

## COMMITTEE REPORT

**Date:** 16 December 2024      **Ward:** Huntington/New Earswick

**Team:** East Area      **Parish:** New Earswick Parish Council

**Reference:** 23/01879/FUL  
**Application at:** Garages At Hawthorn Terrace South New Earswick York  
**For:** Erection of 5no. dwellings following demolition of existing garages with associated access, parking and landscaping  
**By:** Joseph Rowntree Housing Trust  
**Application Type:** Full Application  
**Target Date:** 3 October 2024  
**Recommendation:** Approve subject to Section 106 Agreement

### 1.0 PROPOSAL

1.1. Planning permission is sought for the erection of 5no. dwellings (in the form a terrace) following the demolition of the existing garages on Hawthorn Terrace South in New Earswick. The dwellings will each have 2no. bedrooms. To the front of the dwellings will lie a landscaped open area and to the rear each dwelling will host its own private rear garden bound by a hedge and gate. A cycle store (including a general garden store) is provided in each rear garden.

1.2. Tree removal is required and includes the felling of 21no. trees (a mixture of category B and C). Landscaping is proposed through new footpaths, tree planting, hedging and shrubbery. 5no. parking spaces will be provided alongside a visitor parking space. During the course of the application, negotiations have taken place and an updated application form has been provided to confirm all 5no. dwellings will be affordable (social, affordable or intermediate rent).

1.3. The site currently contains 18no. single storey garages in 2 rows, with hardstanding to the front of each garage. The adopted highway (Hawthorn Terrace South) lies to the south. To the north of the garages is a band of mature trees and existing open space (Hawthorn Terrace South AGS). A footpath (not a public right of way) lies in between the garages and connects to the open space and surrounding paths. The site lies within the New Earswick Conservation Area. The dwellings immediately to the North (6-12 Ivy Place), North East (1-5 Ivy Place) and South (1-31 Station Ave odd numbers) are Grade II Listed. The site lies within Flood Zone 1.

1.4. The following site history is relevant:

- 08/00848/FUL – Erection of three storey detached dwelling. Withdrawn: 09.08.2008 (Land to the east of the garage block)

1.5 The application is reported to Planning Committee B as the application was called in by Councillor Carol Runciman on the following grounds;

- Parking is limited in New Earswick
- Cutting down of mature trees
- Damage the character of the village which is in a Conservation Area.
- Flooding in the area and the sewage system may already be overloaded.

## **2.0 POLICY CONTEXT**

### **NATIONAL PLANNING POLICY FRAMEWORK**

2.1. The revised National Planning Policy Framework (NPPF) was published in December 2023 and sets out the government's planning policies for England and how these are expected to be applied.

2.2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004).

### **PUBLICATION DRAFT LOCAL PLAN (DLP 2018)**

2.3. The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. Formal examination hearings have taken place and a response from the Inspectors is awaited. The draft policies can be afforded weight in accordance with paragraph 48 of the NPPF.

2.4. Key relevant DLP 2018 policies are:

H2 – Density of Residential Development

H3 – Balancing the Housing Market

H10 – Affordable Housing

D1 – Placemaking

D2 – Landscape and Setting

D4 – Conservation Areas

D5 – Listed Buildings

GI2 – Biodiversity and Access to Nature

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GI2a – Strensall Common Special Area of Conservation (SAC)  
GI4 – Trees and Hedgerows  
GI5 – Protection of Open Space and Playing Fields  
CC2 – Sustainable Design and Construction of New Development  
ENV2 – Managing Environmental Quality  
ENV3 – Land Contamination  
ENV4 – Flood Risk  
ENV5 – Sustainable Drainage  
WM1 – Sustainable Waste Management  
T1 – Sustainable Access  
T8 – Demand Management

### **3.0 CONSULTATIONS**

#### INTERNAL

##### Archaeology

3.1. Do not wish to impose any archaeological condition. Do not believe any archaeological resource of any significance to be under threat.

##### Public Protection

3.2. Recommend conditions; CEMP, working hours, land contamination and an EV charging point informative.

##### Ecologist

3.3 No objections but recommend a biodiversity enhancement condition and informatives regarding nesting birds, hedgehogs, wildlife and lighting.

3.4 The works would not have any conceivable effect on Strensall Common Special Area of Conservation (SAC).

##### Landscape Architect

3.5 Two trees to be felled would be worthy of a Tree Preservation Order. The proposed landscape scheme, in the context of the proposed development, provides adequate mitigation for the loss of trees. The Landscape Architect has no objection to the proposed development subject to conditions.

##### Carbon Reduction

3.6 Recommend conditions with regards to reducing carbon emissions and water consumption.

### Highways

3.7HDC can't support this application, because although the car parking requirement (5 spaces + 1 visitor space) for the proposed dwellings has been met, the demolition of the existing garages to facilitate the new dwellings will result in the loss of up to 18 existing car parking spaces (plus further usable 'tandem' parking space in front of the garages) and the applicant has not provided sufficient evidence to prove that the garages are not being used for the parking of cars within them.

### Housing Development

3.8 Strongly welcomed. The affordable housing proposed is of excellent quality and is additional to the policy requirement as no affordable homes would be expected under Policy H10 for a site this size. All homes will exceed the good practice Nationally Designed Space Standards guidance, providing well designed homes with the living and storage space needed for residents.

3.9 The homes proposed in this application would make an important contribution towards meeting the local need. By providing 2 bed homes, the proposed development would also make an important contribution to meeting the highest priority need types identified in the Local Housing Market Assessment.

3.10 This application sets a very high standard of design quality and access to shared outdoor space provision nearby in New Earswick.

3.11 The provision of energy efficient homes may be expected to particularly benefit lower-income affordable housing occupants, who would realise proportionally greater budgetary savings from reduced energy costs.

### Education

3.12 The application is fewer than 10 dwellings and less than 1000m2 in built floor area so no contribution is requested.

### Flood Risk Management Team

3.13 Having assessed the submitted Permeability Testing Report – Re: S231210 dated 29 January 2024 by Solmek, now agree to the submitted Drainage Layout  
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Plan – Re: P15691-500 Revision A dated 13th September 2023 by Goodson Associates.

