

COMMITTEE REPORT

Date: 12 December 2023 **Ward:** Fishergate
Team: East Area **Parish:** Fishergate Planning Panel

Reference: 23/00798/FUL
Application at: 126 Fulford Road York YO10 4BE
For: Erection of 1no. attached dwelling to side
By: Mr Stephen Hazell
Application Type: Full Application
Target Date: 11 July 2023
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

The Site

1.1 The application site is 126 Fulford Road which is in a primarily residential area around 450m south of the city walls. The north western boundary of the site abuts Grange Garth. The site is broadly triangular in area. It is around 17m wide at its widest point and 16m deep. The site surface is mainly tarmac with a small area of grass at the eastern and northern edges. It was previously used as a car parking area in association with the Priory Hotel which occupied the buildings to the south. The buildings that formed the hotel are currently in the process of being converted/re-modelled to 3 dwellings with car parking provided to their rear (planning permission 21/02237/FUL). One dwelling is within the former off-shoot.

1.2 The site is within Flood Zone 1 (low risk). It is located within Fulford Road Conservation Area. The Gatekeeper's Lodge immediately to the north of Grange Garth is Grade II Listed.

The Proposed Scheme

1.3 It is proposed to erect a two storey dwelling. It has two bedrooms within the first floor with a small study indicated in the roof space. The property has a semi-circular north elevation and a two storey bay to the front which would visually take the form of a dormer at first floor height. The ground floor elevation has a high

internal height reflecting the proportions of the adjacent existing building. The property would have a small garden to the front and sides of the building. An internal store is located within the rear of the building. This would provide space for cycle parking and general storage, though would not allow garaging for a car and no car parking is proposed within the site.

1.4 The current application has been subject to several revisions since it was submitted. This includes a reduction in the eaves and ridge height of the proposed building by around 3.4 metres, the removal of any indication of use of the store as a garage (with removal of associated vehicular access) and the retention of a wider visibility splay across the front garden.

Planning Committee call-in

1.5 The application is brought to Committee at the request of Cllr. S. Wilson. The reason given is local residents' concerns regarding the appropriateness of the building in the Conservation Area, though she also states that residents feel the reduction in size of the dwelling is a positive move.

2.0 POLICY CONTEXT

National Planning Policy Framework

2.1. The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in the determination of planning applications. Key chapters and sections of the NPPF relevant to this application are as following:

Chapter 2 – Achieving sustainable development

Chapter 5 - Delivering a sufficient supply of homes.

Chapter 4 – Decision making

Chapter 9 – Promoting healthy and safe communities

Chapter 12 – Achieving well designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change.

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 - Conserving and enhancing the historic environment

PUBLICATION DRAFT LOCAL PLAN (DLP 2018)

2.2 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan will be adopted in early 2024.

2.3 The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

D1 – Placemaking

D2 – Landscape and Setting

D4 – Conservation Areas.

D5 – Listed Buildings

H2 - Density of Residential Development

GI4 – Trees and Hedgerows

ENV3 – Land Contamination

ENV5 – Sustainable Drainage

CC2 Sustainable Design and Construction of New Development

WM1 – Sustainable Waste Management

T1 – Sustainable Access

3.0 CONSULTATIONS

3.1. Consultation took place in regard to the scheme as originally submitted and the later amendment showing a lower building and removal of on-site car parking.

INTERNAL CONSULTEES

Public Protection

3.2 No objections. The ground investigation includes the proposed site (known as Area 2 in the report) therefore appropriate ground investigation works have been completed. There were some elevated levels of contaminants found (lead, arsenic and PAHs) therefore the conditions regarding necessary remediation works are necessary. Also suggest a condition regarding construction impacts on neighbours and also noise insulation of the building.

Lead Local Flood Authority

3.3 The submitted Existing and Proposed Site Block Plan does not show foul and surface water drainage proposals both on and off site. Foul water must be in accordance with the requirements of Yorkshire Water and surface water in accordance with our Sustainable Drainage Systems Guidance for Developers and the hierarchy of surface water disposal.

Highway Network Management

3.4 No objections subject to provision/retention of suitable visibility splays and the removal of the dropped crossing given it will be redundant in a scheme without off-street car parking.

Design, Conservation and Sustainable Development (City Archaeologist)

3.5 An archaeological evaluation is required. This is due to the undeveloped nature of the site, the size of the proposal and its location in proximity to other known archaeological features. An evaluation rather than a watching brief may be a better way to check whether any resource exists on this plot. This method will allow any resource to be identified and excavated where appropriate ahead of construction starting. This can be covered by a pre-commencement condition.

