

## COMMITTEE REPORT

**Date:** 6 June 2013                      **Ward:** Guildhall  
**Team:** Major and                      **Parish:** Guildhall Planning Panel  
                    Commercial Team

**Reference:** 13/00349/FUL  
**Application at:** Former Car Repair Garage to Rear Of 70 - 72 Huntington Road  
                    York  
**For:** Erection of 4no. dwellings (resubmission)  
**By:** Mr Alan Wrigglesworth  
**Application Type:** Full Application  
**Target Date:** 26 April 2013  
**Recommendation:** Approve subject to Section 106 Agreement

### 1.0 PROPOSAL

1.1 Full planning permission is sought for the erection of four dwellings on an area of land formerly occupied by Wrigglesworth Motors, Gladstone Street, York.

1.2 The application site is to the north end of land which formerly accommodated Minster Engineering, now redeveloped for housing. To the north of the site is the residential garden of 74 Huntington Road; to the west are existing properties along Huntington Road and to the south vehicular access from Gladstone Street, the garden area to 68 Huntington Road and the redeveloped engineering site.

1.3 The land is immediately adjacent to the Heworth/Heworth Green/East Parade/Huntington Road conservation area which was designated in 1975. The conservation area encompasses the Huntington Road frontage and the River Foss corridor. The site itself is a former industrial area, which officers understand was last used as a car repair garage. The site retains a number of single storey structures, is a hard surfaced area and is surrounded by brick walls some of which formed the walls of former single storey structures. The entrance to the land is via a single width access from Gladstone Street. The entrance is currently gated. The plot is 21 metres deep (north to south) and between 20 and 40 metres wide (west/east) with an area of 0.065 of a hectare

1.4 The proposal is for the erection of four 4-bedroomed houses with associated garage, parking and amenity area. The houses are designed in a single terrace fronting the River Foss. The dwellings are designed with three levels of accommodation in units 1 and 4 and four levels of accommodation in units 2 and 3 by utilising the roof space. The development includes the raising of floor levels to 9.7 AOD, approximately 700mm above existing ground levels, and the raising of land around to allow entrance to the structures.

The houses are of varying overall heights. The highest part of the development stands 12m above existing ground level.

1.5 The application has been called into Committee by Cllr Brian Watson in order that the impact of the proposal on adjacent residents can be considered.

#### Planning History

1.6 An application for the erection of five dwellings on this site was withdrawn in January 2013.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Heworth Green/East Parade CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

### 2.2 Policies:

CYH4A  
Housing Windfalls

CYGP1  
Design

CYGP4A  
Sustainability

CGP15A  
Development and Flood Risk

CYL1C  
Provision of New Open Space in Development

## **3.0 CONSULTATIONS**

### INTERNAL

3.1 Highway Network Management - No objections subject to conditions. Traffic levels are likely to be less than the previous garage use of the site.

A unilateral undertaking is requested to ensure, through amendments to the traffic orders adjacent to the site, that the new development is excluded from the residents parking scheme.

3.2 Environmental Protection - Full contaminated land condition requested. A demolition and construction informative is suggested.

3.3 Communities Culture and Public Realm - A contribution to off-site open space is required. As a general comment officers would prefer to see the riverside boundary matching that of the development to the south of this site, and would be happy to see a reduced amenity open space contribution in exchange for a widening of the tow path.

3.4 Conservation Officer - The massing presumably is intended to reduce the impact on neighbouring properties, but appears contrived and fussy. Reducing the number of changes in ridge height, while abandoning the forced symmetry may address this comment. Whilst there is a mix of materials used in the vicinity, brick remains predominant. The extensive use of render proposed here is anomalous with the prevailing materials in the area. In contrast, the proposed panels of timber cladding will sit more comfortably with the building's natural and built context. Whether or not the above issues can be addressed, concern is expressed that the development will be an overbearing presence in the river corridor, detracting from its pleasant, tranquil quality. The unbroken line of the very high brick flood wall adds a further oppressive element, which contrasts with the more organic development of boundaries currently seen. Moving the development back within the site, away from the wall, would reduce the visual impact of the building. It would also allow the flood wall to be articulated in sections to add visual interest, in contrast to the monotony of the current proposal.

