

**Date:** 15 October 2020      **Ward:** Rural West York  
**Team:** West Area      **Parish:** Upper Poppleton Parish  
Council

**Reference:** 20/00516/FUL  
**Application at:** 5 Cherry Grove Upper Poppleton York YO26 6HG  
**For:** Single storey side and rear extensions, application of render finish, erection of detached garage to side with relocation of driveway to Cherry Grove.  
**By:** Mr & Mrs Alex Dorman  
**Application Type:** Full Application  
**Target Date:** 19 October 2020  
**Recommendation:** Householder Approval

## **1.0 PROPOSAL**

1.1 The application site is 5 Cherry Grove, Upper Poppleton, York, a detached single storey dwelling house located in a suburban residential setting.

1.2 The revised proposals relate to single storey side and rear extensions, the application of a render finish to the original dwelling house, the erection of a detached garage to the side and the relocation of the driveway to Cherry Grove.

1.3 Planning approval ref. 17/01968/FUL for the erection of bungalow to the rear of 5 Cherry Grove (resubmission), dated 09.07.2018 has not been implemented to date.

1.4 The application was called in to the Area Planning Sub-Committee by Cllr Anne Hook to consider issues of drainage, highway safety and residential amenity.

## **2.0 POLICY CONTEXT**

Draft Development Control Local Plan 2005

GP1 Design

H7 Residential Extensions

Emerging Local Plan Policies

D11 Extensions and Alterations to Existing Buildings

## 3.0 CONSULTATIONS

### INTERNAL

#### Flood Risk Management Team

3.1 The foul and surface water drainage from this site was considered/investigated in depth and agreed under planning approval ref. 17/01986/FUL therefore the foul and surface water drainage should be in accordance with these agreed details. Site specific infiltration testing carried out on the 25 September 2017 proved that subsoil conditions do not support the use soakaways as a means of surface water disposal. A watercourse is remote from the site.

3.2 Following the site visit with Yorkshire Water Services on the 19 April 2018 where investigations of the existing drainage were carried out, it was proven that surface water from the existing building and part of the drive area (122m<sup>2</sup>) positively connects to the public sewer network, therefore surface water will discharge to the public sewer via storage with a restricted discharge of 1.2 (one point two) litres per second. This will include the existing building and proposed extension, associated garages and driveways. Foul water would continue to connect to the public sewer network. Therefore, the Flood Risk Management Team has no objections to the development in principle, or the revised proposals that were the subject of re-consultation. Conditions of consent relating to drainage should be attached to any permission in order to protect the local aquatic environment and Public Sewer network.

#### Highway Network Management

3.3 Raised issues with regard to the replacement of the low wall with a 1.8 metre high boundary fence in the original proposals and a 1.2 metre high boundary fence in the revised proposals in terms of restrictions to visibility and the provision of adequate sight lines to pedestrians and vehicles. Although there are existing shrubs sited along the boundary of both corner plots in Cherry Grove which currently obstruct visibility into Orchard Road, it is considered that the proposal to erect a 1.2m high perimeter fence would continue to impinge on the visibility envelope. The height of the fence should therefore be either further reduced or set back from the boundary to accommodate a compliant visibility splay.

3.4 The proposed opening to the driveway would be in line with the perimeter fence and would not provide adequate visibility to pedestrians and vehicles. It is recommended that the fence line is splayed to provide visibility envelopes in

accordance with CYC standards. Visible site topography does not indicate the need for provision of an excessively steep driveway in this instance. As a gravel finish is proposed for the driveway, the provision of a suitable transition strip is required at the interface with the public highway. The proposed new driveway will require provision of a new footway dropped crossing on Cherry Grove together with the reinstatement of the redundant crossing on Orchard Road. This work shall be undertaken in accordance with CYC standards.

## EXTERNAL

### Upper Poppleton Parish Council

3.5 Upper Poppleton Parish Council consultation response with objections was regarding the original proposals. The Parish Council considered that the proposals would be overbearing to neighbouring residents at 8 Orchard Way. The development and loss of the garden could adversely reduce the natural drainage towards the rear of the site and result in excess water retention. The Parish Council referred to adverse comments from Yorkshire Water regarding the difficulty in securing appropriate drainage and advised that Cherry Grove is in a designated flood zone.

3.6 With regard to the re-consultation with revised proposals, Upper Poppleton Parish Council responded with no objections.

