

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 6 November 2008  
**Ward:** Huntington/New Earswick  
**Parish:** Huntington Parish Council

**Reference:** 08/00814/FUL  
**Application at:** 279 Huntington Road York YO31 9BR  
**For:** Erection of 3 no. three-storey and 1 no. two storey flat roof dwellings and 1 no. detached flat roof dwelling with attached double garage, with associated parking, landscaping and access road after demolition of 279 Huntington Road, on land to the rear of 277 to 281 Huntington Road (resubmission)  
**By:** Mr C Cook  
**Application Type:** Full Application  
**Target Date:** 27 May 2008

### 1.0 PROPOSAL

1.1 This is a full planning application to demolish 279 Huntington Road and to erect 4 terraced dwellings and one detached dwelling. Three of the terraced dwellings are three-storey and one is two-storey. The detached dwelling is two-storey and also includes an attached double garage. All of the properties are flat roofed and have a contemporary design. The terrace of houses would be parallel to the river and the detached property at a right angle creating an 'L' shaped courtyard.

1.2 The application site comprises 279 Huntington Road and the rear element of what would presumably have been the gardens of 277, 279a and 281 Huntington Road. The site is bounded to the west by the river Foss. To the south is part of the rear garden of 275 and to the north part of the rear garden of 283 Huntington Road.

1.3 The site is rectangular in area and proposed to have a new private access road on to Huntington Road. The overall area is approximately 0.20 hectares. The access strip to the site is approximately 8.2 metres wide.

#### Planning History

1.4 In 2001 a planning application (01/00533/FUL) to erect 3 large detached dwellings with associated double garages on a site that had the same boundary (with the exception of not including the rear garden of 281 Huntington Road) was refused by committee on the grounds of overdevelopment and because it was considered that the replacement of a house with an access road would detract from the visual amenity of the area. A subsequent appeal was dismissed. The Inspector raised particular concerns in respect to the impact of the access road on the security and amenity of adjoining neighbours and felt that the scheme was a 'contrived' overdevelopment which did not make the best use of land to the rear of Huntington Road. She also raised concerns in respect to the position of the bin store.

1.5 In 2007 two planning applications were submitted to develop the current application site coupled with the adjoining land to the rear of 283 and 285 Huntington Road (07/0962 and 07/02588) (an additional 0.07 hectares). The schemes were for 9 and 10 houses respectively and included an adopted road access to Huntington Road. Both were withdrawn. Officers had raised several planning concerns including overdevelopment, the impact on trees, the impact on the setting of the river and the impact on the amenity of adjacent occupiers.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

### 2.2 Policies:

CYGP1  
Design

CYGP4A  
Sustainability

CYGP7  
Open Space

CYGP9  
Landscaping

CYGP10  
Subdivision of gardens and infill devt

CYGP15  
Protection from flooding

CYNE2  
Rivers and Stream Corridors, Ponds and Wetland Habitats

CYNE1  
Trees, woodlands, hedgerows

CYH4A  
Housing Windfalls

CYH5A  
Residential Density

### **3.0 CONSULTATIONS**

#### **3.1 INTERNAL**

HIGHWAYS (NETWORK MANAGEMENT) - No objections subject to conditions relating to the design of the junction and highway widths.

COUNTRYSIDE OFFICER - No objections subject to provision for measures to encourage wildlife within the new development.

LANDSCAPE ARCHITECT - Generally supportive of the modern design and increased separation distance from the rivers edge. Reservations in respect to the "box" type design. Surfacing and landscaping should be conditioned along with boundary treatment by the river.

ENVIRONMENTAL PROTECTION UNIT - No objections subject to conditions regarding assessing contaminants and methods of construction.

ARCHAEOLOGIST - Watching brief required.

YORK CONSULTANCY (DRAINAGE) - No objections

#### **3.2 EXTERNAL**

PARISH COUNCIL - Object - The development is incongruous, there is insufficient car parking, the collection point for refuse is too far from the houses and main road.

NEIGHBOURS - Representations received from 4 neighbours raising the following issues:

Huntington Road is very busy with cycle lanes, a mix of junctions and many uses, the junction including its levels would create a hazard for neighbours, occupiers, pedestrians and cyclists.

Buildings are out of character.

It is unclear what landscaping is being proposed and retained.

Inadequate information on proposed lighting, signage and boundaries along the new access road.

Inadequate number of parking spaces.

The refuse collection point will be used for parking and people loitering.

Works to change ground levels could cause gardens to 'slide'.

Discrepancies in respect to the width of number 279 shown on the plan and the measurement on site. The boundary and outbuildings of 277 are not shown accurately

Noise from the construction and demolition.