3.14 In summary, the submitted Drainage Layout Plan – Re: P15691-500 Revision A dated 13<sup>th</sup> September 2023 showing foul water being connected to the public foul sewer in Chestnut Grove and surface water connected to the public surface water sewer in Hawthorn Terrace South at a restricted rate of 2.6 (two point six) litres per second with appropriate attenuation up to and including the 1 in 100 year event with 30% climate change event is acceptable in principle and therefore recommend conditions.

### Design and Conservation

3.15 Conclude that the new development would result in a low to very low level of harm to the historic environment (comprising the setting of the listed buildings and the character and appearance of the conservation area); this considers the desirability of removing the uncharacteristic garages against the impacts of replacing them with the proposed row of dwellings and the resultant erosion of the architectural and spatial qualities of the conservation area. Improvement of architectural matters could be explored and would reduce harm but concerns over the spatial aspects of the scheme would remain due to the constrained site layout. The level of harm falls within the ‘less than substantial’ category and therefore, in line with the requirements of the NPPF, public benefits must be weighed against the harm.

### EXTERNAL

#### New Earswick Parish Council

3.16 Object on the following grounds;

- Erosion of open land in the Parish changing the character of the Conservation Area.
- Including this application and other developments, there will be 247no. additional residents in a small suburb of York.
- Garage re-provision is subject to availability and in much reduced stock.
- Parking already difficult for residents and visitors.
- Implication for drainage and sewage disposal. Areas of New Earswick have been flooded in recent years.
- Removal of established trees.

#### Foss Internal Drainage Board

3.17 Recommend a pre-commencement condition to secure details of surface water and foul water discharge.

### Yorkshire Water

3.18 The drainage details submitted on drawing 500 (revision A) dated 13/09/2023 that has been prepared by Goodson Associates require amendments. The following points should be addressed:

- a.) evidence should be submitted to show that other (than discharge to public sewer) means of surface water disposal have been considered and why they have been discounted
- b.) evidence of existing impermeable areas positively draining to the public sewer is required to prove rate of discharge

3.19 The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal.

- a.) Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.
- b.) The developer and Local Planning Authority are strongly advised to seek comments on surface water disposal from other drainage bodies as further restrictions may be imposed.

3.20 As the proposal site is currently undeveloped, no positive surface water is known to have previously discharged to the public sewer network. Surface water discharge to the existing public sewer network must only be as a last resort and the developer is required to eliminate other means of surface water disposal.

- a.) As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public surface water sewer at a restricted rate of 2.6 litres per second.

## **4.0 REPRESENTATIONS**

4.1. 20 letters of objection were received on the following grounds;

- Felling of mature trees.
- Beauty of the village being destroyed by JRHT
- Overshadow neighbouring properties
- Loss of light
- Too close to neighbours

- Overlooking and privacy concerns.
- Existing garages neglected and unused.
- Restrict road access
- Parking concerns in the vicinity
- Traffic
- Noise
- Existing utilities are poor
- Construction disruption
- Cramped environment
- Overdevelopment
- Design and appearance concerns.
- Reduction of green and natural landscape
- Ecological and biodiversity concerns.
- Infrastructure not maintained for existing properties.
- Loss of open space
- High density
- New builds should have PV panels, heat pumps and insulation.
- The area serves as a turning point for delivery vans, trades, waste collection and emergency vehicles.
- Lose a tourist/visitor attraction of the Garden Village.
- Loss of view.
- If the garages are to be demolished should be replaced by parking instead.
- Garages are needed.
- Local facilities will struggle.
- Devalue properties (*Officer note: this is not a material planning consideration*)
- Impact on Conservation Area and neighbouring Listed Buildings.
- Already large-scale housing development in the vicinity.
- Pollution
- Detrimentially impact on mental health and wellbeing

## 5.0 APPRAISAL

### Key Issues

5.1. The key issues are as follows:

- Principle of Housing
- The Impact on Heritage Assets (Conservation Area and the setting of neighbouring Listed Buildings)
- Design and Layout of the site
- Loss of Open Space
- Highways, Access and Loss of Garages
- Residential Amenity and Public Protection

- Drainage & Flood Risk
- Trees
- Ecology
- Sustainable design and construction
- Planning obligations
- Planning balance
- Public Sector Equalities Duty

## **Principle of Housing**

### Policy

5.2. Paragraph 60 of the NPPF states that to support the Government's objective of significantly boosting the supply of housing, it is important that sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed.

5.3. Policy H2 of the Draft Local Plan (2018) (Density of Residential Development) states that to ensure the efficient use of land and help maintain local services and public transport provision, housing developments within the suburban area will be expected to achieve a net density of 40 units/ha and within rural areas and villages is 35 units/ha.

5.4. Policy H3 of the Draft Local Plan (2018) requires new residential development to maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. The background text to policy SS1 of the Draft Local Plan (2018) advises evidence suggests there is a need for 9,396 affordable homes in York between 2017-2033.

### Assessment

5.5. The application site is unallocated in the Draft Local Plan (2018), however is predominately previously developed land within an urban area. The proposal seeks to provide 5no. dwellings on a 0.13ha site. The proposal is below the density requirements for a suburban site and above the density requirements for a rural village. Taking into account the site constraints, the density of development is considered acceptable. The development would make effective use of underutilised land, by providing much needed housing in a highly sustainable location.

5.6. The development proposes 100% affordable housing provision (all rental dwellings). The applicant states that as an established Registered Social Housing Provider, Joseph Rowntree Housing Trust expect to retain ownership of the units



and offer them for rent. The provision of 5no. affordable dwellings exceeds policy requirements and is a significant benefit of the scheme.

5.7. Policy SS1 of the Draft Local Plan (2018) includes a priority to deliver at least 45% of the 9,396 affordable dwellings required to meet the needs of residents unable to compete on the open market within the plan period 2017-2033. Principles within the policy include directing development to sustainable locations. The background text acknowledges only at least 2,360 affordable homes are expected to be delivered through the site allocations and affordable housing policies in policy H7 (student housing which seeks an affordable housing contribution) and policy H10 (affordable housing). It is estimated around 3,265 (35%) affordable homes can be delivered in the plan period when windfall sites (sites not allocated in the plan) and the Council's Housing Delivery Programme are factored in. This however is still significantly short of the target set in the Draft Local Plan (2018). In previous years delivery of affordable homes have fallen short of the average levels needed to achieve the target by the end of the plan period. The Council is therefore reliant on windfall sites such as the application site to meet the target for affordable housing delivery in the Draft Local Plan (2018).

