

## COMMITTEE REPORT

**Date:** 7 June 2018  
**Team:** Major and Commercial Team  
**Ward:** Huntington/New Earswick  
**Parish:** Huntington Parish Council

**Reference:** 18/00395/FUL  
**Application at:** 22 Hopgrove Lane North York YO32 9TF  
**For:** Erection of 1no. dwelling  
**By:** Mr Stephen Johnson  
**Application Type:** Full Application  
**Target Date:** 15 June 2018  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application seeks full planning permission for the erection of a three bedroom dormer bungalow within the existing garden of 22 Hopgrove Lane North, to the south-east of the existing bungalow, and between it and 21 Hopgrove Lane North. It would have the same orientation as no.21 with its front elevation facing in a south-westerly direction and its private rear garden to the north-east. Access would be via the existing vehicular entrance to no.22 from the private lane, Hopgrove Lane North, leading to two parking spaces served by a shared driveway with no.22. Changes to the existing dwelling, no.22, have been agreed separately under a large householder extension application (ref. 17/02775/LHE).

#### CALL-IN

1.2 The application has been called-in to Committee by Councillor Orrell, in relation to its impact on the Green Belt.

### 2.0 POLICY CONTEXT

2.1 Yorkshire and Humber Regional Spatial Strategy policies:

- YH9(C) and Y1(C1 and C2);

2.3 City of York Draft Local Plan (2005):

- CYGP1 - Design
- CYGP4A – Sustainability
- GP10 – Subdivision of Gardens
- CGP15A - Development and Flood Risk
- CYGB1 - Development within the Green Belt
- CYT4 - Cycle parking standards

## 2.4 Publication Draft Local Plan (2018) – relevant policies:

- D1 – Placemaking
- D2 – Landscape and Setting
- GB1 – Development in the Green Belt
- GB2 – Development in Settlements ‘Washed Over’ by the Green Belt
- CC2 – Sustainable Design and Construction of New Development
- ENV4 – Flood Risk
- ENV5 – Sustainable Drainage

## 3.0 CONSULTATIONS

### INTERNAL

#### Public Protection

3.1 No objections subject to conditions to cover the reporting of unexpected contamination and provision of vehicle charge points.

#### Flood Risk Management

3.2 No objections in principle, but requests conditions be attached if planning permission is granted in order to protect the local aquatic environment and public sewer network.

### EXTERNAL

#### Foss (2008) Internal Drainage Board

3.3 The application sites within the IDB's district and there is a Board asset adjacent to the site - Sow Dyke - which is known to be subject to high flows during storm events. Prior consent from the Board is required for any development within 9m of the bank top of any watercourse or forming the boundary of the site. The Board has no objection to the principle of this development, but recommends that the applicant clarify the drainage strategy. Conditions requested.

#### Huntington Parish Council

3.4 Does not object but comments that the proposal appears to be within CoYC Local Plan Green Belt.

#### Neighbour Notification And Publicity

3.5 There have been objections and comments from residents of 10 no. properties on Hopgrove Lane North, which are summarised as follows:

- Impact on open character in Green Belt - two storey dwelling with large footprint;
- Hopgrove is a hamlet within the parish of Stockton on the Forest that spans two civil wards of Huntington and Stockton and is not a village not infilling of either Huntington or Stockton;
- Proposal would not be in-keeping with the lane - it would double the density of building on the site on a plot that is too small to accommodate two dwellings;
- Proposal would cause considerable amenity and environment loss to the immediate neighbours;
- Damage to lane surface from heavy goods vehicles during construction, which has been re-surfaced by the community at considerable cost and which is already been damaged by construction vehicles to existing renovation and extension works to no.22;
- Impact of parking along land during construction;
- Affect on existing flooding problems from adding further property and increasing more hardsurfacing, thereby reducing the soak-away capabilities on site that are already overwhelmed in a flood/heavy rain situation;
- Existing houses have not been able to extend by more than 50%;
- Loss of light to no.21;
- Access to private lane serving numbers 21 and 23 should not be breached/parking on private land of no.21 is trespassing;
- Existing works on site have damaged trees and boundary hedging;
- Danger to children living along lane due to speed of vehicles along lane relating to no.22;
- LHE approval does not permit increased density within site or dormer to existing dwelling;
- Precedent set for other properties along the lane;
- Adequacy and quality of plans as basis for decision questioned.

