

COMMITTEE REPORT

Date: 12 August 2021 **Ward:** Heworth
Team: East Area **Parish:** Heworth Planning Panel

Reference: 20/02010/FUL
Application at: 62 Heworth Road York YO31 0AD
For: Erection of 1no. dwelling to rear of No.62 Heworth Road and conversion of outbuilding to dwelling with single storey extension following demolition of detached garage (resubmission)

By: Transcore Ltd
Application Type: Full Application
Target Date: 18 August 2021
Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks full planning permission for the provision of two dwellings at the rear of 62 Heworth Road, which is a two storey property fronting the public highway with rear outbuildings and linear garden plot. The site comprises a collection of buildings in the northern part immediately south of no.62 and an area to the south that is undeveloped with overgrown vegetation. It is accessed by an existing private lane that also serves the Nags Head Public House to the west and commercial building behind it. The area of land is bounded to the east and south by residential properties on Heworth Road and East Parade. It lies within the Heworth/Heworth Green/East Parade/Huntington Road Conservation Area No.5 ("Heworth CA"). The site falls within Flood Zone 1 (low probability).

1.2 The proposal involves re-using with extension an existing two storey building referred to as The Cottage to provide a 2-bedroom dwelling and the erection of a single storey building within the rear garden plot to provide 1 no. 2-bedroom dwelling. Demolition of an existing single storey garage and a section of the boundary wall with the private lane is proposed. Access would be from Heworth Road via the existing private lane and opening created in the boundary wall. It would lead to a shared driveway providing one parking space for each property. Each property would have a private amenity space, with provision for refuse and cycle parking. No.62 would retain a rear gated yard.

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1.3 The application has been revised since first submission, with the reduction of the rear dwelling from accommodation over 2 floors in a 1.5 storey building to a single storey property. Further bat survey work was required to be undertaken as part of the consideration of the application.

1.4 Planning application 20/00782/FUL, for the erection of three dwellings following demolition of existing buildings to the rear of no.62, was withdrawn in July 2020. This was after concerns were raised on conservation and residential amenity grounds.

Councillor Call-in

1.5 The application has been called-in to committee by the local ward councillor, Councillor Webb, based on the public interest in this so far and the following planning reasons:

- This would represent an amendment to the skyline in a conservation area.
- This would result in the overlooking of neighbouring properties.
- Damage to local biodiversity (a priority habitat) during building work.
- Threat to bats roosting in the trees and the old stable that is intended to be converted.
- Turning and access to the property from the highway could be dangerous – particularly as this will be nearby a local primary school – this will have a negative impact on safety.
- There has not been a structural survey on a neighbouring property's wall and the earthworks might cause subsidence.

2.0 POLICY CONTEXT

2.1 Draft Development Control Local Plan Incorporating the 4th set of changes – Approved April 2005 (DCLP):

GP1 – Design

GP3 – Planning Against Crime

GP4a – Sustainability

GP4b – Air Quality

GP6 – Contaminated Land

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GP10 – Subdivision of Gardens and Infill Development
GP15a – Development and flood risk
NE1 – Trees, Woodlands and Hedgerows
HE2 –Development in Historic Locations
HE3 – Conservation Areas
HE10 – Archaeology
HE11 – Trees and Landscape
T4 - Cycle parking standards
H4a – Housing Windfalls

2.2 Publication Draft Local Plan – February 2018 (Regulation 19 Consultation):

H3 – Balancing the Housing Market
D1 – Placemaking
D2 – Landscape and Setting
D4 – Conservation Areas
D6 – Archaeology
D7 – The Significance of non-Designated Heritage Assets
GI4 - Trees and Hedgerows
CC1 – Renewable and Low Carbon Energy Generation and Storage
CC2 – Sustainable Design and Construction of New Development
ENV1 – Air Quality
ENV2 – Managing Environmental Quality
ENV3 – Land Contamination
ENV4 – Flood Risk
ENV5 – Sustainable Drainage
T1 – Sustainable Access

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development (Archaeology)

3.1 62 Heworth Road is positioned in between two Roman roads. Roman cemeteries and sparse burials lined these main roads in and out of York. There is no known archaeological resource on this site. However, given the proximity to the former roads and the 3 known burial grounds within 500m of the plot an

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archaeological watching brief should take place during the construction of foundations and drainage should this application gain permission. If the site proves to be archaeologically sterile during the watching brief, monitoring can be reduced or halted. Condition requested.