3.5 Flood Risk Management Team - In principle the application is not supported however in light of the recent appeal decision for 22a Huntington Road, some 100m away from this site and the adjacent development by Barrett Homes which by granting planning permission has set a precedent makes it difficult to oppose this application. Conditions are requested in relation to the drainage of the site.

## EXTERNAL

3.6 Guildhall Planning Panel - No objections

3.7 Conservation Area Advisory Committee - The panel felt that this was a disappointing scheme for this site, surrounded as it is by the conservation area. The design, detailing and materials are poor. However the panel felt that simplifying the roof line would partially improve the scheme.

3.8 Environment Agency - The development will only meeting the requirements of the National Planning Policy Framework if conditions are applied. The conditions require that the development is carried out in accordance with the submitted flood risk assessment and ensuring that floor levels are raised to 9.7 AOD in accordance with the submitted plans.

3.9 Police Architectural Liaison Officer - All ground floor windows should be secured to British standards, appropriate lighting should be installed to the area access ways should be gated. The site should be secure during construction to prevent theft.

3.10 Eight letters of objection have been received covering the following points:-

- Concerns about windows overlooking gardens on the northernmost house
- The development is unnecessarily high, higher than the properties on Huntington Road, a maximum height of two and half storeys should be accepted on this site
- The relationship between the dwellings and the river frontage is unclear, cross sectional information is required
- The Barratt's site had to cut back the scheme to increase the river frontage to increase the public amenity area and the area available for flood water
- The flood evaluation conveniently ignores the recent flood alerts
- The design reflects neither the context nor the timing of the development
- The development will starve the rear area of no. 70 of natural light, the occupant is a wheelchair user and the back room which is a bedroom will be overlooked by the new houses
- Concern about whether the development provides the right amount of private garden space for the family dwellings
- Concern about the impact of flood water and its course as a result of the development
- If development is to be passed the window sizes should be reviewed to reduce overlooking
- Overdevelopment of a small site
- If site becomes open access there will be an increased risk of burglary to properties on Huntington Road
- Rear of 72 Huntington Road will lose all privacy
- Views of the skyline and willows along the River Foss will be lost
- The area should be returned to gardens; the site would have originally been gardens to properties on Huntington Road
- Concerned about the position of the balcony on Unit 1
- Conditions should be attached to ensure car parking and garages are used to prevent over spilling on to the adjacent site and highway
- The entrance access should not be gated.
- Concerns about the additional flooding to existing properties caused by the raising of the land on the site and the introduction of flood gate

## 4.0 APPRAISAL

### 4.1 Key Issues

- Principle of the development
- Design and Landscaping
- Highways, access and parking
- Flood Risk and drainage
- Residential Amenity
- Open Space

## POLICY BACKGROUND

4.2 The National Planning Policy Framework (NPPF) says there are three dimensions to sustainable development economic social and environmental. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. (Para. 7 and 8)

4.3 At the heart of the NPPF is a presumption in favour of sustainable development. For decision-taking this means:-

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate development should be restricted. (Para.14)

4.4 The core principles set out in paragraph 17 include the expectation that development will always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.5 Section 6 of the NPPF addresses the delivery of a wide choice of high quality homes. Housing applications should be considered in the context of the presumption in favour of sustainable development (Para. 49). Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area (Para 53).

4.6 Section 7 of the NPPF requires good design. Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations.

Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (Para 61).

4.7 Section 10 paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should be supported by Strategic Flood Risk Assessments and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change.

4.8 The technical guide to the NPPF says at paragraph 2 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.'

4.9 Policy H4a of the draft City of York Local Plan (DLP) supports the principle of development on unallocated sites where these are within urban areas, on vacant, derelict or underused land or it involves infilling, redevelopment or conversion of existing buildings and the site has good accessibility.

4.10 Other Local plan policies relevant to the consideration of the detail of this application are:-

- Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

- Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development.

- Policy GP9 requires where appropriate developments to incorporate a suitable landscaping scheme

- GP15a 'development and flood risk' requires it to be demonstrated that flood risk can be managed with the minimum environmental effect and that the site can be developed, serviced and occupied safely.
- Policy L1c requires that all housing sites make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision.