### Ainsty Internal Drainage Board

3.7 Ainsty Internal Drainage Board responded with comments regarding the original proposals and revised proposals. With regard to the revised proposals and surface water, the Board noted that the impermeable area would increase quite significantly as a result of the proposals and the applicant suggests the use of an existing drain. The Board believes this existing drain may then discharge into a foul mains sewer. The Board notes that CYC Senior Flood Risk Engineer has advised that soakaways are not feasible on this site. Previous investigations have been carried out on the site and a restricted discharge rate for the overall site for surface water agreed. This appears to reduce the existing discharge rate for surface water from the site and is welcomed by the Board. Provided this approach is still agreed with Yorkshire Water, the Board has no objections and would ask that CYC Senior Flood Risk Engineer's recommended conditions are put in place.

## 4.0 REPRESENTATIONS

4.1 Neighbour notification letters were sent regarding the original proposals. Objections were received from neighbouring residents at 4 and 8 Cherry Grove, which are summarised as follows;

- The property at 5 Cherry Grove is located in one of the lowest areas of the village in a high risk flood area.
- The development would increase the risk of flooding during the wet winter months and heavy downpours.
- Concerns raised regarding the discharge of all surface water from the enlarged bungalow to the foul sewer.
- The proposals to extend the bungalow would more than double the rainfall catchment area and amount of water that is diverted into the foul sewer; this would exacerbate the existing problem the area suffers from overflowing sewers in heavy rainfall.
- Due to the local issues with flooding, it is necessary to have a percolation test to assess the soil infiltration rate, carried out on site with the Council's Flood Risk Engineer present. This would inform a viable drainage scheme for the proposals which should be agreed prior to the determination of this application.
- The close proximity and size of the extended bungalow would be of significant detriment of the amenity of 8 Orchard Road in terms of light, privacy, amenity in the house and garden and would cause harm to living conditions.
- The height and mass of the proposed detached garage would block light for the adjacent properties at 3 Cherry Grove and 8 Orchard Road and the close proximity of the garage to the boundaries of the adjacent properties would be detrimental.
- The green house in situ to the rear of 8 Orchard Road would be dwarfed by the proposed garage and deprived of light for most of the day.
- A drainage system for the proposed garage is not shown in the plans.
- The new driveway would have a steep gradient that would affect safe entry and egress for vehicles, therefore the existing driveway to Orchard Road should be retained.
- The proposed new 1.8m high fence at the boundary of the application site is too high and would make Orchard Road and Cherry grove appear unwelcoming. A replacement hedgerow or a lower fence would be a solution that would not obscure sight lines for vehicles entering or exiting the property.
- The proposals should include environmental/green specifications such as solar panels.
- The extension is of a large scale and is not in character with the area.

4.2 Revised proposals were the subject of neighbour re-consultation. Objections received from neighbouring residents at 1 Orchard Road, 4 and 8 Cherry Grove which are summarised as follows;

- In the revised proposals, no provision has been made mitigate the increased risk of surface water flooding. The proposals would result in an additional 77% in surface water run-off in an area that is at high risk of flooding. Therefore, the proposals are in breach of the NPPF in respect of reducing the cause and impact of flooding.
- With reference to previous planning approval ref. 17/01968/FUL for a detached bungalow to the rear of the existing house at 5 Cherry Grove, a soil infiltration test was conducted which proved that the area has a very high water table and is not suitable for soakaways as a method of surface water drainage.
- The proposals are lacking in detail regarding surface water drainage. A drainage plan has not been submitted in support of the application. It appears that the intention is to divert all the surface water from the extended bungalow roof into the private foul sewer which would not be acceptable.
- Issues were raised with regard to the use of a surface water attenuation tank that forms part of a condition of consent relating to drainage.
- There are long term problems with drainage and the sewage pipes in this area that should be resolved as houses are extended.
- The location of the proposed detached garage would significantly overshadow the neighbouring properties at 3 Cherry Grove and 8 Orchard Road.
- Building the garage at the lowest, wettest part of the garden would adversely affect flooding in that area and the adjacent properties. There are no details of a drainage system for the garage.
- The new driveway to Cherry Grove would be on a steep slope directly opposite the driveway for 6 Cherry Grove and this would result in safety issues for vehicles using the driveway and other highway users. The retention of the existing driveway to Orchard Road would be a better and safer solution.
- The colour and style of the proposed buildings does not sit well with the existing dwellings.
- The dimensions of the proposed extensions have been reduced marginally. Therefore the proposals would be detrimental in respect of light, privacy and amenity in the neighbouring property and garden at 8 Orchard Road and would harm living conditions for neighbouring residents.
- The proposed new fence is very bland and would spoil the green character of the existing boundary.

