

COMMITTEE REPORT

Date: 9 August 2012 **Ward:** Derwent
Team: Major and **Parish:** Dunnington Parish
 Commercial Team Council

Reference: 12/01840/FUL
Application at: Tyree 97 York Street Dunnington York YO19 5QW
For: Erection of 4no dwellings with associated garages, new site
 access and pond extension
By: MDL Land Ltd & Mrs K Wheeler
Application Type: Full Application
Target Date: 13 July 2012
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 This application seeks planning permission for the erection of four houses within the garden of Tyree at 97 York St, Dunnington. Tyree is a semi-detached dormer bungalow set with an extensive garden which extends west to the old railway line and bridge and east to the rear of dwellings at 91 to 95 York St. The site measures approximately 0.44 ha in size.

1.2 The application site is unallocated 'white land' on the Local Plan Proposals Map and is within the settlement limit of Dunnington. The boundary with the Green Belt runs along the south boundary of the site. Although none of the application site is within Dunnington Conservation area, the boundary runs along York St to the north of the site. York St rises up from the east to the west as one goes over the old railway bridge. Views are afforded over the application site from these raised positions on York St.

1.3 The proposed houses would be served off a new private drive. This would be created to the north west of 97 York St. The existing vehicular access to 97 York St would be removed and the front garden landscaped. A new garage would be built to the rear of 97 York St for use by its occupants. Three of the four proposed houses are to the west of the 97 York St, these consist of two semi-detached three bedroom houses with detached garages and one detached three bedroom house with integral garage. To the east, behind 95 York St a four bedroom house is proposed with integral double garage. All four dwellings are two storeys in height of traditional design and would be constructed of red brick with stone cills with red concrete pantiles as the roof covering. The windows and doors are proposed to be uPVC. An existing pond to the west of the access drive would be enlarged and a new pond created to the west of Plot 4.

Additional landscaping is proposed along the north boundary of the site and within the vehicle turning area. The existing car port connected to 97 York St would be demolished to make way for the access drive.

1.4 The application site has been subject of a previous planning application for residential development. In 2005 an application was refused for the erection of 11 dwellings with garages after the demolition of 95 and 97 York St. The application was refused on three grounds which were:

- 1) The proposed access onto York St was considered to have insufficient sight lines which could cause a road safety issue for highway users;
- 2) The application site contains Great Crested Newts and a full survey to assess the impact of the development on these protected species was not carried out; and
- 3) The proposed layout of the houses was considered unacceptable and would result in a cramped visual appearance and poor relationships between dwellings. It was considered that the occupants of the proposed dwellings would have a poor standard of residential amenity due to the lack of separation distances.

1.5 This revised application has been brought before East Area Planning Sub-Committee at the request of Cllr. Brooks on the grounds of highway safety and inappropriate and uncharacteristic development density at the entrance to the village. A site visit is recommended to understand the visual impact of the proposed development, the relationship between the proposed houses and existing dwellings, and the proposed access arrangements.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Dunnington Conservation Area CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

Schools GMS Constraints: Dunnington CE Primary 0194

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP9

Landscaping

CYGP10

Subdivision of gardens and infill devt

CYNE6

Species protected by law

CYNE7

Habitat protection and creation

CYH4A

Housing Windfalls

CYH5A

Residential Density

CYL1C

Provision of New Open Space in Development

CYHE2

Development in historic locations

3.0 CONSULTATIONS

INTERNAL

3.1 Housing Strategy and Enabling - A commuted sum towards off-site affordable housing of £46,282.50 is required.

3.2 Adults, Children and Education - A contribution of £11,984 is required to fund one place at Dunnington Primary School.

3.3 Drainage - The application is in Flood Zone 1 and should not suffer from river flooding. There are no objections to the application subject to a condition requiring foul and surface water drainage details to be approved.

