity and Neighbour Notification

3.1 Raise no objection in principle to the proposal but wish to see any permission conditioned to require remediation of contaminated land, the submission and approval of a Construction Environmental Management Plan(CEMP) and the provision of an appropriate number of electrical vehicle charging points.

#### Highway Network Management

3.2 Were consulted with regard to the proposal on 11th January 2019. Views will be reported verbally at the meeting.

#### Strategic Flood Risk Management

3.3 Were consulted with regard to the proposal on 11th January 2019. Views will be reported orally at the meeting.

#### Public Health (Sport and Active Leisure)

3.4 Were consulted with regard to the proposal on 11th January 2019. Views will be reported verbally at the meeting.

#### Housing Services

3.5 Were consulted with regard to the proposal on 11th January 2019. Views will be reported verbally at the meeting.

#### Education and Children's Services

3.6 Were consulted with regard to the proposal on 11h January 2019. Views will be reported verbally at the meeting.

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## Yorkshire Water Services

3.7 Raise no objection to the proposal.

## Ainsty(2008) Internal Drainage Board

3.8 Raise no objection in principle to the proposal subject to any permission being conditioned to require prior approval of a surface water drainage scheme.

## North Yorkshire Police Designing Out Crime Officer

3.9 Raises no objection in principle to the to the proposal but raises concerns in respect of the lack of information relating to lighting and rear boundary treatments. Specific concerns are raised in terms of a lack of defensible space to Plots 13-19 and the relationship of Plots 4 and 10 to the footpath running to the rear.

## Publicity and Neighbour Notification

3.10 The Lowfield Residents Action Group object to the proposal on the grounds that:-

- The proposal incorporates a three storey element which would appear alien in terms of its scale and massing when compared with the proposed bungalows to the north east, the two storey form of the demolished school buildings and the conventional two storey form of the adjoining housing;
- The proposal envisages the removal of existing railing and its replacement with a close boarded timber fence that would harm local biodiversity and be less secure in respect of adjoining properties;
- The proposal has the potential to exacerbate problems of anti-social behaviour by re-opening the previous pedestrian access to Little Tudor Road;
- The site is not sustainably located in respect of local public transport routes;
- Insufficient parking space has been provided for the envisaged number of residents;
- The proposed method for allocating the housing is not specified;
- The height and mass of the revised proposal is seen to be increased;
- The proposed means of micro generation is not felt to be the most appropriate for the site.

3.11 Four letters of objection have been received in respect of the proposal. The letters of objection raise the following planning issues:-

- The scale and massing of the three storey element of the proposal which would appear alien in relation to its wider surrounding;
- The use of wood burning stoves as a means of heating on pollution grounds;
- The loss of the existing railings on security and ecology grounds;

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- The impact of the three storey element of the proposal upon neighbouring residential properties by virtue of overbearing impact and loss of light;
- The proposed palette of materials which would prove difficult to maintain;
- The detail of the proposed landscaping for the site;
- The proposed means of constructing the development particularly in terms of hours of operation and routing of construction traffic;
- Concern over the deliverability of the proposed community building/care home.

3.12 Six letters of support letters raise the following issues:-

- Support for the provision of low-cost communal housing via an innovative delivery vehicle;
- Support for the proposal as sustainable development.
- The development would support the existing communities in Westfield/Acomb.

## 4.0 APPRAISAL

### KEY CONSIDERATIONS

4.1 KEY CONSIDERATIONS INCLUDE:-

- Principle of development;
- Impact upon the visual amenity of the wider street scene;
- Impact upon the residential amenity;
- Impact of the proposal upon crime and anti-social behaviour in the locality;
- Impact upon the safety and convenience of highway users;
- Sustainability of the proposal.
- Provision of affordable housing.

### LOCAL PLAN

4.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited.

4.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

-The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

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- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

## PRINCIPLE OF DEVELOPMENT

4.5 There is a strong imperative in favour of housing delivery in the NPPF. It states that a Council must always be able to demonstrate a five-year supply of housing land. Paragraph 11 requires that authorities should grant permission for development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole, or where specific policies in the Framework indicate development should be restricted.