## Principle of the Development

4.11 The site is a former employment site. It was formerly adjacent to the engineering works that has since been redeveloped for housing. The use of the application site ceased following a fire. The land has limited usefulness as an employment site due to its proximity to housing and it is not considered appropriate to retain the employment use of the site. Such a stance is considered to accord with the general thrust of NPPF advice which seeks to deliver sustainable development.

4.12 Policies in the NPPF and the DCLP support new residential development on previously developed land in sustainable urban locations. On these grounds the principle of the development is considered to be acceptable.

## DESIGN

4.13 The former engineering works to the south of the site has been densely redeveloped for residential purposes.

To the north and west of the site are residential gardens and houses facing Huntington Road. The site is adjacent to the Huntington Road Conservation Area which includes the river corridor and houses along the Huntington Road frontage. The scheme takes many of its design references from the adjacent Barratt's scheme and given the height and massing of these structures this is a difficult principle to resist. The main differences between the site and that adjoining are the relatively constrained nature of the site with one narrow access point, its close relationship to residential boundaries to the north, west and south and its location adjacent to a relatively narrow stretch of the river bank, there being only a depth of about 1.5 metres between the site and the Foss. Amendments have been sought to the scheme which address these tight relationships.

4.14 The land has a frontage to the river of approximately 29 metres. Along this frontage the centre 15 metres of the built development is located 1.5 metres back from the frontage with a 300mm over-sailing wall so that at first floor level the building will be 1.2 metres from the boundary and the balconies will bring the development within 300mm of the wall. The northern part of the river elevation is slightly further from the boundary and the southern section is turned in the site and set further back and at an angle to the boundary.

The height of the building along the frontage varies between 11.4 metres and 12 metres with approximately 0.7 metres of this height being necessary to build the site up to the minimum floor levels required by the Environment Agency. The dwellings would appear substantial along the frontage however the design in its siting is not unlike that of the adjacent development to the south and the variation in the building line and height of structures will break up the length of the development. The elevations are designed to be contemporary with large windows and doors leading onto balconies and using render, brick work and timber cladding materials. This elevation treatment is not like any on the adjacent sites however there is no defining design within the area that would preclude that being proposed. It is considered that the brick work and surrounding wall detail as well as the height makes sufficient reference to adjacent development. The wall along the river frontage will be rebuilt to match the height of the wall around the Barratts site (approximately 10.8 AOD). The remaining walls will be retained and made good. The wall improvements in themselves improve the visual quality of the immediate area and will be beneficial to adjacent residents.

4.15 Within the site hard surfacing is to be removed to provide amenity space, permeable parking areas and landscape strips. These new soft areas will improve the appearance of the site and if appropriately detailed improve the outlook for adjoining dwellings. A landscape condition is proposed.

4.16 The development will change the impression of the site from the river frontage and hence the setting of the Conservation area. Overall the design of the scheme is considered to have a neutral impact on the conservation area which provides some improvements in terms of the boundary treatment whilst extending the housing frontage in line with the adjacent site. The details of windows, eaves, balconies etc. are conditioned to ensure a quality finish to the development.

#### Highways Access and Parking Arrangements

4.17 The historic/existing use of the site was for a car repair garage and as such it is likely to have generated a greater level of vehicular movements than that which could be expected from the proposed redevelopment. Access to the site is via a narrow lane suitable for one-way traffic off Gladstone Street. The length of the access is approximately 28m and given the likely reduction in traffic from the lawful existing use the access is considered suitable. Turning space for cars is provided within the development. 2 car spaces (1 garage/1 allocated space) are provided per dwelling. This level of provision is in accordance with DCLP Annex E Parking standards.

4.18 The site falls within the R26 residents parking scheme. Officers are seeking a contribution of £2k to enable the modification of the existing traffic order to exclude the site from the residents parking scheme.



This would mean that residents of the proposed development will not be eligible to apply for parking permits thus ensuring no further pressure is placed on existing parking provision in the local area.