3.4 Countryside/Ecology - A Great Crested Newt (GCN) survey was carried out in 2010 and 2012 and showed that a small population was present in the existing garden pond. The 2012 survey identified the pond as a breeding pond. Much of the rest of the site provides suboptimal habitat for GCN. The old railway line acts as a good commuting corridor to suitable habitat elsewhere. As part of the application the garden pond would be retained and enhanced for GCN.

The pond would be extended and deepened in sections. A new pond would also be created with marginal planting around the site and new terrestrial habitat to provide suitable foraging and refuge and hibernation piles. The mitigation scheme proposes dropped or angled kerbs throughout the development to ensure there are no barriers to newt movement. A management plan would need to be drawn up and implemented in order for Natural England to grant a license for the works. The old railway line provides good foraging and commuting habitat for bats which are present in the local area. There are opportunities within the development for work to be carried out for the benefit of the local bat population.

3.5 Landscape - In response to the original proposal - The belt of hedgerow and trees along the southern perimeter of the site creates a valuable green edge to the village. At the most westerly point, adjacent to the farmer's access gate, is a multi-stemmed Ash of no great stature. The western section of the southern boundary is mostly conifers, the middle section mostly Blackthorn, Laurel and Cotoneaster plus a young mature Acer and mature Lombardy Poplar. The eastern section contains a tight line of Lombardy poplars. Unit 4 is close to one Acer and one Poplar. The Acer could be retained and would be compatible with unit 4. The roots of the single Poplar are likely to be affected by the development, and such a tree would not be compatible with a dwelling at such close proximity. Nonetheless, the single Poplar is quite separate from the remaining group and its loss would not have a significant impact on the overall public amenity.

Whilst the steep driveway may have to be in bitmac, the remainder could be in resin bound gravel with setts to soften the appearance of the hardstanding. The pond would create a pleasant attractive central feature however this is severely compromised by the garages for plots 1 and 2, which is thus detrimental to the amenity of the development, and gives the pond a rather ridiculous restricted setting. York Natural Environment Panel (YNEP) suggested the replacement pond should be located at the bottom of the rear gardens of unit 4 where it would have a better relationship with the wider habitat. Thus the central area could be planted up with a large-species tree as a central focal point, within a planted/grassed area. There is an existing long conifer hedge (maintained at a reasonable height) at the lower level along the boundary of York Street. I suggest that any of this that lies to the west of the proposed private drive is removed and replaced with a native mixed hedge or shrubbery, including some trees.

In response to the revised scheme - The additional planting presents an improvement to the scheme. As mentioned previously, the surface treatment of the drive would have a significant effect on the visual quality of the development. This could be conditioned. It is unfortunate that no changes have been made to the garage locations for units 1 and 2 as these significantly detract from the central pond feature and setting of the proposed properties.

3.6 Environmental Protection Unit - There are concerns that some of the land will have been filled with unknown material which may have been contaminated. Therefore conditions are recommended to ensure any contamination, if discovered, is addressed through remedial action.

3.7 Parks and Open Spaces - There is no on-site communal open space and therefore a commuted sum payment towards off-site provision/improvement in the local area is sought.

3.8 Highway Network Management - Access to the proposed development is to be via a new dropped vehicular crossing approximately 30m west of the existing access which serves 93-97 York St. The sight lines that are proposed have been assessed against both the prescribed speed limit for York St, together with the results of a speed survey. The annotated achievable sight lines are in accordance with national guidance and are therefore considered acceptable. Vehicles travelling along York St will have sufficient time to react should a vehicle pull out of the proposed junction or be waiting to turn right into the site. Vehicles leaving the site will have sufficient visibility to judge the speed of traffic and pull out when appropriate. In order to maximise and protect the sight lines at the access, it is proposed to set back the existing fence line and dedicate the intervening land as public highway. The applicant has also agreed to fund the provision of warning signage in the vicinity of the bridge, the detailed design and location of which would be agreed. The levels of traffic that can be expected to be generated by the scheme are considered to be negligible and will not have a material impact on the adjacent highway. Parking and turning has been provided in accordance with maximum standards and will enable vehicles (including refuse vehicles) to enter the site, turn and leave in a forward gear.