Overlooking of gardens.

Discrepancies on plans

Would like clarification of proposed boundary treatment and planting.

Concerned that the proposed gates will create more noise and pollution to adjoining properties.

FOSS INTERNAL DRAINAGE BOARD - No objections subject to conditions relating to the rate of surface water discharge, development adjacent to the river and floor levels.

ENVIRONMENT AGENCY - No objections in principle subject to conditions on surface water and finished floor levels.

POLICE CRIME PREVENTION DESIGN ADVISOR - Advice offered in respect to landscaping. The area recently has an issue with vehicle crime, however burglaries are low. The new access road should not be permitted to reduce protection against burglaries. Consider that the gates should improve security within the site.

## **4.0 APPRAISAL**

### **4.1 Key Issues**

- impact on living conditions of adjacent occupiers
- impact on visual amenity
- quality of accommodation
- parking and highway safety
- sustainability
- drainage
- wildlife and landscaping
- development potential of adjoining land
- security

4.2 Although the proposals are to develop the site with 5 houses the net gain in dwellings is 4 given that it includes the demolition of 279 Huntington Road. The dwelling is being demolished in an attempt to create an adequate access into the

site. The site including the access road is 0.20 ha giving a density of 25 units to a hectare. This is below the target for residential densities in urban areas, although given the long access and constraints of the site caused by the riverside setting it is considered that some flexibility should be applied in this case.

4.3 Proposals that make better use of brownfield land for residential development accord with the general thrust of local and national planning policy subject to meeting specific criteria. Policy GP1 of the City of York Draft Local Plan sets out criteria for development proposals, including: respect for the local environment: density, layout, scale, mass and design compatible with neighbouring buildings, space and character of the area and provision of adequate amenity space and wildlife habitat. Policy GP10 states that permission for new development will only be granted for the subdivision of existing gardens or infilling where this would not harm the character and amenity of the local environment. Policy H4a generally permits residential development on unallocated land in accessible locations within the urban area where amongst other things it is of an appropriate scale and density to the surrounding development.

4.4 Relevant national guidance includes PPS1: Delivering Sustainable Development and PPS3: Housing. As the site is within Flood zone 2/3 the guidance within PPS25: Development and Flood Risk is also relevant

The key issues are considered below:

#### IMPACT ON LIVING CONDITIONS

4.5 It is considered that there is sufficient separation between the proposed houses and adjoining properties to avoid unacceptable harm in respect to loss of light, outlook or privacy. Typically distances between the proposed houses and the rear of existing homes is around 30 metres. There will be some loss of light and privacy to adjoining gardens however their size is such that overall amenity levels will still be of a good standard.

4.5 The main issue in respect to neighbours' living conditions is considered to be the impact of noise and disturbance through the creation of the proposed access road following the demolition of 279. The road that is proposed to enter the site would be located on the site of 279 between the side elevations and gardens of 277 and 279a Huntington Road. Both properties have their own narrow vehicular access between the house and proposed access road. The proposed relationship would not be unlike those serving a number of small developments that have taken place elsewhere in the city and the local area. For example, in 2004 (04/01993) planning permission was granted for 7 dwellings following the demolition of 175 Huntington Road. This created a small cul-de-sac development passing by the house and side garden of 177 Huntington Road.

4.6 In the appeal decision in 2001 relating to the application site the Inspector made reference to the proximity of the access to adjacent houses and concern that it would give rise to unacceptable disturbance to residents on either side. It is not considered that the current scheme is unduly different from the previous access arrangements, with the exception of the gated access. However, it is considered that in the context

of an urban area (and a site close to a busy road) that the additional noise and disturbance caused by cars travelling near the side of the houses and gardens would not in itself be so harmful to justify refusal subject to the road being hard surfaced and an appropriate boundary treatment created. There would be some noise associated with the operation of the access gates, however, it would not be excessive. The access gates would also mean that the proposed access road could not be used as a parking area for nearby residents.

4.7 The refused scheme incorporated an enclosed bin store adjacent to 277 which raised concerns in respect to noise and odours. The current scheme incorporates storage adjacent to the new dwellings with bins left in an unenclosed area closer to Huntington Road on the day of collection.

#### IMPACT ON VISUAL AMENITY

4.8 The proposal will have limited impact on Huntington Road given that it is a back land site. It is not considered that the demolition of 279 Huntington Road is unduly detrimental to the character of the area providing the boundary treatment and landscaping of the new access road is to a good standard. There will be some views of the development from areas of Foss Court and Waterdale Park, however, it is not considered that the development will be unduly prominent from these viewpoints.