## Flood Risk and Drainage

4.19 The application site falls within Flood Zone 3a where the risk of flooding is high. The Council's Strategic Flood Risk Assessment of April 2011 shows the site to be within Flood Zone 3a and is protected up to a 1 in 50 year flood event. Within such areas dwellings are classified as 'more vulnerable' within the Technical Guidance to the NPPF. The NPPF refers to the Sequential Test, the aim of which is to steer new development to areas with the lowest probability of flooding. A sequential approach should be used in areas known to be at risk from any form of flooding. In this case Officers consider that the proposal satisfies the Sequential Test on the basis that there is an identified need for housing in the city, and the Strategic Housing Land Availability Assessment identifies an insufficient supply of deliverable sites. The site is considered appropriate for housing, is sustainably located, is a previously developed site and the development would be deliverable. The NPPF indicates that if the Sequential Test is satisfied then the Exception Test can be applied, if appropriate. For this test to be passed two specified criteria must be satisfied. First, it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared.

4.20 In terms of the wider sustainability benefits, the site is a disused former industrial site in very close proximity to residential development, and is in a dilapidated condition. The introduction of residential development on to the site is considered to be a use that is compatible with its adjacent neighbours. The development will have a neutral effect on the adjacent conservation area and is in a sustainable, accessible location close to city centre.

4.21 The second element of the Exception Test is that a site-specific Flood Risk Assessment (FRA) must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. The application is supported by an FRA. The Environment Agency state that the development will only be acceptable with the conditions they propose which cover the scheme being carried out in accordance with the details in the FRA and submitted plans, ensuring no bedrooms are on the ground floor and finished floor levels are 9.7 AOD. The Council's flood risk management team have very strong reservations about the scheme based around the fact that Flood protection of areas of York along the Foss are highly dependent on the operation of the Foss Barrier and associated pumps preventing water from the River Ouse backing up the Foss.

4.22 The assessed flood level of a 1 in 100 year event, taking into account climate change and assuming failure of the Foss barrier, is 11.16m AOD. Current site ground levels are approximately 9.00m AOD with the proposal indicating that finished floor levels would be set at 9.7m AOD. To that extent any new development in the Foss flood plain only adds to the possibility of flooding, increases the number of potential victims, and reduces the chances of the Council being able to achieve its aims of evacuation in times of such flooding within reasonable time. However in the light of the recent appeal decision at 22a Huntington Road, some 100m away from this site, and the adjacent development by Barratt Homes a precedent has been set that makes it difficult for the flood risk management team to oppose the proposal. The appeal inspector's view on the appeal site was that there was no substantive evidence to suggest that the emergency services could not cope in an emergency and that the flood mitigation measures proposed in the application would in any case reduce the need for evacuation. Conditions are suggested to secure acceptable drainage of the site.

4.23 With regard to the potential to increase flood risk elsewhere the Environment Agency state that the development would not alter the flow route of flood water and is surrounded by a wall and the development offers gains in terms of permeable areas within the site. The Inspectorate came to a similar view on 22A Huntington Road.

4.24 In light of the appeal decision and for the reasons set out above officers consider that the proposal would not result in a development that would be unsafe for its occupants in terms of flooding. Any potential additional burden for the emergency services that might result from the occupation of the proposed dwellings is outweighed by the advantages of the beneficial redevelopment of the site. The scheme would not conflict with the thrust of Policy GP15a of the DCLP. This requires the demonstration that flood risk can be managed with the minimum environmental effect and that the site can be developed, serviced and occupied safely. Nor would the proposal run contrary to advice in the Framework which seeks to ensure that through the sequential and exception Tests development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed.

#### Residential Amenity

4.25 The garden area and properties of no. 74, 72, 70 and 68 Huntington Road share a common boundary and are located to the north, west and south of the application site. The site boundaries are delineated by existing boundary walls which in some cases have previously formed the wall to a building within the site. Much of the area adjacent to these boundaries is to be left open and arguably enhanced by the introduction of new planting. There are two main areas where the new development will abut boundaries.

On the southern boundary adjacent to 68 and 70 Huntington Road it is proposed to replace existing portable structures with a new pitched roof double garage. In its footprint the garage is much smaller than the existing structures and in this respect the garage will improve outlook from no.70 Huntington Road. However the garage as originally proposed is a double garage with pitched roof set above the level of the adjacent site. The siting of the garage is acceptable however the design of the building with high eaves and high pitch roof was not. The design of the garage has now been amended to provide an asymmetric roof which is low adjacent to the boundary and rises sufficiently to achieve entrance to the garage. The amended details of the garage are considered to be acceptable.

