

## COMMITTEE REPORT

**Date:** 26 September 2024    **Ward:** Haxby And Wigginton  
**Team:** West Area    **Parish:** Wigginton Parish Council  
**Reference:** 23/01405/FUL  
**Application at:** 50 Mill Lane Wigginton York YO32 2PY  
**For:** Erection of replacement dwelling (use class C3) following demolition of existing dwelling  
**By:** Laura Newman-Flint  
**Application Type:** Full Application  
**Target Date:** 27 September 2024  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 This application seeks permission for the erection of a replacement dwelling following demolition of the existing at No.50 Mill Lane. The existing host forms a two-storey detached property located within the Wigginton ward of the authority.

1.2 Following officer concern regarding the original proposal design and appearance within the streetscene, revised plans were sought to which materials were altered, along with a reduction to the overall scale and form of the works to the rear. Additional information was also supplied with respect to the potential for roosting bats.

1.3 Discussion was had with the agent with respect to the development description and as to whether the extent of works constituted a replacement dwelling. It was claimed that a number of walls of the existing property would be retained following development. However, as a matter of fact and degree, under the Planning Act, the development would constitute a replacement dwelling in its resultant scale, form, and appearance, beyond what may be reasonably considered as addition, enlargement or improvement to the existing dwelling. The application has been determined on this basis.

#### Ward Councillor Call-in

1.4 The application was called into Planning Committee by Councillor Cuthbertson, on the following grounds:

- The scale and massing of the replacement dwelling would not fit in with the adjacent properties.
- The proposal would impact the available amenity for the adjacent bungalow at No.52 Mill Lane.

## 2.0 POLICY CONTEXT

### National Planning Policy Framework (NPPF)

2.1 The National Planning Policy Framework, December 2023 (NPPF) sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development. The NPPF forms a material consideration in planning decisions.

2.2 Paragraph 38 of the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

2.3 Paragraph 135 states that planning policies and decisions should ensure that developments will achieve a number of aims, including:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users.

2.4 The NPPF also places great importance on good design. Paragraph 139 says development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design. Significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

2.5 Paragraph 115 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

2.6 Paragraph 191 states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

### Draft Local Plan 2018

2.7 The Draft Local Plan 2018 was submitted for examination on 25 May 2018. The plan has been subject to examination, with proposed modifications regarding policy H5 Gypsies and Travellers being recently subject to further consultation. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

2.8 Policy D1 (Placemaking) seeks development proposals to improve poor existing urban and natural environments, enhance York's special qualities, better reveal the historic environment and protect the amenity of neighbouring residents. Development proposals that fail to make a positive contribution to the city or cause damage to the character and quality of an area or the amenity of neighbours will be refused. This policy, subject to modifications, is afforded moderate weight.

2.9 Policy ENV2 (Managing Environmental Quality) advises that development will not be permitted where future occupiers and existing communities would be subject to significant adverse environmental impacts such as noise, vibration, odour, fumes/emissions, dust and light pollution without effective mitigation measures.

2.10 Policy ENV5 (Sustainable Drainage) states Sustainable Drainage System (SuDS) methods of source control and water quality improvement should be utilised for all new development, to minimise the risk of pollution and to attenuate flood volumes. The type of SuDS used should be appropriate to the site in question and should ensure that there is no pollution of the water environment including both ground and surface waters. Existing land drainage systems should not suffer any detriment as a result of development.

2.11 Policy CC2 (Sustainable Design and Construction of New Development), as recently amended, states all new residential development of 1 or more dwellings should achieve:

- i. on-site carbon emissions reduction of a minimum of 31% over and above the requirements of Building Regulations Part L (2013), of which at least 19% should come from energy efficiency measures; and
- ii. a water consumption rate of 110 litres per person per day (calculated as per

Part G of the Building Regulations).

Should the dwelling not achieve a reduction in carbon emissions of 75%, compared to the target emission rate as required under Part L of the Building Regulations 2013, prior to construction a statement to demonstrate that such reductions would not be feasible or viable shall be submitted to and approved in writing by the Local Planning Authority.

2.12 Policy T1 (Sustainable Access) advises that development will be supported where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it, including those with impaired mobility, such that it maximises the use of more sustainable modes of transport, and they provide sufficient convenient, secure and covered cycle storage.

