

COMMITTEE REPORT

Date: 16 February 2022 **Ward:** Rural West York
Team: West Area **Parish:** Nether Poppleton Parish
Council
Reference: 20/02513/FUL
Application at: The Lord Nelson 9 Main Street Nether Poppleton York YO26
6HS
For: Erection of 2no. dwellings on land to the rear of the Lord Nelson
public house (resubmission)
By: ACT York Ltd
Application Type: Full Application
Target Date: 23 December 2021
Recommendation: Approve

1.0 PROPOSAL

1.1 The erection of two detached dwellings on land to the rear of the Lord Nelson public house, Nether Poppleton. The site is vacant and was last used for the storage of caravans. Access to the site would be via an existing vehicular access from Main Street, which serves the land and the public house. The dwelling at plot 1 would be located immediately behind the pub car park and would have two storeys. The house at plot 2 would be further into the site and have one storey. Both dwellings would have a private garden, garage and forecourt parking.

1.2 The site lies within the Nether Poppleton Conservation Area. It is unallocated in the Upper and Nether Poppleton Neighbourhood Plan and the 2018 Draft Local Plan (2018 eLP). Poppleton House, which is Grade II listed, lies to the south east of the site, separated from it by mature landscaping and a high boundary wall.

Ward Councillor Call-in

1.3 The application has been called-in by Cllr Hook due to conflict with the Poppleton Neighbourhood Plan, in particular policy PNP3 which states that all proposals for development in the Upper Poppleton and Nether Poppleton conservation areas should preserve or enhance their special character or appearance.

Planning History

1.4 The application is a resubmission of 18/02692/FUL for the erection of two houses. The previous application was refused by sub-committee in September 2020 due to impact on the conservation area and the setting of Poppleton House.

2.0 POLICY CONTEXT

Upper Poppleton and Nether Poppleton Neighbourhood Plan

2.1 Relevant policies are:

PNP3 Development within Conservation Areas
PNP4 Village Design Statement

Draft Development Control Local Plan 2005

2.2 Relevant policies are:

GP1 Design
GP4a Sustainability
HE2 Development in Historic Locations
HE3 Conservation Areas
GP15A Development and Flood Risk
H4A Housing Windfalls

Publication Draft Local Plan 2018

2.3 Relevant policies are:

DP3 Sustainable communities
D1 Placemaking
D2 Landscape and setting
D4 Conservation areas
D5 Listed Buildings
ENV2 Managing Environmental Quality
ENV4 Flood Risk
ENV5 Sustainable Drainage
CC1 Renewable and Low Carbon Energy
CC2 Sustainable Design and Construction of New Development
T1 Sustainable Access

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development (Archaeology)

3.1 The proposed development area is within the historic village of Nether Poppleton. It occupies a village toft leading back from Main St which has seen little disturbance. It is an area of archaeological interest.

3.2 An archaeological evaluation of this site is required ahead of the construction of any proposed dwellings. This will assess the impact of the scheme on any surviving archaeology on the site and allow a mitigation strategy to be agreed. If nationally significant archaeology is discovered during the evaluation preservation in-situ may be required. If archaeological features of regional/local significance are located on the site a full excavation may be required. Conditions are sought.

Design, Conservation and Sustainable Development (Conservation)

3.3 The spacious character of the application site contributes to the village character of the settlement, and the plot form is a tangible link to its historic development. The development site thus makes a positive contribution to the character and appearance of the conservation area (the Lord Nelson should be regarded as a non-designated heritage asset). Both new dwellings are of substantial scale and occupy a considerable proportion of the site. The form and materials of plot 2 would appear at odds with the prevailing style and materials in the area. Of greater concern is the impact of the scale of the development on the openness of the plot. In diminishing its open character, the development harms the contribution the site makes to the historic character of the conservation area. In addition, the 2-storey dwelling would be a bold addition to the setting of Poppleton House, diminishing the spacious setting which it has enjoyed since the date of construction. The harm to the conservation area and the setting of Poppleton House are less than substantial. The provision of two dwellings on the site is insufficient to balance or outweigh the harm. The application should be refused. If the applicant wishes to continue with the application we would recommend the scheme is reduced to a single dwelling, single storey, located close to the rear of the public house to maintain the openness of the site and the contribution it makes to the character and setting of the designated heritage assets.