Design, Conservation and Sustainable Development (Conservation Officer)

3.6 No objections subject to the revised drawings and re-location of the arch. Conditions are needed for detailing and materials to secure a quality of build that lives up to the ornamental design. Should also consider removal of permitted development rights for changes to joinery, surfacing and garden buildings.

EXTERNAL CONSULTEES

Yorkshire Water

3.7 No comments received.

Fishergate Planning Panel

3.8 No comments received.

York Conservation Area Advisory Panel (Updated comments following revision):

3.9 Object – Despite the reduction in scale the building is over-assertive and an uncomfortable juxtaposition with the listed lodge. It lacks the potential to bring delight.

4.0 REPRESENTATIONS

4.1. Publicity in April 2023 and re-notification in July 2023 regarding the scheme. The main changes introduced in July included lowering the height of the building and also the removal of car parking from the application site. Because of the significant difference between the original and revised schemes comments on each are listed separately:

April 2023 Publicity

4.2 Four objections and a general comment raising the following issues:

- Building is overbearing on adjacent Lodge and doesn't reflect local character.
- The arch should not be the boundary wall.
- The garden to the front included public land that used to contain a bench.
- Should consider reducing the width of the entrance to Grange Garth and other ways to slow traffic.
- The proposal will impact on road visibility at the junction.
- It is further piecemeal development.
- Will overlook the lodge.
- Concerns regarding the compatibility of development with archaeology.
- The removal of the tarmac parking area and planting will enhance the corner.

4.3 Two letters of support raising the following issues:

- The current site is an eyesore and the waste of a brownfield site.
- The proposed house will improve the appearance of the corner/gable wall.
- The seat was removed 30 years ago as it led to anti-social behaviour.
- There will be a fraction of the traffic associated with the use compared to the hotel that has closed.

Fishergate, Fulford and Heslington Local History Society.

4.4 Do not oppose building on the plot but the proposed building and associated gable is too large. It will also be overbearing in respect to the listed lodge. The proposed arch location is inappropriate. Believe the strip of land and site of former bench is public land.

July 2023 Re-notification

4.5 Three letters of objection were received setting out the following concerns:

- The arch should not be the boundary wall. Should be part of the building to ensure it remains upright.
- The arch looks out of place in front garden.
- The garden to the front included public land that used to contain a bench.
- Proposed bay and conical roof is out of character with the area.
- The proposal will impact on road visibility at the junction. Area is well used by children. Planting and the arch will be harmful to visibility.
- Was the ginnel at the site a public right of way? (Case officer comment – It is a dead end route. It was discussed with the Council’s Public Right of Way team and they considered it very unlikely to ever have been a public right of way). confirmed it is private)
- passers-by who do not live in the neighbourhood and who, quite understandably, do not take local issues into account should be given little weight.

4.6 Three letters of support were received making the following points:

- Clever use of space that doesn’t detract from the elegance of the host building.
- It uses sympathetic materials.
- Provides much needed housing.
- Relates well to the adjacent listed Lodge.
- Will have good quality soft and hard landscaping.
- Replacing car parking with a house must tick sustainability and policy objectives.
- A welcome addition to the street.

Fishergate, Fulford and Heslington Local History Society.

4.7 Do not oppose to building on the plot but still consider the development is out of character with the conservation area. We request that the Society is consulted when consideration is being given to the location of the re-erected Harper Theatre Arch.

5.0 APPRAISAL

5.1 Key Issues

- Principle of the Proposed Development
- Impact on Heritage Assets
- Archaeology
- Impact on neighbouring dwellings.
- Highway and parking implications.
- Sustainability.
- Quality of accommodation
- Habitats and Ecology
- Flood Risk
- Open Space

POLICY CONTEXT

5.2 The National Planning Policy Framework (NPPF) indicates a presumption in favour of sustainable development unless specific policies in the NPPF indicate development should be restricted. The purpose of the planning system is to contribute to the achievement of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. Paragraph 69 states that small sites can make an important contribution to meeting the housing requirements of an area and supports the development of windfall sites within existing settlements. Issues relating to impacts on heritage assets are contained in the section discussing that issue.