## **4.0 APPRAISAL**

### **KEY ISSUES**

4.1 The key issues relevant to the consideration of this application are:

- Principle of development
- Green Belt policy
- Character and appearance
- Flood risk and drainage
- Residential amenity
- Highway safety

### **SITE AND PLANNING HISTORY**

4.2 The application relates to an area of garden serving 22 Hopgrove Lane North, located to the south-east of the existing detached bungalow. The front elevation of the bungalow faces in a south-westerly direction. Access is from the private Hopgrove Lane North, with a driveway leading along the south-west site boundary. No.22 sits at the end of a run of ribbon development that is perpendicular to Malton Road. The nearest properties are no.21 to the south-east, a 1 1/2 storey dwelling that has the same orientation as the existing bungalow, and no.23 to the north-east, a 2 storey dwelling that sits within a relatively large plot with a southerly aspect. The site lies in flood zone 1, though part of the garden of no.22 falls within Flood Zones 2 and 3 as a result of the watercourse running along the north-western boundary. To the south-west of the site are open fields.

4.3 Relevant planning history includes:

2015 - Two applications withdrawn (ref. 14/03014/OUT and 15/01096/FUL) for erection of 2 no. two storey dwellings;

2016 - Erection of 2 no. two storey dwellings refused (ref.16/00401/FUL);

2017 - Erection of 1 no. three storey dwelling refused (ref.17/01775/FUL);

2018 - Erection of a single storey extension extending 8m beyond the rear wall of the original house and a total height of 2.7m approved on 4 January 2018 (ref.17/02775/LHE).

## POLICY CONTEXT

4.4 Section 38(6) of the Planning and Compensation Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no development plan for York other than the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS"), saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These policies, YH9(C) and Y1(C1 and C2), relate to York's Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt around York with an outer boundary about 6 miles from the City Centre. The application site falls within the general extent of the Green Belt as shown on the Key Diagram of the RSS.

4.5 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", March 2012), places emphasis on achieving sustainable development. Paragraph 7 of the NPPF says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 14 contains restrictions where this presumption in favour of sustainable development does not apply, including land designated as Green Belt where the Government attaches great importance to openness and permanence. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as seeking high quality design and a good standard of amenity for all existing and future occupants, protecting Green Belt, taking full account of flood risk,

encouraging the effective use of land by reusing previously developed land that is not of high environmental value; and, actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling.

4.6 Paragraph 187 states that when Local Planning Authorities are considering proposals for new or improved residential accommodation, the benefits from meeting peoples housing needs and promoting the economy will be balanced against any negative impacts on the environment and neighbours' living conditions.

4.7 Although there is no formally adopted local plan, the City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. However, such policies can be afforded very limited weight. The relevant policies are summarised in section 2.1 above. Policies considered to be compatible with the aims of the NPPF are GP1, GP15a and GB1. The site is included on the Proposals Map as a 'washed over' settlement, for which Policy GB2 applies. However, the designation and policy is not NPPF compliant and therefore carries no weight.

4.8 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. The emerging Draft Local Plan policies can be afforded limited weight at this stage of preparation, and subject to their conformity with the NPPF. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

## PRINCIPLE OF DEVELOPMENT

4.9 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted. Your officer's view is that this presumption does not apply to this proposal as the site lies within the general extent of the Green Belt as identified in the RSS and therefore justifies the application of the more restrictive policies in Section 9 to the NPPF.

4.10 Whilst the RSS has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates the general extent of the Green Belt around York. These policies comprise the S38 Development Plan for York. The policies in the RSS state that the detailed inner boundaries of the Green Belt around York need to be defined to protect and enhance the nationally significant historical and environmental character of York.

4.11 The site lies outside the main urban area of the City and is separated by some 500m from the edge of its settlement limit by open fields. It comprises a piece of land within the property of no.22 that is part of ribbon development running

perpendicular to the main road, Malton Road, into the open countryside and is visible in views from the road across the fields. It lies within the settlement of Hopgrove. As the open character of the settlement makes an important contribution to the openness of the Green Belt, it has been included in the general extent of Green Belt in accordance with paragraph 86 of the NPPF. The application site sits at the end of this stretch of ribbon development and, given the low level of development currently occupying it, provides a soft edge to the cluster of development where it meets the open fields beyond. In light of the above, it is considered that the site falls within the general extent of Green Belt established by the RSS. This view was confirmed by the Inspector in an appeal decision of 15 February 2017 for 7 Hopgrove Lane North. In accordance with paragraph 14 of the NPPF, the proposal should be assessed against the restrictive policies in section 9 'Protecting Green Belt land' of the NPPF.

