

COMMITTEE REPORT

Date: 8 November 2012 **Ward:** Clifton
Team: Major and **Parish:** Clifton Planning Panel
Commercial Team

Reference: 12/02971/FULM
Application at: YWCA Water Lane York YO30 6PT
For: Erection of three-storey block of 16no. 2 bedroom apartments and
7no. two storey 3 bed houses with associated access
By: Mr Andi McLoughlin
Application Type: Major Full Application (13 weeks)
Target Date: 4 December 2012
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 The application is for the erection of 23 dwellings comprising (a) seven 2-storey, 3-bedroom houses with private gardens. The houses would be let to families on the Council's waiting list, and (b) a 2-3 storey block of sixteen 2-bedroom flats. They would be used as part of a downsizing scheme, freeing up larger properties for occupation by families. Secure covered cycle storage and 17 forecourt car parking spaces would be provided. The development would be served by an existing access from Water Lane.

1.2 The application follows negotiations with Officers.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

Floodzone 2 GMS Constraints: Flood zone 2

Schools GMS Constraints: Kingsway Junior 0205

2.2 Policies:

CYGP1
Design

CYGP6
Contaminated land

CYGP9
Landscaping

CYGP4A
Sustainability

CGP15A
Development and Flood Risk

CYED4
Developer contributions towards Educational facilities

CYNE1
Trees, woodlands, hedgerows

CYNE6
Species protected by law

CYNE7
Habitat protection and creation

CYH2A
Affordable Housing

CYH5A
Residential Density

CYL1C
Provision of New Open Space in Development

CYT4
Cycle parking standards

3.0 CONSULTATIONS

INTERNAL

3.1 Housing Development - Fully supports the application. It would provide 23 much-needed affordable homes.

3.2 Highway Network Management - No objections subject to confirmation that the proposed layout would provide adequate turning space for refuse vehicles [Response from applicant awaited].

3.3 Environment, Conservation, Sustainable Development (Landscape) - No objections. Add a condition requiring a full tree protection method statement.

3.4 Education - A financial contribution of £71,905 would be required to pay for six primary school places at the local school, Clifton Green Primary, which is at capacity.

3.5 Environmental Protection Unit - No objections in principle. Add standard contamination conditions.

3.6 Flood Risk Management - No objections. Drainage to be in accordance with the approved plans.

EXTERNAL

3.7 Clifton Planning Panel - Supports the redevelopment of this important, neglected site. The 3-storey high metal sheeting on the apartment block is inappropriate and does not reflect the local vernacular. Materials and environmental improvements should be of a high quality. The secure cycle parking might be better organised as part of, or in a small structure attached to, the apartment block [Revised plans showing a detached cycle store have since been submitted]. 17 car parking spaces for 23 dwellings seem meagre and the layout seems problematic.

3.8 Police Architectural Liaison - There are crime and disorder issues associated with the proposal. Most of the issues can be resolved by submission of further information, e.g. design changes to address the vulnerable parking area next to the adjacent public footpath; cycle storage in totally enclosed secure structures; secure boundary treatment; shrubbery no higher than 1m; and buildings designed to be as secure as possible.

3.9 Public Consultation - The consultation period ends on 30 October 2012. At the time of writing two objections had been received, from local residents raising the following planning issues:

- The development would exacerbate existing problems of sewage during storm water surges;
- The number of dwellings should be reduced to avoid more traffic congestion;
- The apartment building is too large and overdominant;
- The design and materials of the entrance to the apartment building are out of keeping with the area;

- The foundations of the new development would undermine the weak retaining wall along the shared boundary; bedrooms facing the new development would be overlooked. Members will be advised at the meeting of any further representations.

4.0 APPRAISAL

4.1 KEY ISSUES

Housing density;
Affordable housing;
Visual appearance;
Highway issues;
Sustainability;
Trees and landscaping;
Neighbour amenity;
Secure by design;
Drainage;
Education;
Open space;
Contamination.