4.26 The garden of no.74 Huntington Road is approximately 30 metres long extending down to the river bank frontage. The lower end of the garden is used for sitting out and in one corner of the garden adjacent to the site is a shed behind which are self seeded trees and plants. The scheme as designed shows the new built development extending 7m along the boundary with a blank elevation at a distance of 1 metre from it. The dwelling has a height of 7.5 metres to eaves and 10.5 to apex ( the apex is set 4 metres back from the boundary). Being to the north of the site the garden will experience some loss of light as a result of the new structure and the dwelling will appear substantial. However, as the building is set off the boundary and is set predominantly against the area where the existing shed is located it will not dominate or detract from the dwelling house, Officers consider the siting in relation to 74 Huntington Road to be acceptable, particularly when balanced against the open aspect that will be secured along the remainder of the boundary through the development and landscaping of the site. A condition is proposed to ensure no windows are placed in the elevation facing the garden area.

4.27 The orientation of the main elevation of the dwellings towards the Huntington Road properties is angled because of the shape of the site, meaning that although the Huntington Road houses are west of the site the house elevations will be facing south-west. Furthermore there will be a minimum separation distance of 25 metres between the building and the nearest rear off-shot of existing properties and a greater distance to main rear elevations. The relationship of the main elevation towards the properties on Huntington Road is considered to be acceptable.

4.28 The proposed dwelling closest to the southern boundary is set 1 metre from the boundary and presents a side elevation standing 8.5 metres to eaves and 11 metres to apex. This part of the southern boundary is defined by a wall about 3 metres high beyond which is the new development on the former engineering works. The height of the existing wall and the orientation of the site means that the relationship between new and existing development on this part of the southern boundary is acceptable.

4.29 The site is a former industrial site which has always had a very close relationship to the adjacent residential development.

The scheme will change the outlook from properties and restrict views over to the willow trees on the opposite side of the river Foss banking. However within the site the scheme will provide an opportunity to improve boundary treatment and to provide a landscape backdrop to areas of the site which, it is considered, would be beneficial to the houses on Huntington Road and on the adjacent new development to the south.

4.30 The proposal provides 4 four bedroom houses. Plot 1 and 4 include private garden space however plots 2 and 3 have minimal garden area but do have balconies and roof terraces. An area of amenity space separate from the units in the north west corner of the land is provided as an open area for these units. There are no policies in the DCLP which require a specific level of provision for outdoor amenity space however the general requirement within the NPPF that developments should take opportunities to improve the character and quality of an area and the way it functions is relevant. Private outdoor space can provide important social opportunities and external storage. It can also be used for drying and airing clothes, which reduces energy consumption. On this site the level of provision for outside space including balconies and garden areas is considered to provide for the requirements of the proposed houses.

#### Open Space

4.31 In accordance with policy L1c the application requires a contribution towards offsite amenity, play and sports facilities. The required contribution is £11344 and will be sought through a unilateral undertaking or section 106 agreement.

## **5.0 CONCLUSION**

5.1 Policies in the NPPF and the DCLP support new residential development on previously developed land in sustainable urban locations. The principle of the development is considered to be acceptable.

5.2 The details of the scheme are considered to be acceptable for the reasons set out above.

5.3 The scheme would not conflict with the thrust of Policy GP15a of the DCLP. This requires it to be demonstrated that flood risk can be managed with the minimum environmental effect and that the site can be developed, serviced and occupied safely. Nor would the proposal run contrary to advice in the Framework which seeks to ensure that through the sequential and exception tests that development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed.

5.4 A unilateral undertaking or section 106 agreement will be sought for the alteration to traffic regulation order for the exclusion of the site from the residents parking scheme (£2000) and for a contribution towards off site open space facilities (£11344)

**6.0 RECOMMENDATION:** Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

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

to be confirmed at committee

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

3 VISQ8 Samples of exterior materials to be app -

4 LAND1 IN New Landscape details -

4 HWAY18 Cycle parking details to be agreed -

5 HWAY19 Car and cycle parking laid out -

6 HWAY40 Dilapidation survey -

7 No gates shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

8 Prior to the commencement of the development a detailed plan showing all proposed works ( new build or repair and alterations) to boundary walls shall be submitted to and approved by the Local Planning Authority. Thereafter the approved detail shall be implemented before any dwelling is first occupied.