5.8. The provision of housing, with all houses proposed to be affordable on previously developed land, has significant weight in the planning balance, and complies with the NPPF and policies SS1, H2 and H3 of the Draft Local Plan (2018).

### **The Impact on Heritage Assets (Conservation Area and the setting of neighbouring Listed Buildings)**

#### Policy

5.9. Section 72 of the Planning (Conservation Areas & Listed Buildings) Act requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of a conservation area. This is supported by Policy D4 of the Draft Local Plan which seeks to protect Conservation Areas and its setting.

5.10. Section 16(2) of the 1990 Planning (Listed Buildings and Conservation Areas) Act creates a statutory presumption for the Local Planning Authority to have special regard to the desirability of preserving the Listed Building or its setting and any special historic or architectural features it possesses. As this is a statutory duty it must be given considerable importance and weight in determining the planning application.

5.11. Section 16 of the NPPF, conserving and enhancing the historic environment, advises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

5.12. Proposals affecting a Listed Building or its setting will be supported where they preserve, enhance or better reveal those elements which contribute to the significance of the building. Development should help secure a sustainable future for a building at risk. This is set out within Policy D5 of the Draft Local Plan (2018).

5.13. Paragraph 206 of the NPPF states any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss (paragraph 207 of the NPPF).

5.14. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraph 208 of the NPPF).

### Assessment

5.15. New Earswick is an early garden village, with most of the early buildings within the village listed at Grade II. It was designed at the turn of the last century to provide pleasant affordable houses, within a green setting and to foster a sense of community. Its significance is derived from its evidential value as a model village of garden city principles and the way in which this shaped low-cost housing in Britain; also, because it was created by a significant York organisation, Rowntree's (the majority of the village still in its ownership today). The relationship between built form and landscape is of critical importance and significance is enhanced by the high survival rate of the original design intention including the characteristic arts and crafts style architecture.

5.16. The site is adjacent to and forms part of the setting of several grade II listed buildings which formed part of the first phase of the creation of the village, up to circa 1910. Those that most closely related to the site are two rows of dwellings – nos. 1-5 and nos. 6-12 Ivy Place, both dating from 1910. Two further blocks of Ivy Place are located to the east (nos. 13-15 and nos. 16-20) and form a loose U shaped layout. To the south are three terraces facing south onto Station Avenue

(with back gardens facing north towards the development site). The listed buildings' significance derives from their survival largely in their original form, the application of the arts and crafts style of architecture, which is constant (but in varying forms), through the village and the way in which they evidence the garden village principles, including factors such as the layout and leafy setting.

5.17. Historic map analysis and photos within the submitted documents, show that until at least 1950, the open space to the north of the site was divided into gardens, with a footpath running along their southern boundary. In the 1970's, the layout was changed such that Hawthorn Terrace South was inserted further south than the footpath (therefore curtailing the rear gardens of the Station Avenue dwellings), the gardens removed forming the current open space and the garages inserted. These changes were part of wider changes in the village to allow for houses to face onto green space, influenced by the Radburn Concept and therefore have some significance in showing the evolution of the village and the continued application of concepts relating to the garden city movement.

5.18. The garages date from circa 1970. There are other examples of similar structures within the conservation area. Due to the age and plain, utilitarian form of the garages and areas of hard standing, the garages are considered to be of no architectural interest and a detracting feature within the conservation area and setting of the listed buildings. There is therefore no objection to the principle of the demolition of the garages from a heritage perspective, although the removal of enclosed parking spaces would result in street parking / hardstanding for car parking which would result in a minor harmful effect upon the character of the Conservation Area.

5.19. Following the demolition of the garages, it is proposed to erect a row of 5 no. dwellings, in terrace form, adjacent to 1-5 and 6-12 Ivy Place (Listed Buildings) and as such would result in a U-shape layout, which is characteristic in the Conservation Area. The form and layout would therefore not appear out of character. The open space was created at a later date and is not an original feature of the designed layout, nevertheless it contributes positively to the setting and creates spaciousness.

5.20. In terms of design, the proposal seeks a well-detailed row of dwellings to match those on Ivy Place and this is not objected to in principle and would serve to maintain the established architectural character. The overall form reflects the existing and features such as set-back front doors within arched entrances and fenestration pattern are maintained. It is important high-quality traditional details are used, such as timber windows, matching roof tiles, facing bricks and associated mortar. Detailing such as ridge, verge and eaves details also should be agreed

before installation. These elements have been conditioned, alongside sample roof and wall materials.

5.21. The front gardens directly face the open space with no enclosure which is beneficial as it reflects the existing character and sense of openness. The dwellings to the rear will host small, south facing gardens which will be bound by a hedge boundary, which reflects the boundary treatment in the Conservation Area. Small brick outbuildings are proposed which negates the need for ad-hoc outbuildings in the future.

5.22. The Conservation Officer raises concerns regarding the rear boundary extending up to the road which allows for no pavement or grass verge on the southern edge of the site. This is uncharacteristic in the surrounding streets and presents some harm to the Conservation Area. The existing sense of spaciousness of the immediate area will be diminished by the proposed development, with a greater scale of built form and enclosed gardens provided to the rear extending up to the road and further vehicles on the road.

5.23. The existing trees, which screen the garages and define the edge of the open space, would be removed but planting is provided elsewhere in Ivy Place in order to mitigate their removal and as such would not be result in harmful impacts on the heritage assets.

5.24. In terms of hard landscaping, the surface material of the parking area is shown as standard block paving in the visuals provided. Materials should be characteristic of the area and as such a condition is added to view and approve materials before their first use to ensure they are suitable.

5.25. The development would result in a low to very low level of harm to the historic environment (comprising the setting of the listed buildings and the character and appearance of the conservation area). The harm is as follows; spaciousness reduced due to increase in built form, lack of pavement/grass verge, and the visual impact of cars in the vicinity. The level of harm falls within the 'less than substantial' category and therefore in line with the requirements of the NPPF, public benefits must be weighed against the harm which is explored at 5.73.

## **Design and Layout of the site**

### Policy

5.26. Policy D1 of the Draft Local Plan (2018) supports development where they improve poor existing urban environments. Design considerations include the urban

structure, grain, density, massing, spacing, scale and appearance. Policy D2 of the Draft Local Plan (2018) relates to landscaping and seeks to protect and enhance landscape quality and character. Development proposals should recognise the significance of landscape features such as mature trees, hedges, historic boundaries and other important character elements, and retain them in a respectful context where they can be suitably managed and sustained. Proposals should contain sustainable, practical and high quality soft and hard landscaping. Policy WM1 relates to waste management and seeks to ensure sufficient and adequate waste storage arrangements.