### **3.0 CONSULTATIONS**

INTERNAL:

#### Highway Network Management

3.1 No objections raised subject to conditions.

#### Public Protection

3.2 No objections raised, however recommended an unexpected land contamination condition, and EV charging point informative (covered by Building Regulations).

#### Flood Risk Management Team

3.3 The proposal would enlarge the existing build and therefore increase surface water run-off. Therefore, formal and separate foul and surface water drainage details must be provided: foul water in accordance with the requirements of Yorkshire Water and surface water in accordance with our Sustainable Drainage Systems (SuDS) Guidance for Developer and the hierarchy of surface water disposal. This should be explored prior to determination of the application.

#### Ecologist and Countryside Officer

3.4 Initial site investigation requested to ascertain the presence of, or suitability of conditions for bats to roost. Subsequently supplemented by an Emergence Survey taken in May 2024. No further comments raised.

#### Community and Self-build Officer

3.5 The proposal would fall within the definition of a self-build (or self-commissioned) home (as defined in Policy H4 of the Draft Local Plan) as the applicant would be living in the dwelling as their main residence once completed. It is claimed that the applicant has had considerable input into the design of the new dwelling to create a home that they would not be able to buy on the open market in that location. The new home would be significantly more energy efficient than the existing dwelling, and it is claimed that it has been designed to reflect the defining character of the surrounding area and has been future proofed to allow the occupants to stay in their home into older age.

EXTERNAL:

Wigginton Parish Council

3.6 Commented in objection, raising the following concerns:

- The proposed two storey front elevation is much wider than the existing two storey elevation. This causes a detrimental massing of the dwelling, wholly out of scale for the character for the streetscape and the area consisting of a mix of detached bungalows and modest two-storey dwellings set well apart from each other set around a triangular village green.
- Due to a two-storey element of the proposed dwelling being set much closer to the neighbouring bungalow at 48 Mill Lane, there will be an overbearing impact on this bungalow that will cause overshadowing. It is surprising that no sun path study has been submitted.

Yorkshire Water

3.7 No comments received.

Foss (2008) Internal Drainage Board

3.8 This application sits close to the Drainage Board's district. The Board has assets in the wider area in the form of Westfield Beck. This watercourse is known to be subject to high flows during storm events. Clarification requested with regard to the intended method for the disposal of surface water and foul sewage.

## **4.0 REPRESENTATIONS**

Neighbour Notification and Publicity

4.1 Two comments received, as follows:

- The proposal will restrict light to the adjacent bungalow to the east, being to the kitchen opening as adjacent to the boundary with No.50.

- Presence of bats within the gardens of Nos. 44, 46, 48 and 50.

## 5.0 APPRAISAL

### KEY ISSUES:

- Principle of Development;
- Design and Appearance;
- Access and Parking;
- Impact on Neighbouring Amenity;
- Drainage and Flood Risk;
- Ecology and Biodiversity;
- Sustainable Construction.

### ASSESSMENT:

#### The Application Property

5.1 No.50 Mill Lane, as existing, is a two-storey detached property located to an established residential area. The adjacent streetscene varies somewhat with respect to the scale and form of dwellings, further varied by virtue of the adjacent common land, and the building line's resultant tapering away from the road. The host is seen to have been historically enlarged quite significantly to its ground floor, although predominantly to the rear. The character of the application property is typical of the area, being largely unaltered in its present form as viewed from the streetscene. Whilst discussions with the applicant and agent set out that some elements of the original fabric of the house would be retained, the application is dealt with under the principle of the works constituting a replacement dwelling.

#### Principle of Development

5.2 The proposal seeks to demolish the existing residential dwelling and construct a new, larger replacement dwelling. The residential use of the site is established. The replacement dwelling would constitute an increase in footprint of approximately 14m<sup>2</sup> over that of the existing dwelling and outbuildings, although with the most noticeable change being an increase to the provision of first floor accommodation, and in the host's resultant appearance from the streetscene, as elongated in form and depth.

5.3 In appearance, the dwelling would comprise a double-fronted form with central entranceway. 2no. bay windows are proposed to the ground floor, housed beneath a mono-pitch canopy roof. Brick is proposed to the ground floor, with render to the first floor and around the entirety of a two-storey frontward projection to the centre of the front elevation. The main roof would comprise a hipped form, with perpendicular gable projection to the front and hipped additions to the rear.

