

COMMITTEE REPORT

Date: 6 December 2012 **Ward:** Haxby And Wigginton
Team: Major and **Parish:** Haxby Town Council
Commercial Team

Reference: 12/03238/FUL
Application at: Land Adjacent To 5 South Lane Haxby York
For: Four no. terraced dwellings (resubmission)
By: Mrs Toni Grainger
Application Type: Full Application
Target Date: 21 December 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks planning permission for the erection of four houses on an area of land adjacent to South Lane in Haxby. The site frontage is approximately 27m with a depth of approximately 17m. The application site is former garden land associated with 8, 10, 12 and 14 York Road. The gardens appear not to have been in use for a significant period of time and have become somewhat overgrown. The proposal consists of a row of four terraced houses. The proposed houses are two stories in height and each would contain two bedrooms. Each house has a rear conservatory, with the two end houses having a single storey side extension which would accommodate a space for a utility and/or study space. The houses would front onto South Lane with gardens to the rear.

1.2 Each dwelling would have one off-road car parking space, accessed off the existing private drive which serves dwellings along this part of York Road.

1.3 The boundary of Haxby Conservation Area runs along the north side of South Lane. The proposed houses are to the south of South Lane and are therefore not within the Conservation Area.

1.4 This application is the re-submission of an application (11/01804/FUL) for two pairs of semi-detached houses which was refused at East Area Planning Committee in October 2011. The previous application was refused for the following reason:

'It is considered that the proposed development, by virtue of its size, height, and the number and position of windows within the rear elevation, would result in a loss of amenity for neighbouring residents. The garden of 16 York Road is long and narrow and the proposed dwellings run parallel to this with a separation distance of between 8.5m and 9.3m.

It is considered that the proposal would appear dominant and overbearing when viewed from the garden of 16 York Road and would result in a loss of privacy through overlooking from the eight first storey windows within the rear elevation of the proposed houses. In addition, the proposed dwellings would be sited to the south of Wren Cottage with a separation distance of approximately 9m. It is considered that the proposal would result in a loss of light and outlook from Wren Cottage, harming the level of amenity currently enjoyed. Therefore the application is considered contrary to Policies GP1 (criterion i) and H4a of the Development Control Local Plan.'

1.5 The plans have been amended in an attempt to overcome this reason for refusal. The most significant amendments are:

- The application is for a row of four terraced houses rather than two pairs of semi detached properties
- The proposed eaves and ridge heights are approximately 4.7m and 7m, the refused application building heights were 5.1m and 8.1m;
- The depth of the proposed houses have been reduced, the distance from the main two storey rear elevation to the boundary with 16 South Lane is between 9.1m and 9.7m, the previously refused scheme had rear separation distances of between 8.5m and 9.3m;
- The proposed house towards the west side of the site has been set back 1.3m from the existing footpath, increasing the separation distance between this house and Wren Cottage to 10.2m, the previous application had a separation distance of 9m;
- The development has been pulled back from the west boundary with 5 South Lane to allow a separation distance at 2 storey level of approximately 3.3m and 1.2m at ground floor level;
- The proposed houses have a conservatory to the rear;
- On the rear elevation the number of windows at first storey level has been reduced from 8 to 4, and the windows proposed within this application are of oriel design which restricts the line of visibility;
- Green landscaping is proposed within the rear garden;

1.6 A site visit is recommended to understand the concerns raised by local residents and the Town Council and to understand the implications of the changes to the design. It should be noted that errors within the submitted plans of the previous application wrongly labelled the rear garden areas, and as such the reason for refusal made reference to harm to the garden of 14 York Road. In fact, the neighbouring garden in question was that of 16 York Road.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGP1
Design

CYH4A
Housing Windfalls

CYGP10
Subdivision of gardens and infill devt

CYHE2
Development in historic locations

CYT4
Cycle parking standards

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No objections as there is no material change in highway layout to the originally proposed application.

