

COMMITTEE REPORT

Date: 26 May 2021 **Ward:** Huntington/New Earswick
Team: East Area **Parish:** Huntington Parish Council
Reference: 20/00089/FUL
Application at: 45 Lea Way Huntington York YO32 9PE
For: Erection of 5no. detached dwellings with new access and associated landscaping following demolition of existing semi-detached bungalow and detached garage
By: Inukshuk Developments
Application Type: Full Application
Target Date: 28 August 2020
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is in a suburban residential area of Huntington. It contains a semi-detached bungalow with an extremely large rear garden (approximately 80m long and for the most part around 25m wide). It is proposed to demolish number 45 to create a vehicle access to the rear garden. Number 47 would remain and become a detached dwelling. On the site it is proposed to erect 5 dwellings in a cul-de-sac arrangement. Three of the dwellings would contain 2 bedrooms and two would contain 4 bedrooms. The scheme indicates two off-street car parking spaces for four of the dwellings and one space for one of the 2 bedroom homes. A further visitor space is shown in a lay-by. The scheme has been modified since it was first submitted. The main changes have been a reduction in the scale of the dwellings, the removal of 4 detached garages and moving 3 of the dwellings to the south.

1.2 The land to the north and west of the site is predominantly residential. To the south and east is land in use for, or previously used for agriculture.

Sub-Committee Call-in

1.3 The application has been brought to Area Planning Sub-Committee at the request of Councillor Orrell so that issues relating to residential amenity, traffic and access and the relationship with open space and sites allocated for housing can be considered.

2.0 POLICY CONTEXT

2.1 Emerging Local Plan (Submission draft 2018)

DP2 Sustainable Development

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DP3 Sustainable Communities
SS1 Delivering Sustainable Growth for York
H2 Density of Residential Development
D1 Placemaking
D2 Landscape and Setting
D6 Archaeology
GI1 Green Infrastructure
GI3 Green Infrastructure Network
GI4 Trees and Hedgerows
CC1 Renewable and Low Carbon Energy Generation and Storage
CC2 Sustainable Design and Construction of New Development
ENV2 Managing Environmental Quality
ENV5 Sustainable Drainage
T1 Sustainable Access

2.2 Development Control Local Plan (including 4th set of changes) 2005

H4A Housing Windfalls
GP10 Subdivision of Gardens and Infill Development
GP1 Design
NE1 Trees, Woodlands and Hedgerows
NE6 Species Protected by Law

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Design Conservation and Sustainable Development (Landscape Architect)

3.1 The trees alongside the northern boundary are subject to a tree preservation order. Ideally all construction operations would be kept outside of the recommended root protection areas (RPA) of protected trees. However it would not be possible to provide several houses on this site without an access road and development operations entering the RPAs.

3.2 The arboricultural method statement includes a number of recognised tools to reduce the impact of the development on the existing trees, such as a 'no-dig' driveway and diverting the drains to beyond the RPA. If the recommendations within the arboricultural method statement (AMS) are feasible, and the driveway and drainage details can be strictly adhered to, the risk to the existing trees is reduced to an acceptable level in light of the proposed housing provision. However, it should be noted that due to the number and extent of development operations within the recommended root protection areas of the existing trees, there is an inevitable residual risk of harm to the trees, due to, for example, unsuitable ground conditions, human error, setting out creep, especially for example in the proximity of the turning head to Tree 6.

Design Conservation and Sustainable Development (Countryside and Ecology)

3.3 No objections. Specific requirements regarding Great crested newts and nesting birds have been identified within the Extended Phase 1 Habitat Survey and Preliminary Ecological Appraisal. Recommendation for biodiversity enhancements have also been made within the report. As these recommendations are supported with appropriate survey data, it is considered that they can be achieved through recommended conditions.

Highways Network Management

3.4 Do not object to the revised scheme. Consider it is acceptable in respect to turning, parking and access on to Lea Way.

Public Protection

3.5 Conditions recommended for land contamination and electric vehicle charging. The properties should have noise insulation to avoid conflict with nearby industrial uses. A Construction Environmental Management Plan should be required if the scheme is approved. A condition should be included to manage any potential noise from the foul water pump.

