

## COMMITTEE REPORT

**Date:** 20 August 2020      **Ward:** Dringhouses And Woodthorpe  
**Team:** West Area      **Parish:** Dringhouses/Woodthorpe Planning Panel

**Reference:** 19/02729/OUT  
**Application at:** Site to the rear of 5 Cherry Lane York  
**For:** Outline application for the erection of 5no. detached dwellings with means of access  
**By:** Crossways Commercial Estates Ltd  
**Application Type:** Outline Application  
**Target Date:** 10 March 2020  
**Recommendation:** Approve subject to Section 106 Agreement

### 1.0 PROPOSAL

1.1 The proposal is for the construction of 5 detached dwellings on a 0.9Ha site. The application is in outline with all matters, excluding access, reserved. Access will be taken from a new junction where Cherry Lane meets St Edwards Close.

The site

1.2 The site is an undeveloped field adjacent to the Knavesmire. It is accessed via Cherry Lane which leads off Tadcaster Road, past the Holiday Inn Hotel, and down to a small car park serving the Knavesmire. The bottom half of the lane becomes very rural in character being narrow with high hedges on the Southern side. These hedges form part of a Site of Importance for Nature Conservation (SINC) with intermittent TPO trees within the hedgerow. To the North is a residential area formed of large individual detached properties in large plots.

1.3 To the East the site abuts the Knavesmire while to the South it shares a boundary with the racing stables. An access from the stables to the Knavesmire runs close to this boundary. The paddock to the South of the boundary is also a

SINC. A vehicle maintenance shed has recently been granted permission (19/02730/FUL) within the stables site and close to the application boundary.

1.4 The Knavesmire falls within Flood Zone 2 and the Green Belt.

## **2.0 POLICY CONTEXT**

2.1 Emerging Local Plan (Submission draft 2018)

DP2 Sustainable Development

DP3 Sustainable Communities

SS1 Delivering Sustainable Growth for York

H2 Density of Residential Development

H10 Affordable housing

D1 Placemaking

D2 Landscape and Setting

D6 Archaeology

GI1 Green Infrastructure

GI3 Green Infrastructure Network

GI4 Trees and Hedgerows

CC1 Renewable and Low Carbon Energy Generation and Storage

CC2 Sustainable Design and Construction of New Development

ENV2 Managing Environmental Quality

ENV5 Sustainable Drainage

T1 Sustainable Access

DM1 Infrastructure and Developer Contributions

2.2 Development Control Local Plan (including 4<sup>th</sup> set of changes) 2005

H4A Housing Windfalls

GP1 Design

HE10 Archaeology

HE11 Trees and landscape

L1c Open space

## **3.0 CONSULTATIONS**

## Internal consultations

### Design, Conservation and Sustainable Development (Archaeology)

3.1 The site is just outside Dringhouses Area of Archaeological Importance. The site has not been disturbed by development and has been in agricultural use since at least the medieval period. It is possible that late prehistoric-Roman evidence of land use (e.g. field systems) may exist on the site. Further archaeological evaluation of the site is required and can be secured via planning condition.

### Public Protection

3.2 Conditions recommended for electric vehicle charging, construction environmental management plan (CEMP) and land contamination.

The applicant has submitted a noise impact assessment to demonstrate the impact of the surrounding commercial activities on the proposed residential dwellings. The report concludes that standard double glazed units within the development will be sufficient to ensure that internal noise levels can be achieved.

### Design, Conservation and Sustainable Development (Landscape)

3.3 The site is located within district level green infrastructure corridor 10 'Knavesmire/Hob Moor', historic environment character 74 'York Racecourse and the Knavesmire' in the York Historic Environment Characterisation Project; and lies immediately adjacent to character 75 'Dringhouses and Tadcaster Road'. It sits on the edge of Micklegate stray. The strays of York are a key character element of the City of York's Landscape and Setting as identified in the Heritage Topic Paper, September 2014.

The photomontages provided with the application are helpful. Retention of the existing tree cover on the perimeter of the site is possible and will help to mitigate the visual impact of the proposal.

Landscape buffers are to be provided on the South and East boundaries outside of the curtilages of the dwellings as well as a landscaped strip adjacent to the hedge SINC on Cherry Lane. Details of how these are to be managed should be confirmed.

### Design, Conservation and Sustainable Development (Ecology)

3.4 The hedgerow along Cherry Lane would be outside the curtilage of the proposed houses, separated by the private driveway. The proposal to safeguard the integrity of the retained hedgerow into the future through the production and implementation of a Habitat Management Plan is supported.

