

COMMITTEE REPORT

Date: 15 March 2012 **Ward:** Dringhouses And Woodthorpe
Team: Major and Commercial Team **Parish:** Dringhouses/Woodthorpe Planning Panel

Reference: 12/00087/FULM
Application at: Turf Tavern 277 Thanet Road York YO24 2PE
For: Erection of 12no. two and three storey dwellings with garage block
By: JH Bryan and Union Pension Trustees Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 12 April 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The site relates to an area of land (0.2 hectares) situated within a predominantly residential area at 277 Thanet Road between Dringhouses and Acomb. Until recently, the site was occupied by the Turf Tavern, a two storey public house of 1950s architecture. The pub fronted Thanet Road, from which there was an access with a secondary access on the adjacent side street to the west, Jervis Road. The pub closed on 30 September 2011, since which time the building was subject to vandalism, theft and arson. The pub was demolished in January without the benefit of planning permission but in accordance with a demolition consent issued by Building Control.

1.2 The proposal involves the redevelopment of the site to provide 12 No two and three bedroomed properties to be provided in three terraces of four units. The existing access onto Thanet Road would be closed with Jervis Road as the sole means of access / egress to the site. The terraced blocks would front Thanet Road and Jervis Road with 6.5 metre front gardens and 7 to 11 metre rear gardens. Parking would be provided to the rear with a single garage provided for the 6 No. three bedroomed properties and a parking space for the remaining 6 No. two bedroomed properties. Three visitor spaces are also detailed.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

Application Reference Number: 12/00087/FULM

Item No: 4a

2.2 Policies:

CYGP1 Design

CYGP3 Planning against crime

CYGP4A Sustainability

CYGP6 Contaminated land

CYGP15 Protection from flooding

CYHE10 Archaeology

CYH3C Mix of Dwellings on Housing Site

CYH5a Residential density

CYT4 Cycle parking standards

CYL1B Loss of local leisure facilities

CYL1C Provision of New Open Space in Development

3.0 CONSULTATIONS

PUBLICITY

3.1 The application has been advertised by way of letters to internal and external consultees and local residents and by site and press notices. The consultation period expired on 17 February 2012.

INTERNAL

Highway Network Management

3.2 (Original Scheme) There are no objections in principle to the development however the following highway issues should be resolved;

- (i) the new access off Jervis Road should be formed by means of a dropped crossing rather than a kerbed access.
- (ii) The distances between the garages and the car parking bays scales at 5.5 metres, which fails the required dimensions for reversing and turning of 6 metres. A 0.5 metre reversing strip should also be accommodated adjacent to Plot 11's vehicular parking bay and the garage for plot 1.
- (iii) Written confirmation as to whether the applicant intends to seek formal adoption of the internal layout is required.
- (iv) Drawings of the proposed covered and secure cycle storage should be provided.
- (v) Consideration needs to be given to the remote location of the car parking.

3.3 (Revised Scheme) The revised plans address most of the above highway issues however the site plan shows the previous arrangement of a new access being formed not a dropped crossing as requested. For clarity it is recommended that the site layout is altered to show the kerb line continuing along Jervis Road. Since the

remote controlled entrance gates are set back by more than 6m and open into the site, the Highway Authority would have no objections to their presence. A vehicle would be able to pull up to the gates, clearing the highway whilst they open.

Environmental Protection Unit

3.4 The Environmental Protection Unit are concerned that neighbouring residents amenity may be affected during the development and are concerned regarding the potential for contamination of land and the effect this could have on future occupants health. Therefore should this application be approved, EPU would recommend conditions relating to land contamination and the submission of a construction environmental management plan and an informative relating to low emissions.

York Consultancy (Drainage)

3.5 The development is in low risk Flood Zone 1 and should not suffer from river flooding. The Flood Risk Management Team has no objections in principle but recommend a condition requiring details of foul and surface water drainage works to be submitted.

Lifelong, Learning and Culture

3.6 A contribution towards children's equipped play space, informal amenity open space and outdoors sports facilities is required. "Amenity" would go to supporting the work on Hob Moor, "play" would be used to expand leeseide play area and "sport" would be used in the west zone and may include work at Thanet Road (Rugby League) the Knavesmire (football).