THE APPLICATION SITE

4.2 This cleared redevelopment site has an area of 0.31ha with access from Water Lane. The site is generally level except at the front where it slopes down to the public highway. The slope includes Silver Birch trees protected by a TPO. To the north are 2-storey, semi-detached houses separated from the site by a public footpath. To the south is sheltered housing (Guardian Court) in 2 and 3-storey apartment blocks. To the west are the landscaped grounds of St Philip and St James's Church. The area is predominantly residential.

POLICY FRAMEWORK

4.3 The National Planning Policy Framework (General) - There is a presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or (2) specific policies in the Framework indicate development should be restricted (paragraph 14). Local planning authorities should seek to approve applications for sustainable development where possible and work with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 187).

4.4 National Planning Policy Framework (Design) - Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56). Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however proper to seek to promote or reinforce local distinctiveness (paragraph 60). High quality and inclusive design goes beyond aesthetic considerations therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (paragraph 61). Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64). Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community (paragraph 66).

4.5 National Planning Policy Framework (Housing) - Local planning authorities should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. To boost the supply of housing local planning authorities should: use their evidence base to ensure that their local plan meets the needs for market and affordable housing in their area; identify a supply of deliverable housing sites; set out a housing implementation strategy for the full range of housing; plan for a mix of housing based on demographic trends; identify the types of housing that are required in particular locations; set policies for meeting identified need for affordable housing on site unless a financial contribution to off-site provision can be justified; bring empty houses and buildings back into residential use; normally approve change to residential use of B-class commercial buildings where there is an identified need for additional housing; consider opportunities for large scale housing development; consider resisting development of residential gardens; plan for rural housing development to reflect local needs particularly for affordable housing; locate housing where it will enhance or maintain rural communities; avoid isolated new homes in the countryside unless there are special circumstances (paragraphs 50-55).

4.6 National Planning Policy Framework (Social, Recreational and Cultural Facilities) - Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required (paragraph 73).

4.7 National Planning Policy Framework (Flood Risk) - Local plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to bio-diversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.

4.8 The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF. The following local plan policies are still applicable:

4.9 GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

4.10 GP4a - All proposals should have regard to the principles of sustainable development.

4.11 GP6 - Planning applications for development on sites that may have been contaminated should, as a minimum, include a desk study on the potential for contamination. Should the study indicate the potential for contamination a more detailed site investigation should be submitted prior to determination of the application. It should assess risks to the environment and establish remediation objectives for the site.

4.12 GP9 - Where appropriate, development proposals should incorporate a suitable landscaping scheme that is an integral part of the proposals; includes an appropriate range of species, reflects the character of the area; enhances the attractiveness of key transport corridors; and includes a planting specification where appropriate.

4.13 GP15a - Discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long-term run-off from development sites should always be less than the level of pre-development rainfall run-off.

4.14 H2a - The Council will seek to ensure that proposals for all new housing development of 15 dwellings/0.3ha or more in the urban area and 2 dwellings/0.03ha or more in villages with less than 5,000 populations will include affordable housing. [In 2010 the council commissioned the City of York Affordable Housing Viability Study (AHVS) as part of the evidence base for the York Local Development Framework. On 8 December 2011 the Cabinet of City of York Council amended, for development control purposes, the affordable housing targets in line with the AHVS. For developments of more than 14 dwellings on brownfield sites the approved interim affordable housing target is 25%].

4.15 H5a - the scale and design of proposed residential developments should be compatible with the surrounding area and must not harm local amenity. Development densities should aim to achieve 60 dwellings per hectare in city centre, 40 in urban areas and 30 elsewhere.

4.16 NE1- Trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation, or historic value, will be protected by: refusing proposals which will result in their loss or damage. When trees are to be removed, appropriate replacement planting should be proposed to mitigate any loss.

4.17 NE6 - Where a proposal may have a significant effect on protected species or habitats applicants will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures. Planning permission will only be granted that would not cause demonstrable harm to protected species.

4.18 NE7 - Development proposals will be required to retain important natural habitats and, where possible, include measures to enhance or supplement them. New developments should include measures to encourage new habitats.