4.6 The Lowfield School ceased to be used in 2010 and has subsequently been demolished. The site has since 2014 been identified as a potential development site for a mix of uses with a predominance of residential. It forms a draft allocation within the 2018 Draft Plan as a housing site and as such contributes to the Council's 5 year housing land supply of deliverable sites. Central Government Planning Policy as outlined in the National Planning Policy Framework within paragraph 8 identifies the provision of access to a range of housing opportunities as an important element of the presumption in favour of sustainable development underwriting the document. As such the development is considered to be acceptable in principle in land use terms.

4.7 Outline Planning Permission has previously been given for the wider development of the site incorporating the current proposal ref:- 17/02429/OUTM. The current proposal however sits separately as an application for full planning permission. The development meets the policy H2 (2018 Draft Plan) density target of 40 dwellings per hectare for the suburban area. Policy H3 of the 2018 Draft Plan seeks the provision of a balance of types of housing which reflects the characteristics of the development site and the needs of prospective occupiers whilst maintaining consistency with the up-to-date SHMA (Strategic Housing Market Assessment). The proposal seeks permission for construction of a mix of two storey terraced housing with a range of two to four bedroom units with one bedroom apartments above the Common House. In terms of Policy H3 it is felt that the proposal accommodates an area of the housing market not presently catered for within the wider area and is therefore acceptable on those terms.

## IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE

4.8 Central Government Planning Policy as outlined in paragraph 127 b) of the NPPF indicates that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 131 of the Framework indicates that great weight should be given to outstanding or innovative designs which promote high levels of sustainability so long as they fit in with the overall form and layout of the surroundings . At the same Policy D1 (Place making) of the Publication Draft City of York Local Plan (2018) indicates that new development proposals should ensure that appropriate building materials are used as well as demonstrating the use of best practise in contemporary urban design and place making.

4.9 The proposal envisages the erection of a housing development centred around an irregular court area at the south eastern edge of the Lowfield's site. The development consists of a mix of two, three bedroom and four bedroom houses in a terrace form. At the north eastern edge is a part single storey/part three storey common house with one bedroom apartments above. The dwellings would have a standing seam metal roof with a mix render panels walls in pastel shades with timber cladding. Concerns have been expressed by objectors in respect of the form of the three storey element of the proposal along with the chosen palette of materials. As submitted the three storey element of the proposal was envisaged to have a flat roof with a low parapet. The scheme has however been amended to have a low dual pitch roof which could accommodate the proposed solar PVs whilst appearing more residential in character. The massing and height of the scheme allowing for the flues associated with the biomass heating system would not be materially different in views across the site, with the low roof sitting behind the parapet. The amended roof form would make the flues appear visually less prominent. In terms of the wider development planning permission has previously been given for a development of bungalows along a wide street to the east with the proposed care home directly to the north. The three storey element of the current proposal would lie at the north eastern corner of the site and would be read in conjunction with the scale and massing of the care home directly to the north.

4.10 A detailed hard and soft landscaping scheme is proposed making use of the proposed grey water recycling system for the central court area with individual new specimen trees proposed for visually prominent locations around the site boundaries. The proposed development would only abut the surrounding pattern of development to the south and south west with the boundary heavily landscaped. The development would be read in conjunction with the wider Lowfield development which it has been designed to complement , rather than that surrounding and as amended it is felt to be broadly acceptable in terms of its impact upon the visual amenity of the wider street scene.

## IMPACT UPON RESIDENTIAL AMENITY

4.11 Paragraph 127f) of the NPPF indicates that new development should seek to provide a good standard of amenity for all new and existing users of the development and Policy D1 (place making) of the 2018 Draft Plan as amended by minor modifications since submission seeks that new development should seek to safeguard the residential amenity of neighbouring properties. Concerns have been expressed by objectors in respect of the impact of the three storey element of the proposal upon the residential amenity of neighbouring properties by reason of loss of light and overbearing impact.