Flood Risk Management

3.6 No objections subject to conditions.

Waste Management

3.7 Location of the bin store is acceptable.

EXTERNAL CONSULTATIONS

Internal Drainage Board

3.8 Providing soakaways are not practical do not object to the proposed drainage plan subject to discharge rates being controlled.

Yorkshire Water

3.9 Do not object to proposed foul and surface water details including the surface water discharge restriction to 1 litre per second.

4.0 REPRESENTATIONS

Huntington Parish Council

4.1 The Parish Council object for the following reasons:

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- The foul sewer is already at capacity and cannot take further discharge.
- The development will increase on street parking with resultant hazards.
- Will harm neighbours outlook, light and privacy.
- The proposal overdevelops the site with little green space for wildlife or residents.
- It will have a negative visual impact including the design, bulk and massing and harm character and views.
- Existing mature trees on the site were felled with inadequate space for their replacement.
- Support Yorkshire Waters stipulations on drainage.

Neighbour Notification and Publicity

4.2 Letters of objection have received from the occupants of 9 houses raising the following concerns:

- The occupiers of the attached house (47 Lea Way) do not want the neighbouring property demolished. Concerns regarding the impact on the remaining homes structural integrity and the impacts from building works.
- Plot 1 will dominate number 47 Lea Way.
- The two storey development is out of character with nearby bungalows.
- The area is already overdeveloped.
- The proposal will devalue nearby homes.
- Doctors, dentists and schools in the area are already at full capacity.
- Mature trees were removed from the site in advance of the application being submitted.
- There are great crested newts on the site and in the surrounding area.
- There is already too much traffic. Lea Way roadway is in poor condition and the works will cause further damage.
- The proposal will lead to on street parking, increased traffic and highway safety concerns.
- The access to the site does not meet 5.5m highways requirements. It is inadequate for fire vehicles.
- Car lights leaving the site will shine into house windows opposite.
- The sewerage system is outdated.
- The water table is high and the proposal will make adjacent land boggy.
- The scheme encroaches on to farmland to the south and a public right of way to the east.

5.0 APPRAISAL

5.1 Key Issues

- principle of development
- impact on the street scene and character

- impact on amenity and living conditions of adjacent occupiers
- quality of the accommodation provided
- highways and parking
- drainage
- sustainability
- ecology
- trees

LEGISLATIVE AND POLICY CONTEXT

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Framework

5.3 The revised National Planning Policy Framework (NPPF) 2019 was published on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material planning consideration in the determination of this application.

5.4 The planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives.

5.5 Paragraph 11 states planning decisions should apply a presumption in favour of sustainable development and that for decision taking this means where there are no relevant development plan policies, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

Publication Draft 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. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. 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).

5.7 It is considered that given the stage of preparation of the emerging plan, nature of objections and consistency with the NPPF that all the policies listed in para. 2.1 above should be given moderate weight.

2005 Development Control Local Plan

5.8 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF albeit with very limited weight.

Huntington Neighbourhood Plan

5.9 Huntington has a Neighbourhood Plan though it has not yet been adopted. On 16 March 2021 the Local Plan Working Group agreed that it should proceed to referendum. Although the plan is not adopted, it has been through the examination process and is at an advanced stage. Accordingly significant weight but not full weight can be given the fact that the Examiner has produced his examination report. The application site is indicated as white land (unallocated) in the Neighbourhood Plan. Policy H1 refers to Meeting Housing Need. It includes a number of requirements including good quality built design, a mix of house types, sizes and tenures, pedestrian links with existing urban areas, good quality landscaping and the retention of trees and hedgerows of good amenity, aboricultural or biodiversity value.