Design, Conservation and Sustainable Development (Landscape)

3.4 The building footprint of the dwelling on plot 2 is large and the proposed driveway is close to protected trees within the grounds of Poppleton House. The building footprint should not come any further towards the trees than approximately half way across the width of the site. I also have some concern over the proximity of the dwelling on plot 2 to the tall mature trees in relation to the scale of the proposed building footprint and available garden space. The revisions since submission reduce the impact on the protected trees. If planning permission is to be approved add a condition requiring submission of an arboricultural method statement and scheme of arboricultural supervision regarding protection measures for existing trees.

Public Protection

3.5 The proposed dwellings would be close to a commercial use, a public house. The public house can generate noise from plant/machinery located to the rear, noise from the use of the car park and noise from the customers using the premises. These existing noise sources could cause disturbance to the future occupants of these new dwellings. Therefore add a condition requiring noise insulation measures for the dwellings. A condition is also proposed in connection with electric vehicle recharging sockets.

Highway Network Management

3.6 No objections to the revised proposals. Add conditions regarding submission of access details, method of works, provision of car/cycle parking and service access to the public house.

Flood Risk Management

3.7 In February 2019 the Flood Risk Management Team witnessed soakaway testing, which was successful. No objections are raised to the development in principle. If planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and public sewer network.

EXTERNAL

Ainsty Internal Drainage Board

3.8 The application appears to enlarge the impermeable area on site and has the potential to increase the rate of surface water run-off from the site if this is not effectively constrained. The applicant states that surface water will drain by a combination of soakaways and balancing storage. Soakaway testing worked well so surface water run-off to soakaway can be conditioned. The applicant is proposing to connect into the mains sewer. If Yorkshire Water is content with the proposed arrangement and is satisfied that the asset has the capacity to accommodate the flow, then the Board would have no objection to the new proposed arrangement.

Yorkshire Water

3.9 No comments to make.

Conservation Area Advisory Panel

3.10 The two proposed dwellings are set extremely close to the site boundary. It would be difficult to object to the use of the site for housing but the area remaining

for the pub car park may not be viable. The two dwellings proposed are in contrasting styles, one traditional and one modern. The modern design for the bungalow is more appropriate to the site and could equally be applied to the 2-storey house. The Panel supports the principle of the proposal but would wish to see the design of the house amended.

York Civic Trust

3.11 Does not object to the application. It acknowledges the revisions made from the original application but notes that there is the potential for this development to make a stronger contribution to the conservation area through good-quality, sustainable 21st Century design.

Nether Poppleton Parish Council

3.12 Objects on the following grounds:

- Impact on the area.
- Design and appearance of the buildings in relation to the conservation area and listed buildings.
- The need to protect green spaces.
- Overlooking and overshadowing of existing properties.
- The current plan ignores protection of all trees adjacent to the property and does not address the previously stated material considerations.
- The CYC conservation officer is of the opinion that the open aspect of the plot should be preserved by the erection of only one building on the site.

4.0 REPRESENTATIONS

Neighbour notifications and Publicity

4.1 17 objections received:

- Overdevelopment
- Incongruous design and materials
- Harmful impact on the conservation area
- Plot 1 - Unduly high and prominent; should be single-storey only
- Plot 1 - Impact on Poppleton Hall and other listed buildings
- Plot 1 - Loss of views of Poppleton House from the river and snicket
- The land is a burgage strip and should not be developed
- The proposals are not consistent with the NPPF, local plan and neighbourhood plan
- Additional level of hardstanding could lead to surface water drainage issues

- Plot 1 - Overlooking, overshadowing, overbearing, noise nuisance
- Would result in the pub, a community asset, having to close.
- Loss of pub parking
- Would exacerbate existing parking issues
- Access for pub deliveries would be hazardous
- Detrimental to the pub and its customers
- Inadequate access for emergency vehicles
- Traffic hazard due to access, bus stop, bend
- Conflicts with designation of Asset of Community Value
- Loss of green space, wildlife and habitats
- Uncertainty about loss of boundary screening
- Site is of archaeological importance
- Permitted Development Rights should be removed
- The application has no benefits for the community
- Benefits of the scheme don't outweigh the harm