Adults, Children and Education (Education)

3.7 An education contribution of £35,117 is required. This is to cover the cost of 2 secondary school places at Millthorpe secondary, which is currently full to capacity. A contribution towards primary or foundation education is not required.

Design, Conservation and Sustainable Development (Archaeologist)

3.8 This site lies outside the AAI at Dringhouses. The site lies on the site of medieval ridge and furrow recorded in the City of York HER (MYO3442). This ridge and furrow formed part of the North Field of the Manor of Dringhouses. It is probable that elements of this ridge and furrow will be preserved within the undeveloped portion of the Turf Tavern site. There is also evidence for occupation and agricultural use of the Dringhouses area in the prehistoric and Romano-British periods. Evidence for these periods may also be preserved on this site.

3.9 The site is clearly of archaeological interest. It will be necessary therefore to ensure that there is an archaeological watching brief on all groundworks for this development. Please place condition ARCH2 on any consent that is granted

EXTERNAL

Ainsty Internal Drainage Board

3.10 The Board recommends that any approval granted should include conditions for drainage works to be agreed and for the suitability of the sustainable Drainage System to be to the satisfaction of the Local Authority.

Dringhouses and Woodthorpe Planning Panel

3.11 Do not object but comment as follows;

- (i) it is not clear from the site layout plan how access to the parking spaces for the 2 bed plots are accessed from these dwellings
- (ii) although off street parking is available, we have doubts regarding the total parking / garaging facilities available to residents. It is our opinion that the 13 spaces total is less than might reasonably be expected.

North Yorkshire Police - Architectural Liaison Officer

3.12 (Original Scheme) The proposed development is in an area of risk in respect of crime and disorder. The applicant has not demonstrated that the potential for preventing crime has been satisfactorily addressed in respect of the design and layout of the proposed development. In respect of design and layout, the proposed development has rear courtyard and rear garage parking. Research has shown that rear parking courts are vulnerable to crime and residents do not tend to use their allocated spaces or garages within these courts, preferring to park in the street and leading to conflict. If rear parking courts are considered absolutely necessary, they must be protected by a gate. The siting of the bin collection assembly area adjacent to the boundary fence of Plot 5B would lead to the potential for damage to the fence by arson and for the bins being used as a climbing aid to gain access into the rear garden of Plot 5B. Open access down the sides of plots and between plots should be closed off through gates and fencing. The North Yorkshire Police cannot support this application.

Responses from local residents

3.13 There have been 3 submissions to the application from residents raising the following objections:

- Delighted to have housing rather than the pub adjacent to my dwelling at 2 Jervis Road but concerned regarding the loss of light to my side window due to the close proximity of the proposed three storey dwellings.
- Request clarification as to the proposed boundary treatment between the site and 2 Jervis Road and who will be responsible for the maintenance of the fence.
- Will the development have gated access to the parking area to prevent kids playing football like the pub used to in the past?
- The protective covenant on the site was illegally removed.
- The Turf Tavern was never marketed as a pub before it was demolished.
- Any new development should include a Public House as demanded by the original covenant.
- Object to the simple fact that the pub was pulled down so quickly after receiving the letter regarding the planning application, this has caused considerable inconvenience and disruption to my property and life.

Campaign for Real Ale York Branch

3.14 Object as a good community pub has been needlessly destroyed. Better use of the site could be made for the benefit of the local community. It is unfortunate that no attempt seems to have been made to market the pub as a going concern. It was bought from a pub company approximately 3 years ago and it would have been thought that the new owner would have implemented a progressive plan of improvements. If we have lost this pub, all that can be hoped for is that the Council will try to protect the remaining ones in the Acomb area as all stand on large plots of land and that the demise of the Turf Tavern does not set a precedent for future times.

4.0 APPRAISAL

KEY ISSUES

- Loss of pub
- Principle of residential development
- Affordable Housing Provision
- Density and Mix
- Design and Visual Amenity
- Sustainability
- Impact on residential amenity
- Highway considerations
- Impact on Heritage Asset
- Flood risk and Drainage
- Contamination
- Effect on Local Facilities

POLICY CONTEXT

4.1 Planning Policy Statement 1: Delivering Sustainable Development (PPS1) places sustainable development as the core principle underpinning planning. It seeks a spatial planning approach with high quality development through good and inclusive design and the efficient use of resources. It considers that design, which is inappropriate in its context and fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. The PPS is supported by various good practice guides, including safer places - the Planning System and Crime Prevention and By Design - better places to live.