EXTERNAL

3.9 Dunnington Parish Council - Comments were received regarding the initial plans consulted on, comments in respect of the revised plans which are under consideration had not been received at the time of writing this report. The following comments were made in response to the initial submission:

- There are no objections to the house designs and garage layouts, landscaping removed should be mitigated against by new planting in appropriate locations;
- The building line should not be brought forward as this would change the character of the entrance to the village;
- The access would cause serious problems to those living in Derwent Estate who walk their children to school via Pear Tree Lane and cross at the access point. The access has poor visibility in both directions;
- Traffic travels at high speeds past the application site and traffic levels have increased 69 per cent since the traffic lights were installed at the junction of York Road and A1079.

Traffic lights are needed at the junction of Common Road and the A1079 to discourage people from using York St and York Rd, the applicants should be asked to contribute towards these much needed traffic lights.

3.10 York Natural Environment Panel - Regret the loss of a green corridor only for the majority of it to be replaced with hard standing and buildings. The proposals would isolate the existing pond by hard standing with minimal connection for Great Crested Newts to access suitable surrounding vegetation/terrestrial habitat. There may be confusion in terms of ownership and responsibility of the pond. The Panel would suggest the creation of a new pond to the rear of the garden in plot 4 which isn't surrounded by hardstanding and would be in one ownership and have good connectivity to terrestrial habitat. The Panel advocate planting to soften and screen the proposals to mitigate for the loss of green space.

3.11 Local Residents - Two separate consultations were carried out, the first when the application was received, and the second when the revised plans under consideration were received. Ten letters were received in respect of the first consultation, eight in objection, two not objecting but raising concerns, and the following comments were made:

- The proposed access would have poor visibility;
- The proposed access is close to Pear Tree Lane which causes potential highway safety problems;
- Visibility of cars coming over the bridge from the west is poor;
- The proposal would make crossing the road at Pear Tree Lane more difficult;
- The proposed access would make it very difficult to turn right and head towards the main part of the village;
- Building new houses in an existing garden is contrary to the Village Design Statement and would detract from the attractiveness to the entrance to the village;
- The proposed removal of trees and shrubs would detract from the current attractiveness of this important part of the village;
- Water runs down York St off the bridge and into the front gardens of 91 and 93 York St, if the proposed road accessing these properties is higher than the driveways of 91 and 93 York St it could make the drainage/potential flooding problem worse;
- The removal of trees and shrubs from the site would not improve the appearance of the village;
- Building in back gardens de-values existing properties;
- The proposal does not respect the existing building line along York St, positioning two properties closer to the road;
- The site is a gateway and entrance to the village, and the level of development would detract from its current green appearance;
- The house (plot 4) proposed to be built behind 95 York St is unreasonable as it is too close to the boundary and the height of the house (8m) would cut out sunlight currently enjoyed at number 95;

- Plot 4 is by far the largest house and it would be more reasonable for this to be a bungalow and smaller given its close proximity to the rear boundary of 95 York St.

Four letters of objection were received in respect of the second consultation regarding the revised plans, the following comments were made:

- The revised plans make visibility from the west even more difficult as it is closer to the bridge;
- Unclear how the access would work as it seems to be half way up the bridge on York St, would the bridge need to be flattened;
- A highway warning sign would have no effect, most vehicles travel in excess of the 30 mph speed limit;
- The revised plans do not remove the concerns expressed previously about traffic risks;

4.0 APPRAISAL

4.1 The key issues are:

- Principle of development;
- Density, design and visual impact including the impact on the setting of the Conservation Area;
- Impact on neighbouring amenity;
- Access and highway safety;
- sustainability;
- ecology;
- drainage;
- open space, affordable housing and education provision;