4.2 6 representations in support:

- Development of the site is inevitable and a good thing
- The site is ideal for housing
- It has good access to the main road
- Houses would cause less disturbance than the previous use for caravan storage
- The land has no amenity value to the village and is being wasted
- The retained car parking is sufficient for the pub
- New housing would re-invigorate the pub as the focal point of the community

5.0 APPRAISAL

5.1 MAIN ISSUES

- Principle of development for housing
- Design and impact on heritage assets
- Landscape
- Flood risk and drainage
- Access, parking and highway safety
- Neighbour amenity
- Asset of community value
- Climate change

UPPER POPPLETON AND NETHER POPPLETON NEIGHBOURHOOD PLAN

5.2 The Upper Poppleton and Nether Poppleton Neighbourhood Plan is the statutory Development Plan for the application site by virtue of Section 38(3) of the Planning and Compulsory Purchase Act 2004 which requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 30 of the National Planning Policy Framework (the “NPPF”) states that policies in a made neighbourhood plan take precedence over existing non-strategic policies covering the neighbourhood area where they are in conflict. Policy PNP4 (Village Design Statement) states that all new developments within the settlement limits of the village should respect the design guidelines in the Village Design Statement.

5.3 Poppleton Village Design Statement, adopted in 2003, includes design guidelines and advises that to conserve the special character of the traditional communities, the size, scale and massing of new buildings and extensions should harmonise with neighbouring properties and spaces; space should be maintained around dwellings. The use of local characteristic details and materials is to be encouraged.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

5.4 The Publication Draft Local Plan 2018 (the '2018 eLP') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the emerging policies can be afforded weight according to:

- The stage of preparation of the 2018 eLP (the more advanced the preparation, the greater the weight that may be given);
- 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 2018 eLP to the policies in the previous NPPF published in March 2012.

Relevant policies are set out in section 2 above. Given the advanced stage of the 2018 eLP's preparation, the lack of significant objection to the emerging policies relevant to this proposal and the consistency with the NPPF, the policy requirements of 2018 eLP policies can be applied with limited weight.

DEVELOPMENT CONTROL LOCAL PLAN (2005)

5.5 The Development Control Local Plan Incorporating the Fourth Set of Changes (DCLP) was approved for development management purposes in April 2005. 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 February 2021), the weight that can be afforded to them is very limited.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.6 The revised National Planning Policy Framework was published July 2021 and its planning policies are a material consideration in the determination of planning applications. The presumption in favour of sustainable development set out at paragraph 11 of the NPPF does not apply where the application of policies relating to impacts on the heritage assets indicate that permission should be refused.

PRINCIPLE OF DEVELOPMENT FOR HOUSING

5.7 The NPPF supports the Government's objective of significantly boosting the supply of homes, with homes provided in rural areas where it will enhance or maintain the vitality of rural communities. The proposal would provide two dwellings. Paragraph 69 of the NPPF advises that small sites can make an important contribution to meeting the housing requirements of an area and supports the development of windfall sites within existing settlements for homes. The site is in a sustainable location with easy access to a wide range of services. The proposed use for housing is acceptable in principle subject to other material considerations being acceptable.

DESIGN AND IMPACT ON HERITAGE ASSETS

5.8 The scheme seeks permission for the erection of two detached houses with attached garages. The house at plot 1 would be located towards the front of the site, immediately to the rear of The Lord Nelson's garden and car park. The dwelling would run along the north western boundary of the site and be constructed of brick and slate. It would have a largely traditional appearance with two storeys, four bedrooms and a pitched roof. The house at plot 2 would be located towards the rear of the site, close to the north western boundary. It too would have four bedrooms but its design would be contemporary, in stark contrast to the house at plot 1. It would have one storey and a flat segum-covered roof. Main materials would comprise brickwork with aluminium for the doors and windows.

5.9 The application site is within the Nether Poppleton Conservation Area. The neighbouring Poppleton House and 5 Main Street are grade II listed. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the "1990 Act") requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the same Act requires that in determining planning applications for development which would affect a listed building or its setting the LPA shall 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.