## GREEN BELT POLICY

4.12 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence. Paragraph 88 of the NPPF establishes that 'substantial weight' should be given to any harm to the Green Belt. Paragraph 87 states that inappropriate development that is, by definition, harmful to the Green Belt, should not be approved except in 'very special circumstances'. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Development within the Green Belt is considered to be inappropriate unless it falls within one of the exceptions listed in paragraphs 89 and 90. Policies GB1 of the 2005 Draft Local Plan and 2018 Publication Draft Local Plan reflect Green Belt policy contained in the NPPF.

4.13 The proposal involves the erection of one dormer bungalow within the curtilage of 22 Hopgrove Lane North. The dormer bungalow would be similar in its footprint, scale and height to other properties along the lane. It would sit in the gap to the south-east of the existing bungalow between it and the boundary with the access road serving numbers 21 and 23 Hopgrove Lane North. Its front elevation would face towards the open fields, which is the same direction as the existing dwelling no.22 and the other properties along the lane with the exception of no.23, though it would be stepped back from the front elevation of no.22 and would be in line more with the front elevation of no.21. The current driveway would be retained in line with, and as a continuation of, Hopgrove Lane North, over which the existing and proposed dwellings would front onto. In views along Hopgrove Lane North or across the fields from Malton Road, the development would read as part of the ribbon development that characterises Hopgrove Lane North and would infill the gap that exists between numbers 21 and 22 within the otherwise built-up frontage along Hopgrove Lane North.

4.14 Hopgrove Lane North is part of the settlement of Hopgrove that sits either side of Malton Road. The settlement is cited in the 2005 Draft Local Plan as a 'village' in the explanatory notes accompanying Policy GB2 relating to development in 'washed over' settlements in the Green Belt. This policy is no longer compliant with the NPPF and the 2018 Publication Draft includes no such list, but the approach to which settlements within the City's boundary were villages was clearly set out in the earlier document that was approved for development control purposes.

4.15 As such, it is considered that the proposal would fall within the 5th exception of paragraph 89 of the NPPF, being limited infilling in a village. Therefore, the proposal is considered to be appropriate development in the Green Belt that would not conflict with the fundamental aim of Green Belt policy of prevent urban sprawl (paragraph 79).

## CHARACTER AND APPEARANCE

4.16 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development that is indivisible from good planning and should contribute positively to making places better for people. Policy GP1 'Design' of the 2005 Draft Local Plan and policies D1 'Placemaking' and D2 'Landscape and setting' of the 2018 Publication Draft Local Plan are compliant with the aims of the NPPF.

4.17 The site is located at the end of a long private lane with housing on its right hand side. To the left hand side of the lane are open fields, which permit longer distance views of the lane and the properties along it. The properties along it are a mixture of types, size and design, though are largely one and two storey in height; some have loft conversions with roof lights or dormers. The character of the lane is drawn from its layout of ribbon development with properties facing towards the open fields on the south-west side of the lane. At the end of the lane are the application site property, which is a modest bungalow, and behind it to the north-east the property no.23, which is a detached dwelling in a larger landscaped plot.

4.18 The application proposes a dormer bungalow of similar size to other properties along the lane, that would reflect design features visible on other properties and the spacing between dwellings. The proposed dormer window, whilst long, would sit within the slope of the roof and would reflect that at no.21. The dwelling would be stepped back from the front elevation of no.22 and would be more in line with the front elevation of no.21. No.22 has consent for a large rear single storey extension (ref.17/02775/LHE) and the agent has confirmed that a dormer window, similar to that proposed on the application property, is proposed on the south-west facing front roof slope under permitted development rights to facilitate the creation of habitable room within the loft space. The size, scale and design of the proposed dwelling would be similar to no.22 when extended and in-keeping with the other properties along the lane. The Sustainability Statement confirms the applicant's intention to reinforce the existing hedge site boundaries.

4.19 In light of the above, the proposed development is considered to be in-keeping with the form and layout of Hopgrove Lane North and, as such, would not detract from the character and appearance of the street scene or area. The proposed development would accord with the aims of the NPPF and local planning policies relating to visual amenity.