4.9 It is considered that the most significant elevation is that facing the river Foss. There is a public footpath running along the opposite bank with clear views of the application site. The banks of the river Foss in the vicinity of the application site and heading north out of the city generally have a natural character with a backdrop of trees dominating the environment. It is considered that any proposed residential development should seek to achieve an adequate balance between built development and a naturalised environment. The proposed development is typically proposed to be set back about 15 metres from the rivers edge. This is considered adequate to avoid overdevelopment. The scheme is imaginative, utilising contemporary buildings and has been designed to try and harmonise with the site. The generous use of timber cladding will help to soften its impact. The maximum building height is 8.2m, which is comparable to most two-storey development, however, the flat roofed design will make the scheme appear more bulky than a pitched roof development. Landscaping along the rivers edge can be conditioned and permitted development rights to erect fences, extensions and outbuildings removed to help ensure that the setting of the riverbank is protected in the future (conditions 6-9).

#### QUALITY OF ACCOMMODATION

4.10 It is considered that the proposed dwellings have a good standard of amenity with attractive views across the river. The garden size for the four properties within the terrace is relatively short at 7 metres, however, the properties also have balconies. Because of the openness of the site the properties have good 'visual access' to surrounding land. Attached storage buildings are built within the rear garden.

## PARKING AND HIGHWAY SAFETY

4.11 Highways officers have no objections to the scheme. Each of the dwellings now has 2 off-street parking spaces to meet the needs of occupiers and visitors. It is considered that this is appropriate for the location and size of the houses. Attached cycle storage buildings are built within the rear garden.

4.12 Because the access route to the cul-de-sac is straight and overlooked from Huntington Road and proposed dwellings it is considered that it creates a safe environment for pedestrian access. The total width of the access route is around 8.2 metres and adjacent dwellings are set off the boundaries. This will prevent the entrance from feeling oppressive or unsafe. Issues relating to road widths, visibility and lighting are covered by conditions 10-16.

## SUSTAINABILITY

4.13 Policy GP4a of the Draft Local Plan requires the submission of a sustainability statement to demonstrate how the proposal addresses the criteria set out within the policy. In this respect, the applicant's agent makes the following points:

- the site is within walking distance of local amenities and approx 15 minutes by cycle from York City Centre. There is also a good bus service.
- the proposal provides family houses rather than apartments
- commuted sums will be provided to enhance local facilities
- the development will be constructed of renewable materials where possible, utilising timber frames and sheep's wool for wall cavities
- energy efficient PVCu glazing will be used together with a micro combined heating and power unit
- the terraced properties will reduce heat loss as a result of the reduced external envelope
- low energy lighting, movement sensitive lighting and non-electric heating all combine to reduce power consumption
- rainwater harvesting will be utilised for watering the landscaped area along the Foss
- each dwelling will be provided with separate containers for household and green waste

Condition 24 requires compliance with a Code for Sustainable Homes "Very Good" rating.

## DRAINAGE

4.14 The proposed rear gardens are within flood zone 3. Given that the ground levels rise up from the river the houses themselves would be within flood zone 2. In accordance with the Council's Strategic Flood Risk assessment the applicant has included calculations to assess flood risk to and as a consequence of the proposed development. These have been assessed by internal and external consultees and are considered acceptable. Conditions 19-21 have been included relating to surface water storage and floor levels.

## WILDLIFE AND LANDSCAPING

4.15 The application site has been surveyed by the Council's countryside officer and has relatively limited value for wildlife, however, given the potential importance of the riverbank as wildlife habitat it will be conditioned that further details are submitted in respect to its treatment and maintenance. A condition has been included requiring features suitable for bat roosts and controlling the timescale for the demolition of outbuildings.

4.16 It is important that the boundary with the river is left as undeveloped as possible and attractive planting incorporated where practical. This aspect will be covered by condition, including taking away permitted development rights for fencing and outbuildings. The soft and hard landscaping on the Huntington Road side elevation will also be conditioned.

## DEVELOPMENT POTENTIAL OF ADJOINING LAND

4.17 The previous two applications that were withdrawn and involved the construction of 9 and 10 dwellings respectively also included part of the rear gardens of 283 and 285 Huntington Road. This area of land is in separate ownership to the land that is part of the current application for five dwellings. The layout of the scheme will make it impractical to create an access through to the site from the proposed new highway from Huntington Road. It is not considered that this should, however, justify the refusal on the grounds of creating potentially piecemeal housing development. The two previous schemes set out to create a more comprehensive development but did not reach the stage where it was considered they could be recommended for approval. It is considered that the current application is a reasonable use of land and that any proposals to develop the adjoining site should be considered on their merits. It will be conditioned that no habitable room windows are located on the rear of the detached property to avoid the development unacceptably compromising future development.