5.10 Case law has made clear that when deciding whether harm to a conservation area, a listed building or its setting is outweighed by the advantages of a proposed development, the decision-maker must give particular weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. There is a strong presumption against the grant of planning permission in such cases.

5.11 Paragraph 130 of the NPPF requires that developments, inter alia, function well and add to the overall quality of the area, be visually attractive and be sympathetic to local character and history. It states in paragraph 134 that development that is not well deigned should be refused. These aims are reflected in policies D1, D2, D4 and D5 of the 2018 eLP.

5.12 Policy PNP3 of the neighbourhood plan states that all proposals for development in the conservation area should preserve or enhance its special character or appearance and protect the open character and heritage assets of the village. Section 16 of the NPPF defines listed buildings and conservation areas as designated heritage assets. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.13 The application site is comprised of a long narrow plot on rising land behind a historic public house within the historic village of Nether Poppleton. The historic core is a designated conservation area. The character of the area derives from the semi-rural character around St Everilda's Church and Manor Farm and their associations with the origins of the current settlement, which gives way to 18th and 19th century development of along Church Lane and Main Street. The long narrow plot to the rear of the Lord Nelson public house is characteristic of historic development in the village, either as a remnant of earlier burgage plots or 18th century development. The spacious character of the plot contributes to the village character and the plot form is a tangible link to its historic development. The development site thus makes a positive contribution to the character and appearance of the conservation area.

5.14 The traditional form of plot development in the conservation area is a house towards the front of the plot with ancillary agricultural buildings, attached or free standing, to the rear. The application follows this general form by locating the 2-storey, pitch-roofed house at the front of the site and the single-storey, flat-roofed

house at the rear. Furthermore the houses would be orientated along the boundary of the site adjacent to Hallgarth Close. This would provide a clear separation between the proposed scheme and the setting of Poppleton House. The two plots would be separated by low hedging to maintain the open aspect through the site.

5.15 The house at plot 1 would be built using traditional materials in keeping with the character of the conservation area, i.e. clamp bricks, timber doors/windows and slate for the pitched roof. The house would be approximately 36m from the rear elevation of Poppleton House, which is a substantial, predominantly 3-storey, grade II listed building set within ample grounds, with a brick wall along the shared boundary and partially screened by mature trees. The proposed house would be about 18m from the boundary. Design guideline 9 of the VDS states that listed buildings and their surrounding environment must be fully considered when contemplating new build. The presence of the 2-storey house at Plot 1 would diminish the spacious setting of the listed building. Nevertheless, the 36m separation distance, in combination with the partial screening by the brick wall and boundary planting, would prevent the proposed house having a significant impact on the setting of the listed building. The harm to the significance of the listed building would be less than substantial.

5.16 The building at plot 2 would not be visible from Main Street. It has been designed to minimise its profile by being single-storey with a flat roof. Height (excluding a chimney at the south-western end) would be 3.8m-4.8m. As at plot 1, the building would be clad in clamp bricks, in keeping with the character of the conservation area. The building would be largely screened from Poppleton House by virtue of its low height, boundary wall and by mature trees along this part of the boundary. The house would cause no harm to the significance of the listed building.

5.17 The contemporary design of the house at plot 2 is not in accordance with guideline DG8 of the village design statement, which states that in the conservation area development should reflect and respect existing character in size, scale, materials, layout and landscape. However, further guidance in the design statement makes provision for modern design within the village, especially DG13 which states that new development should be mixed '... to uphold the present juxtaposition of differing periods of development' and DG14 which states that 'contemporary design should complement and be in sympathy with existing building character'.

5.18 In assessing the proposal officers have considered the desirability of sustaining and enhancing the significance of the heritage assets and have considered the impact it would have on the significance of this heritage asset, as required by paragraph 199 of the NPPF, and have judged that the harm would be less than substantial. As such the NPPF states that the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The optimum viable use may not necessarily be the most economically viable one. Nor need it be the original use.

