

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

No comments received from internal consultees.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

STRENSALL PARISH COUNCIL - Object

- Policy GP4a and Code for Sustainable Homes and 10% renewable energy was the regulation at the time of the approval based on the design and access statement and requested by the applicant (page 18)
- The Parish Council are aware of similar applications that have been dismissed at appeal.

1 LETTER OF OBJECTION

- Does not make any sense for the dwellings to be exempted from any regulation which make them more energy efficient. Need to be as 'green' as possible

4.0 APPRAISAL

RELEVANT SITE HISTORY

11/00676/FUL - Erection of 8no. two storey dwellinghouses and associated garages with new access to Brecks Lane following demolition of existing dwelling - Approved

KEY ISSUES

1. Change in policy direction since the original application was approved.

ASSESSMENT

4.1 The National Planning Policy Framework published 27 March 2012 puts emphasis on sustainable development, one of the Frameworks' core principles being to support the transition to a low carbon future and encourage the use of renewable resources. The Frameworks states that local policies should set the requirements.

4.2 Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) sets out what proposals should take account of and what should be included within the proposal with regards to the principles of sustainable development. The CYC Interim Planning Statement on Sustainable Design and Construction gives more specific guidance for developments, such as constructing dwellings to (the minimum) Level 3 of the Code for Sustainable Homes, and

provision of on-site renewable energy for all proposed dwellings. Since the original application was approved the Interim Planning Statement has been amended to reflect Policy CS21 contained in the emerging Core Strategy (see below).

4.3 The Core Strategy has been submitted to the Secretary of State to consider the soundness of the plan. In terms of shaping the Council's future policies, it is clearly more up-to-date than the Draft Local Plan of April 2005 and it is on this basis that the application has been submitted. Policy CS21 states that developments of 10 dwellings or more should be built to Level 3 of the Code for Sustainable Homes and incorporate onsite renewable energy/low carbon energy generation equipment to reduce predicted carbon emissions by at least 10%. This Core Strategy policy complies with the criteria set out in the National Planning Policy Framework. The development under consideration relates to the erection of 8 dwellings, i.e. below the threshold of 10 dwellings set by Policy CS21.

4.4 In recognition of Policy CS21, in January 2012 a change was made to the Council's Interim Planning Statement such that there is no longer a requirement for new residential developments of less than 10 dwellings to achieve the Code for Sustainable Homes Level 3 rating. In addition, there is no longer the requirement for such developments to achieve at least 10% of the developments' energy demand from renewable technologies.

4.5 In the original application the applicant's supporting information did state that the development would comply with Level 3 of the Code for Sustainable Homes and suggested that this be secured by a condition. The supporting information made no reference to on site renewable energy generation. However, the application was submitted and determined prior to the amendment to the Council's Interim Planning Statement, which signals a change in the Council's position on these matters. As the proposed development is below the 10 dwelling threshold set by Policy CS21 and the revised Interim Planning Statement the previous requirements no longer apply to the development.

4.6 Central Government advice contained within Circular 11/95 states that a condition should not be retained unless there are sound and clear cut reasons for doing so. By virtue of the change in the Council's policy, it is considered that the two conditions in question can no longer be reasonably applied or enforced and their removal is considered acceptable.

5.0 CONCLUSION

5.1 The proposal accords with the Council's most up-to-date Interim Planning Statement on Sustainable Design and Construction as revised in January 2012 and is therefore recommended for approval.

6.0 RECOMMENDATION: Approve

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

Drawing Number 1482/PL/01/B received 13 July 2011

Drawing Number 1482/M'ham/01B received 24 August 2011

Drawing Number 1482/Bedale/01/B received 24 August 2011

Drawing Number 1482/Hepton/01 received 4 April 2011

Drawing Number 1482/Spode/01 received 4 April 2011

Drawing Number 1482/P7G/01 received 30 June 2011;

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

2 The development shall be carried out using the following external materials: Terca Baggeridge Bradfield Multi brick and Sandtoft concrete double pantile in terracotta red.

Reason: So as to achieve a visually cohesive appearance.

3 VISQ7 Sample panel ext materials to be approved -

4 4 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b. Submission of Remediation Scheme

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

c. Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land

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

5 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 in accordance with the requirements of the previous condition, 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 in accordance with the previous condition.

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

6 The building envelope of all buildings with a facade onto Brecks Lane shall be constructed so as to provide sound attenuation against external noise of not less than 36 dB(A), with windows shut and other means of ventilation provided. In accordance with the Noise and Vibration report (Ref 2053/1) written by Blue Tree Acoustics submitted 10 January 2012. The submitted report recommends a number of ways to achieve the desired levels (Section 5 of the report), and these should be incorporate into their development to comply with the BS8233 levels.

Reason: To Protect the amenity of the residents of the proposed development

7 HWAY9 Vehicle areas surfaced -

8 The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb/footway to match adjacent levels.

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

9 HWAY19 Car and cycle parking laid out -

10 HWAY21 Internal turning areas to be provided -

11 HWAY25 Pedestrian visibility splays protected -

12 HWAY40 Dilapidation survey -

13 Details of all means of enclosure to the site boundaries, including planted screening to adjacent dwellings, shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

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

14 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) following the completion of the development hereby approved, no further extensions or curtilage buildings of the type described in Classes A and B of Schedule 2 Part 1 of that Order shall be carried out to the dwelling without the prior planning permission of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the side elevation of the property.

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

16 Notwithstanding the submitted plans and prior to the commencement of the development hereby permitted full details of the method and design of the system of street lighting to be installed within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: In order to protect the amenities of neighbours and the character and appearance of the area from excessive illumination.

7.0 INFORMATIVES: Notes to Applicant

1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the dwellings and the locality, highway safety, and sustainability. As such, the proposal complies with Policies GP1, GP10, H4a, ED4 and L1c of the City of York Council Development Control Local Plan (2005); Policy CS21 of the emerging City of York Core Strategy; the City of York Interim Planning Statement on Sustainable Design and Construction as revised in January 2012; and the National Planning Policy Framework (2012)

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