

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 20 March 2008 **Parish:** Guildhall Planning Panel

Reference: 07/02969/FUL
Application at: 34 St Marys York YO30 7DD
For: Erection of 2no. semi-detached 4 storey dwellings with associated garages, in connection with (06/01704/CAC)
By: Westwood Homes (Yorkshire) Ltd
Application Type: Full Application
Target Date: 14 February 2008

1.0 PROPOSAL

Application site

1.1 The street St Mary's lies within the Central Historic Core Conservation Area and contains several listed buildings: Nos. 1-9 (consecutive), Nos. 35 (adjacent to the application site), 36 and 37. The street is linear and lined by a formal terrace of houses on its southeast side; whilst the northwest side includes detached and semi-detached "pavilions" or "villas" and short terraces with gaps of varying size between them. The front and rear elevations of buildings generally follow a similar building line, apart from at the application site where the existing house is set further back from the street. There are changes in ground level both along the street as it slopes down towards Marygate car park, and also going back from the street on the northwest side.

1.2 When St Mary's was laid out, the application site at 34 St Mary's remained undeveloped, it accommodated a tennis court until the 1930's when the existing two-storey house and a garage were built, in a suburban style of its time. The sites has a monkey puzzle tree in the front garden and a large garden to the rear, with a lawn and several mature trees. The house is currently unoccupied.

Proposed development

1.3 This application proposes a semi-detached pair of 5-bedroom dwellings. These would be over four storeys, with the lower floor at basement level. Driveways are proposed at the side of each house and setback detached garages. The building would be of comparable height to its neighbours, Nos.32 and 35 St Mary's.

Site history

1.4 Unsuccessful applications were made to build apartments on the site in 2003 (11 units, 5 storey), 2004 (9 units 4 storey), and 2005 (11 units 5 storey), the latter two being dismissed at appeal. The schemes were not supported as it was considered they would be harmful to the character and appearance of the conservation area and adjoining listed buildings, and residential amenity.

1.5 In 2006 planning permission was granted for 7 apartments as was the companion application for conservation area consent to demolish the house and garage present on the site.

1.6 The application is reported to Sub Committee because of the previous Sub Committee decisions on the site. A site visit will take place because local objections have been received and the recommendation is to approve.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006
Conservation Area Central Historic Core 0038
City Boundary York City Boundary 0001
DC Area Teams Central Area 0002
Floodzone 2 Flood Zone 2 CONF

2.2 Policies:

CYNE7	Habitat protection and creation
CYGP1	Design
CYGP4A	Sustainability
CYGP10	Subdivision of gardens and infill development
CYGP9	Landscaping
CYHE2	Development in historic locations
CYHE3	Conservation Areas
CYHE11	Trees and landscape
CYH3C	Mix of Dwellings on Housing Site
CYH4A	Housing Windfalls
CYH5A	Residential Density
CYL1C	Provision of New Open Space in Development

3.0 CONSULTATIONS

Internal

Design and Conservation

3.1 Advise that St Mary's is characterized by mid Victorian buildings, set back behind railings, lining a gently sloping street. The northwest side of the street is formed by a series of detached and semi-detached houses of similar design which allow views through to the mature gardens beyond. The exception in the street is no 34 St Mary's which is a modest early C20th house. It is set back from the road and has a mature monkey-puzzle tree in the front garden which adds incident and amenity to the street.

3.2 It has been a principle of any redevelopment to respect the tree (which has a TPO). The recently approved scheme for apartments (06/01703/FUL) was set back

from the building line and protrudes into the garden behind. The set-back (from the street) would help mitigate differences in the elevations caused by narrower plot width, different storey heights, and new brickwork.

3.3 The current scheme for two houses is similar in massing, height and general architectural approach to the approved scheme. It refers to the existing architecture in the street though the building has more vertical emphasis. The footprint has shifted slightly to the north to allow for two separate driveways. The building would step further into the garden than those either side; however rear elevations are not in a continuous line and they have relatively long gardens. As this occurs within the private side of the block it is considered that the character and appearance of the conservation area would be unharmed.

3.4 Overall the proposals represent a less intense development on site than in the previously approved scheme. The garden will be retained and similarly views through to Bootham Terrace. The scheme would not appear to be harmful to the character and appearance of the conservation area.

