

COMMITTEE REPORT

Committee: East Area

Ward: Haxby And Wigginton

Date:

Parish: Haxby Town Council

Reference: 08/00181/FUL

Application at: 8 Hall Rise Haxby York YO32 3LP

For: Erection of 2 no.two storey pitched roof detached dwellings after demolition of existing dwelling and garage

By: Mr Kevin Marsden

Application Type: Full Application

Target Date: 29 April 2008

1.0 PROPOSAL

1.1 The application site lies to the south of Station Road and to the west of Hall Rise in Haxby. It is proposed to erect two detached dwellings following the demolition of an existing bungalow and garage. The site area is approximately 1075sq.m.

1.2 The existing bungalow, which was built in the 1960s, is characterised by a high pitched roof and it is set within a corner plot well screened by protected trees and planting facing Station Road. The majority of the buildings along Station Road were built in the late 19th century, most of which are brick or stone structures. Nos. 2,4 and 6 Hall Rise, along with the rest of the properties fronting Hall Rise Cul-de-sac were built in the same period as the existing bungalow at 8 Hall Rise; their design and appearances reflect those which were built during the post-war period. The application site is outside the conservation area of Haxby.

1.3 The buildings proposed are detached two storey properties. Plot 1 would measure 14.0m x 12.5m (max) with height to eaves of 5.5m and an overall height of 7.5m. It is proposed to be a 4 bed property. Plot 2 is proposed to be a larger property with a total of 5 bedrooms. It would measure 17.0m x 13.0m (max) with height to eaves of 5.5m and an overall height of 7.5m. The external facing of the buildings would comprise of brickwork, cedar boarding and render with tiled roofs above.

1.4 The scheme has been subject to amendments. The latest revised plans show the following changes:

- i. the footprint of plot no.2 has set further back from the TPO trees;
- ii. the window frames in the bay windows of plot no.2 have been altered to improve the fenestration of the building;
- iii. the rear first floor balcony of plot no.1 has been omitted.

1.5 The proposed development would leave a distance of 4.0m from 6 Hall Rise and a distance of 3.5m from 10 Hall Rise. The existing bungalow is currently 10.5m from 6 Hall Rise and 9.0m from 10 Hall Rise (with a detached building in between). There would be a distance of 1.5m between the two buildings proposed (plot 1 and 2).

1.6 Access to plot 1 is gained through a 3.0m wide entrance off Station Road. A 6.0m wide driveway is proposed after the relocation of an existing driveway to allow access to plot 2 from Hall Rise.

1.7 This application is submitted before the Planning Committee for determination because the scheme proposed has attracted a high level of public interest in objection to the proposal.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

Schools Ralph Butterfield Primary 0216

2.2 Policies:

CYGP3
Planning against crime

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYGP1
Design

CYGP4A
Sustainability

CYGP15
Protection from flooding

CYNE6
Species protected by law

CYGP9
Landscaping

CYGP10

Subdivision of gardens and infill devt

CYL1C

Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management consulted. No highway objections subject to condition and informative.

3.2 Environment and Conservation team (Landscape Architect) consulted. Latest response received 24 June 2008 following the submission of amended scheme. The following comments were made:

- it is confirmed that the revised arrangement of dwellings satisfies the distances required for physical protection of the trees;
- hence the team do not object to these latest development proposals;
- The tree protection requirement will need to be strictly adhered to and the protective fencing should be tight up to the edge of the development activities; i.e. to the edge of the driveway for plot 1 and to the edge of the existing property for plot 2;
- the original house would have to be demolished from the southern side of the building to avoid the root protection area (RPA) of the trees to the north;
- fencing should be put in place before any works start on site, including demolition, delivery of materials, and provision of any extra utility services (which will need to be routed outside of the RPA).
- The driveway utilises the existing entrance. Where the existing and proposed alignment overlap, there should be no need to excavate; the remaining proposed driveway should involve excavations of no more than the top 150mm of vegetation/soil; the entire driveway should be of a porous construction;
- condition recommended.

3.3 Environment and Conservation team (Countryside officer) consulted. Response received 29 August 2008. The following comments were made:

- upon visiting the site it is considered that there is a moderate potential for bats.
- the surrounding area is beneficial for roosting bats and there are many records of roosts nearby.
- as such a condition is recommended to ensure that equivalent roost opportunities are incorporated into the proposed new dwelling to make up for features lost.
- measures should also be in place during the demolition phase to ensure that any bats which may take up residence in the future are taken into account. This can be done through timing of work or by carrying out further survey prior to demolition.