### Assessment

5.27. The proposed dwellings are to be constructed in a terrace form with a projecting element, which matches the general housing style in this area. The dwellings are suitably sited and aid in forming a U-shape with the existing dwellings on Ivy Place. The proposed housing addresses and embraces the open space; and forms a rational fourth side to the enclosure. There is no front boundary treatment to retain the openness. The rear boundary treatment is hedging which is a prominent feature in the Conservation Area and is welcomed. The design is suitable and assimilates with the surroundings. The materials proposed are brickwork and roof tiles which are considered acceptable for the setting.

Therefore, aside from heritage considerations, the proposal would not detract from the street scene or general character of the area and, therefore, complies with national and local planning policy regarding design and visual amenity. In terms of waste management, there is adequate space to the rear of the site to host bins for all 5no. dwellings and this will be concealed from public view given the boundary treatment in place. The proposal is considered to accord with policy D1, D11 and WM1 of the Draft Local Plan (2018).

### **Loss of Open Space**

#### Policy

5.28. Policy GI5 of the Draft Local Plan (2018) states development proposals will not be permitted which would harm the character of, or lead to the loss of, open space of recreational importance unless the open space uses can be satisfactorily replaced in the area of benefit and in terms of quality, quantity and access with an equal or better standard than that which is proposed to be lost.

5.29. Paragraph 103 of the NPPF (2023) states existing open space and land, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

### Assessment

5.30. The proposed development encroaches slightly onto the designated open space (Hawthorn Terrace South AGS) to the north and east of the site. A small proportion of open space to the north is lost to form the proposed front gardens and paths. To the east a small amount of open space is lost to form the parking spaces labelled 'VP' and '5' and the boundary forming this area of hardstanding. The amount lost is approximately 300m<sup>2</sup> (0.03ha).

5.31. The Agent states the loss is required in order to allow for highway safety, to allow for the ability for vehicles to manoeuvre and that the area in the car park will still be open space and accessible to the public. The Agent states Willow Bank (another site for residential development granted permission 20/02495/FULM) includes an amount of open space that far exceeds the policy requirement, so it will deliver compensatory open space for the small amount being lost at Hawthorn Terrace South.

5.32. Policy GI5 refers specifically to open space of recreational importance, whilst paragraph 103 of the NPPF refers to any open space. The Local Planning Authority consider the whole of the designated open space is of recreational importance by providing a green area allowing for informal interactions and an outdoor amenity space.

5.33. An assessment has not been provided by the applicant to demonstrate the open space is surplus to requirements (in conflict with part a of paragraph 103 of the NPPF). The 2017 Green Infrastructure Update shows that Huntington and New Earswick has a deficit of 9.27ha of amenity green space and the development is not for alternative sports or recreational provision (therefore in conflict with part c of paragraph 103 of the NPPF).

5.34. Turning to policy GI5 of the Local Plan and part b of paragraph 103 of the NPPF (which seek the same aims), the loss of the open space resulting from the proposed development would not be replaced by equivalent or better provision elsewhere. The Agent states Willow Bank provides compensatory open space however this is not proposed to be linked or secured via this application and this is already to be provided regardless of the outcome of this application.

5.35. Taking the above matters into consideration, the proposal conflicts with policy GI5 of the Draft Local Plan and paragraph 103 of the NPPF (2023). However Officers consider the loss of the open space is minimal in this instance and the proposal would still allow for an informal green space to be accessible to the public. The loss of the small amount of open space (which is not being replaced elsewhere) is causing limited harm, especially when considering the scale of loss. This harm and conflict are to be weighed in the planning balance at 5.73.

## **Highways, Access and Loss of Garages**

### Policy

5.36. The NPPF focuses development in sustainable and accessible locations allowing opportunities to promote sustainable transport modes. Paragraph 115 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Paragraph 116 seeks priority to be given to pedestrian and cycle movements, meet needs of people with disabilities and enable charging of plug-in and ultra-low emission vehicles.

5.37. The above is reflected in draft policy T1: Sustainable Access, which supports development that minimises the need to travel and maximises the use of more sustainable modes of transport. Policy T1 of the 2018 emerging Local plan supports the approach of the NPPF in that it seeks the safe and appropriate access to the adjacent adopted highway, giving priority to pedestrians and cyclists.

5.38. Policy T8 of the Draft Local Plan states development should comply with the Council latest parking standards guidance, incorporate appropriate demand management measures that reduce congestion, improve public transport journeys, ease pedestrian and cycle access to, within and through the development and improve the streetscape.

### Assessment

5.39. The site is considered to be within a sustainable location close to local facilities, public transport and is less than 100m from a high frequency bus stop. The site is close to the cycle network which gives off-road access to the orbital route and onward connection via off-road and on-road cycle paths to the hospital, city centre and railway station.

5.40. Each dwelling requires 2no. secure and covered spaces for cycle parking. The application is accompanied by an outbuilding plan which is to host 2no. cycles and storage in the rear garden of each dwelling. The outbuilding is 2.1m x 2m, which is considered a sufficient size for 2no. cycles. The Highways Officer notes the location of the door is such that at least one of the cycles will have to be removed to access garden items in the store. It is recommended that either double doors or a second door be provided to avoid this. Officers however note this is a minor inconvenience and would not be a ground for refusal. Bins are to be located adjacent to the outbuilding. Cycle parking is adequately considered and the outbuilding plan can be conditioned to ensure they are in place prior to occupation and retained for their intended use to encourage sustainable travel.

5.41. The proposal seeks to provide 5no. designated parking spaces for the new occupiers and 1no. visitor car parking space. These are of sufficient size (2.5m x 5m). The Highways Officer notes the car parking requirement is met for the proposed development. However the Highways Officer notes the demolition of the existing garages to facilitate the new dwellings will result in the loss of up to 18no. existing car parking spaces (plus further usable 'tandem' parking space in front of the garages).