5.4 To the rear, the arrangement proposes a two-storey projection to the centre of the property, with 2no. single storey projections to either side. Subsequent to amendments, the two-storey rear projection was reduced in depth by approximately 0.8 metres, with 1no. of the ground floor additions also reduced by approximately 1.3 metres. Fenestration was also amended to the frontward projection to reduce the extent of glazing.

5.5 To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Paragraph 70 of the NPPF recognises that small and medium sized sites can make an important contribution to meeting the housing requirement in an area and that to promote the development of a good mix of sites Local Planning Authorities should support the development of windfall sites and give great weight to the benefits of using suitable sites within existing settlements for homes. Further, although the site comprises a residential function as existing, it is acknowledged, as confirmed by the applicant, that the site would be developed and occupied by the existing owners, thus falling within section 1(A1) of the Self-build and Custom Housebuilding Act 2015, which defines "self-build and custom housebuilding" as the building or completion by individuals, associations of individuals, or persons working with or for individuals or associations of individuals.

5.6 The host comprises a regular shaped plot fronting the street, largely comparable with its adjacent neighbours. Dwellings reflect a largely traditional form and character, however, do vary in their scale, forms, and materials. The principal of the dwelling's replacement is therefore acceptable.

### Design and Appearance

5.7 Chapter 12 of the NPPF contains policy on design, placing great importance to that design of the built environment, stating that planning decisions should ensure that development will add to the overall quality of the area, be visually attractive, sympathetic to local character and history and have a high standard of amenity for existing and future users. This policy is reflected in draft local plan policies D1 (Placemaking), taking into account design considerations to include the urban structure, grain, density, massing, spacing, scale and appearance.

5.8 The replacement dwelling, two-storey in form, would reflect a similar overall character to its predecessor, to comprise a hipped roofscape as viewed from the street, with 2no. single storey rearward projections and a two-storey rear outrigger to the centre of the rear elevation. Given the variation of development in the street, the lack of any strong repetitive spacing between dwellings, the replacement dwelling would not look incongruous and would maintain the character of prevailing development. In scale, the eaves and ridge height would remain the same as that of the existing dwelling, comparative to its adjacent two-storey neighbours to the

northern streetscene. The rear ground floor projections see a proportionate overall form and extent, with sufficient amenity space to the rear as retained. The chosen materials would present suitably with the wider palette as existing seen across Mill Lane. The proposal is therefore considered acceptable in its design and appearance, and would present visually attractive and sympathetic with the variable character and quality of the local area, in compliance with Policy D1 of the Local Plan.

### Access and Parking

5.9 The NPPF encourages development that is sustainably located and accessible; requiring that all development achieves safe and suitable access for all users and that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy T1 of the draft Local Plan aligns with the approach of the NPPF in that it seeks the safe and appropriate access to the adjacent adopted highway.

5.10 The replacement dwelling would retain its existing access from Mill Lane, providing off street parking for at least 2no. vehicles to the front, akin to the existing conditions, and considered sufficient following the net increase of 2no. bedrooms. No change is indicated to the positioning of the existing dropped kerb access onto Mill Lane. Parking arrangements are therefore considered acceptable and would not result in any new or undue impacts upon highway safety. A shed is indicated to the rear, in allowing for the storage of cycles on site. Sufficient amenity space along with the retention of pedestrian access to the rear would be maintained. Bin storage provision is proposed to be within the front garden of the property behind the existing hedge. This would have no adverse impact on the streetscene given the height of the hedge, in any case, being set suitably back from the roadside and thus limited from any prominence. The site is positioned within a sustainable location, with access to regular bus services. The scheme is therefore acceptable with respect to access and parking, complying with policy T1 of the Draft Local Plan and paragraph 115 of the NPPF (2023).

### Impact on Neighbouring Amenity

5.11 With regard to the impact on existing residents the principal change would see the dwelling increased in width over its predecessor, developing in closer proximity to its adjacent neighbours on Mill Lane to the east and west.

5.12 Paragraph 135 of the NPPF seeks a good standard of amenity for all existing and future occupants, and that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Policies D1 and ENV2 of the Draft Local Plan seek to ensure that development proposals do not unduly affect the amenity of nearby residents in



terms of noise disturbance, overlooking, overshadowing or from overbearing structures.