Landscape Architect

3.5 Officers comments focus upon the proposed lightwell to the front of the building and the impact construction works may have on the Monkey Puzzle tree. Details of excavations underneath the pavement to the front of the house, required to install the retaining wall and associated drainage are required before full comment can be made regarding the impact on the Monkey Puzzle tree. It is also recommended that any approval is subject to the condition that before development commences tree protection measures are approved by the Local Planning Authority.

Countryside Officer

3.6 Because of the potential for bats in the area equivalent roost opportunities are asked to be incorporated into the new buildings. The area is also known to hold other declining species, notably swifts, although there is no evidence that they have used the host building. The form of the new buildings suggest that they would be suitable for facilities for such with minimal effect. It is asked that consideration be given to incorporating suitable features into the roof design.

Lifelong Learning and Culture

3.7 Ask for a contribution toward open space, play space and sports pitches. This would go toward local sites such as the bank of the River Ouse, Museum Gardens, Clarence Gardens and facilities within the North Zone of the Sport and Active Leisure Strategy.

Highway Network Management

3.8 No objection. However the development would introduce a further dwelling into the area, where on street parking is controlled by a res-park scheme. The new access would lead to the loss of two parking bays although by preventing both houses being granted permits, the development would not lead to an unacceptable

loss of on street car parking. The applicants agree to fund the alterations to the re-park zone.

Environmental Protection Unit

3.9 To protect against noise from the railway it is recommend the building be appropriately insulated (sound attenuation of 28dB is recommended). Report there is no historic use of the site, which indicates the ground, may be contaminated. However if any suspect materials are detected then the Council should be informed.

York Consultancy – Drainage

3.10 No objection. Advise that details of the drainage layout is required, before development commences on site and that in accordance with the Flood Risk Assessment, surface water drainage needs to be attenuated/restricted so it is as per the existing discharge rate.

External

Planning Panel

3.11 No response to date.

Conservation Areas Advisory Panel

3.12 The panel had no objection to this scheme, although the loss of the garden space was regretted and therefore request that PD rights be removed if the application is successful.

Environment Agency

3.13 No objection. If permission is granted the development should adhere to the flood risk assessment and before development commences, a scheme for surface water run-off limitation should be approved by the Local Planning Authority (LPA).

Yorkshire Water

3.14 No objection. Ask that if permission is granted, it be subject to conditions that the site shall have separate systems for drainage of foul and surface water, details of which should be approved by the LPA. And there shall be no piped discharge of surface water from the development prior to completion of the approved drainage works.

Network Rail

3.15 Advise that no surface or foul water arising from the development should be diverted toward the railway, otherwise Network Rail are concerned with any works which may occur adjacent the boundary, such as works that may affect their infrastructure and development/vegetation should not encroach upon their land. The concerns raised by Network Rail can be forwarded as an informative so the developers are aware of such.

Publicity

3.16 The application was publicised by site notice (the first notice was removed, the second placed on 12.2.08), press notice and letters of neighbour notification (with all those who commented on the 2007 application been advised of this application). The deadline for comments, according to the second site notice is 5.3.08. To date 5 letters have been received. They make the following comments:

Procedural

- A lack of consultation has occurred.
- Should a fresh application for conservation consent be required for this application?

Design/visual impact

- This scheme, like the one previously approved, would not be architecturally, economically or environmentally viable. The previous application which was approved has set a weak precedent to allow schemes on this site.
- This scheme is a diluted version of the one previously approved and does not satisfy the relevant planning policy or fit with the context of the area. The proposed building is a confused pastiche; it is too narrow and tall and thus appears out of context with its neighbours.
- The Monkey Puzzle tree should be felled so development of the site can adhere to the established building line. As proposed the development intrudes beyond the rear building line and would have a detrimental effect on the appearance of the conservation area. The rear building line of this side of the street should be respected. This view has been supported at appeal previously.
- Harm to character and appearance of the street.
- The existing building contributes to the openness, character and appearance of the area.
- Overdevelopment of the site.
- The garages are suburban in character and obtrusive. It is also likely there will be pressure to extend them in future.
- The building would harm the amenity of the occupants of no.35 St Mary's.

Also

- Development would be unsustainable; it does not address issues of use, density, drainage and trees.
- The development would exacerbate parking and traffic problems in the area.
- Noise would harm residential amenity.
- There is already an oversupply of flats in the city.
- Increased flood risk.