4.2 Planning Policy Statement 3: Housing (PPS3) was re-issued in June 2010 to accommodate two main changes. The change relevant to this application is the deletion of a national indicative density of 30 dwellings per hectare. The objectives of the document remain the same. That is, to make effective and efficient use of land and achieve high quality mixed housing that is suitably located.

4.3 Planning Policy Statement 25: Development and Flood Risk (PPS25) aims to avoid inappropriate development in areas at risk of flooding and direct development away from areas at highest risk. It sets out a risk-based approach with the submission of flood risk assessments and a sequential approach for determining site suitability.

4.4 Local planning policies contained in City of York Draft Local Plan (incorporating 4th set of changes), which has been approved for Development Control purposes, are outlined in section 2.2 and are material to the consideration of this application.

LOSS OF THE PUB

4.5 The applicant confirms that a tenant landlord was appointed by Punch Taverns Ltd in November 2008 to operate, manage and grow the business to a commercially viable financial status. However the underlying unviable nature of the business continued and as a result, the landlord terminated his tenancy and the Turf Tavern closed for the final time in September 2011. Since its closure, the building was subject to vandalism, theft and arson. Initially copper pipework and other salvageable fittings were stolen and subsequently over the Christmas period, the premises were subjected to an arson attack which gutted the ground floor interior of the pub. The pub was demolished in January without the benefit of planning permission but in accordance with a demolition consent issued by Building Control.

4.6 Local Plan Policy L1b refers to the loss of leisure facilities, which includes such uses as pubs, bingo halls and sports clubs, and states that permission will only be granted for a change of use where it can be demonstrated that a need for the leisure

facility no longer exists or appropriate facilities exist within the catchment area. The background text to the policy explains that in considering such applications, an assessment of provision will be required to identify whether there are alternative facilities that can be accessed using sustainable methods.

4.7 Included in the submission is a plan showing existing pubs and leisure facilities within the locality of the Turf Tavern. In respect of pubs, there are six other establishments within approximately 1.6 kilometres of the application site including The Beagle on Foxwood Lane (400m) and The Cross Keys on Tadcaster Road (950m). There are also a number of other facilities including the Indoor Bowls Club (250m), the Acorn Working Mens Club (250m) and Dringhouses Sports Club (750m). Officers therefore conclude that the loss of the pub accords with Policy L1b as there remains a good range and choice of pubs and other leisure facilities within walking distance of the application site.

PRINCIPLE OF RESIDENTIAL DEVELOPMENT

4.8 The application relates to the redevelopment of a site formerly occupied by a public house that constitutes previously developed land and is located in a predominantly residential area within the urban boundaries of the City close to public transport routes and the City's cycle network. It is therefore considered to be a suitable location for housing considering the requirements of PPS3: Housing, which identifies previously developed land within an accessible distance of a range of community facilities and with good access to jobs, key services and infrastructure.

AFFORDABLE HOUSING PROVISION

4.9 A covenant dated March 1954 was made between the council and the owner of the land to require that should permission be granted for the development of the site for residential purposes, 1 No. 2 bedroomed house and 1 No. three bedroomed house should be affordable. The Council agreed to release this covenant in July 2011.

4.10 DCLP policy H2a and the Affordable Housing Viability Study 2010 defines the threshold for requiring affordable housing in urban areas to be with sites with 15 or more dwellings, the proposed development of 12 No. dwellings is below the threshold and therefore there is no requirement for the applicant to provide affordable housing. Despite this, the applicant has stated that two of the properties would be affordable.

DENSITY AND MIX

4.11 Changes to PPS3 have removed the minimum density requirement of 30 dwellings per hectare. Instead, it is for individual to determine appropriate densities for particular sites and to set out a range of densities for the plan area. Local Plan

Policy H5a aims to achieve a density greater than 40 dwellings per hectare in urban areas. The density of development on the site would be 60 dwellings per hectare.