3.4 Drainage Engineering Consultancy consulted. Latest response received following the additional information submitted by the applicant dated 19 May 2008. The following comments were made:

- the applicant has now agreed to the principle of flow attenuation;
- as such the consultancy's initial objections have now been removed;
- this agreement of attenuation should be included within the condition of any approval;
- the design must be submitted prior to the commencement of work.

3.5 Environmental Protection Unit consulted. Response received 4 April 2008. No objections subject to informative.

3.6 Lifelong Learning and Culture consulted. Response received 5 June 2008. Off-site open space contribution is required as there is no on-site open space within the application site.

EXTERNAL:

3.7 Haxby Town Council consulted. First response received 9 April 2008 The following comments were raised:

- the Town Council would like to see that subject to condition, all trees and shrubs are retained and that material used for the dwellings are sympathetic with the surrounding properties;
- the materials used for the roof should be more traditional;
- the railing surrounding the property should be retained as they form part of the historic nature of old Haxby;
- in considering this application it should be noted that the application site is just outside the school safety zone, and that the area is often heavily congested by school traffic.

3.8 Second response received 5 June 2008 following the submission of amended drawings. The following comments were made:

- the comments made previously regarding this application still stood;
- the Town Council supported the first comments made by the Landscape Architect (dated 29 April 2008) regarding concerns about the mature trees protected by Tree Preservation Order;
- the Council would reiterate the concerns made previously regarding the retention of the railing surrounding the property as they form part of the historic nature of old Haxby.

3.9 Neighbours notified. First consultation expired 3 April 2008 and the second consultation expired 12 June 2008 following the submission of amended drawings - 10 letters of objection received; the following concerns were raised:

- the existing bungalow, which was built in the 1960s, is very attractively built and blend in well with the other buildings in Hall rise. The proposed buildings do not;
- the proposal would not compliment the area;
- the proposed red cedar boarding materials would not be sympathetic to the area. Greater area of brick work should be used instead;

- the buildings along Station Road are primarily brick or stone structures, the majority of which are over 100 years old - the buildings would therefore not compliment or add to its surroundings due to the proposed use of building materials;
- the building line of the proposed buildings facing Station Road projects further than the properties at 2,4 and 6 Hall Rise;
- the two storey buildings should be achieved by utilizing the existing loft space;
- the proposed design is not sustainable;
- the demolition of an attractive bungalow is not considered to be environmentally friendly;
- there is no explanation as to how the development would improve the local environment and community;
- the proposed development would have a direct impact on the privacy of the occupants at 13 Station Road;
- plot 1 is very close to the boundary of the property at 6 Hall Rise; this would create a very dark corridor at the side of this property;
- the privacy of the occupants at 6 Hall Rise will be affected by the relocation of the existing driveway. This should be addressed by erecting a tall and robust fence.
- the balcony on plot 1 master bedroom would overlook the private rear garden at 6 and 10 Hall Rise;
- there will not be extensive open space/private garden space by virtue of the development;
- the site is not an area to build dense housing and properties with small gardens and poor amenity space;
- the proposal is an overdevelopment of the application site;
- on street parking is limited due to the existence of double yellow lines;
- during demolition and construction methods of work must be imposed on station Road;
- Hall Rise should not be used during the demolition and construction process;
- the position of a nearby school and the sub-standard width of the road in Hall Rise pose a highway safety issue;
- the use of heat pumps/pipes may damage the TPO trees;
- the building line of the proposed houses have been moved closer to the TPO trees;
- the proposed buildings may interfere with the root structure, or the stability of the trees;
- no information has been provided regarding the management and monitoring of the areas of shrub planting areas;
- the trees which are currently within the plot and the dense hedges and bushes should be retained;
- conditions should be imposed to ensure that the trees and the existing mature shrubbery are retained.
- the applicant suggest that the two mature trees are to be removed and replace by new trees. The TPO status of these trees cannot be ignored.
- the owner/occupiers at 4 Hall Rise, 6 Hall Rise and 14 Hall Rise should have been consulted;
- the consultation process should be been carried out more extensively than just the neighbours immediately adjacent to the application site;
- the applicant states that the accommodation is too large for the present owner. This is a matter of opinion;
- the proposal should protect the common drain and manhole;

- the party sewer from no.2,4 and 6 Hall Rise which terminates under the garage of 8 Hall Rise, along with other drainage issues in this area would require some detail of investigation prior to further properties being built

3.10 North Yorkshire Police consulted. Response received 26 September 2008. No objections were raised regarding the design or layout of the development. It is not expected that the scheme proposed would become a crime generator in the area. As the application is only for 2 dwellings it does not fall into the remit of Secured-by-Design.