5.19 The size of the site could accommodate more than two detached dwellings, which would help meet housing delivery targets. However, this would result in a greater impact upon the character and appearance of the conservation area by removing the linear form and bringing development closer to Poppleton House. It is considered that, in principle, the proposals for two dwellings would retain the generous character of the existing site and would preserve the established pattern of development. It would not be economically viable to leave the site vacant in perpetuity.

5.20 The neighbourhood plan highlights issues that can result from backland development. At paragraph 7.4 it defines overdevelopment as '.... increased housing density which is out of character with the surrounding housing types, increases the density of housing on a plot in such a way as to have significant impact on amenities, space for gardening, car parking on site where access may be compromised and which could impact on neighbours, open recreational space, schools or rural ambience.' The provision of two houses on the 0.27ha site does not represent overdevelopment, despite the large footprint, particularly for the single-storey house at plot 2. The low density of development is to reflect the character and appearance of the conservation area and the presence of the listed building.

5.21 In summary, the proposal would result in less than substantial harm to designated heritage assets in terms of loss of the site's openness. This harm is outweighed by public benefits of the scheme, i.e. the provision of two additional houses in a sustainable location.

LANDSCAPE

5.22 The site contains no trees of significance but a row of trees within the grounds of Poppleton House adjacent to the southeast boundary of the site is subject to a tree preservation order (TPO 1/1970 –A5). The trees contribute to the setting and public amenity of the conservation area and their scale is fitting to the setting of the listed Poppleton House. The most immediate trees include some tall Lime, Beech, and Sycamore. The trees are noted in the tree survey submitted by the applicant, though they have not been surveyed in detail because of their location off-site. The access road through the site would pass close to these protected trees. Since submission of the application the route of the road has been moved further from the trees. It would now be possible, with strict adherence to a suitable arboricultural method statement (AMS), to construct the road and buildings without entering the recommended root protection area of the trees. Permeable paving is also proposed to the driveway.

FLOOD RISK AND DRAINAGE

5.23 Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided, with development directed away from areas at highest risk. It goes on to say at paragraph 166 that local planning authorities should ensure that flood risk is not increased elsewhere when determining planning applications. Policies ENV4 and ENV5 of the 2018 eLP support this approach to flood risk and drainage.

5.24 The site lies within Flood Zone 1 and should not suffer from flooding. Limited details have been submitted in connection with the drainage of the site. The application states that surface water will drain to SuDs. Soakaway testing was undertaken at the site during February 2019 and witnessed by the council's flood risk engineer. The tests were considered to be acceptable and no objections are raised in connection with the drainage of the site, subject to standard planning conditions.

ACCESS, PARKING AND HIGHWAY SAFETY

5.25 Paragraph 111 of the NPPF states that development should only be prevented on highway grounds where there is an unacceptable impact on highway safety or the cumulative impacts on the road network would be severe. It seeks to encourage sustainable travel and the location of development in sustainable and accessible locations.

5.26 Access to the site would be via the existing driveway which would be shared with the public house. A 3.8m-wide drive would lead up to the proposed dwellings along the north eastern boundary. A gate would be set back, past the entrance to the public house car park. Adequate parking and turning is proposed within the site for the occupiers and for visitors and delivery vehicles. A refuse store is proposed close to the highway to negate the need for refuse vehicles accessing the site.

5.27 Objections have been expressed that the scheme would result in an unacceptable loss of parking for the public house and inadequate turning within the site for delivery vehicles. The scheme provides nine car parking spaces to the rear of the public house. At present the land to the rear of the public house is used for car parking although there are no formal bays marked out. It is considered that the public house serves the local community and is in easy walking distance from a sizable population. It is considered that nine car parking spaces are sufficient for the size of the premises.

5.28 Objections have also been raised that due to the level of on-site car parking being proposed vehicles would be displaced to the highway. Parking spaces are limited at present on the highway. It is noted that due to the bus terminal, which is present to the front of the public house, buses idle waiting for the departure time and

this often results in congestion due to existing parked cars. If cars are displaced from the car park it would appear that they would have to park some distance from the site, due to existing levels of on street parking. The conflict between the bus and parked cars is an existing situation, which would not be worsened as a result of the proposal.

5.29 Swept paths have been identified within the rear car park which show that an 8m-long delivery vehicle can enter and leave the site in a forward gear preventing conflict at the entrance to the site. It is unlikely that, given the size of the public house, larger vehicles would deliver to the site.