PRINCIPLE OF DEVELOPMENT

5.10 Paragraph 68 of the NPPF requires local planning authorities to support the development of windfall housing sites, particularly within existing settlements, in order contribute to meeting the housing needs in their area. It states that small sites can make an important contribution to meeting the housing requirements of an area, and are often built-out relatively quickly. Policy H3 of the 2018 Draft Plan seeks to

balance the housing market and work towards a mix of housing identified in the Strategic Housing Market Assessment (SHMA). Section 11 (Making effective use of land) of the NPPF encourages the use of previously developed land first and gives substantial weight to this but does not preclude the use of greenfield sites. Paragraph 118 (d) states that decisions should promote and support the development of under-utilised land. Paragraph 11 of the NPPF lays out the presumption in favour of sustainable development. Paragraph 8 identifies that there are 3 objectives to achieving sustainable development – economic, social and environmental. Paragraph 9 states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

5.11 The 2005 DCLP and 2018 Draft Plan show the application site as unallocated land within the urban area. Land to the south and east of the site is indicated as Green Belt in the 2018 Draft Plan. The 2005 DCLP shows land to the east as Green Belt, but land to the south as Open Space (Policy G7). The historic use of the land as garden (including a domestic outbuilding) would indicate a different character and purpose that that to the east and south. The application did originally incorporate a narrow strip a few metres wide along the southern boundary that was not clearly part of the garden of the host property – this has been removed. The eastern boundary contains a thick hedgerow. The application site goes to the outer edge of the hedgerow.

5.12 In line with the decision of the Court in *Wedgewood v City of York Council* [2020], and in advance of the adoption of a Local Plan, decisions on whether to treat land as falling within the Green Belt for development management purposes should take into account the Regional Spatial Strategy general extent of the Green Belt, the 2005 DCLP, the 2018 Draft Plan, insofar as can be considered against paragraph 48 of the NPPF (2019) and site specific features in deciding whether land should be regarded as Green Belt. As set out above the land is not indicated in the 2005 or 2018 plan as being Green Belt. It is considered that the approach is appropriate taking account of its historic use as domestic garden and the existence of a thick hedgerow to the eastern boundary. The southern boundary with farmland has been blurred because of the removal of several trees that sat close to this boundary, however, it is not considered that this change would be such that its status should be re-considered and the land could, given its status as garden, typically be enclosed by a 2m high domestic style wooden fence and contain garden paraphernalia.

5.13 Policy DP3 of the Draft Plan states development should contribute to a sustainable, balanced community through provision of an appropriate range of housing. There is a mix of house sizes proposed. Three that have just one bedroom on the first floor and a bedroom and all other facilities on the ground floor. This may make them suitable for occupation by older people or those with mobility concerns. Policy H2 suggests a density of 40 units per hectare for new residential

development in the York suburban area. The proposed density is 25 units per hectare. It is considered that the lower density is acceptable taking account of the impact trees have on the development of the site and the local character of the area.

5.14 The site is not Previously Developed Land, the NPPF Glossary excludes residential gardens in built up areas from the category. However the site is in a sustainable location with access to public transport and local services. The application would provide a net increase of four houses which would contribute to the city's housing land supply. It is considered that the residential development of the site is acceptable in principle.

IMPACT ON THE STREETSCENE AND CHARACTER OF THE AREA

5.15 Policy D1 of the 2018 Draft Plan states that proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.

5.16 Houses fronting Lea Way are largely semi-detached bungalows, however, some detached bungalows exist. It is considered that the demolition of number 45 would be visually acceptable, the submitted drawings show the flank wall and gable of the remaining dwelling at no.47 to given a rendered finish. It is not considered that the creation of a new access would be out of character with the residential environment and it is noted that other cul-de-sacs are located off the street. A verge suitable for planting would be provided on both sides of the access.

5.17 In assessing the acceptability of the proposal and impact on character it is considered that regard should be given to the scheme's similarities with the development of 14 houses immediately to the north which was constructed in the former rear garden of 31 Lea Way. The scheme was first granted consent in 2007 (ref 07/01126FULM). The homes in this scheme are two storeys in height. The dwellings proposed on plots 4 and 5 at the eastern end of the current planning application reflect the height and orientation of the adjacent dwellings that have been built.