Design, Conservation and Sustainable Development (Landscape)

3.2 None of the trees are worthy of a tree preservation order. Although the Root Protection Area of the adjacent apple tree T1 overlaps the site, the existing wall is likely to provide sufficient root protection for this small area of the theoretical RPA to prevent significant risk of harm to the tree. The crown of Apple T1 may be cut back to the site boundary by a professional tree surgeon to prevent overhang and allow room for construction. However, it would be aesthetically and practicably preferable if a greater distance could be achieved between the proposed dwelling and the neighbouring Apple tree in order to prevent the need to cut it back.

Design, Conservation and Sustainable Development (Conservation)

3.3 Existing buildings are C19th. They have heritage value as contemporary to the frontage building no.62 and add to the historic character, making positive contribution to character and appearance of village conservation area. Retention and conversion is encouraged. Discussion has taken place on the size and form of the rear new build property – originally proposed as 1.5 storey, but reduced to single storey with reduced ridge and eaves and to be constructed from traditional building materials.

Design, Conservation and Sustainable Development (Ecology)

3.4 Ecological enhancements have been recommended within the Bat Survey Report with the aim of providing biodiversity net gain post construction, including bat boxes/tube and bird boxes. As the presence of nesting bird habitat is highlighted in the Bat Survey Report, precautionary methods will need to be undertaken to ensure active nests are not destroyed during any vegetation clearance and demolition works. Conditions requested.

Public Protection

3.5 Land contamination - The site is located on land where there have been outbuildings and garages and this past use could potentially have given rise to land contamination. A site investigation is required to find out whether contamination is present. If contamination is found, please note that appropriate remedial action will be required to ensure that the site is safe and suitable for its proposed use. Requests relevant planning conditions.

3.6 Electric Vehicle Recharging - In line with paragraph 110 of the NPPF, developments should be designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. Given that the application includes off street parking and in view of the NPPF and the Council's adopted Low Emission Strategy, which aims to facilitate the uptake of low emission vehicles in York. Request condition.

3.7 Noise - The proposed housing will be close to an existing public house and car park area therefore there could be noise associated with these activities that could cause disturbance to the future residents of the dwellings.

3.8 Construction Noise and Dust - Due to the close proximity of residential premises, an informative should be added to any planning approval to ensure that noise and dust emissions are controlled during construction.

EXTERNAL

Yorkshire Water

3.9 No comments.

4.0 REPRESENTATIONS

4.1 The application was publicised by a press and site notice as well as letters to adjacent neighbours. Following the submission of revised plans for a reduced scheme, notifications were sent to contributors.

4.2 Eleven representations from local residents to the original proposal for a 1.5 storey detached dwelling to the rear, which are summarised as follows. No additional responses have been received to the revised plans to reduce the height of the rear dwelling to single storey.

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- Alterations to old cottage are better;
- South wall of old garage is part of neighbours' boundary and should not be altered;
- Plot 2 has upper floor window that would overlook neighbours' properties;
- Plot 2 is too close to boundary and would damage rare plum tree;
- Proposal is example of garden-grabbing and over-development that is unsympathetic and poorly designed and does not meet objectives for appropriate in-filling and sustainable, accessible or affordable housing;
- Plot 2 remains too high and over-bearing, severely impacted visual amenity, looming over garden and blocking open views and light;
- Removal of trees in a conservation area with no provision for replacement trees;
- Design is architecturally unambitious and unsympathetic, does not reduce environmental impact and materials remain out of character in the conservation area;
- There is still no provision for charging electric cars in this new proposal.

5.0 APPRAISAL

5.1 Key issues:

- Principle of development
- Provision of housing
- Historic environment
- Design and visual amenity
- Sustainability
- Highway safety
- Residential amenity
- Natural environment
- Flood risk and drainage

PLANNING LEGISLATION

5.2 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when determining planning applications.

PLANNING POLICY

National Planning Policy Framework NPPF

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5.3 Central Government guidance is contained in the National Planning Policy Framework ("NPPF"). Paragraph 11 establishes the presumption in favour of sustainable development, which runs through both plan-making and decision-taking. In decision-taking this means approving development proposals without delay that accord with an up-to-date development plan. In the absence of relevant development plan policies or where they are out-of-date, permission should be granted unless policies in the NPPF that protect areas or assets of particular importance, which includes designated heritage assets, provide a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.

5.4 The NPPF seeks the delivery of a supply of homes (chapter 5), promotes healthy and safe communities (chapter 8) and sustainable transport (chapter 9), aims for the effective use of land (chapter 11) and well-designed places (chapter 12), seeks appropriately located development in terms of flood risk (chapter 14) and requires the conservation of the natural environment (chapter 15) and historic environment (chapter 16).