4.0 APPRAISAL

4.1 Key issues

- Principle of development

- Type of dwellings
- Design and impact on the conservation area and nearby listed buildings
- Landscaping and impact on trees
- Residential amenity
- Sustainability
- Highway safety and car parking
- Contributions toward education and open space
- Flood risk and drainage
- Bats and other wildlife

PRINCIPLE OF RESIDENTIAL DEVELOPMENT

4.2 National policy in PPS3: Housing advises that Government's policy is to ensure that housing is developed in suitable locations ... by making effective use of land. Previously developed land (the site constitutes previously developed land according to PPS3) is given as one of the priority sites where development should occur.

4.3 Local Plan policy H4a states that proposals for land not already allocated on the proposals map will be granted permission where: the site is within the urban area and is vacant, underused or it involves infilling, redevelopment or conversion of existing buildings; the site has good accessibility to jobs, shops and services; and it is of an appropriate scale and density to surrounding development and it would not have a detrimental impact on existing landscape features (The design and visual impact is discussed in 4.12 onwards).

4.4 Increasing the amount of houses at the site is in principle consistent with policies PPS3 and H4a. The site is located close to the city centre and thus meets the criteria where H4a seeks to locate additional residential development.

4.5 The site is in a conservation area and consent is required for demolition of the building. An extant conservation area consent (dated April 2007) for demolition of the existing house exists. However a condition of the consent is that the house may not be demolished until a replacement scheme has planning permission and the Local Planning Authority has been informed of the time at which the replacement development will commence.

4.6 The consent is not tied to the previous approval for redevelopment. As such another application for conservation area consent to demolish the existing house is not necessary until the extant consent expires in April 2010.

TYPE OF DWELLINGS

4.7 Policy H3c of the Local Plan: Mix of dwellings on housing sites states that a mix of new house types, sizes and tenures will be required on all new residential development. The mix should meet local housing needs and be appropriate to the location of the development.

4.8 The Council's latest housing market assessment (SHMA) informs that 60% of households require houses opposed to flats, demand is highest for 2 and 3-bed units.

4.9 The houses proposed, although larger than those in most demand, would be preferable to the scheme approved in 2007 (for 1 and 2 bed flats, 4x1-bed, 3x2-bed) in terms of delivering the housing identified as being required in the SHMA.

4.10 Policy H5a of the Local Plan: Density states the scale and design of proposed residential developments should be compatible with the surrounding area and must not harm local amenity. It also recommends that development should achieve a density of 40 dwellings per hectare in urban areas.

4.11 Two 5-bed units are proposed. The low density proposed is contrary to policy H5a of the Local Plan. However the policy requires firstly that development be in context. The scheme allows substantial sized rear gardens, appropriate to the site and this part of the conservation area. The development is considered to be acceptable as it is appropriate in its context and increases the existing density.

DESIGN AND IMPACT ON THE CONSERVATION AREA AND NEARBY LISTED BUILDINGS

4.12 Policy HE2: Development in historic locations requires proposals in Conservation Areas to respect adjacent buildings, spaces, landmarks and settings, and have regard to local scale, proportion, detail and materials.

4.13 Policy HE3: Conservation areas advises that within Conservation Areas, demolition of a building (whether listed or not) or external alterations will only be permitted where there is no adverse effect on the character and appearance of the area. This re-iterates Government policy contained in PPG15: Planning and the Historic Environment that advises developments must preserve or enhance conservation areas.

4.14 Policy GP1: Design states that development proposals will be expected to respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; avoid the loss of open spaces which contribute to the quality of the local environment; retain, enhance, or create urban spaces; provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or over dominance.

4.15 Policy GP10: Subdivisions of gardens and infill development states permission will only be granted for sub-division or infilling to provide new development where this would not be detrimental to the character and amenity of the local environment.

4.16 The appearance of the proposed building would be similar to that approved in 2007. The height, shape and style are as previously approved. The front elevation differs as it is proposed to have front entrances and there are two more windows at the apparent first floor level (when viewed from the street). The siting of the building has changed to allow driveways at both sides of the building. As such the building is

2.9m further from No.32 (hotel) and 1.4m nearer No.35. The front building line is as previous (10.5m to 11m back from the front railings), but the rear building line goes back 1m further than the building approved in 2007 (2.2m further back than the main rear building line of the existing house). It is proposed to retain the Monkey Puzzle tree, the existing front wall and railings and the pedestrian entrance. At the rear each house would have a detached garage, located 3.4m back from the rear building line. The garages would be 6m by 3.5m with hipped roof; the ridge height would be 3.8m from ground level.