5.13 No.48, a detached bungalow to the east of the site, would see positioning of the new dwelling reduced from a separation distance of approximately 9.5 metres (existing) to 6.7 metres (proposed). Most notably, its kitchen area is served by a window in the side elevation looking towards the boundary with the application property, which would experience some loss of light and outlook by virtue of the reduced separation distance. However, it is considered that, overall, the impact on the amenity to this area would not be so significant that refusal would be required, with the general conditions remaining similar, facing a new side elevation which would retain a comparative mass and form. An acceptable separation distance would be retained as so not to unduly enclose this area at No.48, with the resultant development remaining set off the shared boundary by approximately 3 metres. Other openings at No.48 serving bedrooms and living spaces to the north and south which would be largely unimpacted by the development works, retaining pleasant outlook across this property's own amenity spaces, which would not be unduly overshadowed following development works at the host. No openings other than a utility room door and small window are proposed to the side elevation of the host facing No.48. In terms of the loss of direct sunlight, the main mass of the replacement dwelling would be similar to that of the existing property, and therefore would not result in any considerable loss of direct sunlight beyond the existing conditions, particularly so due to retention of the existing building line to the front, and with the eaves and ridge height remaining the same. The works are subsequently considered not to result in an undue amenity impact to this property.

5.14 To the west, separation between the two-storey dwelling at No.52 and the proposed would reduce from 6 metres to 3.3 metres, however, it would comprise a similar overall building line and mass as existing. 2no. windows are proposed to the ground floor, as serving an en-suite and secondary window to the lounge. These would be modestly scaled and would not result in any overlooking or lost privacy beyond existing openings at the host as they face a plain elevation next door with no openings and are separated by an existing hedgerow which is indicated to be retained. The portions of development sited beyond the rear building line of No.52 would be set suitable away from this property as to negate any potential loss of immediate outlook or sense of openness.

5.15 Given the relationship of the site to properties to the north on Castle Close, by virtue of the arrangement of fenestration, and overall distance from these properties, there would be little impact to other residential properties within this cul-de-sac in terms of loss of light, overlooking or outlook beyond the existing conditions. Similarly, to the front, no neighbouring impact is considered with regard to properties to the south side of Mill Lane, with the host most directly fronting an allotment.

5.16 In the granting of planning permission it is, however, considered appropriate and necessary to remove certain permitted development rights contained in Class A (extensions and enlargements) Class AA (additional stories), Class B (extensions to the roof), Class C (alterations to the roof) and Class D (porches). This will allow the Local Planning Authority to exercise control over any future extensions and alterations which otherwise could impact on neighbour amenity. Overall, subject to this condition, the proposed development is not considered to cause residential amenity concerns in line with policies D1 and ENV2 of the Draft Local Plan (2018) and paragraph 135 of the NPPF (2023).

### Drainage and Flood Risk

5.17 Policy ENV5 of the Draft Local Plan (2018) states Sustainable Drainage System (SuDS) methods should be utilised for all new developments, to minimise the risk of pollution and to attenuate flood volumes. The type of SuDS used should be appropriate to the site in question and should ensure that there is no pollution of the water environment including both ground and surface waters. Existing land drainage systems should not suffer any detriment as a result of development. To comply with Policy ENV5 it will be necessary for the developer to provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer. The developer in this instance is proposing to discharge surface water to the public sewer. However, in accordance with the above, this should be suitably demonstrated on the basis of advice of the Flood Risk Engineer. This information is considered to be suitably secured by condition, given the existing established use of the site as a residential dwelling, and comparativeness of the proposed arrangement, within an established residential area.

### Ecology and Biodiversity

5.18 In Chapter 15 (conserving and enhancing the natural environment) of the NPPF, paragraphs 185-188 require planning decisions to contribute to and enhance the natural and local environment by, inter alia, minimising impacts on and providing net gains for biodiversity. The NPPF advises that if significant harm to biodiversity from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Following comments from the Ecologist, the applicant commissioned a Preliminary Roost Assessment and Bat Survey, to establish the site's ecological potential with regard to the roosting of bats. The report identified no presence of roosting bats, within the site. However, there is scope, with the aid of bat boxes, to provide some biodiversity enhancement within the proposal as has been conditioned to this recommendation.