The site is part of the Knavesmire/Hob Moor District Green Corridor. Green corridors are not fixed boundaries but are a consensus of where green infrastructure assets occur. It is a significant multifunctional corridor for not only wildlife but historic landscape and recreation as well. The proposed development will contribute to the erosion this Green Corridor, although not significantly affect its integrity.

Conditions recommended.

### Highways Network Management

3.5 Comments on the initial submission raised concern about priority arrangements and visibility lines. Revised plans have been submitted as agreed with Highways officers and conditions recommended to secure detail. It was noted that parking provision for the development is high.

### Planning Policy

3.6 The site has been appraised for its development potential through the Local Plan process. The western part of the application site was included as an allocation (H2b) in the Publication Draft Local Plan (2014; Plan subsequently withdrawn); the eastern part of the site was considered unsuitable for development as it provides a buffer to the SINC hedgerow on Cherry Lane and any development coming forward would need to provide a suitable buffer to this hedgerow and to the Knavesmire Stables Meadow SINC. It was also considered that development of the additional land proposed to the east of H2b would have an adverse impact on the character of Cherry Lane and the open aspect the site currently provides to the Knavesmire. H2b

itself was subsequently removed from the Plan at Preferred Sites stage (2016) due to the site's restricted narrow access and the impact of mature hedgerows and trees on the site's developable area.

At the Local Plan Preferred Sites consultation, a report taken to Local Plan Working Group (July 2017) identified a number of potential changes to the emerging Plan, taking into account further evidence and consultation responses received. This report included options for boundary changes to proposed site allocations and potential new sites which conformed with the Council's approach to site selection.

Following Officers' consideration of further technical work submitted, the report included Land at Cherry Lane (H2b) as a potential allocation. Technical officer assessment considered that the former allocation could be suitable for development if existing trees and hedgerows could be retained and if it could be developed in a way which retained the rural character of Cherry Lane. Officers were clear that an alternative boundary (including land to the east of H2b) would not be supported. However, Members resolved that site H2b should not be included as an allocation in the emerging Plan, as it was not required in order to meet the Plan's agreed level of housing need. The site is not currently allocated in the emerging Plan.

### Housing Policy

3.7 For residential sites of 0.5ha an affordable housing contribution is required in accordance with the submitted Local Plan Policy H10, Affordable Housing (NPPF reference, paragraph 63 and Glossary, "Major Development"). The site to which this application relates passes this threshold at 0.9ha.

An affordable housing contribution would be required which may be on site or off site as a commuted sum, dependent on the number of homes confirmed at Reserved Matters stage. The site lies in the "York Urban Area" identified by the Local Plan Density Zones map. The affordable housing contribution for the site would be £31,547.98 per dwelling secured within a S106 agreement.

### Education

3.8 An education contribution is required for this application for 7 places across all 3 sectors totalling £141,159 based on current place cost multipliers and an

assumption that the houses in this development will have an average of 5 bedrooms each. Infrastructure projects would be at Dringhouses Primary, or a nearby school in same planning area, Millthorpe secondary school and Early Years provision within 1.5km. This will be secured in the form of a formula within a S106 agreement.

Further update – see paragraph 5.30 below.

External responses

### Yorkshire Water

3.9 Condition recommended for separate systems of foul and surface water drainage.

### Ainsty Internal Drainage Board

3.10 The Board notes that the applicant intends to use an existing surface water drain. This drain appears to, in turn, connect into the Knavesmire Culvert. The Board's understanding of the Knavesmire Culvert is that it then discharges into the River Ouse further south and does not enter a Board maintained watercourse, or any ordinary watercourse in the Board's district. On this basis, the Board would have no comments to make. However, should these details change the Board would wish to be re-consulted.

## **4.0 REPRESENTATIONS**

4.1 Twelve letters of objection (four of which have been logged twice resulting in eight original letters) have been received in relation to the application including one signed by residents of St Edwards Close and individual letters from a number of those residents. The issues raised include:

- The houses will not be affordable
- Loss of a green space and consequences for the climate emergency
- Changes to the character of the area as a result of a number of small infill sites being developed
- Increase in traffic
- Poor sight lines for traffic exiting the site on to Cherry Lane

- Impact on views from properties on Hunters Way
- The properties are inappropriate in design for Cherry Lane and St Edwards Close
- The site is a haven for wildlife
- Road safety concerns for school children using Cherry Lane
- Concern about flooding/ standing water in properties nearest Knavesmire
- The proposal takes development beyond the existing building line and closer to the Knavesmire
- Concern about surface water drainage flooding
- Concern about conflict between pedestrians and cars on Cherry Lane
- The site is not allocated in Local Plan
- In relation to the revised highways'
- layout, concern was raised about a lack of signage indicating routes to the racecourse and lack of a road safety audit

## **5.0 APPRAISAL**

### 5.1 Main Issues

- principle of development;
- design;
- highways and parking;
- drainage;
- trees;
- ecological issues;
- sustainability;
- affordable housing.