4.12 Policy H5a also requires the scale and design of development to be compatible with the surrounding area. The area is generally characterised by 2 storey semi-detached or terraced blocks of properties built in the immediate post war period. There are also several examples of three storey blocks of flats. The proposed density of development, scale and design is considered to reflect that of the surrounding area.

4.13 The mix of two and three bedroomed properties within the scheme is considered to be acceptable.

DESIGN AND VISUAL AMENITY

4.14 GP1 states that development proposals must respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with the surrounding area. National policy in PPS1 and PPS3 require that development be of high quality design. PPS1 advises that development which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. PPS3 states that the planning system should deliver high quality housing that is well designed and built to a high standard. Development should be distinctive, maintain character and make efficient and effective use of land.

4.15 The layout of the scheme which details three terraced blocks of four units fronting Jervis Road and Thanet Road is considered to reflect the form of the surrounding residential area, which is generally characterised by 2 storey semi-detached or terraced blocks set 7 to 8 metres back from the footpath with front gardens and driveway parking. It is acknowledged that the Police Architectural Liaison Officer (PALO) objects to the rear parking courts and rear garage parking due to their vulnerability to crime and the fact that residents tend not to use their allocated spaces within these courts, preferring to park on street. However the alternative to this approach for rear parking would result in hardstanding dominating the street frontages, which would be out of character with the surrounding dwellings. The applicant states that frontage landscaping to Thanet Road and Jervis Road would be domestic scale planting commensurate with neighbouring properties. Officers recognise that this would benefit and soften the setting of this new development. New tree and shrub planting to enhance the communal parking court is also proposed.

4.16 The applicant has addressed issues raised by the PALO and Highways Officer with respect to the remoteness of some of the spaces / garages to the dwellings to which they would be associated and the closure of open access down the sides of plots and between plots to prevent unlawful access. The applicant has also

confirmed that cycle storage would be within garden sheds provided within each of the rear gardens and waste and recycling bins would be stored within the rear gardens. In response to comments from the PALO, remote controlled lockable entrance gates and a lockable pedestrian gate would also be installed. As the entrance gates would be set back by more than 6 metres and open into the site, there are no objections to their installation.

4.17 The original plans for the scheme included gable features on each end of each of the terraced blocks which enabled the creation of a third bedroom in six of the properties. This scheme involved a ridge height of 9.5 metres, approximately 2 metres higher than surrounding residential properties. In response to Officer concerns that the proposed height would render the dwellings overly dominant within their immediate setting, the applicant has submitted revised plans reducing the height by 1m. The gable features on the front elevation have been retained and pitched roofed dormer windows have been introduced on the rear elevation to serve each of the end three bedroomed properties. The proposed external materials would be red multi facing brick, profiled roof tiles, white windows artstone cills, brickwork head and eaves detailing.

4.18 It is considered that the amended plans address concerns relating to height and the scale, massing, form, detailing and materials of the proposed dwellings respect the character of the surrounding residential area.

SUSTAINABILITY

4.19 As stated previously, the redevelopment of the site represents the efficient use of previously developed land that is in a sustainable location, close to existing facilities and within easy access of public transport and cycle routes.

4.20 The application states that the properties would be designed and constructed to Code for Sustainable Homes Level 4 to optimise renewable resources which is above the requirement contained within the Council's interim planning statement on sustainable design and construction which requires that new dwellings achieve a code for sustainable homes Level 3. It proposes solar thermal panels on the roof and the installation of gas condensing boilers with low nitrogen oxide emissions. The applicant states that surface water disposal is to be a sustainable urban drainage system; this can be conditioned.

4.21 Each dwelling would have dedicated and fixed recycling facilities in the form of three recycling bins to the rear of the dwellings and composting facilities would also be provided to each dwelling.

IMPACT ON RESIDENTIAL AMENITY

4.22 Policy GP1 of the local plan relates to all development schemes and requires there is no undue impact due to noise disturbance, overlooking, overshadowing or overdominance.

4.23 The proposed layout of the development with the three terraced blocks fronting Thanet Road and Jervis Road in recognition of the established street pattern, would ensure that the impact on nearby properties in terms of loss of daylight or sunlight to habitable windows or through overshadowing of adjacent land is minimal. The only significant loss of sunlight would be to the side window of No.2 Jervis Road however given that this window appears to serve a stairs / landing area, it would not be considered to have a material impact on the amenity of its residents.