5.30 In line with paragraph 107 of the NPPF, and the Council's adopted Low Emission Strategy developments should be designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. Passive provision should be made a condition of approval.

NEIGHBOUR AMENITY

5.31 Paragraph 130(f) of the NPPF advises that decisions should ensure that developments provide a high standard of amenity for existing and future users. Policy D1 of the 2018 eLP states that design should consider residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

5.32 Objections have been expressed that the dwelling would result in overlooking, overshadowing, overbearing, noise nuisance and loss of privacy to the occupiers of adjacent dwellings.

5.33 No.1 Hallgarth Close faces Main Street with its rear garden running parallel to the proposed house at plot 1. Two first floor windows are proposed to plot 1. These would look directly onto the car park of the public house but would have acute views towards No.1 Hallgarth Close. A separation distance of 22m together with the proposed garage to plot 1 and a substantial conifer hedge (within the curtilage of No.1 Hallgarth Close) would prevent any significant overlooking. The slab level of No.1 Hallgarth Close is somewhat lower than the ground level of the proposed house at plot 1. Any significant overbearing or overshadowing impact is likely to be minor due to the presence of the existing conifer hedge. Any residual impact would be to the garden only.

5.34 The house at plot 2 is single-storey to minimise its impact on the locality. Part would be 4.3m high and part would be 3.4m high. Since submission of the application the house has been reduced in floor area and moved further from the side boundary with the rear garden of No.2 Hallgarth Close. The house would be visible from the garden of No.2 and from the upper floor but the visual impact would be minor.

5.35 The south-western end of the site abuts the modest-sized rear gardens of nos 20 and 22 Littlefield Close. Any impact on the occupiers of these dwellings due to the development (the house at plot 2) is likely to be minor due to the low height of the house at plot 2, an existing garage at No.20 Littlefield Close and mature planting along the boundary. The applicant has confirmed that what appears on the submitted site plan to be a pool at plot 2 is a water feature. It is unlikely to have any material impact on the neighbouring occupiers.

5.36 The development is unlikely to have any material impact on the amenity of the occupiers of Poppleton Hall.

ASSET OF COMMUNITY VALUE

5.37 The 2018 eLP views public houses as a community facility. This is in accordance with the NPPF. Policy HW1 of the 2018 eLP states that the loss of viable community facilities will not be supported. The Lord Nelson was listed as an Asset of Community Value in September 2019. Objections have been raised that the development would have a detrimental impact upon the viability of the pub due to the proposed reduction in its on-site car parking. However, the public house is located within a sustainable location and is easily accessible by foot for properties within Nether and Upper Poppleton. An external seating area has been retained to the rear and it is not considered that the reduction in car parking would have a financial impact upon the running of the business.

CLIMATE CHANGE

5.38 Paragraph 158 of the NPPF states that the planning system should support the transition to a low carbon future and, among other things, support renewable and low carbon energy.

5.39 Policy CC1 of the 2018 eLP states that new buildings must achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. This should be achieved through the provision of renewable and low carbon technologies in the locality of the development or through energy efficiency measures. Policy CC2 of the 2018 eLP states that all new residential dwellings should achieve at least a 19% reduction in dwelling emission rate (calculated as per Part L1A of the Building Regulations 2013); and a water consumption rate of 110 litres per person per day (calculated as per part G of the Building Regulations). Policy CC1 (Renewable and Low Carbon Energy) of the 2018 eLP requires new buildings to achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that it is not viable. Policy CC2 (Sustainable Design and Construction) states that development proposals will be required to demonstrate energy and carbon dioxide savings in accordance with

water efficiency and the energy hierarchy. These requirements should be made a condition of approval.