5.18 A key visual consideration is the impact of the development when viewed from surrounding farm land. On balance it is not considered that the development would appear incongruous. Plots 1, 2 and 3 are part single storey and part one and a half storey and are similar in height to the existing bungalows that back on to the adjacent fields that front Lea Way. Some of the bungalows in Lea Way have box dormers in the rear roof slopes. Plots 1, 2 and 3 have extremely short rear gardens being only around 2m from the farm land. The proximity to the southern boundary is a result of the need to keep the new dwellings clear of the protected trees that are located towards the northern boundary. The landscaping buffer between residential

development and the farm land to the south could only consist of a narrow hedgerow with occasional small trees within it rather than a belt of trees. Along the eastern boundary it is indicated that the hedgerow is to be retained and 'gapped-up' to create a denser but more narrow, lower and manageable enclosure. Proposed landscaping and boundary treatments can be controlled by condition. The indicated use of slate for the roof with brick and timber cladded walls is considered acceptable.

5.19 The short garden length to the southern boundary is not considered to be materially harmful to character. In considering this, regard is given to the fact that the urban edge of most of this area of Huntington is clearly demarked by residential development with limited tall vegetation in or around gardens. The short garden length to the south would not be readily apparent when viewed from a distance and it is considered that the proposed dwellings are reasonably attractive and of visual interest with a variety of house types with 3 homes being of a distinctive asymmetric design. There are significant gaps between the proposed homes and long distance views to the tall group of protected trees to the north will remain. The overall scale and density of development across the site is consistent with that in the surrounding area and respects the suburban form.

5.20 The 2018 Draft Local Plan allocates an area of land to the east of Huntington (ST8/Policy SS10) as a new residential neighbourhood. Green Belt land to the west of this allocation is indicated as being a wedge separating the proposed development from the eastern most developed area of Huntington. The application site does not extend beyond the eastern extent of the residential area of Huntington and is not within the Green Belt. It is not considered that the proposed development would be of a scale to have a significant impact on the separation between the allocated Draft Local Plan site and existing developed areas of Huntington.

5.21 It is considered that the scheme is in line with policy D1 of the 2018 Draft Plan and paragraph 127 of the NPPF.

IMPACT ON NEIGHBOURS' LIVING CONDITIONS

5.21 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. It goes on to state that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Policies D1 and ENV2 of the 2018 Draft Plan also consider amenity.

5.22 The orientation and positioning of the homes is such that they would have minimal impact on the recent development at Lea Field Court. The new access would run between 43 and 47. The space to be created by the demolition of the dwelling would be 9m. The access road would be 4.8m wide. To the sides of the

road a 2m verge is proposed to the north and to the south to the front of number 47 would be a 1m verge and 1.2m footpath. The side of the remaining dwelling (number 47) would abut the application site. The side of the dwelling at number 43 is set in around 2m from the application site. Although there would be an increase in vehicle noise at the side and rear it is not considered that the speed of traffic or number of vehicle movements would be such to cause harmful disturbance within the suburban residential environment. Pedestrians entering the development would be limited and a narrow landscaped buffer is proposed between the public footpath and the garden. It is not unusual for small cul-de-sacs to be located off such roads and several small cul-de-sacs already exist off Lea Way and nearby Woodland Way.

5.23 In respect to light and outlook, the flank wall of plot 1 would be around 18m from the rear of number 45 Lea Way at the nearest point. The closest section of the proposed house is around 4.5m high at this point. In respect to privacy, the orientation of homes and position of windows is such that additional overlooking from the development will be modest.

5.24 A small pump is proposed in the ground close to the rear garden of number 43. This is related to removing foul sewerage from the site. It is not expected its operation would create significant noise, however, a condition is proposed to control noise levels should they potentially impact on neighbours' amenity.

5.25 The demolition of number 45 will mean that works will be needed to the side elevation of 47. Demolition notification would be required as would Building Regulations Consent which would cover aspects such as the structure condition, insulation and the avoidance of damp. The works would also be subject to the provisions of the Party Wall Act.