Publication Draft Local Plan 2018

5.3 Policy D4 sets out the criteria that will be used to assess proposals in conservation areas including the need to preserve or enhance character and appearance. Policy DP2 'Sustainable Development' emphasises the importance of

providing good quality homes. Policy D1 'Placemaking' is an overarching policy that seeks high quality development and the sustainable use of buildings.

PRINCIPLE OF THE PROPOSED DEVELOPMENT

5.4 Paragraph 60 of the NPPF seeks to significantly boost the supply of homes. Chapter 9 of the NPPF promotes sustainable transport. Chapter 11 of the NPPF seeks to make effective use of land.

5.5 Planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (paragraph 119 of the NPPF). Planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land (paragraph 120(c) of the NPPF). The proposals are for redevelopment of what falls within the definition of brownfield land (sometimes referred to as previously developed land).

5.6 The site is within a sustainable location, close to public transport facilities and local amenities. The city has demonstrable housing need. In principle residential re-use of the site is appropriate when applying the NPPF, in particular sections 5, 9 and 11 which relate to housing, sustainable transport and effective use of land.

IMPACT ON HERITAGE ASSETS

5.7 Section 16 of the NPPF, conserving and enhancing the historic environment, advises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

5.8 Section 72 of the Planning (Conservation Areas & Listed Buildings) Act requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of a conservation area. This is supported by Policy D4 of the Draft Local Plan which seeks to protect Conservation Areas and their setting.

5.9 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in determining planning applications for development which would

affect a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.10 Policy D1 of the Draft Local Plan supports development where they improve poor existing urban environments. Design considerations include the urban structure, grain, density, massing, spacing, scale and appearance.

5.11 Policy D11 of the Draft Local Plan supports the extension and alteration to existing buildings subject to ensuring the design responds positively to its immediate architectural context and sustains the significance of the heritage asset and its setting.

5.12 Policy D5 of the Draft Local Plan sets out the importance of preserving or enhancing the setting of Listed Buildings.

5.13 The site is within Fulford Road Conservation Area. The 2009 appraisal that related to the extension to the conservation area to incorporate this site makes reference to the good quality stone detailing of the (former) hotel. It is defined as a building that makes a positive contribution to the area. The property opposite the side of the property (2 Grange Garth) is listed.

5.14 The scale of the proposed building has been much reduced during the course of the assessment. It is noted that public comments on the application have differing views regarding its merits. The Council's Conservation Officer has been involved in negotiations and considers the scale and design is sensitive to the location and adjacent Lodge and will enhance the corner site. The eaves height of the proposed building are relatively low and open views of the lodge will remain across the landscaped garden. The existing tarmac area previously used as a hotel car park (and its use as a car park) detracts from the appearance of the area. It is considered that subject to conditions relating to details and materials the proposal would not detract from the character of the conservation area or setting of the listed building. It is considered it conforms to national and local policy and legislation regarding such matters.

5.15 It is important that care is taken in regard to the landscaping of the garden boundaries. It is not considered that permitted development rights need to be removed in respect of outbuildings or extensions as the constraints of the site and

location within a conservation area severely restricts the ability to erect permanent structures without requiring planning permission.

ARCHAEOLOGY

5.16 Draft Local Plan Policy D6 relates to archaeology. Development must not result in harm to the significances of the site or its setting. It should be designed to enhance or better reveal the significances of an archaeological site or will help secure a sustainable future for an archaeological site at risk.

5.17 Where harm to archaeological deposits is unavoidable, detailed mitigation measures must be agreed with City of York Council that include, where appropriate, provision for deposit monitoring, investigation, recording, analysis, publication, archive deposition and community involvement.

5.18 The below-ground impact of the proposal will relate to foundations and drainage. Any archaeological resource that exists on the site is likely to relate to Romano-British or earlier features relating to land use. These features are likely to be at relatively shallow levels and will be cut into the natural levels.

5.19 An archaeological evaluation is required, which the City Archaeologist is satisfied can be covered by condition.

IMPACT ON NEIGHBOURING DWELLINGS

5.20 NPPF section 12 sets out policy in respect of design, paragraph 130(f) states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Section 15 refers to noise and its potential impact on amenity. Policy ENV2 of the Draft Local Plan seeks to ensure development does not unacceptably harm the amenities of neighbours and future occupants.