## SECURITY

4.18 Although not one of the reasons for refusal of the 2001 application, the Inspector expressed concerns about the implications of the development on the security of people walking to the development and also the impact of opening up the garden boundary of the two adjoining houses to the access road. In an attempt to overcome these concerns the applicant has introduced gates to the front of the access road. It is intended that the vehicular access gate be operated by remote control and the pedestrian gate will be lockable. It is considered that these arrangements would create the impression that the road is private and deter many people from entering. The orientation of the houses in the new scheme is such that four would look directly down the road and its boundary. It is not considered that this relationship would encourage crime. The Police Crime Prevention Officer has stated that auto crime is currently a problem in the area, but, burglary rates are low. He has recommended that the perimeter security of the boundaries bordering the new access should be a priority.



## SECTION 106 CONTRIBUTIONS

### 4.19 Play/Open space

The development will lead to a net gain of 4 four-bedroom dwellings. On sites of less than 10 dwellings a commuted sum will be required towards off site provision. Using the Councils guidance on commuted sums for open space that was approved in April 2007 a total contribution of £12,024 would be required for increasing access and provision for children's equipped play space, informal amenity space and outdoor sports facilities.

### 4.20 Education

No contribution required.

### 4.21 Affordable Housing

The site area and number of homes is below the number at which affordable housing is sought.

## 5.0 CONCLUSION

5.1 Proposals to make more efficient use of brownfield sites for residential development are in accordance with the general thrust of central government guidance. The current proposal is a contemporary scheme that would seek to respect the relationship with the river Foss.

5.2 The Inspectors three reasons for dismissing the appeal related to the location of the bin store, the security risk from development and disturbance to neighbours. Bins are now proposed to be stored adjacent to the dwellings and only collected from the proposed access road. It is not considered that this would be unacceptable. It is considered that the introduction of security gates and a suitable boundary treatment will avoid creating an environment in which property or individuals will be particularly vulnerable to crime. The Police Crime Prevention Design Advisor does not object to the scheme. The development will result in additional vehicle and pedestrian movements at the side and rear of the two adjoining properties. However, subject to suitable surfacing and boundary treatment it is not considered that the level of disturbance that would be created would go beyond that which would be considered typical of an urban area.

5.4 It is recommended that the application be approved.

**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:-

Plan 05:54:21 'F' received by the Local Planning Authority on 1 September 2008.

Drawing 05:54:22 'C' received by the Local Planning Authority on 12 June 2008.  
Drawing 05:54:23 received by the Local Planning Authority on 01 April 2008.  
Drawing 05:54:24 received by the Local Planning Authority on 01 April 2008.  
Flood Risk Assessment NR/AD/27330-Rp001 dated July 2007/ 22 May 2008.

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.  
In respect to store design the elevations shown on drawing 05:54:22 c shall apply.

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 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 development commences and shall be provided before the development is occupied.

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

5 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 hardsurfacing of the site 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 and reduce surface water run-off.

6 No development shall take place 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 and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

7 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A - F of Schedule 2 Part 1 and Class A of Part 2 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.

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority no openings shall be created in the external elevations of the buildings other than those shown on the approved plans.

Reason: To protect neighbours' living conditions.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the windows in the northern elevation of the detached dwelling (unit 5) shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above and remain fixed shut.

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

10 Details of the proposed entrance gates shown on drawing 05:54:21 F shall be submitted to and agreed in writing with the Local Planning Authority. The gates shall be erected in accordance with the agreed details prior to the occupation of the dwellings and the gates shall be maintained in a fully efficient working order unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to provide a secure environment for future occupiers and occupiers of adjacent dwellings.

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

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

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

Reason: In the interests of road safety.

13 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.

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

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

15 Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

16 Vehicular access to the site shall at all times have a minimum width of 3.7m with a height clearance of 4.5m. Details of the design of this access, together with associated sightlines and streetlighting, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: To ensure that there is access for emergency vehicles.

17 Notwithstanding the approved details, prior to the occupation of the accommodation further details of the proposed refuse collection point shall be submitted to and agreed in writing with the Local Planning Authority. The collection point shall be implemented in accordance with the plans prior to the occupation of the accommodation and maintained as agreed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenity and living conditions of adjacent occupiers

18 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

19 No development approved by this permission shall be commenced until a scheme for the on-site storage of surface water and its discharge from the site at a controlled rate has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in its entirety prior to the first occupation of the development and shall be maintained thereafter. The rate of discharge shall not exceed that of a "greenfield site", i.e. 1.4 lit/sec/ha.