3.2 Education - No contribution required towards local education provision.

3.3 Conservation - By virtue of scale, massing, siting and design, the proposed development would not be overly intrusive in views into or out of the conservation area. The proposed development preserves the setting of the conservation area. Should the granting of planning permission be recommended, conditions should be attached requiring:

- Samples for external materials
- Sample panel for brickwork
- Vertical cross section through front elevation illustrating eaves detail, window profiles and set back in reveal, window sills, and band course at 1:20

3.4 Environmental Protection Unit - No objections.

3.5 Drainage - No correspondence received at the time of writing the report, update to be provided at Committee.

3.6 Leisure - No correspondence received at the time of writing the report, update to be provided at Committee.

EXTERNAL

3.7 MP for York Outer - Objections raised to the application on the following grounds:

- The proposed development is inappropriate use for land set out for garden space and would thus damage the aesthetic appeal of the area;
- The existing houses on South Lane are old and attractive and terraced houses and the property in question would not complement these;
- Concerns have also been raised about the impact of the building on the amount of light entering other houses in the area;
- The proposal would make traffic and car parking problems in the area significantly worse.

3.8 Haxby Town Council - Strongly object to the proposed development on the following grounds;

- Backland development;
- Overdevelopment of the site
- Proposal would dominate the streetscene facing directly into Haxby Conservation Area;
- Out of keeping with the streetscene;
- Insufficient car parking;
- Proposal would result in a loss of amenity within the gardens of existing houses on York Road.

3.9 Local Residents - Six objections received from residents of 7 South Lane and 10, 16, 22, and 24 York Road and 1 Orchard Paddock;

- Gardens need preserving for families with children and not lost to development;
- It is unrealistic to suggest that the residents of these houses will not have cars and cycle parking is provided;

- This is an overdevelopment of a small piece of land;
- The development would result in a displacement of those who park in the area behind the houses on York road, moving those cars onto South Lane or York Road resulting in an increased danger;
- The proposal fails to take into account the number of vehicles that would be imported by the residents of the new houses - The idea that the occupants of these houses in a suburb of York would only have one car per household is unrealistic
- South Lane is used as a rat run through the village, any further congestion would only add to the difficulties already experienced in this area.
- The proposal goes some way to addressing previous concerns about height and loss of privacy through the revised design;
- The fact that the site is derelict at present should not be used as a justification for the proposal because this appearance has occurred recently when bought by the current owners;
- Concerns regarding drainage, assurances sought that if the proposal causes drainage problems that the Council or house builder is legally liable;
- The use of underground storage may increase the water table in the area because there will be less land for the water to drain into;
- Disagree with the applicants claim that the houses will provide much needed first time buyer affordable housing in the city, as there is not robust evidence to support this.

One letter of support has been received from a resident of 8a York Road. The letter states that there are no negatives to the proposed development and it would create much needed housing for first and second time buyers.

4.0 APPRAISAL

4.1 The key issues are:

- Principle of development;
- Visual impact and design;
- Neighbouring amenity;
- Bin/cycle storage and car parking; and
- Drainage

4.2 Since the previous application was refused there has been a change in national planning policy guidance through the withdrawal of PPS and PPG's and the introduction of the National Planning Policy Framework. Whilst the previous application was only refused on grounds of neighbouring amenity, it is considered that given the changes in the design of the proposal and the change in planning policy, that all matters expressed above need to be re-considered.

PRINCIPLE OF DEVELOPMENT

4.3 City of York Draft Local Plan Policy GP1 states that development proposals will be expected (amongst other things) to respect or enhance the local environment, and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials. It also states, that proposals should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.4 Development Control Local Plan Policy H4a sets the criteria for assessing proposals for windfall housing sites which come forward, such as the application under consideration. The policy states that proposals will be granted planning permission where they are located in an urban area and the site is vacant or underused and involves infilling or redevelopment. Part b) states that sites should have good accessibility to jobs, shops and services by non-car modes. The final parts of the policy require proposals to be of an appropriate scale and density to surrounding development and not have a detrimental impact on existing landscape features.

4.5 A strong presumption in favour of sustainable development is the 'golden thread' running through the NPPF. This presumption in favour of sustainable development should be applied when determining all planning applications. Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. Issues around the creation of new houses are covered in various sections of the NPPF. Chapter 6 is dedicated to 'Delivering a wide choice of high quality homes'. This states that housing applications should be considered in the context of the presumption in favour of sustainable development. However, in terms of new residential development in gardens, Local Planning Authorities should consider setting out policies to resist inappropriate development, for example where development would cause harm to the local area. Local Planning Authorities are encouraged to set their own approach to housing density to reflect local circumstances. Overall the policy seeks to boost significantly the supply of housing.