## FLOOD RISK

4.20 Paragraph 103 of the NPPF states that development should be directed to the areas of low flood risk and that development should not result in an increase of flood risk within the site or elsewhere. Policy GP15a of the Draft Local Plan supports this approach to flood risk.

4.21 The site where the new dwelling is proposed lies within Flood Zone 1 (low probability) and should not, therefore, suffer from river flooding. The property of no.22 is bounded along its north-west boundary by the watercourse Sow Dyke and the land to the north and west of the existing dwelling no.22 falls within Flood Zones 2 and 3.

4.22 Concerns have been raised by residents along Hopgrove Lane North about the ability of the existing foul and surface water drainage systems, which they consider to be already at capacity, to cope with additional discharge. Reference is made to surface water drainage problems that existing residents already face within their property. However, this is an existing situation that would not be affected by or affect the site of the proposed dwelling, subject to adequate drainage provision being provided to ensure that the situation was made no worse. Foul water from the new dwelling is proposed to be discharged to the existing foul drain serving no.22. Surface water is proposed to be disposed of to a soakaway. Whilst this is welcomed by the Internal Drainage Board as an approach, both the Board and the Council's Flood Risk Engineer seek conditions if the application is approved of the detailed drainage arrangements to ensure that the site is adequately drained without leading to increased flood risk elsewhere.

4.23 As a result, it is considered that a satisfactory drainage solution is available and that any further harm could be mitigated through condition. The proposal is considered to be in line with the objectives of the NPPF in terms of flood risk, subject to condition.

## RESIDENTIAL AMENITY

4.24 One of the core principles of the planning system outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants. Paragraph 120 of the NPPF also states that new development should be appropriate for its location to prevent unacceptable risks from pollution and land instability, with the responsibility for securing a safe development resting with the developer.

4.25 The site is already in residential use and is surrounded by other residential properties. Therefore, the proposed development would be compatible with the surrounding land uses. It would have adequate internal and external space to serve it, with a rear garden approx. 8m long x 12m wide, though overhung in part by a large mature tree within the garden of no.23. It would have independent parking facilities to serve it as would the existing dwelling on site, no.22. Sufficient external private amenity space would be retained within the reduced curtilage of no.22 that is outside flood zones 2 and 3.

4.26 The proposed dwelling would likely result in some overshadowing to the existing property of no.22 in the middle of the day, given the SW-NE orientation of the properties and position of the proposed dwelling to the south-east of the existing dwelling. The impact of the proposed dwelling would be during the middle part of the day when the sun is at its highest and would therefore be short-lived. Openings on the elevation facing no.22 would be either an obscure glazed en-suite window, a side door to the utility room or a secondary window to the lounge. A 2m high fence is proposed to separate the plots of the existing and proposed properties, which would minimise the potential for overlooking.

4.27 The main impact on no.21 would be the potential for loss of privacy from the three side windows in the side elevation; two of these are secondary windows to the living and dining areas and the third serves the kitchen - all three windows are at ground floor level and the kitchen window in particular would face towards the ground floor side window of no.21. There would be a distance of about 7m between these two windows, which would be separated by the private lane serving numbers 21 and 23 and the means of enclosure along the site's south-east boundary. The boundary enclosure is currently a high hedge that the applicant intends to retain and reinforce. A condition should be attached to confirm means of enclosure to the site to ensure that the hedge is retained or a suitable replacement means of enclosure is provided to protect amenity of no.21. No upper floor windows are proposed facing no.21. Any potential for overshadowing would be limited and would be late in the daytime.

4.28 The property of no.23 is located at a distance of over 20m to the NNW of the proposed dwelling and sits at an angle to the site boundary. The proposed property has only single storey openings or a roof light in the walls and roof plane facing towards no.23. Given this, and the distance, the amenity of this property would be protected.

4.29 Local residents have raised concern about the impact of building works on living conditions due to the narrowness of lane for construction vehicles and the need to adhere to the imposed speed limit. However, this would apply to any building works at properties along the lane. It would be reasonable to impose a condition to restrict the hours of construction given the proximity of the proposal to other residential properties.