4.0 APPRAISAL

4.1 The main planning issues raised by this application are whether the proposed development would have a detrimental impact on the residential amenities of nearby properties and the visual appearance and amenities of the area, in particular whether it would have an impact on the health and lifespan of existing trees which are subject to Tree Preservation Order (TPO), and whether it would create conditions prejudicial to highway safety. Considerations will also be given to the national and local planning policies on residential development, in particular the findings of the City of York Strategic Housing Market Assessment. Issues concerning sustainability, consultation procedures carried out by the Council and drainage will also be considered.

HOUSING DENSITY

4.2 Central Government's planning policies on Housing is set out in Planning Policy Statement no.3 (PPS3). On the subject of housing density, paragraph 45 of PPS3 states "using land efficiently is a key consideration in planning for housing". Paragraph 47 of PPS3 further states "a density of 30 dwellings per hectare net should be used as a national indicative minimum to guide policy development and decision-making". In accordance with the minimum density set out in PPS3, Policy H5a of the City of York Draft Local Plan also expects a residential density of greater than 30 dwellings per hectare in areas outside York City Centre and the urban area of York. However, whilst meeting the density requirement this policy also requires the scale and design of proposed residential development to be compatible with the character of the surrounding area and not be harmful to local amenity.

4.3 In the case of this development, it is proposed to erect two residential units within a site area of approximately 0.1075 hectares. This would equate to an equivalent of 18 dwellings per hectare, a density which is significantly below the national minimum and the target set out in the City of York Draft Local Plan.

4.4 Nevertheless, in accordance with policy H5a of the City of York Draft Local Plan the issue on density should be considered in the light of other factors including the character and appearance of the surrounding areas and the amenity of the local residents. In this instance, the application site is situated in an area characterised by detached dwelling-houses with relatively large amenity space and distances in between the main elevation of each of the buildings. The application site also contains a number of mature trees which are subject to Tree Preservation Order. As

the result any structures which are to be erected within the site must keep an acceptable distance from these TPO trees and their roots. Furthermore, this is a corner plot directly facing towards one of the main accesses into and from the Haxby (Station road). Hence the site is highly visible especially from the opposite side of Station Road. It should also be noted that the building line of 2,4 and 6 Hall Rise are at least 15.0m away from Station road, which means any building which protrudes well beyond this 'established' building line would be harmful to the character and appearance of the area.

4.5 By virtue of the above constraints, it is considered to be unrealistic (without damaging the roots of the TPO trees and the visual character of the area) to expect the application site to offer a higher density level than what is already proposed. On the other hand, given that the proposed density is already far lower than the national and local expectations, issues concerning overdevelopment, a lack of garden space, the loss of amenity space, and the intensification of the application site are unlikely to warrant the refusal of planning permission. In order to comply with Policy L1c of the City of York Draft Local Plan 2005 the applicant will be expected to make a financial contribute towards off-site open space. This is to be secured by condition.

4.6 It has been noted that higher residential density could be achieved by erecting apartments rather than large 4-5 bed detached dwelling-houses (as proposed). Nevertheless, in the light of the findings of the City of York Strategic Housing Market Assessment, which concluded that almost two thirds of the housing demand in York is for houses, it is considered that the scheme proposed would accord with the aims of meeting York's housing demand as opposed to an apartment scheme.

DESIGN AND APPEARANCE

4.7 With regard to the design and appearance of the scheme and its impact on the character and appearance of the area, the site currently comprises an existing bungalow which is located within an established residential area. Whilst it is one of the few bungalows in this location, and whilst it blends in harmoniously with the area, it possesses no very exceptional architectural merits or historic interest that make it worthy of retention. In addition, the site is outside the conservation area boundary and thus the bungalow has no statutory protection. By virtue of the above, it is not considered that any significant weight can be attached to concerns over the loss of the existing bungalow.

4.8 The irregular pattern of the proposed footprints and its influence on the overall appearance of the two dwellings have been noted. The two buildings are characterised by wide lobby and landing areas linking the main sections of each of the buildings. This distinctive internal layout creates an irregular footprint pattern, and thus also influences the elevations, fenestration pattern and roof design of the buildings in a way that could be regarded as distinctively different than a standard dwelling-house. However, on balance, the distinctive appearance of the dwellings is not itself considered to be a reason to justify refusal of the application.