4.6 The application site is within the built up settlement limit of Haxby. The site is close to services and facilities such as schools, play areas, shops and a regular bus service into York. The site is considered to be in a sustainable location and is therefore likely to reduce the need to travel, helping to achieve the Council's aim of reducing dependency on the private car. The application site is no longer used as private garden land. The majority of the site is owned by the applicants and the use of the gardens ceased some time ago. The former gardens affected by the proposed development are at the rear of 8, 10, 12 and 14 York Road.

These houses would continue to have yard areas at the rear and therefore would still have access to an area to store bicycles and bins and hang out washing. The former gardens are separated from the walled yards by the private access road which serves the dwellings. The principle of residential development on this site was considered acceptable when the previous application was determined and it is not considered that the NPPF has introduced anything which would warrant a change in this view. The NPPF places a stronger emphasis on the need to support sustainable new housing schemes.

4.7 Concerns have been raised that the proposed development represents unacceptable backland development. However, development described as "backland" usually refers to development on a site to the rear of other existing buildings, without a highway frontage. The proposed dwellings clearly have a highway frontage to South Lane. Whilst the application site is to the rear of dwellings on York Road, it is not considered that the proposal constitutes backland development. The NPPF states that policies should be set to resist harmful garden development. However, any harm has to be substantiated; not all garden development is by definition harmful. Policy H4a of the Development Control Local Plan sets out the criteria which housing windfall sites must achieve. It is considered that the proposed development is in accordance with this criterion. Windfall sites such as this can contribute significantly to meeting the housing needs of the city. Recent information shows a demand for two and three bedroom family type accommodation in the city and the proposal would go some way to meet that demand.

VISUAL IMPACT AND DESIGN

4.8 The proposed development fronts onto South Lane. The proposed houses are set close to the pavement on South Lane in order to allow the maximum level of separation from the rear of the houses to neighbouring gardens. It is considered that designing houses to directly front onto a street is an effective way of making efficient use of land, in appropriate circumstances. The dwelling opposite the application site, known as Wren Cottage, is also sited immediately adjacent to the highway.

4.9 Whilst design did not form a reason for refusal within the previous application, it is considered that the proposed development represents a more sensitive design approach to creating residential development on this site. The proposed houses are simple and traditional in design with a low eaves and ridge height. It is considered that the lower height would reduce the visual prominence of the dwellings so that they appear subservient to the more substantial houses on York Road and within the Conservation Area. The houses would have a pitched roof constructed of slate tiles. The outer walls would be brick to match existing houses in the area and windows and doors would be painted timber.

Details such as window types, opening and reveals could be controlled by condition to ensure that a high quality finish is achieved which is considered necessary within this location adjacent to the Conservation Area. No objections are raised by the Conservation Officer. At present the application site is unused and does not make a positive contribution to the street scene.

NEIGHBOUR AMENITY

4.10 Issues of neighbour amenity were the principle reason for refusal of the previous application. As outlined in paragraph 1.5, the proposal has been amended in a number of ways to try and overcome the harm which the previous application was considered to create.

4.11 Whilst each amendment to the proposed development is relatively small, it is considered that added together they represent a significant amendment in terms of the potential impact on neighbouring amenity. The height of the proposed houses has been significantly reduced, the eaves height is approximately 4.7m with the ridge 7m above the ground. This represents a reduction in ridge height of over 1m. This combined with the slightly increased separation from the rear garden area of 16 York Road results in a development which is less dominant when viewed from this garden area. In addition, the layout plan shows a good amount of green landscaping to be planted within the rear gardens of the proposed houses. This would aid in softening the appearance of the dwelling once the landscaping has matured. The proposed houses are due north of the garden of 16 York Road and therefore would not have a significant impact on the amount of natural light and sunlight entering the garden area. It is not considered that the proposed conservatories would be visually intrusive from neighbouring garden areas.