## LEGISLATIVE AND POLICY CONTEXT

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise.

### National Planning Policy Framework

5.3 The revised National Planning Policy Framework (NPPF) 2019 was published on 19 February 2019 and sets out the government's planning policies for England and

how these are expected to be applied. The NPPF is a material planning consideration in the determination of this application.

5.4 The planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives.

5.5 Paragraph 11 states planning decisions should apply a presumption in favour of sustainable development and that for decision taking this means where there are no relevant development plan policies, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

Publication Draft Local Plan 2018

5.6 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the 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);
- 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).



It is considered that given the stage of preparation of the emerging plan, nature of objections and consistency with the NPPF that all the policies listed in para. 2.1 above should be given moderate weight except H10 which should be given limited weight.

5.7 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. The directly relevant evidence base documents for this application are :

- City of York Housing Needs Update (2019)
- Strategic Housing Land Availability Assessment and Appendices (2018)
- Strategic Housing Land Availability Assessment and Annexes (2017)
- City of York Strategic Housing Market Assessment Update (2017)
- City of York Council Strategic Housing Market Assessment (2016)
- City of York Council Strategic Housing Market Assessment Addendum (2016)

#### 2005 Development Control Local Plan

5.8 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF albeit with very limited weight.

#### PRINCIPLE OF DEVELOPMENT

5.9 The site has been considered through the site selection process however as a result of concerns about impacts on the hedgerow SINC, character of Cherry Lane and the open aspect of the Knavesmire has not been allocated. It has now come forward as a windfall greenfield site. Section 11 (Making effective use of land) of the NPPF encourages the use of previously developed land first and gives substantial weight to this but does not preclude the use of greenfield sites. Paragraph 11 of the NPPF lays out the presumption in favour of sustainable development. Paragraph 8 identifies that there are 3 objectives to achieving sustainable development –

economic, social and environmental. These are not criteria against which every decision can or should be judged (paragraph 9).

5.10 The area is predominantly residential in character up to the Knavesmire. The site is unallocated (other designations related to the hedgerow SINC and adjoining Stables Pastures SINC are covered below) and in a sustainable location with good public transport links to the city centre. The Council does not have a 5 Year Housing Land Supply and as such, provided the proposal is otherwise acceptable, the provision of residential development on the site is acceptable in principle.

## DESIGN

5.11 The application is in outline with all matters except access being reserved. The indicative site plan shows five large detached properties with detached double garages all set in substantial gardens. Access comes in at the North West corner of the site and runs parallel to Cherry Lane along the northern edge of the site.

5.12 The site is approximately 0.9Ha in area. Policy H2 of the 2018 Draft Plan sets housing density levels for different zones within the city. The site would fall within a zone where a housing density of 50 units/Ha is suggested. The policy does however note that housing density should be informed by the local character of the area. The site sits within an area where housing density is low. St Edwards Close is characterised by large properties in significant sized plots. The character of Cherry Lane also changes from the junction with St Edwards Close to one of a more rural lane with hedgerows and glimpses of undeveloped land. As such it is considered that the proposed low density development is appropriate to the character of the area and complies with policy H2 of the 2018 Draft Plan as it preserves local character by retaining greenspace on site and responding to local character.

5.13 The properties indicated with the application are two storey with brick and slates or tiles being the proposed materials. These details are considered in keeping with the general character of the area and details could be agreed at reserved matters stage. Given the sensitivity of the site in views from the Knavesmire it is considered appropriate to condition that the dwellings are no more than 9m in height as this is the scale which has been assessed in photomontages provided of the development from the Knavesmire.

## HIGHWAYS AND PARKING

5.14 Details of the new junction have been agreed to ensure safety for all road users. Cherry Lane becomes a single track road after the junction and is well used as access to the Knavesmire. There is no footpath on this section of the road which is used by vehicles, pedestrians and horse-riders. To address this safety issue the road has been realigned with a speed control table introduced. The detail of this will be controlled via condition.