## Councillor Hook

4.3 Objections to the original proposals were received from Councillor Hook relating to an increased risk of flooding and blocked drains; the proximity of the enlarged dwelling to the bungalow at 8 Orchard Road that would lead to a loss of light for the neighbouring resident; the narrowness of Cherry Grove and the impact of the proposed driveway on neighbouring residents; and the height of the perimeter fence that would obstruct visibility from the driveway and at the junction with Orchard Road.

4.4 Raised objections to the revised drawings relating to drainage and the proximity of the rear extension to the neighbouring dwelling house at 8 Orchard Road that would lead to a loss of light.

## **5.0 APPRAISAL**

### KEY ISSUES

- Design and visual impact on dwelling and surrounding area
- Neighbouring amenity

### PLANNING POLICIES

#### National Planning Policy Framework

5.1 The National Planning Policy Framework, February 2019 (NPPF) sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

5.2 In NPPF Chapter 4 Decision-making, Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

5.3 In NPPF Chapter 12 Achieving well-designed places, Paragraph 127 states that planning policies and decisions should ensure that developments will achieve a number of aims including:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development:

- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting;
- create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users.

5.4 The NPPF also places great importance on good design. Paragraph 128 says that design quality should be considered throughout the evolution and assessment of individual proposals. Paragraph 130 says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

#### Upper Poppleton and Nether Poppleton Neighbourhood Plan 2017

5.5 The Development Plan for Upper/Nether Poppleton is the Upper Poppleton and Nether Poppleton Neighbourhood Plan which came into force with effect from 19 July 2017. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and NPPF at para 14 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. Village Design Statement PNP 4 states that proposals for development within the villages of Upper Poppleton and Nether Poppleton will be supported where they bring forward high quality design appropriate to their character and appearance. All new developments within the settlement limits of the villages should respect the Design Guidelines.

#### Publication Draft York Local Plan 2018

5.6 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional

arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

5.7 2018 Draft Plan Policy D11 (Extensions and Alterations to Existing Buildings) is relevant here. This says that proposals to extend, alter or add to existing buildings will be supported where the design responds positively to its immediate architectural context, local character and history in terms of the use of materials, detailing, scale, proportion, landscape design and the space between buildings. Proposals should also sustain the significance of a heritage asset, positively contribute to the site's setting, protect the amenity of current and neighbouring occupiers, contribute to the function of the area and protect and incorporates trees that are desirable for retention.

#### York Development Control draft Local Plan 2005

5.8 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that the policies are capable of being material planning considerations when they are in accordance with the NPPF albeit with very limited weight.

#### Supplementary Planning Document 'House Extensions and Alterations' (SPD)

5.9 The SPD provides guidance on all types of domestic type development. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/streetscene where it is located. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance with the extension/alteration being subservient and in keeping with, the original dwelling. The character of spacing within the street should be considered and a terracing effect should be avoided where required. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook.

#### Poppleton Village Design Statement 2003

5.10 Poppleton Village Design Statement, adopted August 2003, includes design guidelines and advises that to conserve the special character of the traditional communities, the size, scale and massing of new buildings and extensions should



harmonise with neighbouring properties and spaces. The use of local characteristic details and materials is to be encouraged.

## ASSESSMENT

### DESIGN AND VISUAL AMENITY

5.11 Following discussions with the agent, revised proposals have been submitted for single storey side and rear extensions, installation of a render finish to the host dwelling and the erection of a detached single storey garage to the side with the relocation of the driveway to Cherry Grove. The revised proposals have been submitted in response to issues raised with regard to design and visual amenity, neighbour amenity and highways matters. The previous planning approval ref. 17/01968/FUL for the erection of bungalow to the north of the existing house at 5 Cherry Grove has not been implemented to date.

#### Single storey side and rear extensions

5.12 The bungalow is located in a generous plot at the corner of Cherry Grove and Orchard Grove in a suburban residential setting comprised of single and two storey detached and semi-detached houses. Single storey extensions are proposed to the side and rear of the host dwelling. The hipped roof form of the existing bungalow would be retained as part of the proposals. The single storey side extension would have a hipped roof set down from the ridge of the host dwelling. The side extension would be approx. 6.2 metres in width and would be set back from the front elevation of the host dwelling. In revised proposals, the fenestration pattern to the side extension has been simplified to accord with the fenestration design proposed for the host dwelling.