Reason: To prevent the increased risk of flooding and prevent damage to landscaping.

20 All drainage routes through the site shall be maintained both during and after completion of the works on the site.

Provisions shall be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the site and shall include such systems as "ridge and furrow" and "overland flows".

Reason: To avoid increasing the risk of flooding

21 Finished floor levels shall be set no lower than 11.40 AOD.

Reason

To protect the dwellings from potential flood flow routes through the site

22 Trees shown to be retained and/or subject to a tree preservation order (TPO) shall be protected during the development of the site by the following measures: - Prior to site clearance, site preparation, installation of utilities, building or other development operations, including the importing of materials and any excavations, protective fencing to BS5837: 2005 shall be erected around all existing trees shown to be retained. Before commencement on site the protective fencing line shall be shown on a plan and agreed with the local authority and subsequently adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zone: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles, mechanical cultivation under the canopy spread of retained trees. There shall be no site huts, no marketing offices, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

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.

23 No development shall take place until details have been submitted to and approved in writing by the Council of what measures are to be provided to within the design of the new buildings/conversion to accommodate bats. The works shall be completed in accordance with the approved details. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, bat boxes. etc.

Reason: To take account of and enhance the habitat for bats.

24 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.

25 A desk top study, site investigation (which will assist with foundation choice) and gas monitoring shall be carried out prior to the commencement of development. This shall include:

(i) A desk study identifying any potentially contaminative uses which have or are currently occurring on site shall be submitted to and approved by the local planning authority prior to development of the site.

Reason: to protect the health & safety of workers and future occupants of the site.

(ii) Prior to the commencement of development a scheme for monitoring landfill gases shall be designed and provided to the Local Planning Authority for approval.

Reason: to protect the health & safety of workers and future occupants of the site.

(iii) Gas monitoring shall be carried out on the site in accordance with the approved scheme, to consider the effect of any landfill gas migration. The survey shall be undertaken and the results submitted to the local planning authority prior to any works being carried out on the site.

Reason: to determine if landfill gasses are being emitted from the site which may be detrimental to the health and safety of the occupants.

(iv) Based on the information from the gas survey, proposals for a gas protection regime shall be submitted to and approved by the local planning authority prior to the commencement of any development on site.

Reason: to protect the health and safety of the occupants.

(v) A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land:code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on site.

Reason: to protect the health & safety of workers and future occupants of the site.

(vi) A risk based remedial strategy shall be developed based upon the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site.

Reason: to protect the health & safety of workers and future occupants of the site.

Informative: the remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

(vii) A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

Reason: to protect the health & safety of workers, future occupants of the site, and the integrity of any proposed underground services.

(viii) A timetable of proposed remedial works shall be submitted to the local planning authority prior to any works being undertaken on site.

Reason: To protect the health and safety of workers on site, occupiers of the site and the integrity of any proposed underground services.

26 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 £12,024.

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.

27 Any piling operations shall be carried out using the quietest practicable method available. Local residents should be notified of the dates, times, likely duration and works to be undertaken. Details of the piling method chosen must be submitted to and approved in writing by the Local Planning Authority prior to any works being carried out.

reason: To protect the amenity of nearby residents.

28 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.	

## **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:

- impact on living conditions of adjacent occupiers
- impact on streetscene
- impact on visual amenity
- quality of accommodation
- parking and highway safety
- sustainability
- drainage and flood risk
- wildlife and landscaping
- development potential of adjoining land
- security

As such the proposal complies with Policies GP1, GP4a, GP7, GP9, GP10, GP15a, NE2, NE1, NE7, H4a, H5a of the City of York Local Plan Deposit Draft.

2. A strip of land 9 metres wide adjacent to the top of both banks of all watercourses shall be kept clear of all new buildings and structures (including gates, walls, fences and trees) unless agreed otherwise in writing with the Local Planning Authority in consultation with the Internal Drainage Board. Ground levels must not be raised



within this area. Access arrangements should be agreed with the Internal Drainage Board.

3. If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

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. Failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(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. 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:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

#### 5. FOR INFORMATION

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

#### 6. INFORMATIVE

Future occupiers should be made aware that because of the sensitivity of the site permitted development rights to erect extensions, outbuildings, new openings, fencing have been removed and as such planning permission will always be required for such developments. All occupiers are recommended to check with the Local Planning Authority prior to undertaking any alterations or extensions.

**Contact details:**

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