5.15 As the proposed access road will only serve five dwellings and not provide any through route (already provided by Cherry Lane), the authority would not be looking to adopt the access road. The new junction and sufficient additional length to preserve visibility would be adopted but no further. This would also potentially support the future residents in managing access and parking on their road during racecourse events.

5.16 It is recognised that each property has a double garage and a minimum of 3 additional parking spaces which would be in excess of guidance parking levels. Paragraph 106 of the NPPF states that maximum parking standards should only be set where there is a clear and compelling justification that they are necessary for managing the local road network or for optimising the density of development. On this site it has already been noted that low density development is appropriate. The level of parking also reflects the scale of the properties and will help to ensure that visitor parking does not spill out on to Cherry Lane or St Edwards Close.

## TREES AND LANDSCAPE

5.17 Properties on St Edwards Close are set back from the Knavesmire and, along with the site, give a sense of green space and tree cover which contributes to the attractive setting and character of Micklegate Stray. The tree cover is visible across the Stray and contributes therefore to its character and setting and provides local distinctiveness. Denser residential areas to the South of the application site are strongly defined and tightly form and give a harder edge to the stray.

5.18 The development is compatible with retention of the existing tree cover around the perimeter of the site and includes additional tree and shrub planting along the

southern boundary where vegetation is lacking. Supplementary planting is also proposed to the Knavesmire. The existing and proposed planting would help to mitigate the visual impact of the proposed development but there would still be a discernible presence of the solid buildings behind the trees. To this extent there would be some loss of the sense of openness within this stretch of green space.

5.19 Cherry Lane would retain its essential character due to the existing/ proposed vegetation and set back of the properties. The loss of openness on the other side of the hedge would be apparent particularly at the site entrance so there would be a slight change in visual amenity for those using Cherry Lane.

5.20 The proposal does not require the removal of any of the individually surveyed trees on site of which 3 are covered by TPO. The distance between existing trees and the proposed development is considered acceptable in terms of outlook and root protection. A short section of hedge (approximately 11.5m or 6%) will be removed to facilitate the site access. The hedgerow is a designated SINC and its integrity would be preserved into the future through the production and implementation of a Habitat Management Plan. The TPO hornbeam at the access point would be protected and a no-dig cellular system is proposed for the road construction at this point to protect tree roots.

5.21 Local Plan policy GI4 recognises the value of trees and hedgerows to biodiversity, the contribution they make to the quality of a development and how they can help it be assimilated in to the landscape. This development has been shown to benefit from retained tree and hedgerow cover and new planting which will provide screening of the development, enhance residential amenity and ecological benefits. As such the proposal is considered to comply with policy GI4.

## ECOLOGICAL ISSUES

5.22 Policy GI2 requires that development avoids loss or significant harm to SINC. Given that the proposal is for removal of 6% of the hedgerow and that the SINC would benefit from a management plan going forwards it is considered that the proposal complies with policy GI2 in this matter.

5.23 The site to the south is also a SINC and is so designated for its neutral grassland. This site connects through to the Stray which is managed under a

Higher Level Stewardship for nature conservation. These areas and the site itself are all part of the Knavesmire/Hob Moor District Green Corridor. Policy GI3 seeks to maintain and enhance the integrity and management of York's green infrastructure network, including its green corridors and open spaces. Green Corridors are not fixed boundaries but are a consensus of where green infrastructure assets occur. It is a significant multifunctional corridor for not only wildlife but also for historic landscape and recreation. The proposed development is considered to contribute to the erosion of this Green Corridor, although not significantly affect its integrity. The new native species planting on the southern boundary will go some way to maintaining habitat connectivity with adjacent sites. For these reasons it is considered that the proposal will on balance maintain York's green infrastructure network and therefore complies with policy GI3.

## AMENITY ISSUES

5.24 The layout shows large houses in significant plots. As such it is considered that amenity for residents will be acceptable and issues of overlooking between properties can be overcome at the detailed design stage. There are no existing properties in such close proximity that the proposal would impact on their amenity through overlooking, overshadowing or over-dominance.

5.25 The site sits to the North of the stables for the racecourse. A storage shed has recently been given permission within the paddock adjacent to the site. A noise assessment has been undertaken to consider issues of noise impact from the stables on future residents. The report concludes that standard double glazed units within the development will be sufficient to ensure that internal noise levels can be achieved. The application does include the installation of a fence along the southern boundary. Provided this is installed then noise from the external sources should not have any adverse impact on the future residents of the dwellings.