4.19 L1c - Requires that all housing sites make provision for the open space needs of future occupiers.

4.20 ED4 - Any consequences for existing educational facilities will be assessed in accordance with the approved supplementary planning guidance. Where additional provision is necessary as a direct result of the proposal, developers shall be required to make a financial contribution toward the provision of such facilities.

4.21 T4 - Seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards in appendix E of the Local Plan.

HOUSING DENSITY

4.22 The site area is 0.31ha, giving a housing density of 74dph. The scale of development is acceptable bearing in mind the site's sustainable location, proximity to open space and the character of the area.

AFFORDABLE HOUSING

4.23 The scheme would be developed and operated by Broadacres Housing Association, one of the council's partner housing associations. The scheme would provide high quality housing to the exacting standards required by the Homes and Communities Agency (HCA). All 23 homes would be for affordable rent, as required by the HCA who are providing £841,820 of grant funding.

4.24 The seven 3-bed houses contribute to a key need for family housing identified in York's 2011 Strategic Housing Market Assessment. The 16 flats are intended for occupation by older people as part of a downsizing scheme, which would release affordable family housing in the local, Clifton, area. The downsizing scheme would simultaneously support the independence of older people and meet the well-evidenced needs of larger households. The development would make a significant contribution to meeting the high demand for affordable family housing in York.

VISUAL APPEARANCE

4.25 The apartment building (part 3-storey, part 2-storey) would be at the front of the site with the seven houses (2-storey) at the rear. The houses would have a traditional appearance using brick and render for the walls and grey tiles for the roof. The apartment building would have a more contemporary design with large door/window openings, balconies, a low-pitched roof and a tower feature at the corner to mark the main entrance. External materials would comprise brickwork and render, with a grey membrane roof and lightweight metal cladding for part of the tower feature. The appearance of the building would be acceptable, particularly bearing in mind its prominent, elevated location on a busy main road.

HIGHWAY ISSUES

4.26 The existing access would serve the whole of the development and terminate at a turning head between the apartment building and the houses. Forecourt parking would be provided for 17 cars, which is adequate for the size of the development. Each house would have secure, covered cycle parking in the rear garden. Since submission the plans have been revised to include a more secure, communal, covered cycle store for the occupiers of the 16 flats. Details should be made a condition of approval. The applicant has agreed to provide each dwelling, on first occupation, with a bicycle or a 6-month bus pass. This should be included in the s.106 agreement.

The turning head is required to be sufficient to enable refuse vehicles to turn around within the site. Whilst the applicant has submitted a swept path analysis officers are not satisfied that the layout is adequate. Further details have been requested from the applicant. Members will be updated at the meeting.

SUSTAINABILITY

4.27 The site is in a sustainable location within development limits. It is close to public transport and local services. The applicant intends that the new dwellings would achieve Code for Sustainable Homes Level 3. This should be made a condition of approval. A further condition should be attached requiring the development to provide at least 10% of energy from renewable sources.

TREES AND LANDSCAPING

4.28 The only significant trees are the protected Silver Birches at the front of the site and an Oak, outside the site, at the junction with the public footpath. All would be retained, with sufficient distance between property and trees. Whilst the ground below the Oak has been previously tarmaced, the introduction of new kerbing and hard standing construction could result in severance of roots or other damage. A condition should therefore be attached requiring a full tree protection method statement to be submitted for approval.

NEIGHBOUR AMENITY

4.29 The existing houses in Lister Way to the north of the site are over 15m from the nearest of the proposed houses (plot 1) and are largely screened by mature planting. The occupiers are unlikely to experience any significant loss of amenity as a consequence of the development. Some occupiers of the 2-storey apartment building at Guardian Court are approximately 10m from the southern wing of the proposed apartment building. However, any views between respective habitable rooms would be oblique and unlikely to cause significant overlooking or an overbearing impact. Nevertheless, to prevent any material overlooking the applicant has agreed for some or all of the windows on the southern elevation of the proposed building to be obscure glazed. This should be made a condition of approval.