Reason: To ensure the scheme complies with the flood risk Assessment requirements and in the interest of visual amenity and the residential amenity of adjacent residential dwellings.

9 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:

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Item No: 4j

## 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.

10 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.

11 The development shall be carried out in accordance with the submitted Flood Risk Assessment (by Yew Tree Associates, dated 9/11/12) and the following mitigation measures it details:

1. Finished floor levels will be set no lower than 9.7m above Ordnance Datum (AOD).

2. The development should incorporate the flood proofing measures detailed on pages 8, 9 & 10.

3. Permeable surfaces will be used parking and footpath areas; there will be a reduction in the impermeable surfacing area from 100% of the existing site to approximately 40%.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to reduce the overall amount of surface water runoff by the introduction of permeable surfaces.

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development of the type described in Classes A to F of Schedule 2, Part 1 of the Order shall be erected or provided.

Reason: The site is closely related to adjacent residential properties and provides close relationships within the site. Any further development would need to be considered in this context and taking into account the introduction of further impermeable areas into an area of flood risk.

13 The ground floor area of the dwellings hereby approved shall not be used for bedroom accommodation.

Reason: To reduce the impact of flooding on the proposed development and future occupants.

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the proposed garage shall not be externally altered or converted to living accommodation.

Reason: To ensure that there is adequate car parking/ cycle parking/storage space at the site and any proposals to increase living accommodation can be assessed on their merits

15 Large scale details at a scale of 1:20 ( and were appropriate cross sections) of the following shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Development shall be carried out in accordance with the approved details.



- a) Roof cappings/flashings, edge details, soffits and rooflight structures (shown in context).
- b) Windows, and external doors.
- c) Timber cladding and the relationship between cladding panels and solid walls.
- d) Balconies.

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

17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows or other openings shall be inserted in the rear elevation of unit 1 facing the garden area of 70 Huntington Road without the prior written approval of the Local Planning Authority.

Reason: To protect the residential amenity of the occupants of 70 Huntington Road.

18 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.

Details to include:

- (i) Calculations and invert levels to ordnance datum of the existing surface water system should be provided together with details to include calculations and invert levels to ordnance datum of the proposals for the new development. This will enable the impact of the proposals on the downstream watercourse to be assessed.
- (ii) The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties. Where existing ground levels are to be raised to satisfy the EA's minimum ground floor level requirements then details should be provided to prevent surface water discharging onto nearby properties.

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

- (iii) An appropriate assessment should be carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to except surface water discharge from the proposed permeable paving, and to prevent flooding of the surrounding land and the paving itself.

Please note that City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

(iv) If the above permeable paving proves 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 developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven 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 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

Please note that the introduction of landscaped areas within the scheme only provides a 20% reduction in surface water run-off.

(v) Construction details of the proposed flood protection wall to the eastern boundary tied into the wall from the adjacent development by Barrett Homes and constructed to 10.81m AOD.

(vi) Construction details of the proposed proprietary flood gate to be erected at the site entrance.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and adequate flood protection measures have been provided.

## **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 the principle of the development, highways parking and access arrangements, residential amenity, flood risk and drainage and open space provision. As such the proposal complies with Policies H4a, GP1, GP15a, L1c of the City of York Development Control Local Plan and advice within the National Planning Policy Framework.

## 2. 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:

- Meetings on site to discuss character and quality of the area following withdrawal for a scheme for 5 houses
- Requested amendments to the scheme to improve its detail
- Amendments to correct Flood Risk Assessment
- Requested the pegging out of the site to consider the overall foot print

3. The applicant is asked to note that the development/property (as proposed), is not considered eligible for inclusion within the Residents Parking Zone, and it will be removed from such under the Traffic Regulations 1984. Upon commencement of development on the site the applicant is requested to contact the Council's Network Management Section (tel 01904 551450), in order that the amendments to the Residents Parking Scheme can be implemented prior to the occupation of the development.

### **Contact details:**

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