4.30 In light of the above, the scheme would cause no significant material harm to the amenity that adjacent occupants can reasonably expect to enjoy and a good standard of amenity would be provided for future occupants. Public Protection has requested conditions to address potential contamination at the site as well as the provision of an electric charge point to help tackle air quality within the City. The application, therefore, accords with one of the core principles of the NPPF in that it would ensure a good standard of amenity to existing and future occupants.

## HIGHWAY SAFETY

4.31 The NPPF encourages sustainable travel and the location of development in sustainable and accessible locations. The site lies within an existing settlement, which is close to an existing public transport route and within short distance of leisure and retail facilities at Monks Cross. The proposed development would be accessed via the existing entrance from Hopgrove Lane North that serves the existing dwelling. Parking for two vehicles would be created within the site and a condition could be imposed to require the provision of cycle parking facilities. It is not envisaged that one additional three bedroom property would materially increase traffic generation or adversely impact safety on the highway network. As such, the proposal is considered to comply with the general thrust of the NPPF.

4.32 Concern has been raised by residents of Hopgrove Lane North, which is a private lane and has recently been re-surfaced at the expense of the occupants, in terms of the impact of construction traffic on safety and surface condition. The lane has a privately imposed speed limit. However, as the lane is not adopted, issues relating to vehicle movements along it, parking and damage to its surface are a private matter for those with responsibility for the lane. The authority has no control to impose conditions relating to parking and speed of vehicles or to rectify any damage caused as a result of the development.

## 5.0 CONCLUSION

5.1 The application site lies within the settlement of Hopgrove that is within the general extent of the York Green Belt. The proposal involves the provision of one dormer bungalow within the garden of no.22 Hopgrove Lane North that would infill the space between no.21 and the adjacent property, no.22. As such, the proposed development is considered to be appropriate in Green Belt policy terms, which would preserve the character and appearance of the ribbon development along Hopgrove Lane North. Subject to conditions, potential harm to land contamination, flood risk, highway safety and residential amenity could be adequately mitigated. As such, the application complies with planning legislation, advice and policies that are contained in the NPPF and Draft City of York Local Plans of 2005 and 2018, and is, therefore, recommended for approval.

## COMMITTEE TO VISIT

Application Reference Number: 17/01775/FUL

Item No: 4a

## 6.0 RECOMMENDATION:

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

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

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

- Site Location and Block Plan drawing no. (05)20, dated 15.2.18;
- Proposed Site Plan drawing no. (05)21, dated 15.2.18;
- Proposed infill dwelling elevations drawing no. 4071(05)PE, undated;
- Proposed infill dwelling floor plans drawing no. 4071(05)PP, undated;

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

3. No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Design considerations:

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

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

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test. If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate

(based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha or if shall be used for the above. For the smaller developments where the Greenfield run-off rate is less than 1.4 l/sec/ha and becomes impractical and unsustainable then a lowest rate of 0.5 l/sec shall be used.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site. It is necessary to require this information prior to commencement of any ground works on site as the provision of drainage is fundamental to the delivery of the scheme.

4. Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices 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.

5. 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 construction of the development commences and shall be provided in accordance with the approved details before the development is occupied and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

6. The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

8. The dwelling shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles for the existing dwelling no.22 and dwelling hereby approved have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

9. Prior to occupation of the dwelling, details of covered and secure cycle storage facilities to serve the dwelling shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided for no other purpose than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

10. Prior to occupation, a suitably rated electrical socket to allow 'Mode 2' charging of an electric vehicle using a standard 13A 3 pin socket and a 3m length cable shall be provided adjacent to the off-street parking spaces within the site and shall be retained thereafter.

Reason: To provide facilities for charging electric vehicles in line with the NPPF and CYC's Low Emission Strategy.

## Notes:

Optionally, a suitable 'IEC 62196' electrical socket (minimum rated output of 3.7kw /16A) can be provided in addition to the standard 13A 3 pin socket to allow 'Mode 3' charging of an electric vehicle. Mode 3 charging, using a suitable cable and charging point, allows faster charging of electric vehicles. Further advice can be provided by City of York Council's Public Protection team on request.

All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

## 7.0 INFORMATIVES:

### 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 (paragraphs 186 and 187) 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:

- Approach made to agent to consider reducing number of side openings facing no.21;
- Imposition of conditions to mitigate potential harm.

### 2. INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

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

Monday to Friday 08.00 to 18.00  
Saturday 09.00 to 13.00  
Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site.

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