SECURE BY DESIGN

4.30 The Police Architectural Liaison Officer has raised a number of concerns about the detail of the scheme. In response: the scheme would be fully compliant with Secured by Design standards; the cycle store and sheds would be totally enclosed and lockable; all of the parking bays would be overlooked by several of the properties; the unit nearest the public footpath to the north of the site would have a lockable gate 1.8m high as requested; there would be no hidden areas for anti social behaviour; all shrubbery to public areas of the site would be maintained to a low

level; and the landscaping scheme would include a low level hedge along the eastern boundary of the site to define the space as part of the development.

DRAINAGE

4.31 The site is all in flood zone 2 (FZ2) except the frontage, which is in FZ3A. The use of the site is therefore acceptable subject to a safe alternative means of escape (outside FZ3a) during times of flooding. This would be achieved by providing direct access onto the public footpath along the north-east boundary of the site, as shown on the submitted plans. Surface water runoff from the development would connect to Burdyke, which runs in culvert along Water Lane. Storm water would be attenuated by new oversize pipes within the development, thereby reducing the risk of storm surges flooding the immediate area. Foul water would connect to an existing private sewer under Lister Way; it would not go to an existing foul sewer under Water Lane. Foul water from the development would not therefore exacerbate any existing drainage problems experienced by the occupiers of Guardian Court.

EDUCATION

4.32 The local primary school is Clifton Primary, which is full. A financial contribution towards education is therefore required under policy ED4 of the local plan. As only seven of the dwellings (the houses) would be for occupation by families the remaining 16 units have been excluded from the financial calculation. The seven houses would generate the need for two additional primary school places, requiring a total contribution of £23,968. This should be included in the s.106 agreement. The agreement should include a clause requiring a contribution for all 23 units if the flats are not occupied by older people.

OPEN SPACE

4.33 Amenity open space would be provided on site but not play space and sports provision, which therefore require a financial contribution under policy L1C of the local plan. The total open space contribution would be £25,307, which would be enshrined in the s.106 agreement. The applicant's agreement to the contribution is awaited. Members will be updated at the meeting.

CONTAMINATION

4.34 The application includes a site investigation report and a ground gas/water assessment. The site investigation shows that no remediation is necessary and material on site is deemed to be suitable for re-use on-site. The gas/water assessment states the site comprises made ground and that no methane was present. Nevertheless, gas protection measures will be needed. These can be covered by conditions of approval.

OTHER MATTERS

4.35 An occupier of Guardian Court is concerned that the unstable condition of the retaining wall along the boundary between the site and Guardian Court would be worsened by the new development. This has been recognized by the applicant who intends to build a new retaining wall, which will be faced with brickwork to match that of the existing.

5.0 CONCLUSION

5.1 The scheme would provide much-needed affordable housing to a high standard. The proposal is acceptable in all respects subject to clarification that the turning space for refuse vehicles is adequate. A section 106 agreement is being drafted to cover affordable housing, financial contributions towards education and open space and sustainable travel measures. Members will be updated at the meeting.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

- 1 TIME2 Development start within three years -
- 2 The development hereby permitted shall be carried out only in accordance with the following plans: 2072-D-00-002; 2072-D-00-004/J; 2072-D-00-013/E; 2072-D-00-014/E; 2072-D-00-015/F; 2072-D-00-16/B; 2072-D-00-017/E; 2072-D-00-019/D; 2072-D-00-029/C; 2072-D-00-030/A; 2072-D-00-031/A; 11T657-101/P2; and un-numbered plan by Billingham George & Partners received by the council on 24 October 2012 showing safe egress route during times of flooding.

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

- 3 Details of all means of enclosure to the site boundaries and all boundary treatments within the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area.