4.9 The additional information submitted in support of the application indicates that the design ethos behind the scheme originates from the sustainability of the design. This is achieved through incorporating the existing mature landscape in a way which

still allows natural light to penetrate deep into the site. This allows the retention of the landscape which, if the scheme were designed in a more traditional manner, would be likely to result the in increased use of artificial light.

4.10 In relation to the character and appearance of the locality, especially the houses nearby, it is acknowledged that the scheme proposed would not conform with the surrounding area by virtue of the distinctive design and appearances. Nevertheless, it is not considered that the design and appearance of the scheme would justify the refusal of refusal of planning permission, bearing in mind that paragraph 38 of the Central Government's Planning Policy Statement no.1 states local planning authorities "should not attempt to impose architectural styles or particular taste and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles".

4.11 The application site comprises of a number of Beech and Oak trees along the northern boundary fronting Station Road that are protected by a Tree Preservation Order (TPO). The high concentration of trees along this boundary provides a high degree of screening, so much so that even the two storey buildings would be screened to a large extent by these trees.

4.12 It is further noted that the overall height of these buildings would be no higher than the surrounding two storey buildings, and that notwithstanding their irregular patterns the proposed roof designs (the part of the buildings which would be most prominent from the public highway) are of domestic character and appearance.

4.13 By virtue of the above, on balance it is not considered that sufficient harm can be demonstrated which suggest that the appearance of the scheme would be unduly harmful to the visual appearance and amenity of the locality.

4.14 Concerns have been raised regarding the use of cedar boarding as one of the main choices of external materials. In order to ascertain whether the use of cedar material would harm the visual appearance and amenity of the area a sample has been requested. It is noted that light coloured natural cedar boarding with no external preservatives would be used. In relation to the application site with a high concentration of mature trees and greenery, it is not considered that the use of light coloured natural cedar boarding would be materially harmful to an area surrounded by predominantly light brick buildings. The choice of materials would be further regulated by an appropriate condition.

4.15 The building line of the scheme would project further towards Station Road than 2,4 and 6 Hall rise by approximately 2.0m. Notwithstanding the projection, the scheme would still be 14.0m away from Station Road. This, together with the screening provision afforded by the existing trees and planting would mean that the proposed projection would not unacceptably harm the visual quality of the area. A condition has been recommended to retain the railings surrounding the property at all times.

RESIDENTIAL AMENITY

4.16 The most recent drawing shows the first floor balcony which was originally proposed omitted from the scheme and replaced with a pitched roof. Furthermore, the rear elevation of plot 1 would be set approximately 4.0m away from the rear elevation of 6 Hall Rise with a distance of approximately 4.0m in between. In addition, there would be no window opening on the side elevation of plot 1. As such it is unlikely that the scheme would result in a loss of privacy to the principle rooms of the main building at no.6 Hall Rise. Due to the distance between the two plots and 13 Station Road, together with the screening effect afforded by the existing mature trees, it is not considered that the proposal would result in an unacceptable loss of privacy to 13 Station Road and other properties along Station Road. A distance of 4.0m between the side elevations of properties is considered to be acceptable.

4.17 There would be a distance of more than 3.0m between Plot 2 and 10 Hall Rise. The relationship between the two properties is regarded as acceptable. The rear elevation of the proposed buildings would be directly facing the garden area at 14 Hall Rise. Nevertheless it is considered that a separation distance of more than 20.0m would greatly reduce the potential loss of privacy, bearing in mind that such distance between the rear elevations of buildings is standard in this locality. This can be demonstrated by the distances between 6 and 16 Hall Rise, 4 and 18 Hall Rise, and 2 and 20 Hall Rise.

4.18 For the purpose of protecting the amenity of the nearby properties once the buildings are occupied, a condition has been recommended to remove the permitted development rights for future domestic developments including the installation of additional windows and doors.

HIGHWAY SAFETY

4.19 No objections were raised by the Highway Network Management Team. Nevertheless, it is noted that the proposal would involve the relocation of the existing vehicle crossing to the property off Hall Rise. As such the existing crossing point will need to be reinstated. This would be secured by way of condition. Conditions have also been recommended to ensure that all areas used by vehicles would be surfaced, sealed and positively drained within the site, and that the areas for parking and manoeuvring of vehicles would be constructed prior to the occupation of the building. Condition has also been recommended to ensure that the turning areas have been provided in accordance with the approved plans. Subject to these conditions, it is not considered by the Highway Network Management team that the proposal would create conditions prejudicial to highway safety.