5.26 There is some conflict between the requirement to provide a close-boarded fence on the southern boundary to provide noise insulation and concern raised by the landscape officer. In landscape terms the preference would be for a Paladin fence to allow views through to the landscaping. In addition, solid fences can sometimes lead to an 'out of sight, out of mind' mentality which might encourage tipping of garden waste over the fence. However the fence is 1.8m tall and it seems unlikely that residents would manage to tip waste over this. The green buffer would

remain open to the South of the site and the fence would give good sound insulation and privacy. On balance it is considered that the fence provides a wider benefit than Paladin fencing and is the preferred option.

## DRAINAGE

5.27 Update to be provided at committee.

## SUSTAINABILITY

5.28 A condition has been recommended to ensure the proposal complies with policies CC1 and CC2 of the 2018 Draft Plan. The developer suggests that sustainable measures such as electric vehicle charging, high levels of insulation and reduced water consumption will be included in the scheme at reserved matters stage. The proposed planning condition will ensure that appropriate additional measures are included.

## AFFORDABLE HOUSING

5.29 The NPPF defines major development for housing as 10 or more houses or where the site area is 0.5Ha or more. At 0.9Ha the site is a major development and, in accordance with policy H10 of the 2018 Draft Plan, an affordable housing contribution is due. This may be on site provision or off site as a commuted sum. Sub-clause iii of policy HW10 allows for sites of 2-15 homes to provide on off-site contribution in accordance with a formula rather than on-site provision of affordable housing. For 5-10 houses in the York urban area the contribution per dwelling is £31,547.98 per dwelling. This would be secured in a S106 agreement.

## EDUCATION

5.30 Whilst colleagues in Education have recommended that an education contribution of £141,159 is payable, their latest guidance 'Education Supplementary Planning Guidance – June 2019 Update' only requires such contributions from developments of 10 or more houses. Given that the proposal is for 5 houses (albeit the site size is greater than 0.5Ha and therefore it falls within the NPPF definition of major development), there is therefore considered no policy requirement for such a

contribution and the recommendation does not include this as an obligation on the development.

## **6.0 CONCLUSION**

6.1 The site has been considered through the Local Plan process and the majority of the eastern side of the site has been assessed through that process as not suitable for development as a result of a likely adverse impact on the SINC hedgerow, character of Cherry Lane and open aspect to the Knavesmire. There is however an identified need for housing in York and the proposal would provide 5 dwellings as well as contributions towards affordable housing.

6.2 The scheme as submitted has been assessed as maintaining the integrity of the hedgerow SINC. A condition requiring a management plan will ensure its future maintenance. Evidence submitted with the application also indicates that the properties will have a minimal impact on views from the Knavesmire as a result of the scale of the dwellings and low density form of development. The layout has been designed to move the development away from Cherry Lane, the Stables SINC and the Knavesmire and issues raised during the Local Plan process are thereby considered to be overcome.

6.3 Given the benefits of the scheme in providing housing and affordable housing contributions while preserving the adjacent SINCS, it is considered that the minimal harm to the open setting the site provides to the Knavesmire is outweighed. The proposal is considered to meet relevant policy in the NPPF and emerging Local Plan and is recommended for approval subject to conditions and a S106 agreement securing affordable housing.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve subject to:

(i) Section 106 Agreement to secure the following obligation –  
- Affordable housing (contribution of £31,547.98 per dwelling)

1      OUT1      Approval of Reserved Matters

2      Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the

commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: appearance, landscaping, layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with The Town and Country Planning (Development Management Procedure) (England) Order 2015.

3 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Location plan Y81.948.01

Indicative highway layout LCL-AWP-00-GF-DR-0003-P3

Junction layout LCL-AWP-00-GF-DR-0006-P1

Vehicle tracking LCL-AWP-00-GF-DR-0007-P1

Illustrative site layout Y81.948.03

Illustrative streetscape Y81.948.05

Illustrative sections Y81.948.06

Detailed landscape proposal 50176-DR-LAN-101 C

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

4 Any application for the approval of reserved matters submitted in accordance with condition 2 shall generally conform with the information, location and details set out in the illustrative site plan Y81:948.03 and the detailed landscape proposal plan 50176-DR-LAN-101 particularly in regard to:

Provision of a landscape buffer of approximately 4.2m in depth on the South and East boundary of the site

Reason: In the interests of clarity.

5 The total number of two storey residential dwellings shall not exceed 5 and those houses shall be no greater than 9m in height.