- 4 VISQ8 Samples of exterior materials to be app -
- 5 Foul and surface water drainage works shall be carried out (prior to occupation) in accordance to the approved details to include:
- a. Proposed Drainage Layout - Drawing number 11T657-101 Rev P2 dated August 2012 by Billingham George & Partners.
 - b. Flood Risk Assessment dated August 2012 by Billingham George & Partners.
 - c. Safe egress route during times of flooding as shown on the un-numbered plan by Billingham George & Partners received by the City of York Council on 24 October 2012.

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

- 6 The development hereby approved shall be constructed to at least Level 3* of Code for Sustainable Homes (CSH) standard. A formal Post Construction stage assessment, by a licensed CSH assessor, shall be carried out and a formal Post Construction stage certificate shall be submitted to the Local Planning Authority (LPA) prior to occupation of the building. Should the development fail to achieve level 3* of the Code a report shall be submitted for the written approval of the LPA demonstrating what remedial measures shall be undertaken to achieve Level 3 of the code. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of policy GP4a of the Draft City of York Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

- 7 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide 10% of its predicted energy requirements from on-site renewable sources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority. The approved scheme shall be implemented before first occupation of the development. The site shall thereafter be maintained to the required level of generation.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

8 No development shall commence on site until a scheme for the provision of affordable housing (Affordable Housing Plan) as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with Policy H2a of the Draft City of York Local Plan and the Affordable Housing Advice note adopted April 2005. The scheme shall include:-

i) The numbers, type and location on the site of the affordable housing provision to be made

ii) The timing of the provision of the affordable housing

iii) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing

iv) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and means by which such occupancy shall be enforced.

Reason: To comply with policies within the National Planning Policy Framework and policy H2a of the Draft City of York Local Plan.

9 Before the commencement of development, including site preparation, importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include location and details of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of marketing cabin. It is particularly important that the following details are included: construction details and methodology of any hard standing within the root spread of trees to be retained.

Reason: To protect existing trees which are considered to make a significant contribution to the public amenity and development.

10 Notwithstanding the approved site layout, no development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. 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.

- 11 Prior to the commencement of any works on the site, a detailed method of works statement shall be submitted to and approved in writing by the local planning authority. The statement shall identify the programming and management of construction works and include at least the following information: (a) vehicle routing promoting use of main arterial routes and avoiding the peak network hours; (b) where contractors will park; (c) where materials will be stored within the site; and (d) measures employed to ensure that no mud or detritus is dragged out over the adjacent highway.

Reason: In the interests of highway safety and amenity of local residents.

- 12 The hours of demolition, 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.

- 13 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a and b of this condition have been complied with:

- a. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

b. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be produced, and 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.

14 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of the previous condition, and where remediation is necessary a remediation scheme shall 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 shall be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the previous condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimized, 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.

15 HWAY18 Cycle parking details to be agreed -

16 The development hereby approved shall not commence until details of refuse/recycling facilities have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details prior to occupation of the development.

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

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the south-facing windows to the first-floor dwelling marked 'E' on approved plan 2072-D-00-019 Rev D shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above and remain fixed shut.

Reason: In the interests of the amenities of occupants of adjacent residential properties at Guardian Court.

- 18 HWAY1 Details roads, footpaths, open spaces req. -
19 HWAY7 Const of Roads & Footways prior to occup -
20 HWAY19 Car and cycle parking laid out -

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to: the principle of development for housing; density; visual appearance; landscaping; contamination, sustainability; impact on trees; neighbour amenity; access, parking and highway safety; drainage; affordable housing; education, open space and construction impact. As such the proposal complies with the National Planning Policy Framework and policies GP1, GP4a, GP6, GP9, ED4, GP15a, NE1, H2a, H5a, L1c and T4 of the Draft City of York Local Plan.

2. CONTROL OF POLLUTION ACT

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) 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".

(b) 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.

(c) 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.

(d) 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.

(e) There shall be no bonfires on the site

3. HIGHWAYS ACT 1980

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

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

Highway Adoption - Section 38 - Michael Kitchen (01904) 551336

4. STATUTORY UNDERTAKERS EQUIPMENT

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

Contact details:

Author: Kevin O'Connell Development Management Officer

Tel No: 01904 552830