4.20 Subject to a condition requiring a detailed method of works statement to be submitted and approved in writing by the local planning authority prior to the commencement of work, it is not considered that the use of Hall Rise during the demolition and construction process would be detrimental to highway safety. In any case, due to the condition recommended by the Landscape Architect to create a root protection area (RPA) along the northern boundary, it would not be possible to carry out demolition and construction works by creating a temporary access to the north of the site.

4.21 In relation to this development, the applicant proposes to provide a double garage and a 5.5m x 6.0m turning area for the proposed 4 bed property (plot 1), and another double garage and a 4.5m x 5.5m driveway for the proposed 5 bed property (plot 2). Furthermore, there would be sufficient cycle storage space within the double garage of each of the plots, and that the application site is within walking distance from Haxby centre. Having considered the relevant national and local planning policies together with the number of parking spaces proposed within the application site and its proximity to Haxby centre, it is considered that limited weight can be attached to concern regarding the proposed parking provision

TREE PRESERVATION ORDER AND PROTECTION

4.22 Following the submission of amended drawings, the latest response received from the Council's Landscape Architect has confirmed that the latest arrangement would satisfy the distances required for physical protection of the trees. Hence no objections were raised regarding the latest amended scheme. The latest site plan also shows all existing trees on site will be retained. In order to protect these trees during construction and demolition work, a condition has been recommended requiring a method statement regarding protection measures for the existing trees to be submitted to and approved in writing by the local planning authority. Conditions have also been recommended to ensure that the existing trees and planting will be retained at all times. Due to the distance between the proposed buildings and the TPO trees it is not considered that the use of heat pumps/pipes would detrimentally affect these protected trees. No objections were raised by the Landscape Architect regarding the use of heat pumps/pipes.

SUSTAINABILITY

4.23 In accordance with Policy GP4a "Sustainability" of the City of York Draft Local Plan 2005 a Sustainability Statement has been submitted with the planning application which describes how the development would fulfil the criteria set out under this policy. According to the information provided, ground source heat pumps would be installed to provide energy from renewable sources. In addition, solar panels would be used on the main house roofs to provide energy for hot water provision. Wall, roofs and floors would also be heavily insulated to the extent greater than required by the current building regulation standards, and low volume flush toilets and water efficient appliances will be used.

4.24 In order to reduce pollution arising from construction activity and environmental impact on other sites, building floor levels will be set to minimise the amount of spoil which will be exported off the site. Sustainable materials such as cedar boarding would be used. In addition, to minimise waste roof tiles and bricks from the demolished building would be reused as hardcore.

4.25 As mentioned above, the design of the scheme would maximise the use of natural light and reduce the dependence on artificial light, thus minimising energy consumption.

4.26 In terms of rain water harvesting, each house will have a surface water recycling tank to the volume of 4500 litres. This collects surface water run off and

reuses it in washing machines, toilets and outside taps. Only when this reaches capacity is the surface water dispensed into the public sewer network.

4.27 It is also noted that the application site is within walking distance from the district centre of Haxby and public transport facilities. The type of family sized dwellings proposed would contribute towards meeting the social need of communities within the city, as demonstrated by the findings of the Strategic Housing Market Assessment.

4.28 By virtue of the above, it is considered that the scheme proposed would comply with the standards set out in Policy GP4a of the City of York Draft Local plan. It is also considered that by replacing the existing bungalow with two new dwellings constructed to a significantly higher standard is more sustainable, in the long term, than the status quo.

4.29 In accordance with the City of York Interim Planning Statement on Sustainable Design and Construction the scheme proposed is required to achieve a minimum of Level 3 under the Code for Sustainable Homes. A condition has been recommended to ensure that the development would comply with the required standard.

DRAINAGE

4.30 Following initial concerns raised by the Council's drainage engineering consultancy, additional information has been submitted by the applicant's agent, which states that as part of the drainage design, storage capacity suitable for a 1 in 100 year storm will be used. This will be by the way of oversized drainage pipes on site running into a 100mm diameter pipe before entering the public sewer. The 100mm diameter pipe will be fitted any necessary flow restrictors to reduce the flow as required. No objections are now raised on drainage grounds.