4.17 When viewed from the street, the impact of the building would be similar to that approved in 2007. The relocated footprint (in relation to the scheme previously approved) of the building retains space to each side, the step back from the established building line is kept, to protect the Monkey Puzzle tree which contributes to the character and appearance of the street. The development would project 1m further back into the rear garden (than the approved scheme) and thus be set back further than other buildings on this side of the street. However the rear building line on this side of the street is gently staggered, this variation would not lead to an overly prominent building and no harm would come to the appearance of the conservation area.

4.18 It is considered that in relation to the scheme for the site which already has planning permission, this proposal would have a comparable impact on the character and appearance of the conservation area and nearby listed buildings. Permitted development rights can be removed through an appropriate condition to require planning permission for alterations/extensions.

LANDSCAPING AND IMPACT ON TREES

4.19 Policy HE11 of the Local Plan: Trees and landscape advises that existing trees and landscape which are part of the setting of Conservation Areas or Listed Buildings should be retained, and provision made for planting within new development, where appropriate. Policy GP9: requires development proposals to incorporate suitable landscaping.

4.20 The monkey puzzle tree has become an established feature of the streetscene and its retention is desirable. The scheme proposes paving stones laid to the front of the houses, leading from the driveways to the entrance. The Council's landscape architect requires details of the excavation and construction works for the pavement and lightwell, to ensure such works do not compromise the tree. It is expected details will be provided prior to sub committee.

4.21 The proposed garages have been moved closer to the houses. This was to limit the amount of hardstanding and promote soft landscaping but also to ensure the health of the trees to the rear of No.35. It is considered these amendments will improve landscaping of the site.

4.22 Overall the scheme proposes significantly less car parking than the previous scheme and trees which make a positive contribution to visual amenity will be retained. Potentially the site will be landscaped in a more visually pleasing manner

compared to the scheme previously approved. If the application is approved, it is recommended this is subject to a suitable scheme detailing hard and soft landscaping, and measures to ensure the protection of the Monkey Puzzle tree.

RESIDENTIAL AMENITY

4.23 Policy GP1: Design covers amenity. It advises that development proposals will be expected to ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or over dominance.

Surrounding Occupants

Noise

4.24 The application is for two houses, opposed to the scheme previously approved, which was for 7 flats/apartments. In relation to the previous scheme there should be less noise as a result of general activity. Overall though the proposed use of the site for residential is unlikely to lead to noise disturbance.

Overlooking

4.25 Windows on the rear elevation would look into neighbouring properties. However overlooking to such an extent is to be expected in urban areas. Also the two neighbours have communal outdoor areas thus overlooking into them would not unduly harm amenity. Window to window overlooking would only occur on front and rear elevations. By virtue of the separation distances that would be between houses, for example some 22m across St Mary's, undue overlooking would not occur.

Overshadowing/over dominance

4.26 In relation to the scheme approved in 2007 the development has been moved away from no.32 thus the impact on the amenity of occupants of that building would be enhanced should this scheme be built. The development would be 1.4m nearer no.35 and 6.1m beyond its rear building line. The two buildings would be 4.6m from one another. The impact on the side window of no.35 would be similar to the previously approved scheme given the comparable front building line. The proposed building would be more dominant over the rear no.35 than the approved scheme and some loss of direct sunlight would occur as the proposed building is south of no.35. The rear elevation of no.35 is orientated to the northwest, away from the proposed dwelling and due to the separation distances involved, there would not be a significant loss of daylight or outlook as a consequence of the proposed building. On balance it is considered that the amenity of the occupants of no.35 would not be unduly compromised, as outlook would be retained, the proposed building would not lead to an undue loss of light or be unduly dominant.

Future occupants of the proposed development

Outlook/amenity

4.27 The levels of outlook and amount of garden space for future occupants would be acceptable.

Noise

4.28 The York to Scarborough rail line lies to the northwest of the site. The Council's Environmental Protection Unit (EPU) advise that the last passenger train on this route passes before midnight and to their knowledge around one freight transport passes each week. It is recommended that to mitigate train noise within the proposed building, the envelope of the building provides a sound reduction of 28dB. EPU officers advise that this will provide adequate protection against train noise.