### Sustainable Construction

5.19 Policy CC2 of the Draft Local Plan (2018) as recently amended states all new residential building development of 1 or more dwellings should achieve on-site carbon emissions reduction of a minimum of 31% over and above the requirements of Building Regulations Part L (2013), of which at least 19% should come from energy efficiency measures; and a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations). Pending anticipated changes to Building Regulations, developments should further aim to achieve up to a 75% reduction in carbon emissions over and above the requirements of Building Regulations Part L (2013) unless it is demonstrated that such reductions would not be feasible or viable. The Target Emissions Rate (TER) for proposed new dwellings should be calculated using version 10 of the Standard Assessment Procedure (SAP). It is considered the requirements of policy CC2 can be achieved by condition.

5.20 The recommendation is further conditioned to ensure that, in the event any unexpected contamination is found on site, that this is reported in writing immediately to the Local Planning Authority, as accompanied by an investigation and risk assessment and, where remediation is necessary, a remediation scheme.

## **6.0 CONCLUSION**

6.1 The proposed replacement dwelling would respect the general character of the area and would not have a significant impact on the amenity of neighbouring residential property. It is considered to comply with National Planning Policy Framework and policies of the Draft Local Plan 2018.

## **7.0 RECOMMENDATION: Approve**

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

Existing & Proposed Plans & Section - Dwg. No: LF01/01 Rev A, dated 16.10.2023.  
Existing & Proposed Elevations - Dwg. No: LF01/02 Rev A, dated 16.10.2023.  
Existing & Proposed Site Plan & Block Plan - Dwg. No: LF01/03 Rev B, dated 16.10.2023.

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 and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices sample materials should 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.

4 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, AA, B, C, and D of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of safeguarding neighbouring amenity and the form and character of the wider streetscene, 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.

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 Prior to the construction of development above foundation level, details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

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

7 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8 The dwelling hereby permitted shall achieve a reduction in carbon emissions of at least 31% compared to the target emission rate as required under Part L 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).

Should the dwelling not achieve a reduction in carbon emissions of 75%, compared to the target emission rate set out under Part L of the Building Regulations 2013, prior to the construction of development above foundation level, a statement to demonstrate that such reductions would not be feasible or viable shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policy CC2 of the Draft Local Plan 2018.

9 As detailed in the Bat Emergence and Re-Entry Survey (22.05.2024) the installation of 1no. bat box shall be provided in a location identified by a suitably qualified ecologist in accordance with detail contained within the survey.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraphs 185-188 of the NPPF (2023) to contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

## **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. The Local Planning Authority took the following steps in order to achieve a positive outcome: Revised plans were sought to which materials were altered, along with a

reduction to the overall scale and form of the works to the rear. Additional information was also supplied with respect to the potential for roosting bats.

## 2. INFORMATIVE:

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 manufacturers 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.

## 3. 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](mailto: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.

#### 4. ELECTRIC VEHICLE CHARGING:

In line with paragraph 112 of the National Planning Policy Framework, developments should be designed to 'enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations'.

In line with Building Regulations, Electric Vehicle (EV) charge point provision ('active provision') is required for all residential developments in York, unless the development has no parking. To prepare for increased demand for charging points in future years, appropriate cable routes ('passive provision') should also be included in the scheme design and development.

'Approved Document S: Infrastructure for the Charging of Electric Vehicles' outlines the required standards and provides technical guidance regarding the provision of EV charge points and cable routes.

From 15th June 2022, 'Approved Document S' applies to new residential and non-residential buildings; buildings undergoing a material change of use to dwellings; residential and non-residential buildings undergoing major renovation; and mixed-use buildings that are either new or undergoing major renovation.

CYC Building Control should be consulted on all proposals for EV charge point provision (active and passive) to ensure compliance with current Building Regulations.

#### 5. CONSENT - DISCHARGE

Under the Foss (2008) Internal Drainage Board's Byelaws, the written consent of the Board is required prior to any discharge, or increase in the rate of discharge, into any watercourse (directly or indirectly) within the Board's District.

#### **Contact details:**

**Case Officer:** Owen Richards

**Tel No:** 01904 552275

Application Reference Number: 23/01405/FUL

Item No: 4d