PRINCIPLE OF DEVELOPMENT

4.2 Paragraph 49 of the National Planning Policy Framework (NPPF) states that 'housing applications should be considered in the context of the presumption in favour of sustainable development.' However, Paragraph 53 requires local planning authorities to 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. Whilst written significantly before the NPPF the Development Control Local Plan Policy GP10 'Subdivision of Gardens and Infill Development' follows this theme by stating that planning permission will be granted for sub-division of existing garden areas or infilling where this would not be detrimental to the character and amenity of the local environment. Policy H4a 'Housing Windfalls' sets more detailed criteria for assessing applications for residential development on non-allocated sites (such as the application site) by stating that developments will be granted where:

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- the site is in the urban area and is vacant or underused; and
- the site has good accessibility to jobs, shops and services by non-car modes; and
- it is of an appropriate scale and density to surrounding development; and
- it would not have a detrimental impact on existing landscape features.

4.3 The application site is within the settlement limit of Dunnington. It is therefore considered to be within a sustainable location and has access to services and facilities by non-car modes. Whilst the site is used as a domestic garden, its size in relation to the host dormer bungalow is very large. The proposed residential development would make more efficient use of this sustainable site. York has a shortage of housing, particularly family sized housing. Given the need for new housing, the size and sustainability of the site and the NPPF's presumption in favour of sustainable development, it is considered that the broad principle of development is acceptable. The previously refused application from 2005 was not considered unacceptable on the grounds of the principle of development and there is no reason to contradict this view in light of current policy guidance.

DESIGN AND VISUAL APPEARANCE

4.4 Whilst there are houses on the west side of the old railway bridge, the application site makes a contribution to the visual entrance to Dunnington. The site is green and open and provides an appropriate visual transition from agricultural land to the west to the more built up appearance of York St and Dunnington Village to the east. New residential development on this site would have some impact on this character. The planning application which was refused in 2005 did not cite visual impact of development on this site. The proposal was considered to be cramped due to the amount of development on site, but no issue was raised in terms of the impact of development on the setting and entrance to the village. Dunnington Village Design Statement was completed and published in 2006, whilst containing a number of design principles the application site is not specifically mentioned as needing to be retained as an open or green area. The application site provides a green setting to the village, however it is not considered that objections to some form of appropriately scaled residential development on this site could be sustained given the previous planning decision.

4.5 The NPPF encourages Local Authorities to set their own policies in relation to housing density to reflect local circumstances. Policy H5a 'Residential Density' states that in locations such as the application site, a density of 30 dwellings per hectare should be achieved. However, this target contains a caveat which states that the scale of any proposed development should be compatible with the surrounding area and not harm residential amenity. The proposed development of five houses (existing dormer bungalow plus four houses proposed) on a site of 0.44 ha represents a density of just 11.4 dwellings per hectare. The previously refused scheme was 25 dwellings per hectare.

4.6 Given the characteristics of the site and its setting it would clearly be inappropriate to create a high density residential development in this area. Additionally the constraints of the site severely restrain the amount of land which is potentially developable. These constraints include a significant change in levels from the road and a site shape of which includes a narrow strip of land which runs along the rear of 91 to 95 York Street. It is therefore considered that a low density development is the most appropriate in this location.

4.7 The proposed houses are traditional in design. The houses would be constructed of brick with pantile roofing. The houses would be two storeys in height, measuring between 7.2m and 8.2m in height to the ridge and between 5m and 5.1m to the eaves. The area around the application site contains a variety of building design, no one style dominates and it is considered that the traditional design of the proposed houses would appear appropriate within this location. Plot 4 is set significantly back from the road and is behind an existing bungalow at 95 York St, it would therefore only be visually prominent from a small number of vantage points. Plots 1 to 3 are further towards the west of the site. Therefore they would be partially screened by the bank which leads from the site to the raised sections of York St. The proposed house at Plot 1 is set back approximately 6m from the site boundary and would have a finished floor level 2.3m lower than York St. The separation from the footpath and road has enabled the applicants to incorporate additional planting to further reduce and soften the visual impact of this house.