4.24 It is considered that the redevelopment of the site from a pub with car park to a development of 12 No. dwellings with parking court, would improve the level of amenity afforded to nearby residents.

4.25 In terms of the amenity for future residents of the site itself, the houses have rear gardens of approximately 5 to 9 metres in length and front gardens enclosed by hedging. The applicant has responded to issues raised by the Police Architectural Liaison Officer with respects to open access down the sides of plots and between plots to prevent unlawful access to rear gardens and to eliminate possible access and escape routes and a condition requiring full details of all means of enclosure to the site boundaries is recommended.

HIGHWAY CONSIDERATIONS

4.26 Highway safety is a material consideration. Local highways guidance requires that for developments such as this there are adequate sightlines, vehicles can enter and leave in a forward gear, and the site can be serviced. It is also necessary that adequate secure and covered cycle storage is proposed.

4.27 As stated, Jervis Road would be the sole means of access / egress to the site with parking provided to the rear with a single garage provided for the 6 No. three bedroomed properties and a parking space for the remaining 6 No. two bedroomed properties. 3 No visitor spaces are also detailed. Cycle storage would be provided within garden sheds sited within each of the rear gardens. The precise details of the cycle storage would be appropriately conditioned. As detailed previously, remote controlled lockable entrance gates and a lockable pedestrian gate would be installed.

4.28 The revised plans have addressed issues raised in the initial Highways consultation response with the exception of the omission of the requested dropped crossing on Jervis Road. Amended plans will be submitted. Highway Network

Management raise no objection to the remote controlled entrance gates as they would be set back by more than 6m and open into the site.

IMPACT ON HERITAGE ASSET

4.29 The application site lies outside of the area of archaeological importance but is of archaeological interest being on the site of medieval ridge and furrow, which formed part of the North Field of the Manor of Dringhouses. It is probable that elements of this ridge and furrow will be preserved within the undeveloped portion of the Turf Tavern site. Evidence of the occupation and agricultural use of the Dringhouses area in the prehistoric and Romano-British periods may also be preserved on this site. In the context of Policy HE10, a watching brief on groundworks will be necessary.

FLOOD RISK AND DRAINAGE

4.30 The site lies in Flood Zone 1 and should not therefore suffer from river flooding. The Council's Drainage Engineer has raised no objections to the proposed development subject to a condition requiring full details of foul and surface water drainage works.

4.31 It is proposed to reduce surface water run-off through an increase in soft landscaping and the use of permeable paving. In principle this sustainable approach to drainage (soakaway) is welcomed. However ground levels lower as the access road leads toward the highway (so water could run-off onto the public highway) and to achieve the necessary reduction in surface water run-off it will need to be confirmed that the soakaway approach would suitably work. As such full details of the drainage approach would be required as a condition.

CONTAMINATION

4.32 The contamination report submitted with the application refers to the filling of old pits on Hob Moor associated with brick manufacture. Although the report concludes that the excavations were filled prior to 1967, the Environmental Protection Unit has concerns regarding the potential for contamination of land and the effect this could have on future occupants health and requests that suitable condition be attached to any approval.

LOCAL EDUCATION, SPORTS, PLAY AND OPEN SPACE FACILITIES

4.33 The site is within easy access of existing facilities in the area, including a school, shops and health services. In accordance with Policy ED4, there is a requirement to contribute £35,117 to cover the cost of 2 secondary school places at Millthorpe secondary, which is currently full to capacity. A contribution towards primary or foundation education is not required.

4.34 In accordance with policy L1c of the Draft Local Plan, the applicant / developer would also be required to make a contribution towards children's equipped play space, informal amenity open space and outdoor sports facilities. Based upon the City of York Commuted Sum Payments document, the contribution for this development would be £19,056.

The applicant has agreed to provide the contributions and is in the process of preparing a unilateral undertaking.

OTHER ISSUES

4.35 A covenant dated March 1954 was made between the council and the owner of the land to require that should permission be granted for the development of the site for residential purposes, 1 No. two bedroom house and 1 No. three bedroom house should be affordable. The Council agreed to release this covenant in July 2011. The existence and release of the covenant is not a planning issue.