5.13 In the revised proposals, the single storey rear extension has been reduced in length and mass to address issues raised with regard to design and neighbour amenity. The flat roof rear extension would be approx. 1.8 metres in length and would span the width of the rear elevation of the existing bungalow, set back approx. 1.0 metres from the south/side elevation of the dwelling facing Orchard Road and approx. 0.3 metres from the north/side elevation. The flat roof of the rear extension would have a total height of approx. 2.6 metres; approx. 0.3 metres greater in height than the eaves of the existing bungalow.

5.14 The proposals include changes to the existing external finishes of the bungalow. An off white render finish is proposed to be applied to the original dwelling house, which currently has a brickwork finish. The render finish would also be applied to the rear extension. The side extension would be finished in brick of a

similar appearance to the brick finish of the original bungalow. Changes would be made to the pattern and design of the windows and doors of the original bungalow, with powder coated aluminium windows and doors with a dark grey coloured finish installed throughout. The existing mid grey/brown coloured pantile finish to the roof of the bungalow would be replaced with dark grey coloured double pantiles, that would also be installed to the hipped roof of the side extension.

5.15 With regard to design and visual amenity, it is considered that in the revised proposals, the side and rear extensions would read as secondary additions to the host dwelling. The proposed render finish would complement the palette of materials present to houses within the context of the application site in Cherry Grove and Orchard Road. Although the colour of the pantile roof finish to the house would change, it is considered that the dark grey coloured pantiles would not detract from the setting of the house or the streetscene.

#### Detached garage

5.16 The proposed single storey detached garage would be located to the north/side of the host dwelling in the garden with a gravel finished driveway formed adjacent. In revised proposals the height and mass of the garage has been reduced. The garage would be approx. 5.0 metres in width and approx. 6.7 metres in length. The hipped roof would be approx. 3.7 metres to ridge height and approx. 2.4 metres to eaves. The garage building would be finished in dark grey coloured double pantiles to match those proposed for the extended host dwelling and an off white render. It is considered that the design of the detached garage would complement the extended host dwelling and that the location and mass of the garage would not detract from the streetscene, given the set back from Cherry Grove.

#### Relocation of driveway to Cherry Grove

5.17 In accordance with Network Management advice, revised proposals have been submitted for the new vehicular entrance to the application site from Cherry Grove. The existing boundary wall would be retained as the replacement timber fence to the boundaries with Cherry Grove and Orchard Way has been withdrawn from the proposals. The existing driveway from Orchard Road would be blocked up with a new section of boundary wall to match that existing and the footway and kerbing reinstated adjacent. The new vehicular entrance would have a tarmac finish to prevent gravel from the driveway discharging onto the highway. The splayed elements of the vehicular entrance would have a cobbled finish to preserve the lighting column and footway adjacent. It is considered that the revised proposals for the new vehicular entrance would not detract from the streetscene and would accord

with Network Management advice such that this element of the proposals is considered acceptable.

## IMPACT ON NEIGHBOURING AMENITY

5.18 In revised proposals, the single storey flat roof rear extension has been reduced in length and mass. There is an existing single storey garage building attached to the rear of the host dwelling adjacent to the property at 8 Orchard Road that would be demolished and replaced by the rear extension. The rear extension would be offset from the rear boundary with 8 Orchard Road by approx. 2 metres and the separation distance between the rear elevation of the extension and the side elevation of the house at 8 Orchard Road would be approx. 3.5 metres. Therefore, it is considered that due to the relatively small length and mass of the rear extension, that would in part replace the existing garage building to the rear, this element of the proposals would not lead to an unreasonable loss of amenity to the neighbouring resident at 8 Orchard Road in terms of overshadowing or loss of light and that the rear extension would not appear overbearing.

5.19 With regard to the proposed detached garage building, the height and mass of the garage has been reduced in revised proposals. The garage would be located in the north east corner of the application site, between approx. 1.1 and 1.4 metres from the north boundary with 3 Cherry Grove and approx. 0.7 metres from the rear/east boundary with 8 Orchard Road where there is a coniferous hedge present in part along the boundary. It is noted that there is a greenhouse in the rear garden of 8 Orchard Road that would be located adjacent to the proposed garage. It is considered that the design and mass of the garage, that includes a hipped roof with a reduced eaves and ridge height, would not appear overbearing or lead to an unreasonable loss of amenity to neighbouring residents.