5.21 The proposed dwelling will abut the two bedroom house being created in the rear offshoot of 126 Fulford Road. It is tight to the slender property, however, it is noted that when the application was submitted it was within the same ownership as the current site and any future occupiers will be aware of the proposed relationship. The home in the offshoot has main openings in two elevations and its very narrow form is such that natural light levels within spaces will remain acceptable. The

proposed first floor opening abutting the garden in the off-shoot dwelling would have frosted glass. This is shown on the elevations and can also be conditioned.

5.22 The ground floor openings of the proposed house would be around 12m from the Lodge across Grange Garth and the first floor opening around 14m. Most of the building will be viewed against the larger gable of the 'host' property. It is considered that the frontage relationship is acceptable within an inner urban area. The Lodge will retain a south-easterly outlook past the new home out towards Fulford Road.

HIGHWAYS AND PARKING

5.23 The NPPF requires development be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health.

5.24 Policy T1 of the Draft Local Plan seeks to ensure development proposals demonstrate safe and appropriate access. Development must provide sufficient convenient, secure and covered cycle storage. Policy T8 relates to demand management and improving the overall flow of traffic in and around the City Centre.

5.25 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 (paragraph 111 of the NPPF).

5.26 Policy WM1 of the Draft Local Plan relates to waste management which promotes the integration of facilities for waste prevention, recycling and recovery in association with the planning of new housing development.

5.27 The car park was associated with the hotel and is surplus to requirements. The site will contain no off-street car parking but will provide good quality cycle parking in the proposed large store. The removal of parking and vehicle access is beneficial in regard to highway safety. Future occupiers will be able to seek permits for on-street car parking. Revisions have been created showing the retention of a suitable visibility splay on the corner outside the boundary of the front garden. It can

be conditioned that this remains free from any walls or vegetation over 0.6m in height.

5.28 The area of land at the front of the property adjacent to Fulford Road that was outside the fenced garden is not indicated on Council records as being adopted Highway. The applicant has submitted a title plan indicating the land is within their ownership. The land was unkempt and served no positive purpose in regard to the appearance of the conservation area. It is partly retained as the visibility splay.

SUSTAINABILITY

5.29 The modified wording (January 2023) of draft 2018 Local Plan Policy CC2 'Sustainable Design and Construction of New Development' states developments should achieve high standards of sustainable design and construction by demonstrating: energy and carbon dioxide savings in accordance with the energy hierarchy; water efficiency; and consideration of good practise adaptation principles for climate resilience. All new residential development of 1 or more 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. Any higher level of reductions required through Building Regulations or other legislation will supersede the above requirements.

5.30 The proposal is within an established residential area and has storage for cycles and recycling etc. Sustainable construction techniques are addressed by condition.

QUALITY OF ACCOMMODATION

5.31 NPPF section 12 in respect of design advises decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Section 15 refers to noise and its potential impact on amenity. Policy ENV2 of the Draft Local Plan seeks to ensure development does not unacceptably harm the amenities of existing and

future occupants on the site occupiers and existing in neighbouring communities. Policy ENV3 relates to land contamination.

5.32 The property will provide generous and characterful accommodation in an accessible location. Although the proposed garden is small it is capable of meeting the occupants' needs for sitting out. Public Protection have requested details in regard to the acoustic qualities of the home given it is located on a main route into the city centre. It is considered issues regarding glazing quality and ventilation can be considered through the condition details regarding materials and sustainable construction. As the building contains large areas of glass care will need to be taken to avoid over-heating, however, it is noted that the largest expanses of glass are on the northern elevations.

HABITAT AND ECOLOGY

5.33 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities to have regard, in the exercise of the functions, to the purpose of conserving biodiversity. Paragraph 174 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by, minimising impacts on and providing net gains for biodiversity. Draft Local Plan policies reflect this advice in relation to trees, protected species and habitats.

5.34 The existing site is largely a tarmac surface. The introduction of greenery and hedges will enhance its value for biodiversity.

FLOOD RISK

5.35 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Policy ENV5 requires sustainable drainage and states that for all development on brownfield sites, surface water flow shall be restricted to 70% of the existing runoff rate (i.e. 30% reduction in existing runoff), unless it can be demonstrated that it is not reasonably practicable to achieve this reduction in runoff.

5.36 Much of the site is currently hard surfaced and in the context it is considered that issues relating to designing surface water run-off can be dealt with by condition without concern that the development will increase run-off rates from the site.

INFRASTRUCTURE AND OTHER DEVELOPER CONTRIBUTIONS

5.37 Policy GI6 of the Draft Local Plan states “Residential development proposals should contribute to the provision of open space for recreation and amenity in accordance with current local standards and using the Council’s up to date open space assessment. The successful integration of open space into a proposed development should be considered early in the design process.”