4.8 The application site contains significant areas of hardstanding which is the result of the need for a refuse vehicle to enter the site, turn around and leave in a forward gear. However, swept paths showed an area of land which could accommodate a substantial new tree which would help to break up the visual appearance of the hardstanding. Little of the landscaping within and around the site is being removed and there is plenty of scope for supplementary landscaping in both public and private areas of the development. The Landscape Architect is content with the proposals and it is recommended that a condition is added to any approval whereby a good quality landscaping scheme is agreed and implemented. Overall it is considered that the visual impact of the proposed development would be acceptable. It is not considered that the proposal would harm the character or setting of the Conservation Area which runs along York Street.

IMPACT ON NEIGHBOURING AMENITY

4.9 The revised plan has moved the vehicular access away from the front of 95 and 97 York St. The proposed access is now to the west of number 97. One of the primary benefits is that the access has moved substantially further away from neighbouring houses.

Given the level of use of the proposed access road and the separation distance from the main habitable living accommodation in number 97, the proposed access arrangement is suitable in terms of maintaining a reasonable level of amenity.

4.10 The proposed houses at plots 1 to 3 are a significant distance from any existing houses and would not unduly affect amenity. The proposed house at Plot 4 is located closer to existing neighbouring dwellings. The revised plans have moved plot 4 further away from the boundary with 95 York St and the roof has been hipped away from the neighbouring curtilage. It is considered that this house would not cause significant harm to neighbouring amenity. At the nearest point the proposed house is 18m away from number 95. Given that Plot 4 is not directly behind number 95 this separation distance is considered acceptable. The revised plan has increased the separation distance between the proposed house at Plot 4 and the rear garden boundary of number 95 to approximately 4m. The roof of Plot 4 has also been hipped away from the boundary to reduce the visual bulk of this house as viewed from this neighbouring house and garden. 95 York St has a substantial garden and it is not considered that the proposed development would unduly harm the enjoyment of this garden. There are two windows within the north elevation of Plot 4, one at ground and one at first storey level. Both of these windows would serve wc's/shower rooms. Therefore it would be reasonable to require these windows to be obscure glazed to protect privacy and a separate condition restricting the insertion of any additional windows within the north elevation.

ACCESS AND HIGHWAY SAFETY

4.11 The majority of concerns raised by local residents in respect of the proposed development relate to highway safety and the proposed access. The proposed access would serve five dwellings and is located between the Pear Tree Lane access to the east and the railway bridge to the west. The access sits on a slight bend in the road. The applicants carried out a vehicle speed survey prior to submitting the application to understand how people currently use the road. Whilst some vehicles were travelling at speeds in excess of the 30 mph speed limit at the site, the mean average speed was 30.5 mph.

4.12 The Council's Highway team propose that the existing fence line to the west of the access be moved into the site in order to allow greater visibility to the west. As is stated in the consultation response received from Highway Network Management the 'annotated achievable sight lines are in accordance with national guidance and are therefore considered acceptable. Vehicles travelling along York St will have sufficient time to react should a vehicle pull out of the proposed junction or be waiting to turn right into the site. Vehicles leaving the site will have sufficient visibility to judge the speed of traffic and pull out when appropriate.' The applicants are also willing to fund a new concealed entrance sign close to the bridge. The location and design of this sign would be agreed at a later stage and this could be covered by condition.

The proposed development is relatively small in scale and would not make any noticeable difference to the local highway network in terms of vehicle numbers.

SUSTAINABILITY

4.13 The most recent change to the Sustainable Design and Construction Interim Planning Statement removes the requirement for developments of less than 10 dwellings to achieve Code for Sustainable Homes Level 3 and 10 per cent on site renewable energy. However, a sustainability statement continues to be a requirement under Policy GP4a.