5.40 Provision of recharging facilities for one electric vehicle should be made a condition of approval.

6.0 CONCLUSION

6.1 The proposal would result in less than substantial harm to designated heritage assets in terms of loss of the site's openness. This harm is outweighed by public benefits of the scheme, in particular the provision of two additional houses in a sustainable location. The revised proposals are considered acceptable in relation to the character and appearance of the conservation area, the setting of the listed building, residential amenity and climate change. They comply with the NPPF, the Upper Poppleton and Nether Poppleton Neighbourhood Plan, Policy D1 (Placemaking), D2 (Landscape and Setting), D4 (Conservation Areas), D5 (Listed Buildings), CC1 (Renewable and Low Carbon Energy) and CC2 (Sustainable Design and Construction) of the Publication Draft City of York Local Plan 2018.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

748_P236 E - PROPOSED SITE PLAN

748_P230 B - PROPOSED PLANS PLOT 2

748_P232 B - PROPOSED ELEVATIONS PLOT 2

748_P233 D - PROPOSED SITE SECTIONS

748_P238 A - PROPOSED SITE ROOF PLAN

748_P234 A - PLOT 1 PROPOSED PLANS

748_P235 A - PLOT 1 PROPOSED ELEVATIONS

748_P001A - LOCATION AND SITE PLANS

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the local planning authority.

3 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 the Local Planning Authority for approval prior to the commencement of the construction of the house above 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: In the interests of the setting of the listed building at Poppleton House and the character and appearance of the conservation area.

4 All windows and external doors of the house at plot 1 as identified on the approved plans shall be made of timber.

Reason: In the interests of the character and appearance of the conservation area.

5 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.

6 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 in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site

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

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

8 Prior to construction of any above ground works details of refuse and recycling facilities shall be submitted to the Local Planning Authority for approval in writing. The building shall not be occupied until the refuse and recycling facilities have been provided within the site in accordance with such approved details.

Reason: In the interests of sustainability and the character and appearance of the conservation area.

9 Prior to construction of any above ground works details of the access, internal drive and turning areas shall be submitted to the local planning authority for approval in writing. The development shall be carried out in accordance with the approved plans. Thereafter the internal drive and turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: In the interest of the free and safe passage of highway users.

10 Prior to the residential development coming into use details of the cycle parking areas, including means of enclosure, for the dwellings and the public house shall be submitted to and approved in writing by the local planning authority. The dwellings 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.

11 Prior to any alterations to the access being undertaken, provision shall be made within the public house site for accommodation of delivery/service vehicles in accordance with the approved plans. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

12 The dwellings shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles 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.

13 Before the commencement of development, a complete and detailed Arboricultural Method Statement and scheme of arboricultural supervision regarding protection measures for existing trees adjacent to the application site shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing, ground protection, a schedule of tree works if applicable, site rules and prohibitions, phasing of protection measures, site access during demolition/construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for stored materials, and means of moving materials around the site,

locations and means of installing utilities, location of site compound. The document shall also include methodology and construction details where specialist construction techniques are required for a change in surface material within the potential root protection area of existing trees. A copy of the document will be available for reference and inspection on site at all times.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area and/or development.

14 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.

15 A programme of post-determination archaeological evaluation specifically trenching on the footprint of the proposed dwellings shall be carried out for the site. It shall comprise 3-5 stages of work. Each stage shall be completed and approved by the Local Planning Authority (LPA) before it can be approved/discharged.

A) No trenching or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by the Chartered Institute for Archaeologists.

B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified during trenching shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as

may be agreed in writing with the Local Planning Authority.

D) Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. It should be understood that there shall be presumption in favour of preservation in-situ wherever feasible.

E) No development shall take place until:

- details in D have been approved and implemented on site
- provision has been made for analysis, dissemination of results and archive deposition has been secured
- a copy of a report on the archaeological works detailed in Part D should be deposited with City of York Historic Environment Record within 6 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an area of archaeological interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in situ.

16 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 to E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of rests of the setting of the listed building at Poppleton House, the character and appearance of the conservation area and 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.

17 Notwithstanding the information contained within the approved plans details of all means of enclosure shall be submitted to and agreed in writing by the local planning authority.

Reason: In order to achieve an acceptable form of development

18 The development shall incorporate sufficient capacity within the electricity distribution board of each dwelling for one dedicated radial AC single phase

connection to allow the future addition of an Electric Vehicle Recharge Point (minimum 32A) within the garage space (or parking area) if desired. The applicant shall identify the proposed location for a future Electric Vehicle Recharge Point within the development curtilage and ensure that any necessary trunking/ducting is in place to enable cables to be run to the specified location.