4.12 Objections were raised to the previous application due to a loss of privacy which was considered to result from 8 first storey windows within the rear elevation of the houses. The proposed development has slightly increased the level of separation between the main rear elevation and the neighbouring garden at 16 York Road. Additionally the applicants propose a hedge and small tree planting within the rear garden of the houses. These changes would create a small benefit in terms of reducing the potential for loss of privacy through overlooking.

4.13 However, of most significant benefit is the reduction in the number of first storey rear windows from 8 to 4 and a change in window design to reduce the potential for overlooking into neighbouring gardens. The reduction in the number of windows reduces the perception of being overlooked. The change in design to create oriel windows which are glazed on only one side reduces both the amount of glazing seen from neighbouring gardens whilst reducing the sphere of vision from within the rear bedrooms.

The oriel windows have been designed to allow views at 45 degree angles to the houses, meaning residents of the proposed houses would have the benefit of a window for light and outlook, but would not directly face towards the edges of garden areas and retaining areas of garden land which are not directly overlooked.

4.14 The rear elevation of the proposed houses is south facing and therefore the oriel windows will still allow a good amount of daylight to enter the rear bedroom. It is considered that the window design ensures there remain areas within the garden of 16 York Road which remain reasonably private. The garden of 16 York Road is not currently completely private due to rear windows within houses on York Road and from people using the access track which separates this garden from the house. It is considered that the increase in separation distance, the introduction of landscaping and most significantly the reduction in the number of windows at first storey level and the oriel window design sufficiently reduces the perceived and actual loss of privacy to a level which is considered acceptable in this context.

4.15 The remaining part of the previous reason for refusal was the loss of outlook and natural light from Wren Cottage, on the opposite side of the road, as a result of the proposed development. Wren Cottage sits on the opposite side of South Lane, and abuts the highway. The dwelling contains four windows in the elevation which faces towards the application site. These four windows (based on the approved plans) serve a kitchen/dining room, a sitting room, and two bedrooms. These windows, along with the two windows in the side elevation, are the primary windows in the house. Therefore it is important for the amenity of the occupiers of Wren Cottage that the front windows receive a good amount of natural light and allow for a reasonable outlook. In addressing this issue, the applicant has significantly reduced the ridge height of the proposed dwellings. Additionally, the proposed house to the west side of the site, opposite Wren Cottage, has been set back from the footpath. The dwelling opposite Wren Cottage would be 10.2m away with a ridge height of 7m. The previous application had a separation distance of 9m and a ridge height of 8.1m. It is considered that these amendments would retain a reasonable level of sunlight which enters the front windows of Wren Cottage and allow for a reasonable outlook.

4.14 The side elevation of the proposed houses would be located to the rear of dwellings at 8, 10 and 12 York Road. The proposed dwellings would be separated from the curtilage of the houses on York Road by an access road and the proposed car parking spaces for the four houses. The main two storey element of 8, 10, and 12 York Road sits approximately 16.6m away from the two storey element of the proposed houses. It is considered that this is sufficient to maintain a reasonable level of outlook for these properties. The only windows in the side elevation of the proposed dwelling to the east side of the site would serve a bathroom and a utility room. The first storey bathroom window could be obscure glazed to maintain privacy.

BIN/CYCLE STORAGE AND CAR PARKING

4.15 Each dwelling would have access to the rear garden without having to pass through the house. The two end houses have independent access to the rear garden areas with the two houses in the middle having a shared access from the rear via the access road. This allows for bins and recycling boxes to be stored within the back garden and away from the public domain. On refuse and recycling collection days the bins and boxes can be moved to the roadside. There are two proposed collection areas adjacent to the footpath. Each dwelling has an enclosed and secure shed/storage building proposed within the rear garden which could be used for the storage of bicycles.

4.16 Concerns have been raised by local residents regarding the lack of car parking associated with the proposed development and more widely within the local area. However, it is important to assess this application on its own merits. The proposal is for four 2-bedroom houses. The Council's maximum car parking standard is one car parking space per two bedroom house. Therefore the proposal complies with the Council's standards in terms of car parking numbers. The application site is within a sustainable location close to everyday facilities and services. In addition, future residents would have access to a regular bus service to York City Centre. Cycle storage is provided for each property. It is considered that the level of car parking proposed is adequate for the number and size of houses proposed in this location. There is on road car parking on South Lane for visitors.