Development Control Local Plan

5.6 Although there is no formally adopted local plan, the Development Control Local Plan (DCLP) was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is very limited except when they are in accordance with the NPPF. The site is included in the main built-up area of the City on the Proposals Map that accompanies the plan.

Publication Draft Local Plan

5.7 The Publication Draft Local Plan ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2021, the relevant 2018 Draft Plan policies can be afforded weight according to:

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

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

5.8 Relevant policies are set out in section 2 and are attributed moderate weight. The site lies within the main urban area of the City on the Proposals Map that accompanies the 2018 Draft Plan.

PRINCIPLE OF DEVELOPMENT

5.9 The application proposes the provision of two dwellings on land to the rear of 62 Heworth Road, one in an existing building to be extended and the other in a new build property. A structural survey has been provided to demonstrate that the building is capable of conversion to a dwelling subject to remedial works. The NPPF encourages development that boosts the supply of homes, but recommends specific policies be included in local plans to resist inappropriate development of residential gardens where it would cause harm to the local area (paragraph 71). Policy GP10 of the 2005 draft Local Plan only supports subdivision or infilling where this would not be detrimental to the character and amenity of the local environment. The proposal would contribute to the City's housing supply, albeit to a limited extent. However, the host dwelling and its curtilage fall within a designated heritage asset, the Heworth Conservation Area. As such, and in accordance with paragraph 11(d)(i) of the NPPF, the more restrictive policies in the NPPF shall be applied.

HISTORIC ENVIRONMENT

5.10 The site lies within the Heworth Conservation Area ("Heworth CA") and sits between two Roman roads, which are characteristically lined with cemeteries and sparse burials. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("1990 Act") imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when determining planning applications. The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its

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statutory duties under Section 72 of the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted and, in these circumstances, the presumption in favour of sustainable development set out in paragraph 11 of the NPPF would not apply. Further, paragraph 203 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining an application. Draft Local Plan Policy HE10 and emerging Local Plan Policy D6 reflects national planning guidance.

5.11 The Heworth CA focuses on the original medieval village form of Heworth, which has been absorbed by later suburban development. Heworth Road, East Parade and Heworth retain a collective small village scale, identity and character typical of piecemeal development that has occurred along them, which differs to the larger suburban houses on Huntington Road and Heworth Green. A natural village centre is formed at the junction of Heworth Road, East Parade, Melrosegate and Heworth. The principal property, no.62 Heworth Road, dates from the early 19th Century and appears on the 1852 Historic Map. There is a collection of buildings present on the historic map to the rear of no.62 accessed from the driveway between the principal property and the properties to the west (now the Nags Head public house). This collection of buildings may be, in part, the outbuilding that still exists, referred to as The Cottage. The area to the south of the buildings appears from the 1852 Historic Map, and later maps, to be part of gardens of no.62 or neighbouring properties on East Parade.

5.12 Heworth Road and East Parade meet at the village centre to the east of the site and enclose a triangular shaped area of land between them. The site sits at a transition point between the wider rear curtilages between Heworth Road and East Parade to the west, where backland development has taken place, and the narrower, largely undeveloped, domestic curtilages of the frontage properties to the east. There is the developed car park of the public house to the west of the site with a large commercial building to the south of the pub car park. Further west are dwellings on Heworth Place and Limes Court, which extend back from Heworth Road, running perpendicular to it. The application site itself has an existing outbuilding close to the rear of no.62, but the rest of the properties to the east have largely undeveloped gardens.

5.13 The scheme has been revised since first submission in direct response to concerns raised about the impact of the scheme on the conservation area,

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particularly the height and design of the rear dwelling. The Cottage building, which is historically linked to the frontage dwelling no.62, is to be retained and extended with single storey elements. The rear dwelling is now single storey with a simple vernacular design approach. The buildings would read as subservient structures at the rear of the frontage property. It is considered that the proposal represents a compromise by allowing an appropriate level of residential development on this transition site between the more developed land to the west and the largely undeveloped gardens to the east, and the preservation of the character and appearance of the conservation area. An archaeological watching brief should be carried out during construction of foundations and drainage given the proximity of the Roman roads and known burial grounds. In light of the above, no harm is identified to heritage assets and the presumption in favour of sustainable development is engaged.