4.12 The three storey element of the proposal occupies a corner site at the north eastern edge of the development. Further to the east, within the approved Lowfields scheme lies a development of bungalows. The three storey element of the development would be some 19.6 metres from the bungalows at the closest point which is the garages serving two adjacent plots with a height of 9.2 metres to parapet level. At the same time the windows lighting the principal living areas of the "common house" and the flats above have been designed to face north and north west with any views of the bungalows to the east and north east oblique. The location of the three storey element of the development relative to the bungalows combined with the distance also means that the bungalows would not be subject to any material loss of daylight and sunlight. The closest residential property to the south, no 40 Tudor Road would be some 20.5 metres distant which is characteristic of separation distances between two storey residential properties within the wider area. The proposed residential properties would themselves be two storeys in height at the site boundary. The proposal is therefore felt to be acceptable in terms of its impact upon the amenity of neighbouring residents.

4.13 In terms of the amenities of prospective residents of the development itself the development is of a terraced form arranged around a central court with a communal building to the north east. The separation distances between the fronts of the properties across the court area are in excess of 30 metres and the development is therefore felt to be acceptable in terms of impacts upon the amenities of prospective residents. The requirements of paragraph 127f) of the NPPF and Policy D1 of the Publication Draft Local Plan can therefore be achieved.

## IMPACT UPON CRIME AND ANTI-SOCIAL BEHAVIOUR

4.14 Concerns have been expressed by objectors that the proposal may become a focus for anti-social behaviour in the locality and instances of anti-social behaviour focussed around a local pub are highlighted. The proposal is however designed to be inward facing around a central court with clear visibility of public areas and points of access from the surrounding area from the surrounding housing. The identified incidents of anti-social behaviour in the locality are not related to the site and in some cases take place a significant distance away. Some concern has been raised

by the Police Architectural Liaison Officer in respect of lighting and boundary treatments although both issues may be addressed by appropriate conditions appended to any planning permission. At the same time concern is expressed that the access footpath running to the rear of Plots 4 to 10 would remain unsecured although the path could be gated by condition on any planning permission.

## IMPACT UPON THE SAFETY AND CONVENIENCE OF THE HIGHWAY

4.15 The proposal envisages the provision of 12 vehicle parking spaces and 66 cycle parking spaces. Concern has been expressed by objectors in respect of the numbers of parking spaces within the development together with volumes of traffic generated by the proposal. The proposal is however designed to follow closely the principles of sustainable development with a lower provision of car parking which is in accordance with the Authority's parking standards with a provision of cycle parking above that outlined within the Authority's standards. The development would not have a separate point of access on to the surrounding local highway network but would share that associated with the remainder of the Lowfield development and which has previously been modelled in connection with the planning permission for the wider Lowfield scheme. At the same time the application site would be closely located to the re-opened pedestrian access to Tudor Road. The proposal is therefore felt to be appropriate in highway terms.

## SUSTAINABILITY OF THE PROPOSAL

4.16 Policy CC2 of the Publication Draft City of York Local Plan (2018) sets out a firm policy presumption which exhibit high standards of sustainable design and construction. It is proposed to construct the complex with sustainably sourced materials with the use of timber windows and structural cladding. It is proposed to use grey water recycling to provide water for the gardens and landscape areas. It is furthermore proposed to make use of a biomass heating system together with air source heat pumps and solar panels in order to minimise use of grid based electricity. The development has at the same time been designed to have good connectivity with the surrounding area for pedestrians and cyclists. In order to encourage sustainable transport an over-provision of cycle parking spaces is proposed. Concern has been expressed by objectors in terms of the use of wood/biomass burning stoves as a means of heating. Issues of smoke control however falls within the remit of separate legislation under the Environmental Protection Act. However, the proposed system is felt to be acceptable. It is felt therefore that the proposal complies with the requirements of Policy CC2 of the Publication Draft City of York Local Plan would therefore be complied with.

## AFFORDABLE HOUSING AND INFRASTRUCTURE CONTRIBUTIONS

4.17 The development comprises 19 units in which case Policy H10 of the Publication Draft City of York Local Plan would ordinarily apply. The proposed

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development however proposes an innovative means of housing provision incorporating communal facilities and operation together with standards of amenity below that normally accepted in terms of general open market housing. In dealing with the earlier outline application the unusual nature of the housing provision was taken account of by a compensatory provision in terms of affordable housing made over the remainder of the development site. Whilst it is acknowledged that the present proposal is a separate stand alone full planning application in order to secure consistency with the determination of the earlier permission it is proposed to adopt the same approach and to condition any permission to secure the retention of the development as community housing.