QUALITY OF THE ACCOMMODATION PROVIDED

5.26 Plots 4 and 5 are large 4 bedroom properties with rear gardens approximately 100sqm in size and would provide good quality family accommodation. Plots 1 to 3 are smaller two bedroom properties. They have been designed to enable occupants to live principally on the ground floor, with an additional bedroom in the roofspace. It is noted that the Huntington Neighbourhood Plan in Policy H2 (Housing Mix) seeks the provision of smaller accommodation. In his report the Examiner made reference to Policy H2 (Housing Mix) and recommended that the final part of the policy offered "support" for smaller homes rather than 'giving priority' to their development.

5.27 It is noted that plots 1 to 3 are very close to the southern boundary and as such have a very small rear garden, however garden space and patios are proposed to the side and front of the houses. It is considered that they are an acceptable size to meet the occupant's needs for drying clothes, storage and sitting out. The external areas generally have reasonable levels of privacy given there is no frontage development on the opposite side of the access road. It would be expected that the road in the small cul-de-sac would be safe for informal play.

5.28 The rooms and windows in the three smaller dwellings have been located to maximise light and outlook. The ground floor rear facing bedroom in the homes would have a limited outlook, however, given the room would largely be used for sleeping in, this is considered acceptable.

HIGHWAYS AND PARKING

5.29 Policy T1 of the 2018 Draft Plan states that to provide safe, suitable and attractive access, development proposals will be required to demonstrate there is safe and appropriate access to the adjacent adopted highway. Development proposals should also create safe and secure layouts for motorised vehicles cyclists and pedestrians. The access road would be private. The applicant has submitted tracking diagrams to show that there is space for a delivery lorry to turn in the cul-de-sac. Refuse vehicles would collect waste from near the entrance to the cul-de-sac. Emergency vehicles can access the site. Highway Network Management are satisfied that safe access can be achieved to and from Lea Way. A total of 9 off street car parking spaces would serve the 5 homes. Taking account of the fact that three of the homes have two bedrooms this is acceptable and it is not considered there would be significant additional parking pressure on Lea Way.

FLOOD RISK AND DRAINAGE

5.30 The properties are in Flood Zone 1 and should not be at risk from surface water flooding. Revised drainage details have been submitted showing separate provision for foul and surface water drainage. There are no objections to the proposal on flood risk grounds subject to conditions controlling drainage details including surface water run-off rates.

SUSTAINABILITY

5.31 The application site is within an established residential area and lies within walking distance of local schools, services and bus routes. Secure cycle parking is proposed. It is not considered that the scale of the development is such to put significant pressure on existing services. The applicant is aware of the requirements under Policies CC1 and CC2 of the 2018 Draft Plan with regard to sustainable development.

ECOLOGY

5.32 The applicant has submitted an Ecology Report looking at the existing site and buildings on it. Following survey work the report concluded that the proposal will have a low impact on Great Crested Newts and will not impact on bats and badgers. A great crested newt low impact licence will need to be obtained prior to any development work commencing. Compensation for the loss of garden land would be in the form of under planting boundary hedgerows and creating two hibernacula (refuges) for great crested newts. This can be covered by condition.

TREES

5.33 Local Plan policy GI4 recognises the value of trees and hedgerows to biodiversity, the contribution they make to the quality of a development and how they can help it be assimilated in to the landscape.

5.34 Prior to submitting the planning application several large trees close to the southern boundary of the site were removed. The trees were not protected. Their loss cannot be considered in the application and the proposal should be assessed on its merits having regard to the impact on the protected trees and the character of the area generally. Two unprotected trees growing out of the overgrown hedgerow (Hawthorn and Elder) are also proposed to be removed.