DESIGN AND VISUAL AMENITY

5.14 Chapter 11 of the NPPF seeks the efficient use of land, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Chapter 12 places emphasis on good design. In particular, it states that planning decisions should ensure that development will, *inter alia*, add to the overall quality of the area, be visually attractive, be sympathetic to local character and history, and have a high standard of amenity for existing and future users. It acknowledges the important contribution trees can make to the character and quality of urban environments. The advice in the NPPF is reflected in Draft Local Plan policies GP1, GP10 and H4a of the 2005 Draft Local Plan and D1 of the 2018 Draft Local Plan.

5.15 The scheme retains an existing historic building and proposes a single storey extension to it, which would run east-west across the plot separating this dwelling from no.62. A new single storey building is proposed in the rear currently undeveloped land, which would appear subservient to the surrounding buildings, particularly no.62. The extension and rear building are to be of simple design and traditional form constructed of red brick and pantile. Doors and windows are to be painted timber and with the exception of the bi-fold doors to living rooms, would be of an appropriate design given the age of the Cottage and appearance as outbuildings at the rear of no.62. Further details of external materials should be required through condition. The existing brick walls around the site boundary and to the south of the Cottage would be retained, with the exception of the section to be removed to create an access point. Overall, the scheme is sympathetic to the local

environment. A condition covering hard and soft landscaping to the site should be imposed. Subject to conditions, it is considered that the revised design for the scheme is acceptable in planning terms.

SUSTAINABILITY

5.16 Chapter 14 of the NPPF states that the planning system should support the transition to a low carbon future by, inter alia, reusing existing resources through the conversion of existing buildings and supporting renewable and low carbon energy. Emerging Local Plan Policy CC1 requires all new buildings to achieve a reasonable reduction in carbon emissions of at least 28%. Emerging Local Plan Policy CC2 requires new residential buildings to achieve at least a 19% reduction in Dwelling Emission Rate and a water consumption rate of 110 litres per person per day and converted buildings for residential use to meet BREEAM domestic refurbishment 'very good'. Where the proposals relate to buildings of heritage and conservation value these standards are only required where they can be achieved in a manner consistent with the appropriate conservation of that asset. If acceptable in all other matters, a condition should be imposed to ensure that the above requirements are met. A further condition should be attached to require passive provision of electric vehicle recharge points in line with the NPPF and CYC Low Emission Strategy.

HIGHWAY SAFETY

5.17 The NPPF focuses development in sustainable and accessible locations allowing opportunities to promote sustainable transport modes. Paragraph 111 states 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. Paragraph 112 seeks priority to be given to pedestrian and cycle movements, meet needs of people with disabilities and enable charging of plug-in and ultra-low emission vehicles. The above is reflected in emerging Local Plan Policy T1: Sustainable Access, which supports development that minimises the need to travel and maximises the use of more sustainable modes of transport. Policy T1 of the 2018 emerging Local plan supports the approach of the NPPF in that it seeks the safe and appropriate access to the adjacent adopted highway, giving priority to pedestrians and cyclists. Policy T4 of the 2005 Draft Local Plan seeks adequate cycle parking provision.

5.18 The site is in a sustainable and accessible location, close to existing facilities and services and public transport routes. Access to the site is currently gained via the shared driveway between no. 62 and the Nags Head Public House. It serves the pub, the commercial building to the rear and no.62. The applicant does not have ownership of the lane, but a right of access and notice has been duly served. The application site has been severed from no.62, which now has a rear gated yard and parking on the front forecourt. Access would be retained along the lane, leading to parking provision for the two created dwellings in the space between them – 1 parking space each and provision made for cycle parking. Traffic generation is likely to be low from 2 no. 2-bedroomed houses. A refuse collection point is accommodated within the site adjacent to the yard access of no.62. As such, the proposal would not have an unacceptable impact on highway safety, subject to conditions regarding car and cycle parking and retention of manoeuvring space.

RESIDENTIAL AMENITY

5.19 Paragraph 130(f) of the NPPF seeks a high standard of amenity for existing and future users. This advice is reflected in local plan policies GP1 of the 2005 Draft Local Plan and the 2018 emerging Local Plan. In particular, Policy GP1(i) of the 2005 Draft Local Plan seeks 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.