4.19 An identical approach has been adopted in respect of the provision of educational contributions and open space with the respective requirements secured against the remainder of the development.

4.18 Concerns have been expressed by objectors in respect of the proposed allocation mechanism for the housing. The applicant is however a registered housing co-operative and the detail of the allocation mechanism is not however a material consideration in terms of determining the application.

## **5.0 CONCLUSION**

5.1 The development lies within the south eastern section of the former Lowfield school site. It would provide an innovative form of housing and would contribute to the supply of housing land in accordance with Local Plan and NPPF policy. The design of the scheme as amended would not give rise to any material harm to the visual amenity of the wider street scene or the residential amenity of neighbouring properties. The proposal would not give rise to any issues of anti-social behaviour and any highway impacts have been previously modelled in the context of the outline planning permission ref:-17/02429/OUTM for the wider Lowfield scheme.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 The community build development as identified on approved plan ref:17008-306A shall not begin until a detailed scheme for the provision, occupation, long-term management and retention of the community dwellings hereby approved and the mechanism for its implementation has been submitted to and approved in writing by the Local Planning Authority. The community dwellings shall thereafter be provided, occupied, managed and retained in accordance with the approved scheme.

Reason To ensure that the development is occupied and managed as proposed by the applicant in accordance with policy H10 and DM1 of the 2018 Draft Local Plan.

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

Drawing Refs 17008-317C; 17008-316C ; 17008-315C; 17008-314D ; 17008-313D ; 17008-312E ; 206 REV B ; 17008-340F ; 17008-331E ; 17008-330F ; 17008-320F; 17008-319B; 17008-318B ; 17008-309F ; 17008-308H ; 17008-306A ; 17008-302G.

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

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development beyond foundation level. 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.

5 A sample panel of the materials to be used on this building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works beyond foundation level. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

6 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the construction of the development commences beyond foundation level and shall be provided in accordance with the approved details before the development is occupied.

Reason In the interests of the visual amenities of the area and the amenities of neighbouring properties.

7 The development shall not be occupied 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. 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 in the interests of the character and appearance of the area.

8 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.

9 No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off - site works, have been submitted to and approved by the Local Planning Authority . If discharge to public sewer is proposed, the information shall include the point (s) of connection into the existing public sewer and the means by which the discharge rate shall be restricted to a maximum rate of 30 litres per second. Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason To ensure that no surface water discharges take place until proper provision has been made for its disposal.

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

Reason In the interest of satisfactory and sustainable drainage.

11 An electrical socket shall be provided at each dwelling prior to its first occupation to enable charging of an electric vehicle using a 3m length cable whilst parked and the electric socket shall thereafter be permanently retained.

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Note: Any socket provided must comply with Building Regulations and be suitable for charging electric vehicles. In particular, consideration should be given to cable and circuitry ratings to enable safe charging of modern electric vehicles. Where located on a driveway it should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off. The electrical circuit shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation (2015).

Reason To facilitate the uptake of low emission vehicles in line with City of York Council's adopted Air Quality Action Plan (AQAP3) and Low Emission Strategy (LES)

12 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C, E and F ; of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015

13 LC4 Land contamination - unexpected contam

14 Prior to commencement of development a detailed ground gas assessment shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the design of a gas protection system which shall be fully implemented prior to first occupation of the development and fully maintained thereafter.

Reason To ensure that risks from landfill gas to future users of the land are minimised.

15 Prior to the first occupation of the development full details of a barrier to prevent motor vehicle access to the site via the cycle/pedestrian access from Tudor Road to the south east of the site shall be submitted to and approved in writing by the Local Planning Authority. The barrier shall be erected as approved prior to the first dwelling being occupied and kept in place thereafter.

Reason To reduce the risk of anti-social behaviour in the locality and to secure compliance with paragraph 95a) of the NPPF (2018) and Policy D1 of the Publication Draft City of York Local Plan (2018)

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16 All demolition and construction works and ancillary operations, including deliveries to and dispatch 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.