5.42. Officers note that at the time of the site visit, no vehicles were parked directly in front of the garages (4no. wouldn't be able to park in front due to the adopted highway). 2no. cars and 1no. van were parked on street to the south of the garages on Hawthorn Terrace South, with further space on street in the immediate vicinity. Officers have also considered vehicle parking on Hawthorn Terrace South via Google Street View at different time periods (March 2024, June 2023, April 2012, September 2008). During these periods, cars parking immediately south of the site on street on Hawthorn Terrace South ranged from 2 – 3 vehicles with space available for more. There are no parking restrictions (e.g yellow lines) in the immediate vicinity allowing for unrestricted on street parking, however yellow lines are proposed on the northern side of Hawthorn Terrace South to prevent double parking and to allow access to the car park and rear gardens. The installation of yellow lines would fall outside of the planning process.

5.43. In November 2023, the Agent noted, 14no. out of the 18no. garages were let (8no. lived within 150m, 5no. lived within 300m and 1no. lived outside the village).



All garage tenants were given notice and the garages are now in the possession of the Applicant. The Agent notes the following:

“There is a general trend where such garage blocks are no longer a popular choice for the parking of cars. Many blocks of garages are considered to be unsafe, inconvenient or too small given how cars have become larger over the years. These general trends are true of the garages off Hawthorn Avenue South. Consequently, JRHT is finding that the garages are being used mostly for storage of household goods rather than the parking of vehicles. Currently, there are only two tenants who use the garages for their intended purpose of providing parking for cars, which means that the garages are underutilised for their intended purpose. Of the 14no., three occupiers got in touch requesting alternate garage provision. The applicant will seek to allocate an alternative garage for these occupiers. Given that other garage sites around New Earswick are subject to redevelopment then JRHT has chosen to take back possession of all affected garages so as to provide an opportunity for all those who wish to retain a garage to be able to apply at the same time, thereby offering a means to prioritise those in most need. Available garages across New Earswick are being allocated according to a policy developed by JRHT that intends to offer those with disabilities a garage first, followed by existing tenants. Consideration is also being given to the proximity of garage allocations to homes.”

5.44. The proposed loss of the garages has resulted in objections and issues could arise for those with protected characteristics, for example disabled parking arrangements and proximity of parking to existing dwellings. This potentially engages s.149 of the Act (Public Sector Equality Duty). The PSED does not specify a particular substantive outcome but ensures that the decision made has been taken with due regard to its equality implications. Officers have given due regard to the aims of the Act. The provision of 5no. affordable houses has significant weight in the decision making process and it is considered the applicant has reasonably considered garage re-allocation for those that require them, including giving priority to disabled occupants. It is not considered that the applicant’s garage policy could reasonably be included as a planning condition.

5.45. The loss of the garages may result in some increase in on-street parking in the local area, however the impact is considered relatively limited, in particular given that the new occupants will be provided with parking. At the time of site visit, vehicle parking on street in this location was low. Significant weight is given to the sustainable location in terms of public transport options and cycle/walking routes to amenities and services. The proposals are considered to be acceptable in terms of their impact on the surrounding highway network and no harm is identified in this

respect. The proposal complies with policy T1 and T8 of the Draft Local Plan (2018) and paragraph 116 of the NPPF (2023).

## **Residential Amenity**

### Policy

5.46. Paragraph 135(f) of the NPPF seeks a high standard of amenity for existing and future users. This is reflected in policy ENV2 of the Draft Local Plan (2018). Policy ENV3 of the Draft Local Plan (2018) relates to land contamination.

### Assessment

5.47. The proposed dwellings will be located in a similar position to the existing single storey garage block, although will be larger in scale due to their two storey nature. Windows are proposed on the north, south and east elevations. Occupiers will be provided with suitable outlook and light. The western elevation of the proposed block hosts no windows therefore no overlooking issues will arise facing this direction.

5.48. The fenestration on the northern elevation will overlook the existing shared open space and the windows are located over 30m from 6-12 Ivy Place, which is considered an acceptable distance to prevent loss of privacy. The windows on the eastern elevation are located over 30m from dwellings to the east on Ivy Place. Although not directly applicable (given that this proposal is for new builds), the Councils' House Extensions Design Guide advises a first-floor window should be located 21m from the neighbouring elevation and this guidance is met.

5.49. Concerns are raised regarding overlooking and loss of privacy towards 1-5 Ivy Place however the fenestration on the northern elevation will face towards the shared open space and the windows are on a 45 degree angle from this row of houses which mitigates direct loss of privacy. The proposal will create a similar relationship to that of number 5 and number 6.

5.50. The fenestration on the south (rear) elevation will be located approximately 22m (at its closest point) from the rear elevation of the dwellings on Station Avenue and 13m from their gardens, which is considered a suitable distance to prevent loss of privacy. The proposed block is considered a suitable distance from all dwellings in the vicinity to prevent overshadowing and from being overbearing.

5.51. A site investigation is needed to find out whether land contamination is present. If contamination is found, appropriate remedial action will be required to

ensure that the site is safe and suitable for its proposed use. The Public Protection Officer recommends conditions to cover this and these conditions have been added.

5.52. As there are residential properties surrounding the proposed site and concerns have been raised from local residents, the Public Protection Officer recommends that controls are put in place to minimise noise, vibration and dust during demolition and construction. A working hours condition is recommended however a Construction Environmental Management Plan (CEMP) condition is considered to be unreasonable because of the small scale of the development.

5.53. Overall and subject to conditions, the proposed development is not considered to cause residential amenity concerns in line with policy ENV2 and ENV3 of the Draft Local Plan (2018) and paragraph 135(f) of the NPPF.

## **Drainage and Flood Risk**

### Policy

5.54. In chapter 15, the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but, where development is necessary, making it safe without increasing flood risk elsewhere. Draft local plan policies ENV4/5 of the 2018 draft plan reflect the aims of the NPPF.

### Assessment

5.55. The Flood Risk Management witnessed infiltration testing on this site and noted that due to the presence of dense clay subsoil down to a depth of 1.5m below ground level and groundwater seepage, soakaways will not work on this site.

5.56. The submitted Drainage Layout Plan (rev A Dated 13<sup>th</sup> September 2023) shows foul water being connected to the public foul sewer in Chestnut Grove and surface water connected to the public surface water sewer in Hawthorn Terrace South at a restricted rate of 2.6 (two point six) litres per second with appropriate attenuation up to and including the 1 in 100 year event with 30% climate change event. A Permeability Testing Report (Re: S231210 dated 29th January 2024 by Solmek) has also been submitted. The Flood Risk Management Team have assessed the submitted reports and agree to the drainage layout plan, which have been conditioned, alongside a condition requesting separate drainage for foul and surface water.