5.35 The proposed scheme attempts to minimise conflict with the protected trees that are located along part of the northern boundary of the site. The protected willow is proposed to be removed on this boundary, as the tree survey indicates that this has significant defects - it is recommended for removal by the consultant irrespective of the proposed development. The application indicates that the other 6 trees on the boundary (1 Sycamore (low or average quality), 3 Poplars (good quality) and 2 Oaks (low or average quality)) would remain. The applicant has indicated that the area under the trees will be a wildflower meadow approximately 40m x 5m in area. The dwellings are considered to be an acceptable distance from the trees to avoid undue conflict. To avoid damage to roots any new surfacing within the root protection area will be of a 'no-dig' construction. Drainage runs have also been designed to avoid the roots of the protected trees. The Council's Landscape Architect considers that the recommendations within the applicant's arboriculture method statement (AMS) are feasible, and if the driveway and drainage details can be strictly adhered to, the risk to the existing trees is reduced to an acceptable level, though there is a residual risk of harm to the trees, especially Tree T6 (an Oak) close to the turning head. The survey indicates that the Oak is a category C tree (low or average quality) and has low amenity value. The trees will as a group remain prominent in the local environment with the tall Poplars indicated as being of the highest amenity value.

6.0 CONCLUSION

6.1 The proposed garden development has similarities to the residential development on land to the north constructed around ten years ago. The land is outside the Green Belt. It is not considered that the demolition of the existing bungalow and the new access and proposed dwellings would have an unacceptable impact on the living conditions of nearby residents. The proposed dwellings have a variety of forms and scale and their height and detached nature allows views of the tall trees to remain above the development. They will provide an acceptable living environment. The density of development is fairly low, however, this is a result of

the need to minimise the impact on the protected trees located on the northern boundary of the site.

6.2 The scheme will lead to the loss of the protected Willow, however, this is in poor condition and the visual amenity group value of the trees will largely remain intact. The proposed construction of roads in the root protection area of the trees is not without potential risk to the trees, however, if the prescribed construction methods are adhered to the risk to the roots of the existing trees is low and is balanced against the benefits from providing new housing on the site.

The proposal is considered to meet relevant policy in the NPPF and emerging Local Plan.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Proposed Site Plan 19113 105 Rev.10 received on 29 April 2021

Proposed Garage Plans and Elevations 19113 610 Rev. 3 received on 23 November 2020.

Proposed Plot 1 Elevations 19113 130 Rev.4 received on 16 March 2021.

Proposed Plot 2 and 3 Elevations 19113 230 Rev.4 received on 16 March 2021.

Proposed Plot 4 Elevations 19113 430 Rev.4 received on 16 March 2021.

Proposed Plot 5 Elevations 19113 530 Rev.4 received on 16 March 2021.

Proposed Plot 1 Plans 19113 110 Rev.4 received on 16 March 2021.

Proposed Plot 2 and 3 Plans 19113 210 Rev.5 received on 16 March 2021.

Proposed Plot 4 Plans 19113 410 Rev.5 received on 16 March 2021.

Proposed Plot 5 Plans 19113 510 Rev.5 received on 16 March 2021.

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 buildings and surfacing shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground works. The development shall be carried out using the approved materials.

Note: Sample materials should be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

4 Notwithstanding the details shown on the approved drawings details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the commencement of above ground works and the approved means of enclosure shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.

5 The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees, hedgerows and shrubs to be retained and planted along with any associated protective barrier. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or hedgerows (or protective barriers for trees) on the whole application site and any other plants outside of private gardens which thereafter 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 in the interests of the character and appearance of the area.

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6 Development and work on site shall be undertaken in accordance with the Arboricultural Method Statement dated October 2020.

Reason: To minimise the impact on established trees.

7 No construction above ground level of any dwelling shall 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.

8 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.

9 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.

10 The development drainage strategy shall be carried out in accordance with the details shown on the submitted plan, DR-C-0100 revision P7, dated 12th April 2021 by Topping Engineers. In addition, prior to the commencement of development the following specific details shall be submitted to and approved in writing by the Local Planning Authority:

- i) the flow control devise manhole, means by which the surface water discharge rate shall be restricted to a maximum rate of 1.0 (one) litres per second,
- ii) the attenuation tank/voided stone subbase, 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) a topographical survey showing the existing and proposed foul and surface water drainage invert and cover levels, ground and finished floor 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.
- iv) details of any balancing works and off site works

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

11 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.