SUSTAINABILITY

4.29 It is a requirement of policy GP4a of the Local Plan that a sustainability statement accompanies applications. The proposed development should meet the requirements of the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction. For applications for new build of one or more dwellings, it is a requirement that the development achieves a Code for Sustainable Homes Level 3 ***. A statement is expected which explains how it is intended to achieve a Code for Sustainable Homes 3*** rating, and it would be a condition of approval that the rating were achieved.

4.30 The sustainability statement submitted demonstrates how the building would incorporate measures to be water and energy efficient. The scheme also proposes provision for recycling and landscaping and considerate construction would apply. Water efficiency measures include the use of efficient appliances (toilets, showers, taps, A rated washing machines and dishwashers). Outside water butts are to be fitted and an underground storage system that restricts surface water flow. To be energy efficient the buildings would comply with building regulations for boilers, electricity and gas consumption. The use of solar panels and wind turbines had been considered but discounted as they may harm the appearance of the conservation area.

HIGHWAY SAFETY

4.31 The revised layout retains adequate pedestrian access into the site and driveway gradients but removes the turning area for vehicles at the proposed houses. As such cars would need to either reverse in, or out from the driveways of both dwellings onto the road (this is the current situation for the existing house). There are benefits in the revised layout as it would improve landscaping on site and ensure the protection of the trees at the rear of no.35. Highway Network Management have confirmed that although cars coming and going from the site would preferably do so in a forward gear, considering the volumes of traffic on St Mary's and vehicle speeds; there would not be undue harm to highway safety caused. In officer's opinion given that the application only proposes two houses and considering highways comments, the proposal would not unduly harm highway safety.

4.32 The development would lead to the loss of two on street parking spaces. Each house has its own off-street parking and the applicants have agreed that neither of the dwellings would be eligible for res-park permits, preventing them from parking on street. Considering that the existing house would be entitled to a res park permit if desired, there would be no significant impact on residents parking.

CONTRIBUTIONS

4.33 Policy L1c of the Local Plan states developments for all housing sites will be required to make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted sum payment will be required for off site provision. Policy ED4 covers contribution towards education facilities, however this is not applicable to the proposal as contributions are only required when four or more houses are proposed. Policy ED4 covers contribution towards education facilities

4.34 In accordance with policy L1c, a contribution toward open space is required. The applicants have agreed to the contribution. Policy ED4 is not applicable as contributions are only required when four or more houses are proposed.

FLOOD RISK

4.35 The application site falls within an area where the risk of flooding is medium. In accordance with policy GP15a of the Draft Local Plan an assessment of additional flood risk as a consequence of the development and measures to mitigate risk in the proposed development is required (an FRA).

4.36 The FRA submitted advises that, in accordance with Yorkshire Waters request, there will be no increase in surface water discharge. This will prevent additional flood risk as a consequence of the development. To enable this, a storage system is required on site, to prevent excess flows of surface water. The sustainability statement advises this will be achieved by a sustainable drainage system, using an underground storage system connected with a brake mechanism to restrict flows. The Council's internal drainage consultees advise this would be acceptable. Water will also be collected on site using water butts and the driveways shall be of permeable paving, such measures mitigate flood risk. It can be a condition of approval that the development be implemented in accordance with the sustainability and flood risk documents. The conditions requested by Yorkshire Water asking for separate systems of drainage can also be attached. The FRA advises that the development would be at an appropriate level, 12m AOD, thus it would not be at risk from flooding.

BATS AND OTHER WILDLIFE

4.37 Policy NE7 of the Local Plan relates to habitat creation. It states that development proposals will be required to retain important natural habitats and where possible include measures to enhance or supplement these. In new

developments, measurements to encourage the establishment of new habitats should be included as part of the overall scheme.

4.38 Although no evidence has been found of bats (or other species) roosting in the existing building, there is potential for such. It would be in accordance with policy NE7 of the local plan to incorporate bat roost features in the new building. Preferably the roof design would also include facilities for declining species such as Swifts. The applicants can be informed of such.

5.0 CONCLUSION

5.1 In assessing the design of the building, weight has to be given to the approval for re-development of the site permitted in 2007. In relation to that scheme, this proposal would have a similar impact on the conservation area. Otherwise officers are of the opinion that the scheme would not harm highway safety or enhance flood risk and the impact on the amenity of neighbouring occupants would be acceptable.