4.14 The applicants' statement promotes the sustainability of the site's location, which is within 400m of shops, a primary school, and a medical practice. There is a bus stop within 200m of the application site which serves a 30 minute frequency bus service to Stamford Bridge and Nether Poppleton and an hourly frequency service to York and Bridlington. In terms of building and site design, the applicant states that the use of non-renewable materials will be minimised and energy efficient lighting and heating would be used. Recycling and bike storage is proposed and there would be a general landscape enhancement. From an economic perspective, the development would create jobs within the building trade. It is considered that the applicants have considered sustainability in line with Policy GP4a.

ECOLOGY

4.15 Draft Local Plan policies NE6 and NE7 seek to protect and enhance existing natural habitats, particularly on sites where there are protected species. There is a small existing pond on the application site which is known to be a breeding pond for Great Crested Newts (GCN). The applicants are proposing to retain this pond and to enlarge it in terms of both its depth and footprint. An additional pond is also proposed to the south of the site to aid with GCN habitat enhancement. Additionally the application site is proposed to be developed in a way which removes any restrictions to GCN movement. For example kerbs would be angled to allow a newt to walk across it. The Council's Countryside Assistant believes that the proposal is acceptable from an ecological perspective. The applicants would require a license from Natural England to develop this site. Such a license would only be given if an acceptable management plan for the future maintenance of the site and pond is provided. It is therefore considered that a planning condition relating specifically to newts is not required as the Natural England licensing procedure would adequately cover this. An informative is proposed to highlight to the applicants that approval is required from Natural England. The application site is currently undeveloped and contains some areas which are of wildlife value, such as hedges and unmown grassland to the site edges. A general wildlife enhancement condition is proposed to help create a better wildlife environment for bats and invertebrates.

DRAINAGE

The application site is within Flood Zone 1 and should therefore not suffer from river flooding. At present the site is green and undeveloped. The proposed development would reduce the amount of land within the application site which is permeable. The applicants are proposing to create separate systems for foul and surface water drainage. The surface water drainage system would limit surface water runoff to a level equivalent to a green field site. This would include underground storage tanks to ensure that water is released from the site at a suitable and controlled rate. The Council's drainage engineer raises no objections to the proposed drainage system subject to detailed design which can be secured by condition.

OPEN SPACE, AFFORDABLE HOUSING AND EDUCATION PROVISION

4.16 The applicant is not proposing to provide on site communal open space. Therefore in line with Policy L1c of the Draft Local Plan and the supporting planning guidance (July 2011) a commuted sum payment is required to fund the provision or improvement of children's equipped play space, informal amenity open space, and outdoor sports facilities. The application is for three no. 3 bedroom houses and one no. 4 bedroom house. The required commuted sum payment is £8848.

4.17 Given the number of houses proposed and the location within a rural village, there is no requirement for on site affordable housing provision. However, a commuted sum payment is sought under current interim affordable housing targets. The commuted sum required to satisfy this policy £46,282.50.

4.18 Policy ED4 of the DC Local Plan seeks financial contributions towards local education facilities to meet the additional demand created by a new residential development. The consultation response from Adults, Children and Education confirmed that the development needs to fund one primary school place at the local school. This sum is £11,984.

4.19 The applicants have confirmed that they are happy to pay the required commuted sums. These sums would be sought through a S106 with the above heads of terms used as the basis for drawing up the agreement should Committee Members is minded to approve the application.

5.0 CONCLUSION

5.1 The application is recommended for approval subject to the conditions listed below and the completion of a Section 106 agreement requiring the developers to pay to the Council:

- £8848 towards open space
- £46,282.50 towards affordable housing
- £11,984 towards education

COMMITTEE TO VISIT

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:-

Proposed Site Plan 10:33:02 Rev H received 18/07/12

Proposed Plans and Elevations - Plots 1 - 3 Rev C received 24/07/12

Proposed Plans and Elevations - Plot 4 10:33:04 Rev C received 10/07/12

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used for the construction of the houses and the road surface shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually acceptable appearance.

4 Prior to the construction of any dwelling hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The detailed landscaping scheme 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 occupation of the final dwelling. 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.

5 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8.2 metres, as measured from existing ground level.

Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), the two window openings within the north elevation of Plot 4 shall at all times be obscurely glazed to a minimum level of Pilkington Level 3 (or the equivalent standard), prior to occupation of the property. No windows, doors or other openings shall be inserted into this elevation without the prior written consent of the Local Planning Authority.

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

7 Prior to the construction of any dwelling hereby approved, details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority.

Details shall include:

- Peak surface water run-off from the development must be attenuated to that of the existing rate (based on a Greenfield run off rate of 1.40 l/sec/ha). 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. Therefore maximum surface water discharge = 0.7 l/sec

Details of surface water flow control pumping station to be submitted limiting the maximum surface water discharge to maximum 0.7 l/sec.

Site specific details of the 80.1 m³ attenuation tanks must be provided.

- These details shall be provided with a topographical survey showing the proposed ground levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent

runoff from the site affecting nearby properties.

- Details to prove suitability of existing piped watercourse by way of CCTV survey and to carry out any remedial works necessary.
- Details of the future maintenance/management of the drainage system.

The drainage works shall be carried out in complete accordance with the approved details.

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

8 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway.

9 The development shall not be begun until details of the junction between the internal access road and the highway have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

10 The initial 10m of the access, measured from the nearside highway boundary, shall not exceed a gradient of 1 in 20 (5%). Elsewhere within the site the gradient of pedestrian and vehicular areas shall not exceed 1 in 12 (8.3%).

Reason: To ensure vehicles safely approach and enter the public highway and that the site is accessible to people with disabilities.

11 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

12 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles and cycles 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.

13 No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

14 Prior to the development coming into use the sight lines shown on the approved plans shall be provided free of all obstructions which exceed the height of the adjacent carriageway by more than 1.0m and shall thereafter be so maintained.

Reason: In the interests of road safety.

15 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works)

- realignment of fence line along site frontage in accordance with sight lines and provision of warning signage

have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Reason: In the interests of the safe and free passage of highway users.

16 Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

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

17 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority. Such a statement shall include the following information:

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

18 The hours of loading or unloading on the site and construction work which is audible at the site boundary shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday with no working on Sundays or public holidays

Reason: To protect the amenities of adjacent residents

19 No development shall take place until details have been submitted to and approved in writing by the Council of the measures that are to be provided within the design of the new buildings and landscaping to enhance the biodiversity of the area. The work shall be completed in accordance with the approved details.

Reason: In order to enhance the habitat and biodiversity of the locality.

20 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.

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;
- density, design and visual impact including the impact on the setting of the Conservation Area;
- impact on neighbouring amenity;
- access and highway safety;
- sustainability;
- ecology;
- drainage;
- open space, affordable housing and education provision.

As such the proposal complies with the overall aims and objectives of the National Planning Policy Framework, and Policies GP1, GP4a, GP9, GP10, NE6, NE7, HE2, H4a, H5a, and L1c of the City of York Development Control Local Plan.

2. INFORMATIVES:

Highways

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

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

Improvement/Increasing width of highway - Section 62/72 - Michael Kitchen 551336

3. INFORMATIVE:

In order to facilitate the uptake and recharging of electric vehicles / bikes / scooters

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within the garage, it is recommended that the applicant should install a standard domestic 13A electrical socket on an internal or external wall. This should be capable of charging at a minimum of 3KWh for up to 8 hours without overheating the cabling or socket. Ideally, a 13/32Amp socket should be supplied which can offer up to 7KWh continuous charging with a control and protection function on a specific circuit (to avoid overload through use of other appliances on the circuit). Where mounted on an external wall, a suitable weatherproof enclosure for the socket will be required.

4. DEMOLITION AND CONSTRUCTION

The construction work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers' instructions.

The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

There shall be no bonfires on the site

5. GREAT CRESTED NEWTS

A license is required from Natural England to carry out the development hereby approved due to the presence of Great Crested Newts on the application site. Work shall not commence until a license for the work and the management and maintenance of the habitat has been received from Natural England.

Contact details:

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