DRAINAGE

4.17 The application site is within Flood Zone 1 as identified by the Environment Agency. Flood Zone 1 is the lowest category in terms of flood risk. In terms of surface water drainage the applicants are proposing to attenuate surface water run-off through the use of underground water storage pipes which release storm water at a controlled rate into the existing sewer. This method of attenuation would ensure that run-off from the site is no greater than at present, therefore not adding to flood risk. The drainage scheme has not been fully designed, however it is considered that there is scope beneath the rear gardens of the houses to accommodate the attenuation system and this could be controlled by condition. Foul water would drain into the existing foul sewer.

5.0 CONCLUSION

5.1 It is considered that the principle of development is acceptable. The proposed houses are located in a sustainable location and would contribute to meeting the housing needs of the City. The existing garden areas are unused and it is not considered that they add to the character and appearance of the area. It is considered that the car and cycle parking and bin storage arrangements are acceptable and in line with local planning policies.

5.2 The application site is constrained by its close relationship with neighbouring dwellings and gardens. The resubmitted plans have sought to address the previous areas of concern regarding the impact on privacy and general enjoyment in the garden area of 16 York Road and in terms of outlook and natural light for the residents of Wren Cottage. It is considered that the proposed development overcomes the previous reason for refusal and is therefore recommended for approval subject to conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Proposed layout plan 1/G/2012A received 09.10.2012

Proposed elevations 2/G/2012A received 09.10.2012

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

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A (enlargement or improvement of dwelling house), B (enlargement of roof), C (alterations to roof), D (construction of a porch), and E (construction of outbuildings) of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents and the character and appearance of the area 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.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no windows, doors or other openings, other than those shown on the approved plans, shall be inserted into the dwellings.

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

5 The first floor window within the east (side) elevation of Plot 1 shall be fitted with obscure glazing to a minimum standard of Pilkington Level 3 (or the equivalent standard) and shall be thus maintained.

Reason: In the interests of the privacy of adjacent residential dwellings.

6 All first floor rear windows within the houses hereby approved, shall be of oriel design with one half fitted with a non-transparent material and shall thereafter be retained.

Reason: In the interests of the privacy of local residents.

7 Notwithstanding the information contained on the approved plans, the height of the new build houses shall not exceed 7 metres in height, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: To establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

8 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of all external materials to be used, including roof tiles, a sample panel of brickwork, and ground surface materials, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually acceptable appearance.

9 Prior to the commencement of development, a drawing showing the vertical cross section through the front elevation illustrating eaves detail, window profiles and set back in reveal, window sills, and band course at a scale of 1:20 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: To achieve a visually acceptable appearance on a site adjacent to Haxby Conservation Area.

10 Details of all boundary treatments, including a security gate adjacent to the rear footpath, 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 first occupied.

Reason: In the interests of the visual amenities of the area and crime prevention.

11 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to be planted. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

12 Prior to the development commencing details of the cycle parking, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the cycle parking facilities have been provided within the site in accordance with such approved details.

Reason: To promote sustainable transport choice.

13 Development shall not begin until full details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

14 All site preparation and construction works and ancillary operations which are audible at the site boundary, including deliveries to and dispatch from the site, shall be confined to the following hours:

Monday to Friday - 08:00 to 18:00

Saturday - 09:00 to 13:00

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Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents

15 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the City of York Draft Local Plan.

The alternative arrangements could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £4688.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

16 The dwellings shall not be occupied until the areas shown on the approved plans for car parking 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.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

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 to:

- Principle of development;
- Visual impact and design;
- Neighbour amenity;
- Bin/cycle storage and car parking; and
- Drainage

As such the proposal complies with Policies GP1, GP10, HE2, H4A, T4, and L1c of the City of York Development Control Local Plan.

2. DEMOLITION AND CONSTRUCTION

The developer's attention should be 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 attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

- a) 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".
- b) 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.
- c) 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.
- d) 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.
- e) There shall be no bonfires on the site.

3. In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation (clean-up) 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.

Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

4. 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:

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

Contact details:

Author: Michael Jones Development Management Officer

Tel No: 01904 551339