## **Trees**

## Policy

5.57. Policy GI4 of the Draft Local Plan (2018) specifically relates to trees and hedgerows. Development will be permitted where it:

- i. recognises the value of the existing tree cover and hedgerows, their biodiversity value, the contribution they can make to the quality of a development, and its assimilation into the landscape context;
- ii. provides protection for overall tree cover as well as for existing trees worthy of retention in the immediate and longer term and with conditions that would sustain the trees in good health in maturity;
- iii. retains trees and hedgerows that make a positive contribution to the character or setting of a conservation area or listed building, the setting of proposed development, are a significant element of a designed landscape, or value to the general public amenity, in terms of visual benefits, shading and screening.
- iv. does not create conflict between existing trees to be retained and new buildings, their uses and occupants, whether the trees or buildings be within or adjacent to the site;
- v. supplements the city's tree stock with new tree planting where an integrated landscape scheme is required; and,
- vi. Provides suitable replacement planting where the loss of trees or hedgerows worthy of retention is justified.

## Assessment

5.58. The application is accompanied by an Arboricultural Impact Assessment and Arboricultural Constraints Appraisal, prepared by Bowland Tree Consultancy LTD (dated September 2023). The reports conclude 21no. trees are to be removed in order to construct the development due to the root damage that would be incurred and their incompatibility with the proposed development. The trees to be removed are as follows;

- 1no. Silver Birch Tree (category B1)
- 1no. Common Holly Tree (category C1)
- 3no. Western Red Cedar Tree (category C1)
- 13no. Lawson Cypress (category C1/2)
- 3no. Jacquemont's Birch Trees (category B1/2)

5.59. The trees are located to the rear of the long run of the existing garages and help screen the back of the garages from the main open space to the rear, which in  
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turn is bordered and overlooked on three sides by existing properties on Ivy Place. The trees also help to define the southern edge of the open space. Due to the low height of the garages, a large proportion of the canopy cover, provided by these trees, is visible over the top; the trees therefore also contribute to the amenity of this street, which is also overlooked by the rear of properties on Station Avenue. They therefore offer significant value to the public amenity. All the trees across the site and Ivy Place are located in the Conservation Area. The Landscape Architect considers the Silver Birch Tree and 3no. Jacquemont's Birch Trees are worthy of protection and should be weighed in the planning balance. The loss of the trees worthy of protection is therefore in conflict with part ii and part iii of policy GI4 of the Draft Local Plan (2018) and this is explored further in the planning balance at 5.69.

5.60. The proposed landscape scheme includes generous new tree planting alongside the southern footpath and in the southeast corner of Ivy Place and includes 18no. new trees, hedge and shrubs. The Landscape Architect confirms the scheme provides adequate mitigation for the loss of the trees in the context of the proposed housing development, given the quantity of other trees in the area and the quantity and type of proposed tree planting. However small amendments are requested by the Landscape Architect to include Birch trees in the southeast corner of the open space, the crab apple in the south easter corner should be replaced with a different species and moving the Oak so it has more space to develop. The Landscape Architect concludes there is no objection subject to appropriate conditions including an updated landscape scheme and an Arboricultural Method Statement.

## **Ecology**

### Policy

5.61. Policy GI2 of the Draft Local Plan (2018) relates to biodiversity and access to nature. Policy GI2(a) of the Draft Local Plan (2018) relates to Strensall Common Special Area of Conservation (SAC) which seeks to maintain the integrity of the SAC. Paragraph 180 (d) of the NPPF (2021) seeks to ensure development contributes and enhances the natural and local environment by minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

5.62. Statutory (mandatory) biodiversity net gain is not applicable for this development given the date of submission (October 2023).

### Assessment

5.63. The application site is located c.4km to the south-west of Strensall Common SAC and as such sits within its Impact Risk Zone (IRZ). The potential impacts of the proposed works should therefore be considered. Habitats Regulations Assessment (HRA) is the process that competent authorities must undertake to consider whether a proposed development plan or programme is likely to have significant effects on a European site designated for its nature conservation interest.

5.64. As a competent authority it is the Local Planning Authority's responsibility to identify where further assessment is required, this may include the provision/production of a Habitat Regulations Assessment, or a conclusion that further assessment is not required. This application was considered in light of the assessment requirements of the Conservation of Habitats and Species Regulations 2017 by City of York Council, which is the competent authority responsible for authorising the project (proposed development) and any assessment of it required by the Regulations. Having considered the nature, scale, timing, duration and location of the project, it was concluded that the proposed works should be eliminated from further assessment as it could not have any conceivable effect on Strensall Common SAC.

5.65. Ecological enhancements have been recommended within the Preliminary Ecological Appraisal with the aim of providing biodiversity net gain post construction. These include the provision of bat roosting features (section 8.2.5), bird boxes (section 8.4.7) and hedgehog features (section 8.7.4.4). A planning condition has been added to secure these. Informatives are recommended to remind the applicant of works near nesting birds, hedgehogs and wildlife and lighting.

## **Sustainable Design and Construction**

### Policy

5.66. Policy CC2, part A, of the Draft Local Plan (2018) as recently amended states all new residential development of 1 or more dwellings should achieve;

- i) on-site carbon emissions reduction of a minimum of 31% over and above the requirements of Building Regulations Part L (2013) and seeking to achieve 75%, of which at least 19% should come from energy efficiency measures; and,
- ii) a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

Pending anticipated changes to Building Regulations, developments should further aim to achieve up to a 75% reduction in carbon emissions over and above the

requirements of Building Regulations Part L (2013) unless it is demonstrated that such reductions would not be feasible or viable. The Target Emissions Rate (TER) for proposed new dwellings should be calculated using version 10 of the Standard Assessment Procedure (SAP). Any higher level of reductions required through Building Regulations or other legislation will supersede the above requirements.

### Assessment

5.67. The applicant has provided an Energy Statement in Respect of Sustainable Design and Construction within their Planning Statement. This statement describes the following measures which are proposed to reduce the carbon impact of the development:

- Fabric-first approach (wall insulation, roof insulation, glazing)
- Passive solar gain
- Air source heat pumps
- LED lighting
- Thermostats

5.68. The use of a fabric first approach, energy efficiency technologies, monitoring technologies and heat pumps is supported and aligns with the energy hierarchy. The applicant also states plans to limit water consumption through controlling the size of toilet cisterns and fitting showers with spray heads. In order to meet part A of policy CC2 a condition has been added to secure carbon reduction and water consumption rates in line with the draft local policy.