## DRAINAGE AND SURFACE WATER FLOODING

5.20 With regard to matters raised relating to drainage and surface water flooding, CYC Flood Risk Management Team have advised that the foul and surface water drainage from this site was considered/investigated in depth and agreed under planning approval ref. 17/01986/FUL. The foul and surface water drainage for the application site should accord with details agreed as part of the previous planning approval and are the subject of conditions of consent.

## 6.0 CONCLUSION

6.1 For the reasons stated, the revised proposals are considered acceptable and would comply with the NPPF, the Upper Poppleton and Nether Poppleton

Neighbourhood Plan 2017, Policy D11 (Extensions and Alterations to Existing Buildings) of the Publication Draft City of York Local Plan 2018, Policies GP1 (Design) and H7 (Residential Extensions) of the Development Control Local Plan and City of York Council's Supplementary Planning Document (House Extensions and Alterations).

## **7.0 RECOMMENDATION:** Householder Approval

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:-

Drawing no. YB632-004 revision F, Existing and proposed elevations, revision F dated 29.07.2020

Drawing no. YB632-005 revision D, Proposed ground floor plan, revision D dated 13.06.2020

Drawing no. YB632-006 revision C, Proposed roof plan, revision C dated 13.06.2020

Drawing no. YB632-007 revision B, Proposed garage details, revision B dated 29.07.2020

Drawing no. YB632-008 revision J, Proposed site layout plan, revision J dated 21.09.2020

Drawing no. YB632-009 revision H, Proposed site block plan, revision H dated 26.08.2020

The external materials and finishes shall be in accordance with the notes in drawing no. YB632-004 revision F.

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

3 A sample panel of the external render finish to be used on the dwelling house and garage shall be erected on the site and shall illustrate the colour and texture of the render finish to be used, and shall be approved in writing by the Local Planning Authority prior to the installation of the render finish. This panel shall be retained until a minimum of 2 square metres of the render finish of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the installation of the external render finish in view of their sensitive location.

4 The site shall be developed with separate systems of drainage for foul and

surface water on site.

Reason: In the interest of satisfactory and sustainable drainage.

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

- i) the surface water flow control device manhole the means by which the surface water discharge rate shall be restricted to a maximum rate of 1.2 (one point two) litres per second;
- ii) the surface water attenuation tank the means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved; and
- iii) the future management and maintenance of the proposed drainage systems.

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

6 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

7 The development shall not come into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating kerbing and footway to match adjacent levels.

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

8 Prior to the development coming into use the pedestrian visibility spays shown on drawing YB632-008 Rev H, free of all obstructions which exceed the height of the adjacent footway by more than 0.6m, shall be provided both sides of the vehicular access with the footway, and shall thereafter be so maintained.

Reason: In the interests of pedestrian safety.

9 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) 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.

10 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking, re-enacting or amending that Order), development of the type described in Classes A, B, C, E, or F 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 to reduce flood risk from additional hard surfacing, 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 2015.

11 The development should incorporate sufficient capacity within the electricity distribution board for one dedicated radial AC single phase connection to allow the future addition of an Electric Vehicle Recharge Point (minimum 32A) within the garage space / parking area, if desired.

Reason: To ensure future electric vehicle charge points can be easily added to the garage/parking area in line with the NPPF and CYC's Low Emission Strategy.

## Notes

Any future Electric Vehicle Charging Points need to be professionally installed. The installation process routinely involves wall mounting a charge point on an exterior wall and connecting it safely to the mains electricity supply. All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation

In the UK, there is a government-grant scheme available to help reduce the cost of installing a home EV charge point. For more information on the scheme see the OLEV website <https://www.gov.uk/government/collections/government-grants-for-low-emission-vehicles>

The above requirement does not preclude the installation of an Electric Vehicle Charge Point from the outset, if desired.

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) 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:

- In discussion with the agent, revised drawings were submitted to address issues relating to the design, neighbour amenity and highways matters.

#### **2. THE PARTY WALL ETC ACT 1996**

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

#### **3. CONSENT FOR HIGHWAYS WORKS**

You are advised that prior to starting on site, consent will be required from the Highways Authority for the works being proposed under the Highways Act 1980 (or legislation/ regulations listed below). For further information, please contact;

- Vehicle crossing (Section 184) - [streetworks@york.gov.uk](mailto:streetworks@york.gov.uk)

#### **Contact details:**

**Case Officer:** Sandra Duffill

**Tel No:** 01904 551672