5.38 The site is unable to accommodate on-site provision therefore an off-site financial contribution would be required. There is a deficit in the ward in respect to outdoor sport, children’s play and informal amenity space. The contribution calculation is 1x2-bed = £1,254

5.39 The contribution could be used towards improvements at Cemetery Rd play area, Low Moor allotments and supporting community access to tennis at Rowntree Park.

5.40 This contribution can be secured through the provisions of a S106 Legal Agreement in the event the application is approved. The proposed planning obligations would meet the statutory tests set out in Regulation 122(2) of The Community Infrastructure Levy Regulations 2010 (as amended).

6.0 CONCLUSION

6.1 It is considered that the proposal would make efficient use of the former hotel site which currently detracts from the appearance of the Conservation Area. The proposed property is relatively bold, however, the scale and design relates well to the host property and it creates a feature of the end/corner elevation. The height drops towards the listed lodge. It is not considered to detract from the character or appearance of the Conservation Area or setting of the listed building.

6.2 It is not considered it would cause unacceptable harm to neighbours’ living conditions and provides suitable cycle parking. The accessible location is such that

the property is not reliant on use of a car, though occupiers can seek to obtain on-street parking permits.

6.3 The proposal accords with national planning policy and draft local policy therefore is recommended for approval subject to conditions and subject to the signing of a legal agreement to secure a financial contribution towards improvements to nearby off-site play and amenity space.

7.0 RECOMMENDATION:

That delegated authority be given to the Head of Planning and Development Services to APPROVE the application subject to:

a. The completion of a Section 106 Agreement to secure the following planning obligations:

Open Space and sport contribution: £1,254 towards amenity, play space provision and outdoor sport.

ii The Head of Planning and Development Services be given delegated authority to finalise the terms and details of the Section 106 Agreement.

iii The Head of Planning and Development Services be given delegated authority to determine the final detail of the planning conditions

Conditions

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 strict accordance with the following plans:

Location plan, 2301-0c received on 20 April 2023.

Proposed rear elevation 2301 16B received on 14 July 2023.

Proposed roof plan 2301 16B received on 14 July 2023.

Proposed first floor plan 2301 11C received on 14 July 2023.

Proposed attic plan 2301 12C received on 14 July 2023.

Proposed side elevation 2301 15E received on 02 October 2023.

Proposed ground floor plan 2301 10F received on 02 October 2023.

Proposed front elevation 2301 14C received on 02 October 2023.

Reason: For the avoidance of doubt and in the interests of proper planning.

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, including for windows and doors, gutters, slates, and stone dressings 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 within the Conservation Area.

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

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

5 Notwithstanding the approved drawings details of all means of enclosure and gates or gateways on the site or its boundaries shall be submitted to and approved in writing by the Local Planning Authority before the construction of the development commences and shall thereafter be provided and retained in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the conservation area and highway safety.

6 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development above foundation level and the works shall be carried out in accordance with the approved details.

- o Exterior doors
- o Windows
- o Surround and frame to front door
- o Canopy over front door
- o Dormer window structure
- o Eaves and guttering construction

Reason: So that the Local Planning Authority may be satisfied with these details.

7 Notwithstanding the approved details, a scheme detailing the proposed hard-landscaping / surfacing details for the site shall be submitted to and approved in writing by the Local Planning Authority prior to any groundworks. The scheme shall be fully implemented in accordance with the approved details prior to first occupation.

Reason: In the interests of amenity and local distinctiveness and the character and appearance of the conservation area, in accordance with NPPF sections 12 and 16 (note it is expected the setts along the access road will be retained).

8 Prior to the development coming into use the sight lines shown on the approved ground floor plan shall be provided free of all obstructions which exceed the height of the adjacent carriageway by more than 0.6m and shall thereafter be so maintained.

Reason: In the interests of road safety.

9 Development shall not begin until details of foul and surface water drainage works have been 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 including the sustainable management of surface water run off.

10 A programme of post-determination archaeological evaluation is required on this site.

The archaeological scheme comprises 3-5 stages of work. Each stage shall be completed and agreed by the Local Planning Authority (LPA) before it can be approved.