Reason: To ensure future electric vehicle charge points can be easily added to the property in line with the NPPF and CYC's Low Emission Strategy.

19 Each dwelling hereby approved shall achieve the following measures:

- At least a 19% reduction in Dwelling Emission Rate compared to the target fabric energy efficiency rates as required under Part L1A of the Building Regulations 2013).
- A water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).
- A reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations.

Prior to first occupation of each dwelling details of the measures undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied except in accordance with the approved details.

Reason: In the interests of sustainable design and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

20 No development shall take place until a detailed scheme of noise insulation measures for protecting the approved residential properties from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works, no part of the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the National Planning Policy Framework.

21 The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

8.0 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. In order to achieve a positive outcome the local planning authority sought revised plans to address concerns about overdevelopment, impact on heritage assets, neighbour amenity and harm to protected trees.

2. AVOIDING DAMAGE TO THE HIGHWAY GRASS VERGE

Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused, by activities relating directly to the approved development (e.g. delivery of building materials via HGV's). The Council is particularly concerned at the increasing impacts and damage occurring to grass verges. This is detrimental to residential amenity, can present safety issues and places an unreasonable financial burden on the Council, if repairs are subsequently deemed necessary. Therefore, applicants/developers are strongly advised to work proactively with their appointed contractors and delivery companies to ensure that their vehicles avoid both parking and manoeuvring on areas of the public highway (grass verges) which are susceptible to damage. The council wishes to remind applicants that legislation (Highways Act 1980) is available to the authority to recover any costs (incurred in making good damage) from persons who can be shown to have damaged the highway, including verges. If the development is likely to require the temporary storage of building materials on the highway, then it is necessary to apply for a licence to do so. In the first instance please email highway.regulation@york.gov.uk, with details of the site location, planning application reference, anticipated materials, timelines and volume. Please refer to the Council website for further details, associated fees and the application form.

3. NOISE INSULATION

The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A). These noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

4. CONTROL OF POLLUTION

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.

(g) In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing 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 2A of the Environmental Protection Act 1990.

5. ELECTRIC VEHICLE RECHARGING

Any future Electric Vehicle Charging Points need to be professionally installed. The installation process routinely involves wall mounting a charge point on an exterior wall or garage and connecting it safely to the mains electricity supply. All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation

Details of passive provision to be included within household pack for first occupant, to include location of proposed Electric Vehicle Recharge Point, trunking/ducting provided and details of distribution board location and capacity

6. DRAINAGE DESIGN

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 i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuDS.

If SuDS methods can be proven to be unsuitable then In accordance with City of York Councils City of York Councils Sustainable Drainage Systems Guidance for Developers (August 2018) 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 by way of CCTV drainage survey connected impermeable areas during the 1 in 1 year event). 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 30% 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 Greenfield sites are to limit the discharge rate to the pre developed run off rate. The pre development run off rate should be calculated using either IOH 124 or FEH methods (depending on catchment size) during a 1 in 1 year event.

Where calculated runoff rates are not available the widely used 1.4l/s/ha rate can be used as a proxy, however, if the developer can demonstrate that the existing site discharges more than 1.4l/s/ha a higher existing runoff rate may be agreed and used as the discharge limit for the proposed development. If discharge to public sewer is required, and all alternatives have been discounted, the receiving public

sewer may not have adequate capacity and it is recommend discussing discharge rate with Yorkshire Water Services Ltd at an early stage.

In some instances design flows from minor developments may be so small that the restriction of flows may be difficult to achieve. However, through careful selection of source control or SuDS techniques it should be possible to manage or restrict flows from the site to a minimum 0.5 l/sec for individual residential properties, please discuss any design issues with the City of York Council Flood Risk Management Team.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Details of the future management and maintenance of the proposed drainage scheme shall be provided.

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.

The applicant should be advised that the Yorkshire Waters prior consent is required as well as planning permission to make a connection of foul and surface water to the public sewer network.

The applicant is advised that the York Consortium of Internal Drainage Board's prior consent is required (outside the planning process) for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent.

Contact details:

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