5.2 At time of writing the report, the outstanding issue is confirmation that no harm would come to the Monkey Puzzle tree. It is expected this can be confirmed at sub committee.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

MAR/01A Layout
02A Plans and elevations
03A Street scene
04A Sections
07 Pedestrian access

received 20.2.08.

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

3 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- Eaves and verge details

- String courses
- Bay windows
- External doors and door casings (to be timber)
- Windows (including type of glazing) and window reveals (to be timber)
- Front steps and railings
- Front boundary railings, including plinth wall, showing retained and copied sections
- Chimneys
- Garage doors
- External attachments such as service runs and soil and vent pipes

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

4 VISQ7 Sample panel ext materials to be approved

5 VISQ8 Samples of exterior materials to be approved

6 Details of any works or repairs to the existing boundary walls shall be submitted to and agreed in writing by the Local Planning Authority before the commencement of works. Details shall show the extent of rebuilding and advise where existing bricks are to be reused.

Reason: To protect to setting of adjoining listed buildings and the character and appearance of the conservation area.

7 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed hard and soft landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. 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.

8 Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and finalised construction details for the retaining wall and paving shall also be included.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area.

9 No development shall take place until full details of measures for bat mitigation and conservation have been submitted to and approved by the Council.

The measures should include :

- Survey at the appropriate time of year and not more than 1 month prior to any work being undertaken, if the demolition is to be carried out between April and September. The results should be submitted to the Council beforehand.
- A plan of how demolition work is to be carried out to accommodate the possibility of bats being present.
- Details of what provision is to be made within the new building to at least replace the features lost through the demolition of the original structure. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts.
- The timing of all operations

The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

Reason: To take account of and enhance habitat for a protected species. It should be noted that under PPS9 the replacement/mitigation proposed should provide a net gain in wildlife value.

10 PD1 Removal of specific PD rights (extensions/outbuildings/hardstanding)

11 The building envelope with a facade onto the railway line shall be constructed so as to provide sound attenuation against external noise of not less than 28dB, with windows shut and other means of ventilation provided. The detailed scheme shall be approved by the local planning authority and fully implemented before the use hereby approved is constructed.

Reason: to protect the amenity of the occupiers of the proposed dwellings.

12 ARCH2 Watching brief required

13 HWAY14 Access onto highway to be approved

14 HWAY29 No gate etc to open in highway

15 HWAY31 No mud on highway during construction

16 The development shall be implemented in accordance with the recommended measures in the Sustainability Statement dated 21.1.08 (in particular the proposed sustainable drainage system to control surface water run off) and the Flood Risk

Assessment received 20.12.07.

Reason: To ensure the site is adequately drained and prevent flood risk.

17 DRAIN1 Drainage details to be agreed

18 S106OS Contribution toward open Space £3,888

19 The development shall achieve at least a Code for Sustainable Homes Level 3 star rating. Confirmation of such shall be provided to the Local Planning Authority prior to first occupation of the development.

Reason: In the interests of sustainable development, in accordance with the requirements of policy GP4a of the Draft Local Plan and the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

20 Notwithstanding the information contained in the approved plans, the overall ridge height of the approved development shall be no higher than 24.830 AOD, as indicated on Drawing No MAR/03/A received 20 February 2008.

Reason: To ensure that the approved development does not have an adverse impact upon the character of the Conservation Area.

7.0 INFORMATIVES:

Notes to Applicant

1. 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

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

3. PROTECTED SPECIES

If bats are discovered during the course of the work, then work should cease and Natural England consulted before continuing.

The form of the new buildings suggests they would be suitable for species such as Swifts with minimal effect on the buildings. Consideration should be given to incorporating suitable features into the roof design for such. For further information contact Bob Missin on 01904 551662.

4. NETWORK RAIL

The development is located adjacent the railway thus Network Rail should be contacted regarding construction, drainage and works at the boundary. For further information contact the Territory Outside Engineer, Network Rail, George Stephenson House, Toft Green, York, YO1 6JT.

5. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the conservation area and setting of nearby listed buildings, landscape features, amenity, highway safety, flood risk and protected species.

As such the proposal complies with Policies GP1, GP4a, GP9, GP10, HE2, HE3, HE4, HE11, H3c, H4a, H5a, L1c, NE7 of the City of York Local Plan Deposit Draft.

Contact details:

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