A) No archaeological evaluation or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the Local Planning Authority in writing. The WSI should conform to standards set by 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 on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

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

E) No development shall take place until:

- details in D have been approved and implemented on site

- provision has been made for analysis, dissemination of results and archive deposition has been secured

- a copy of a report on the archaeological works detailed in Part D should be deposited with City of York Historic Environment Record within 3 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 lies within an area of archaeological interest. An investigation is

required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

11 The approved dwelling 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 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.

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.

12 Where remediation works are shown to be necessary, development (excluding demolition) shall not commence until a detailed remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy must demonstrate how the site will be made suitable for its intended use and must include proposals for the verification of the remediation works. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the proposed remediation works are appropriate and will remove unacceptable risks to identified receptors.

13 Prior to first occupation or use, remediation works shall be carried out in accordance with the approved remediation strategy. On completion of those works, a verification report (which demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the agreed remediation works are fully implemented and to demonstrate that the site is suitable for its proposed use with respect to land contamination. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

14 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, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

15 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2 Part 1 (or any Order revoking and re-enacting that Order with or without modification) the rear first floor window shall at all times be obscure glazed and fixed shut up to a height of 1.7m above the internal floor level.

Reason: In the interests of amenity, to ensure no unacceptable overlooking of existing houses and gardens surrounding the building. As such the Local Planning Authority considers that it should exercise control over any future windows 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 (as amended).

16 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2 Part 2 (class A) (or any Order revoking and re-enacting that Order with or without modification) no walls or fences shall be erected at the site other than those approved by this consent and the subsequent discharge of conditions.

Reason: In the interests of the visual amenities of the conservation area and highway safety.

17 The large ground floor store shown on the approved plans shall be retained with the existing external access and not be used for the parking of a car or van and shall not be used for any other purpose than storage and the parking of cycles etc.

Reason: To ensure that the property retains adequate space for cycle storage and general storage without need to erect a shed in the exposed garden.

18 Notwithstanding the provisions of The Town and Country Planning (General

Permitted Development) (England) Order 2015, Schedule 2 Part 1 (or any Order revoking and re-enacting that Order with or without modification) there shall be no windows inserted in the dwelling other than those shown on the approved plans.

Reason: In the interests of amenity, to ensure no overlooking of existing houses and gardens surrounding the building. As such the Local Planning Authority considers that it should exercise control over any future windows 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 (as amended).

19 The approved dwelling shall not be occupied until all vehicular crossings providing access to the site have been removed (or if deemed acceptable reduced in scale) in accordance with details approved by the Local Planning Authority which indicate the reinstatement of the footpath and kerb to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

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:

Asked for retention of visibility splay, reduction in scale of building and removal of car parking from the site.

2. DEMOLITION AND CONSTRUCTION

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

https://www.york.gov.uk/downloads/download/304/developers_guide_for_controlling_pollution_and_noise_from_construction_sites

- 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.

- There shall be no bonfires on the site.

- The visibility splay shown on the approved drawings shall remain free from any storage or use that impacts on visibility over 60cm in height.

3. PLANNING OBLIGATION

The developer should note the existence of a s106 agreement relating to this permission.

4. DRAINAGE REQUIREMENTS – CONDITION 9

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuDS). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuDS. Please note, the testing must be site specific (BGS data will not be accepted), carried out prior to determination of the application and the testing cannot be conditioned.

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 during the 1 in 1 year event). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100-year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. Please note, the CCTV drainage survey must be carried out prior to determination of the application and all hard paved areas should not be assumed to connect. Where making use of an existing piped connection an assessment of its existing capacity shall be carried out and the 70% applied to this whichever is the lower rate.

If existing connected impermeable areas not proven, then Greenfield sites are to limit the discharge rate to the pre developed run off rate. The predevelopment run off rate should be calculated using either IOH 124 or FEH methods (depending on catchment size) during a 1 in 1 year event.

Where calculated runoff rates are not available the widely used 1.4l/s/ha rate can be used as a proxy, however, if the developer can demonstrate that the existing site discharges more than 1.4l/s/ha a higher existing runoff rate may be agreed and used as the discharge limit for the proposed development. If discharge to public sewer is required, and all alternatives have been discounted, the receiving public sewer may not have adequate capacity and it is recommend discussing discharge rate with Yorkshire Water Services Ltd at an early stage.

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

Surface water shall not be connected to any foul / combined sewer, if a suitable watercourse/surface water sewer is available. Suitability of the watercourse/surface water sewer must be proven.

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.

Contact details:

Case Officer: Neil Massey

Tel No: 01904 551352