### **Planning Balance**

5.69. To summarise, the following harm and conflict with policy has been identified as a result of the scheme;

- a) A low level of less than substantial harm identified to the setting of the Listed Buildings and to the character and appearance of the Conservation Area (spaciousness reduced due to increase in built form, lack of pavement/grass verge, and the visual impact of cars in the vicinity).
- b) Moderate harm arising from the loss of 4no. category B trees which are worthy of protection. This is in conflict with part ii and part iii of policy GI4 of the Draft Local Plan (2018).
- c) Limited harm arising from the loss of a small proportion of open space (which is not replaced elsewhere). This is in conflict with paragraph GI5 of the Draft Local Plan (2018) and paragraph 103 of the NPPF (2023).

5.70. In line with the requirements of the NPPF (paragraph 208) and policy D4 of the Draft Local Plan (2018), public benefits must outweigh any harm identified to the heritage assets (as set out at 5.69(a)). For the purposes of the overall assessment in the planning balance, the following public benefits of the scheme are identified;

- a) 5no. affordable rent dwellings (secured by a Section 106 agreement). This is a significant benefit of the scheme taking into account the tenure proposed and is a public benefit. This exceeds policy requirements.
- b) Residential development on previously developed land, in a sustainable location close to public transport links and amenities. This is a significant public benefit.
- c) Removal of the garages which are considered a visual detriment in the Conservation Area. This is a public benefit.

5.71 Taking all of the above into consideration, the provision of affordable housing and proposed public benefits put forward, are considered to outweigh the identified harms. In order to secure the affordable housing benefit, a S106 is required. As such the development would accord with paragraph 208 of the NPPF (2018) and policy D4 of the Draft Local Plan (2018). The benefits would also overcome the conflict with policy identified at 5.69(b) and 5.69(c).  
giving considerable importance and weight to the identified harm, it is considered that the proposals would have an acceptable effect on this designated heritage asset

### **Public Sector Equalities Duty**

5.72 Section 149 of the Equality Act 2010 contains the Public Sector Equality Duty (PSED) which requires public authorities, when exercising their functions, to have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share relevant protected characteristic and persons who do not share it.

5.73 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to the characteristic;



- b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

5.74 The PSED does not specify a particular substantive outcome but ensures that the decision made has been taken with “due regard” to its equality implications.

5.75 Officers have given due regard to the equality implications of the proposals in making this recommendation. There is no indication or evidence (including from consultation on this application) that any equality matters are raised that would outweigh the material planning considerations.

## **Planning Obligations**

5.76 Policy DM1 of the Draft Local Plan (2018) states; New development will be supported by appropriate physical, social and economic infrastructure provision.

5.77 Paragraph 57 of the NPPF states planning obligations must only be sought where they are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

5.78 It is reasonable to secure the affordable housing via a S106 agreement to ensure they are maintained and retained as such in the future as this is a significant benefit of the scheme. The obligation should secure dwellings for affordable rent.

## **6 CONCLUSION**

6.1 The proposal would provide 5no. two-bedroom affordable houses (to rent) all of which would be provided by a Registered Social Housing Provider. This is in excess of the policy requirements for affordable housing for a development of this size. This has significant weight in the planning balance. Other benefits include; the utilisation of previously developed land for residential development in a sustainable location, removal of the uncharacteristic garages, suitable landscaping and parking for new occupiers and visitors.

6.2 Less than substantial harm has been identified to New Earswick Conservation Area (spaciousness reduced due to increase in built form, lack of pavement/grass verge and the visual impact of cars in the vicinity). Moderate harm has been identified from the loss of 4no. category B trees which are worthy of protection.

Limited harm arises from the loss of a small proportion of open space (which is not replaced elsewhere).

6.3 The design and layout of the proposal is considered appropriate for the setting. The impact on the living conditions of neighbouring dwellings is not considered to be harmful. The proposal is not considered to have a detrimental impact on the highway network and garage occupiers have been given the opportunity to relocate. Due regard has been given to the Public Sector Equalities Duty. Matters such as ecology, landscaping, sustainability, drainage, amenity and trees can be addressed by condition.

6.4 In the planning balance the provision of affordable housing and proposed public benefits are considered to outweigh the identified harms. In coming to this conclusion, considerable weight and importance has been paid to paying special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and preserving the listed buildings or their setting. As such the development would accord with paragraph 208 of the NPPF (2018) and policy D4 of the Draft Local Plan (2018). The benefits would also overcome the conflict with policy identified at 5.69(b) and 5.69(c).

## **7.0 RECOMMENDATION:**

i That delegated authority be given to the Head of Planning and Development Services to APPROVE the application subject to:

a. The completion of a Section 106 Agreement to secure the following planning obligations:

- Affordable Housing: 100% provision

ii The Head of Planning and Development Services be given delegated authority to finalise the terms and details of the Section 106 Agreement.

iii The Head of Planning and Development Services be given delegated authority to determine the final detail of the following planning conditions:

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in strict accordance with the following plans;

Location plan; drawing number 20843-BSB-00-XX-DR-A-0014, revision P1, dated 29/08/2023.

Proposed floor plans, sections and elevations; drawing number 20843-BSB-00-XX-DR-A-0010, revision P1, dated 31/01/2023.

Outbuilding and bin storage plan and elevations; drawing number 20843-BSB-00-XX-DR-A-0013, revision P1, dated 29/08/2023.

Proposed block plan; drawing number 20843-BSB-00-XX-DR-A-0015, revision P1, dated 29/08/2023.

Proposed elevations; drawing number 20843-BSB-00-XX-DR-A-0017, revision P1, dated 29/08/2023.

Proposed site layout plan; drawing number 20843-BSB-00-XX-DR-A-0019, revision P1, dated 07/09/2023.

Proposed house type A; drawing number 20843-BSB-00-XX-DR-A-0020, revision P1, dated 07/09/2023.

Proposed house type B, drawing number 20843-BSB-00-XX-DR-A-0021, revision P1, dated 07/09/2023.

Reason: In the interests of proper planning.