5.20 The Cottage building is existing with only one first floor window that overlooks the lane. Its proposed extension would be single storey with windows only in the south-west elevation facing into its own courtyard and away from nos. 62 and 64 Heworth Road located to the north-east. The northern wall of the extension would separate the dwelling from no. 62 and the retained 2.1m high boundary wall would be separate it from no .64 Heworth Village. The proposal has been amended so that the new build to the rear is only single storey, thereby removing any potential adverse impacts on occupants of neighbouring properties. It is recommended that permitted development rights for alterations and additions to the dwelling and, in particular, to the roof should be removed. The dwellings on East Parade have approximately 23m long rear gardens measured from the rear elevations of the main part of the dwellings and would be separated from the site by a 1.8-1.9m high existing wall. The building is of simple design giving the appearance of an outbuilding and would be constructed of red brick and pantile with some areas of horizontal timber boarding and with painted timber windows and doors. It would sit

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adjacent to, though not directly in line with, the commercial building to the west; this and the single storey projection at the front would help to avoid the building appearing as a continuation of the linear mass of the commercial building and provide a more domestic scale and appearance. All existing means of enclosure around site boundaries with neighbouring residential properties are to be retained.

5.21 The development would provide two small dwellings each with a kitchen/living space, two bedrooms and a private amenity space (courtyard for The Cottage and garden for the new build). Parking is provided in the space between the dwellings with space for cycle parking and refuse storage within the amenity spaces. A refuse collection point is shown at the rear of no. 62 and adjacent to the private lane that is approximately 15m distance from the public highway. No.62 retains its front forecourt and rear yard, the plot being already separated from its former curtilage by a timber fence. Given the proximity of the new dwellings to the public house to the west, a condition requiring noise insulation measures is necessary to protect the amenity of future residents.

5.22 On the basis of the changes made to the scheme, the proposal would provide a high standard of amenity for existing and future users as required by national and local planning policies.

NATURAL ENVIRONMENT

5.23 In chapter 15 the NPPF seeks to conserve and enhance the natural environment by requiring new development to be appropriate for its location taking into account the likely 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. It also seeks to protect and enhance biodiversity. Local planning policies reflect this policy.

5.24 The site has been previously used for domestic purposes. However, there is the potential for land contamination from past uses of the outbuilding (as part of it has been used as a stable and store) and garage. As such, land contamination conditions are recommended.

5.25 There are three trees within the rear part of the site and an apple tree on neighbouring land that is close to the site boundary. A tree survey identifies these trees as category C1 and proposes the removal of a cherry tree that is in poor

condition, partially collapsed and of limited arboricultural value. The Holly and the Apple within the site are intended to be retained, but the latter may need to be removed to allow for the construction of the dwelling; it is not in an ideal location being very close to the existing wall of the commercial building. The adjacent apple tree is outside of the site and separated from it by the existing boundary wall. The building is proposed to be to the south-east of the tree.

5.26 Survey work has been undertaken of the Cottage and garage buildings and the trees within the rear garden area. These revealed no evidence of roosting bats or any signs of bat activity in the Cottage or garage, which were identified as having low suitability to support roosting bats. No evidence of barn owls were identified. Whilst no bird's nests were observed in the building, the timing of works is important to ensure that no nests are disturbed between mid-February to early September and so conditions would need to be imposed to ensure that any harm could be adequately mitigated.

5.27 The proposal, subject to conditions, would not result in demonstrable harm to the natural environment in terms of pollution or biodiversity.

FLOOD RISK

5.28 In chapter 15, the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but, where development is necessary, making it safe without increasing flood risk elsewhere. Draft local plan policies, GP15a of the 2005 draft plan and ENV4/5 of the 2018 draft plan reflect the aims of the NPPF.

5.29 The site lies in Flood Zone 1 (low probability) and is unlikely to suffer from river flooding and within which the provision of more vulnerable uses such as dwellings is appropriate. New drainage is proposed to connect to the combined drainage system in Heworth Road. However, in line with the Surface Water Drainage Hierarchy that drainage via infiltration should be investigated prior to discharge to a combined sewer. As there appears to be a drainage solution, a condition can be imposed to require further surface water drainage details to be provided.

6.0 CONCLUSION

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6.1 The application site lies within the main built up area of the City, in a sustainable and accessible location and in a predominantly residential area. It falls within the Heworth Conservation Area and Flood Zone 1 (low probability). The proposal involves the provision of two small dwellings that would contribute to the City's housing stock and, following amendments to the scheme and the imposition of conditions, would do so without harm to the character and appearance of the conservation area or potential archaeology at the site, visual amenity, highway safety, residential amenity of existing and future occupiers, natural environment or flood risk. Conditions can be imposed to ensure that the buildings meet sustainable construction requirements. In light of the above, the application complies with national and local planning policy and is recommended for approval.