Reason: To protect the amenity of local residents

17 Prior to the commencement of the development details of a barrier to prevent the access to the site from Little Tudor Road by construction vehicles shall be submitted to and approved in writing by the local planning authority. The approved barrier shall be kept in place for the duration of the development process.

Reason: To protect the amenity of local residents.

18 Prior to the commencement of the development hereby authorised above foundation level details of gating to be provided to the entrances to the pathway running to the rear of plots 4 to 10 shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the design, height and means of locking of the proposed gates and the development shall not be first occupied until the gates have been provided in accordance with the details thereby approved. The gates shall then be maintained in place thereafter.

Reason To safeguard the residential amenity of neighbouring properties in accordance with paragraph 127f) of the NPPF.

19 Prior to the commencement of the development above foundation level full details of all hard landscaping works including design of street furniture, bollards and play equipment shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved prior to the development being first occupied and shall be maintained as such thereafter.

Reason To safeguard the visual amenity of the wider street scene and to secure compliance with Policy D1 of the Publication Draft City of York Local Plan (2018)

20 The development shall not be begun until details of the junction between the internal access road and the highway as illustrated on drawing 064545-CUR-00-00-DR-TP-05/002-V01)(appended to planning permission ref:-17/02429/OUTM) have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason In the interests of road safety

21 Prior to first occupation of any part of the development the bus stop works as indicatively shown on drawing titled "Tudor Road Bus Stop Works" dated 08/01/2018 shall have been carried out in accordance with details submitted to and approved in writing by the Local Planning Authority or arrangements entered into which ensure the same.

Reason In the interests of the safe and free passage of highway users and to promote sustainable modes of transport

22 The development hereby authorised shall not be first occupied until the access road linking the site to the public highway has been constructed in its entirety to base course level.

Reason To secure the safety and convenience of highway users.

23 No part of the development hereby approved shall be occupied until a Full Travel Plan has been submitted to and approved in writing by the LPA. The Travel Plan should be developed and implemented in line with local and national guidelines and the submitted Interim Travel Plan dated September 2017 (ref YORK04/ITP). The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan as approved.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason To ensure that traffic flows from the sites can be safely accommodated and to promote the usage of sustainable means of transport

24 Prior to the commencement of development details of what measures are to be provided within the design of the new building to accommodate bats shall be submitted and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with these approved details. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, bat boxes etc.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and comply with Section 11 of the NPPF.

25 Prior to the commencement of the development above foundation level full details of all site lighting shall be submitted to and approved in writing. The development shall thenceforth be undertaken in strict accordance with the details thereby authorised prior to the development being first occupied and maintained as

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such thereafter.

Reason To safeguard the residential amenity of neighbouring properties and to secure compliance with paragraph 127f) of the NPPF.

## **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 (paragraph 38) 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:

Sought amendment of the design of the common house building to render it more residential in character.

### **2 .DEMOLITION AND CONSTRUCTION:-**

1. All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

o Saturday 09.00 to 13.00

o Not at all on Sundays and Bank Holidays.

2. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and

BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

3. Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions. Some basic information on control noise from construction site can be found using the following link.

[https://www.york.gov.uk/downloads/download/304/developers\\_guide\\_for\\_controlling\\_pollution\\_and\\_noise\\_from\\_construction\\_sites](https://www.york.gov.uk/downloads/download/304/developers_guide_for_controlling_pollution_and_noise_from_construction_sites)

4. All plant and machinery to be operated, sited and maintained in order to minimise

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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.

5. There shall be no bonfires on the site.

### 3 BREEDING BIRDS

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

### HEDGEHOGS

The applicant is advised to consider using permeable fencing or leaving occasional gaps suitable to allow passage of hedgehogs. Any potential hibernation sites including log piles should be removed outside the hibernation period (which is between November and March inclusive) in order to avoid killing or injuring hedgehog.

Hedgehogs are of priority conservation concern and are a Species of Principal Importance under section 41 of the NERC Act (2006). An important factor in their recent population decline is that fencing and walls are becoming more secure, reducing their movements and the amount of land available to them. Small gaps of approximately 13x13cm can be left at the base of fencing to allow hedgehogs to pass through. Habitat enhancement for hedgehogs can easily be incorporated into developments, for example through provision of purpose-built hedgehog shelters or log piles.

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