3 Prior to development (excluding demolition), a site investigation and risk assessment must be undertaken to assess the nature, scale and extent of any land contamination and the potential risks to human health, groundwater, surface water and other receptors. A written report of the findings must be produced and is subject to approval in writing by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

4 Where remediation works are shown to be necessary, development (excluding demolition) shall not commence until a detailed remediation strategy has been submitted to and approved by the Local Planning Authority. The remediation strategy must demonstrate how the site will be made suitable for its intended use and must include proposals for the verification of the remediation works. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the proposed remediation works are appropriate and will remove unacceptable risks to identified receptors.

5 Prior to first occupation or use, remediation works must be carried out in accordance with the approved remediation strategy. On completion of those works, a verification report (which demonstrates the effectiveness of the remediation carried out) must be submitted to and approved by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the agreed remediation works are fully implemented and to demonstrate that the site is suitable for its proposed use with respect to land contamination. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

6 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, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

7 Before the commencement of development, an Arboricultural Method Statement (AMS) including a scheme of Arboricultural supervision regarding protection measures for existing trees within and adjacent to the application site shall be submitted to and approved in writing by the local planning authority. Amongst the detail within the AMS, the statement shall cover details and locations of protective fencing, ground protection, a schedule of tree works if applicable, site rules and prohibitions, phasing of protection measures, method of demolition and site clearance, site access during development operations, types of construction machinery/vehicles to be used, parking arrangements for site vehicles, locations for stored materials, locations and means of installing utilities, location of site compound. A copy of the document shall be available for reference and inspection on site at all times. The development shall be implemented in accordance with the approved details.

Reason: To ensure every effort and reasonable duty of care is exercised during the development process in the interests of protecting the existing trees shown to be retained which are considered to make a significant contribution to the amenity and setting of the development and the conservation area.

8 Prior to commencement of the construction of walls in the development hereby permitted, a sample brick panel (measuring 1m x 1m) shall be deposited on site and approved in writing by the Local Planning Authority. Development shall then be carried out in strict accordance with the approved details.

Reason: To ensure the materials are suitable for the Conservation Area and its setting (including the setting of the Listed Buildings) in line with policy D4 of the Draft Local Plan (2018).

9 Prior to commencement of the construction of walls in the development hereby permitted, a sample of the roofing material shall be deposited on site for the written approval of the Local Planning Authority. Development shall then be carried out in strict accordance with the approved details.

Reason: To ensure the materials are suitable for the Conservation Area and its setting (including the setting of the Listed Buildings) in line with policy D4 of the Draft Local Plan (2018).

10 Prior to commencement of the construction of walls in the development hereby permitted, details of the ridge, verge and eaves shall be submitted for the written approval of the Local Planning Authority. Development shall then be carried out in strict accordance with the approved details.

Reason: To ensure the materials are suitable for the Conservation Area and its setting (including the setting of the Listed Buildings) in line with policy D4 of the Draft Local Plan (2018).

11 Prior to commencement of the external walls of the development hereby permitted, a biodiversity enhancement plan/drawing and a timetable for its implementation shall be submitted to and be approved in writing by the local planning authority. The content of the plan shall include, but not be limited to the recommendations set-out in the Preliminary Ecological Appraisal, provided by Wold Ecology Ltd., dated August 2022. Development shall be carried out in accordance with the approved details and timetable.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

12 Within two months of commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the species, stock size, density (spacing), and position

of trees, shrubs and other plants. The approved scheme shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which within the lifetime 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 the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, since the landscape scheme is integral to the amenity of the development and mitigation of lost trees.

13 Prior to the installation of the paths and car park hereby permitted, details of the proposed surface materials shall be deposited on site and approved in writing by the Local Planning Authority. Development shall then be carried out in strict accordance with the approved details.

Reason: To ensure the materials are suitable for the Conservation Area and its setting in line with policy D4 of the Draft Local Plan (2018).

14 The windows in the development hereby permitted shall be timber and no other materials shall be used without the prior written approval of the Local Planning Authority. Timber windows shall be retained for the lifetime of the development.

Reason: To ensure the materials are suitable for the Conservation Area and its setting (including the setting of the Listed Buildings) in line with policy D4 of the Draft Local Plan (2018).

15 The development shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment and Drainage Strategy Report (FRA&DSR) - Re: P15691-DSR-01 rev A dated 13th September 2023, unless otherwise approved in advance in writing by the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage.

16 The dwellings shall achieve a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

The fabric energy efficiency shall achieve a 19% or more reduction in carbon emissions (compared to the target emission rate as required under Part L of the Building Regulations 2013).

The Target Emission Rate (TER) for the new dwellings should be calculated using version 10 of the Standard Assessment Procedure (SAP) and submitted to the Local Planning Authority prior to construction to demonstrate that an overall reduction in carbon emissions of at least 75% above Part L of the Building Regulations 2013 is

achieved. If a reduction of 75% or more cannot be achieved a statement shall be submitted to demonstrate that such a reduction would not be feasible or viable, and shall be approved in writing by the Local Planning Authority prior to construction.

Reason: In the interests of securing a sustainable development in line with policy CC2 of the Draft Local Plan (2018).

17 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 the locality.

18 No dwelling shall be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles and the approved cycle storage areas 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.

19 No dwelling shall be occupied 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.

20 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

## **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 a positive

outcome:

- Requested more information with regards to highways and drainage
- Secured affordable housing and conditions.

## 2. DRAINAGE NOTE

i) The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

ii) The applicant should be advised that the Yorkshire Waters or NAV's prior consent is required (as well as planning permission) to make a connection of foul and surface water to the public sewer network.

## 3. Electric Vehicle Charging Point informative :

In line with paragraph 112 of the National Planning Policy Framework, developments should be designed to 'enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations'.

In line with Building Regulations, Electric Vehicle (EV) charge point provision ('active provision') is required for all residential developments in York, unless the development has no parking. To prepare for increased demand for charging points in future years, appropriate cable routes ('passive provision') should also be included in the scheme design and development.

Approved Document S: infrastructure for charging electric vehicles outlines the required standards and provides technical guidance regarding the provision of EV charge points and cable routes.

From 15th June 2022, Approved Document S applies to new residential and non-residential buildings; buildings undergoing a material change of use to dwellings; residential and non-residential buildings undergoing major renovation; and mixed-use buildings that are either new or undergoing major renovation.

### **Contact details:**

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