5.0 CONCLUSION

5.1 The redevelopment of the site for residential purposes is acceptable in principle, as the site constitutes previously developed land in a sustainable location within the urban area and would achieve a minimum of Code for Sustainable Homes level 3. The loss of the pub also accords with policy as there remains a good range and choice of pubs and other leisure facilities within walking distance of the application site.

5.2 The amended scheme has addressed issues raised by Highway Network Management and Officers consider that the revised scheme respects the character of the surrounding area in terms of scale, massing, form, detailing and materials. Approval is recommended subject to the following conditions and the submission of a unilateral undertaking with respects to the required open space and education contributions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years -
- 2 PLANS1 Approved plans
- 3 HWAY9 Vehicle areas surfaced -
- 4 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 footway and kerb to match adjacent levels.

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

5 HWAY19 Car and cycle parking laid out -

6 HWAY31 No mud on highway during construction -

7 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) Peak surface water run-off from the proposed development must be restricted to a maximum 13.4 lit/sec.

(ii) Details of the flow control device limiting the surface water to the 13.4 lit/sec.

(iii) Storage volume calculations, using computer modelling must be provided, and 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.

(iv) Details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.

(v) Proposed ground and finished floor levels to Ordnance Datum shall be shown on plans. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

(vi) Details should be provided of the future management / maintenance of the proposed drainage scheme.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

8 Development on Land Affected by Contamination

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 (referred to in PPS23 as a validation 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.

9 Reporting of Unexpected Contamination

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,

10 Prior to any works commencing on site, a construction environmental management plan (CEMP) should be submitted and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration and dust resulting from the site preparation, demolition, groundwork and construction phases of the development. Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of neighbouring residents during the construction phase of this development.

11 NOISE7 Restricted hours of construction -

Application Reference Number: 12/00087/FULM

Item No: 4a

12 VISQ8 Samples of exterior materials to be app -

13 VISQ4 Boundary details to be supplied -

14 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.

15 ARCH2 Watching brief required -

16 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3-star rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction.

17 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide 10% of its predicted energy requirements from on-site renewable sources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority. The approved scheme shall be implemented before first occupation of the development. The site shall thereafter be maintained to the required level of generation.

Reason: To ensure that the proposal complies with the principles of sustainable

development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

18 No development shall take place until details (including location, dimensions and materials) of the sheds which are to provide storage for refuse/recycling and cycles for the individual dwellings have been submitted to and approved in writing by the local planning authority. The enclosure(s) shall be provided in accordance with the approved details before the development is occupied, retained and used for no other purpose except with the written consent of the local planning authority.

Reason: In the interests of sustainability and visual amenity.

19 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 of the dwellinghouse), B (addition or alteration to the roof), E (building or enclosure within the curtilage of the dwelling), and F (hardsurfacing) of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of safeguarding the amenity of 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.

20 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 Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

INFORMATIVE:

The alternative arrangements of the above condition 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 £19,056.

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.

21 No development shall commence unless and until a scheme to ensure the provision of adequate additional foundation and secondary school places within the local catchment area has been submitted to and approved by the local planning authority.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city in accordance with Policy C6 of the Development Control Local Plan and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

INFORMATIVE:

The provisions of the above condition 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, The obligation should provide for a financial contribution calculated at £35,117. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

No development can take place on this site until the condition has been has been discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard.

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
- Impact on visual and residential amenity
- Sustainable development
- Highway safety
- Site drainage
- Archaeology
- Contamination
- Effect on Local Facilities

As such the proposal complies with Policies GP1, GP3, GP4a, GP6, GP15, HE10, H3c, H5, T4, L1b and L1c of the City of York Development Control Local Plan.

2. LOW EMISSION INFORMATIVE:

A. Low emission construction vehicles and machinery should be a consideration during construction phases of development.

B. There shall be no bonfires on site during the construction of this development,

C. In order to facilitate the uptake and recharging of electric vehicles / bikes / scooters within the garage, it is recommended that the applicant should install a standard domestic 13A electrical socket on an internal or external wall. Where mounted on an external wall, a suitable weatherproof enclosure for the socket will be required.

3. INFORMATIVE:

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

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

Contact details:

Author: Rachel Tyas Development Management Officer (Wed - Fri)

Tel No: 01904 551610