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:-

Drawing no. 18-110-104-P02 Demolition Plan, dated 10.2.21

Drawing no. 18-110-105-P03 Proposed Site Plan, dated 21.4.21

Drawing no. 18-110-107-P03 Proposed Black Plan, dated 21.4.21

Drawing no. 18-110-110-P01 Proposed Ground and First Floor Plan Existing Cottage, dated 10.9.20

Drawing no. 18-110-130-P01 Proposed Elevations Existing Cottage 10.9.20

Drawing no. 18-110-131 Proposed Elevations Existing Cottage 31.7.20

Drawing no. 18-110-210-P02 Proposed Ground Floor Plan Plot 2, dated 10.2.21

Drawing no. 18-110-230-P01 Proposed Elevations Plot 2, dated 10.2.21

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

3 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief, is required on this site. The archaeological scheme comprises 3 stages of work. Each stage shall be completed and submitted to the Local Planning Authority for approval.

A) No groundwork or grubbing up of foundations shall take place until a written scheme of investigation (WSI) for a watching brief has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no development shall take place other than in accordance with the agreed

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WSI. The WSI should conform to standards set by LPA and 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 shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 2 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 16 of NPPF.

Reason: The site is considered to be in an area of archaeological interest. Therefore, the development may affect important archaeological deposits which must be recorded prior to destruction.

4 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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.

5 Prior to development, 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) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

6 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must 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.

7 In the event that unexpected contamination is found at any time when carrying out the approved development, 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 Notwithstanding the submitted drainage plan, 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

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approved 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. It is necessary to require this information prior to commencement of ground works on site as the provision of drainage is fundamental to the delivery of the scheme.

Design considerations.

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 (SuD's). 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 SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

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). 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

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catchment size).

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.

9 There shall be no development above foundation level until a detailed scheme of noise insulation measures for protecting the approved residential occupiers 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.

Informative: 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

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means of ventilation provided.

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.

10 Details of the reduction in carbon emissions the development hereby approved would achieve when compared against Part L of the Building Regulations (the notional building) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall be carried out in accordance with the approved details.

The details shall demonstrate a reduction in carbon emissions of at least 28% through the provision of renewable or low carbon technologies or through energy efficiency measures and at least a 19% reduction in dwelling emission rate compared to the Target Emission Rate (calculated using Standard Assessment Procedure methodology as per Part L1A of the Building Regulations).

Details shall also be submitted that demonstrate that the development shall also achieve a water consumption rate of no more than 110 litres per person per day (calculated as per Part G of the Building Regulations).

The development shall aim to achieve BREEAM domestic refurbishment 'very good' for the converted building and details shall be approved in writing by the Local Planning Authority before works commence of how this can be achieved.

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

11 The development should incorporate sufficient capacity within the electricity distribution board for one dedicated radial AC single phase connection to allow the future addition of an Electric Vehicle Recharge Point (minimum 32A) within the parking area if desired. The applicant should 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.

Notes

- 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

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electricity supply. All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation

- In the UK, there is a government-grant scheme available to help reduce the cost of installing a home EV charge point. For more information on the scheme see the OLEV website:

<https://www.gov.uk/government/collections/government-grants-for-lowemission-vehicles>

- The above requirement does not preclude the installation of Electric Vehicle Charge Point from the outset, if desired

- 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.

12 A biodiversity enhancement plan/drawing shall be submitted to and be approved in writing by the local planning authority prior to the commencement of works. The content of the plan shall include the recommendations contained in the Bat Survey Report, Wold Ecology Ltd, June 2021. The development shall be carried out in accordance the approved plan/drawing and any enhancement measures shall be provided prior to occupation or in accordance with the timings set out in the approved plan/drawing.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with the NPPF to encourage the incorporation of biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.

13 No removal of vegetation or demolition works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation and buildings for active birds' nests immediately before such clearance works and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

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

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be carried out using the approved materials.

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

Reason: So as to achieve a visually cohesive appearance.

15 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 include soft and hard landscaping and 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.

16 The buildings 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.

17 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The 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.

18 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 (extensions), B (roof

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additions) and C (alterations to the roof) of Schedule 2 Part 1 of that Order shall not be erected or constructed.

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

19 With the exception of the section of wall on the western site boundary proposed to be removed, none of the existing boundary walls enclosing the site shall be lowered or breached.

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

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:

- submission of amended scheme
- request for further information, specifically relating to biodiversity
- imposition of conditions

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

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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. INFORMATIVE:

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees hedgerows, scrub and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Contact details:

Case Officer: Hannah Blackburn

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