4.31 PROTECTION OF SPECIES: As noted by the Conservation team, the site has a moderate potential for bats as the surrounding area is beneficial for roosting bats and there are many records of roosts nearby. It is therefore recommended that a condition should be imposed to ensure that equivalent roost opportunities are incorporated into the proposed new dwelling to make up for features lost. In addition, measures should also be in place during the demolition phase to ensure that any bats which may take up residence in the future are taken into account. This can be done through timing of work or by carrying out further survey prior to demolition. Again this can be secured by condition.

4.32 PLANNING AGAINST CRIME: No objections were raised by the North Yorkshire Police regarding the design or layout of the development. It is not expected that the scheme proposed would become a crime generator in the area. As the application is only for 2 dwellings it does not fall into the remit of Secured-by-Design.

4.33 Having taken the above into account, it is considered that the proposed development accords with the National Planning Policy Guidance and Statements, and the policies set out in the City of York Draft Local Plan 2005. Hence, this application is recommended for approval.

5.0 CONCLUSION

By virtue of the above this application is recommended for approval.

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:-

666.002 Rev B and 666.001 Rev B received on 19 May 2008 and 25 September 2008

or any plans or details subsequently agreed in writing by the Local Planning Authority as 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 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 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4 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 shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing to be shown on a plan; phasing of works; site access during demolition/construction; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles and storage of materials; location of site cabin; methodology and construction details for the driveway to plot 1. The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new service runs.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area and/or development.

5 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

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

INFORMATIVE:

To satisfy this condition it is expected that design storage capacity suitable for a 1 in 100 year storm is incorporated as part of the drainage design. As confirmed in the applicant agent's e-mail dated 19 May 2008, this is to be achieved by oversized drainage pipes on site running into a 100mm diameter pipe before entering the public sewer. The 100mm diameter pipe will have the necessary restrictors to reduce the flow to 70% of the existing rate, along with a 20% addition to storage volume to accommodate climate change.

6 None of the boundary railings enclosing the site shall be lowered, breached or removed without the prior written consent of the Local Planning Authority.

Reason: In the interests of the visual amenities of the area.

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

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

8 HWAY9 Vehicle areas surfaced

9 HWAY19 Car and cycle parking laid out

10 HWAY21 Internal turning areas to be provided

11 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £6894.00.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

12 No development shall take place until full details of what measures for bat mitigation and conservation are proposed and have been submitted to and approved in writing by the Local Planning Authority. Thereafter 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.

INFORMATIVE:

To satisfy this condition the measures for bat mitigation and conservation should include :

- i. Further 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.
- ii. A plan of how demolition work is to be carried out to accommodate the possibility of bats being present.
- iii. Details of what provision is to be made within the new building to 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 and should at least replace or substitute for what is existing.
- iv. The timing of all operations

In addition, the applicant is reminded that under Planning Policy Statement no.9 the replacement/mitigation proposed should provide a net gain in wildlife value.

13 LAND3 Protection of existing planting

14 LAND2 Retention of trees shown on plans

15 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7.5 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

16 Prior to the commencement of the works hereby permitted, a detailed method

of works statement shall be submitted to and agreed in writing by the Local Planning Authority. This statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site, the access to the site, the route taken by vehicles transporting the demolition waste from and construction materials to the site and the hours of operations

Reason: to ensure that the works are carried out in a safe manner and with minimum disruption and inconvenience to the users of the adjacent public highways

17 At the soonest available opportunity, and in any event prior to the completion of the development, the developer shall submit a completed "Sustainable Design and Construction" statement for the development. The development hereby approved shall achieve a Code for Sustainable Homes Level 3***, and if this is not achieved, the developer shall demonstrate the changes that will be made to the development in order to achieve this standard unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

18 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C, D and E of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995 as amended the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

Housing Density
Design and Appearance
Residential Amenity
Highway Safety
Tree Protection
Sustainability

Drainage
Safeguarding of Protected Species
Open Space contributions.

As such the proposal complies with Policies H4A, H5A, GP1, GP4A, GP15a, NE6, GP9, GP10, GP3 and L1C of the City of York Local Plan Deposit Draft.

2. INFORMATIVE:

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

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

3. The developer's attention should also be 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 noted and acted upon:

i. 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".

ii. 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.

iii. 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.

iv. 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.

v. There shall be no bonfires on the site.

4. The applicant is reminded that if bats are discovered during the course of the work, then work should cease and Natural England should be consulted before continuing.

Contact details:

Author: Billy Wong Development Control Officer

Tel No: 01904 551326