Reason: In the interests of visual amenity and the character of the area.

6 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external



materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground works. The development shall be carried out using the approved materials.

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

Reason: So as to achieve a visually cohesive appearance.

7 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the commencement of above ground works and the approved means of enclosure shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.

8 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 approved by the Local Planning Authority (LPA) before it can be approved/discharged.

A) No archaeological evaluation (geophysical survey or trenching) or development shall commence 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.

9 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 garage space (or parking area) of each property as required. The applicant shall identify the proposed location for a future Electric Vehicle Recharge Point within the development curtilage and ensure that any necessary trunking/ducting is in place to enable cables to be run to the specified location.

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

10 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.

11 A Hedgerow Management Plan for Cherry Lane SINC (SINC site reference: SE54 08-YK) shall be submitted to, and be approved in writing by, the local planning

authority prior to occupation of the development. The content of the plan shall be produced in accordance with BS 42020:2013 and include the recommendations set out within Section 7 Mitigation and Enhancement of the Ecology Survey Report by Enviroscope Consulting Ltd dated May 2019 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure the long term protection and management of the designated Site of Importance for Nature Conservation in line with 2018 Draft Plan policy GI2.

12 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be produced in accordance with BS 42020:2013 and include the recommendations set out within Section 7 Mitigation and Enhancement of the Ecology Survey Report by Enviroscope Consulting Ltd dated May 2019 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

The approved plan shall be adhered to throughout the construction period.

Reason: To protect the designated Site of Importance for Nature Conservation in line with 2018 Draft Plan GI2.

13 Prior to occupation, a "lighting design strategy for biodiversity" for driveway and front of the houses shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure that the introduction of artificial light does not mean that

protected species active at night (bats) are not disturbed or discouraged from using areas of existing habitat.

- 14 LC1 Land contamination - Site investigation
- 15 LC2 Land contamination - remediation scheme
- 16 LC3 Land contamination - remedial works
- 17 LC4 Land contamination - unexpected contam
- 18 HWAY13 Access to be improved

19 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

NOTE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

With respect to dust mitigation, measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the

routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>. The CEMP must include a site specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

Lighting details should be provided for any artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses: [public.protection@york.gov.uk](mailto:public.protection@york.gov.uk) and [planning.enforcement@york.gov.uk](mailto:planning.enforcement@york.gov.uk).

Reason: To protect the amenity of the locality

20 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 0800 to 1800 hours

Saturday 0900 to 1300 hours

Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

21 HWAY14 Access to be approved, details reqd

22 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage

and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

#### Change of alignment of Cherry Lane

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

23 A three stage road safety audit carried out in line with advice set out in GG119 Road safety audit (formerly HD 19/15), and guidance issued by the council, will be required for the proposed new access to the development. Reports for Stages 1 and 2 must be submitted to and agreed in writing by the LPA prior to works commencing on site. The Stage 3 report must be submitted to and agreed in writing by the LPA prior to occupation. The development shall be carried out in accordance with the approved details.

Reason: To minimise the road safety risks associated with the changes imposed by the development.

24 A detailed method of works statement identifying the programming and management of site clearance/excavation/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The statement shall include at least the following information:

Details of access/ egress and turning within the site for contractors and other users of the area to manage conflict between vehicles accessing the site and users of the lane (including secondary school children).

The development shall be carried out in accordance with the approved statement.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users. Details are required prior to the commencement of development to ensure demolition/ construction traffic does not impact on the amenity of local residents.

25 HWAY40 Dilapidation survey

26 The dwellings hereby approved shall achieve the following measures:

- At least a 19% reduction in Dwelling Emission Rate compared to the target fabric

energy efficiency rates as required under Part L1A of the Building Regulations 2013).

- A water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

- A reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations.

Prior to first occupation of each dwelling details of the measures undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

## **7.0 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:

Requested changes to highway access

Required S106 contributions in accordance with Local Plan policy.

#### **2. Nesting Birds**

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 and scrub 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.

### 3. Electric Vehicle Charging Point advice

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

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/governmentgrants-for-low-emission-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.

### 4. INFORMATIVE:

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

Works in the highway - Section 171 - Vehicle Crossing - Section 184 - (01904) 551550 - [streetworks@york.gov.uk](mailto:streetworks@york.gov.uk)

Pavement Cafe Licence - Section 115 - Annemarie Howarth (01904) 551550 - [highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk)

### **Contact details:**

**Case Officer:** Alison Stockdale

**Tel No:** 01904 555730