12 No development above foundation level shall take place until a detailed scheme of noise insulation measures for protecting the approved residential from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works no part of the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

INFORMATIVE: The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A). These noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the National Planning Policy Framework.

13 Details of any water pumping plant, equipment or machinery to be installed in or located on the application site, which is audible outside of the application site, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: As a precaution to protect the amenity of nearby properties from any noise generated by pumping equipment necessary on the site.

14 The dwellings hereby approved shall achieve the following measures:

- At least a 19% reduction in Dwelling Emission Rate compared to the target fabric energy efficiency rates as required under Part L1A of the Building Regulations (2013).

- A water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

- A reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations.

Prior to first occupation of the dwellings details of the measures undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of sustainable design and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

15 The development shall 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 (or parking area) if desired. The applicant should identify the proposed location for a future Electric Vehicle Recharge Point within the development curtilage and ensure that any necessary trunking/ducting is in place to enable cables to be run to the specified location.

Reason: To ensure future electric vehicle charge points can be easily added to the property 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 or garage 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 Electric Vehicle Charge Point from the outset, if desired.
- Details of passive provision to be included within household pack for first occupant, to include location of proposed Electric Vehicle Recharge Point, trunking/ducting provided and details of distribution board location and capacity

16 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development and site shall be undertaken and managed as approved.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 175 d) of the NPPF (2019) to encourage the incorporation of biodiversity improvements in and around developments, especially where this can secure measurable net gains.

17 No demolition, construction of buildings or access or surfacing works shall under any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead;
- b) confirmation that the site is registered on a Low Impact Class Licence issued by Natural England; or

- c) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure the protection of Great Crested Newts, a European Protected Species.

18 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. 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:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o 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'.

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.

19 Prior to development, 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 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

20 Prior to first occupation the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

21 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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.

22 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 0800 to 1800 hours

Saturday 0900 to 1300 hours

Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of nearby properties and the environmental qualities

of the area.

23 Before the commencement of and during building operations, adequate measures shall be taken to protect the existing planting on this site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

24 No removal of hedgerows, trees or building demolition works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation and buildings for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

Informative: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

25 Prior to the occupation of any of the new dwellings a 'lighting design plan' shall be submitted to and approved in writing by the local planning authority.

The plan shall:

- Demonstrate that it has taken account of the recommendation set out in section 8.2.4 of Extended Phase 1 Habitat Survey and Preliminary Ecological Appraisal provided by Wold Ecology Ltd, December 2019.
- Show how and where external lighting will be installed, so that it can be clearly demonstrated that areas to be lit will not disturb light-sensitive wildlife, such as bats.

Reason: To maintain the favourable conservation status of bats.

26 Notwithstanding the provisions of Article 3 (Schedule 2, Part 1) of the Town and Country Planning (General Permitted Development Order) (England) 2015 (or any Order revoking or re-enacting that Order), development of the type described in Class B (additions etc to the roof of a dwellinghouse) and class AA (enlargement of a dwellinghouse by construction of additional storeys) of that Order shall not be carried out to the approved dwellings (plots 1 - 5).

Reason: To protect neighbours living conditions and the appearance of the site when viewed from surrounding land.

27 Notwithstanding the provisions of Article 3 (Schedule 2, Part 1) of the Town and Country Planning (General Permitted Development Order) (England) 2015 (or any Order revoking or re-enacting that Order), the first floor side windows in the north elevation of the dwelling on plot 5 shall at all times be obscure glazed to at least Pilkington level 4 and fixed shut below a height of 1.7m above the internal floor level.

Reason: To protect neighbours privacy.

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 an acceptable outcome:

Scale of development reduced and location of homes altered.

2. INFORMATIVE:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

3. Informative: Consent for highway 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 the

officer(s) named:

Agreements as to execution of works (Section 278) - contact:
development.adoption@york.gov.uk

4 INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The 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".

(c) 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.

(d) 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.

(e) 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.

(f) There shall be no bonfires on the site

5 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).

Contact details:

Case Officer: Neil Massey

Tel No: 01904 551352