

COMMITTEE REPORT

Date: 16 December 2024 **Ward:** Haxby And Wigginton

Team: West Area **Parish:** Haxby Town Council

Reference: 24/01047/FUL

Application at: 7 Station Road Haxby York YO32 3LS

For: Erection of 2no. dwellinghouses to side following demolition of 3no. detached garages

By: Miss Elizabeth Lumley-Holmes

Application Type: Full Application

Target Date: 18 December 2024

Recommendation: Approve

1.0 PROPOSAL

1.1 No. 7 Station Road Haxby comprises a brick built two storey end of terrace property dating to the early 20th Century with a substantial side garden incorporating a block of garages giving on to a back lane. The site lies adjacent to the junction of Station Road and Usher Lane. Planning permission ref: 98/01265/FUL previously gave permission for a development of four flats in a two-storey traditionally designed structure completing the terrace. Planning permission is now sought for erection of two four-bedroom houses with “rooms in the roof” on the previously approved footprint.

Ward Councillor Call-In

1.2 The application has been called in for consideration at Planning Committee by Councillors Cuthbertson and Hollyer on the grounds that the proposal is over-development, it is not consistent with the street scene, it would lead to the loss of a sight line at the junction of Usher Lane and Station Road and would appear out of character with the remainder of the terrace on the north side of Station Road.

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK

2.1 The National Planning Policy Framework December 2023 (NPPF) sets out the government's planning policies for England and how these are expected to be applied. Its planning policies are material to the determination of planning applications. The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives, which are interdependent and need to be pursued in mutually supportive ways (paragraph 8).

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).

DRAFT LOCAL PLAN 2018

2.3 The Draft Local Plan 2018 (DLP 2018) has been subject to examination. Proposed modifications in respect of Policy H5 Gypsies and Travellers have been subject to consultation. The DLP 2018 policies can be afforded weight in accordance with paragraph 48 of the NPPF. Draft policies relevant to the determination of this application are:

H2 – Density of Residential Development

D1 – Place Making

D2 – Landscape and Setting

CC2 – Sustainable Design and Construction of New Development

ENV2 – Managing Environmental Quality

ENV5 – Sustainable Drainage

T1 – Sustainable Access

GI 2 -Biodiversity and Access to Nature

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Raise no objection to the proposal subject to any permission incorporating an informative in respect of demolition and construction.

Front Line Flood Risk Management

3.2 Raise no objection to the proposal subject to conditions requiring submission and approval of the details of the proposed attenuation scheme and rate of surface water discharge.

Highway Network Management

3.3 Raise no objection in principle to the proposal but express concern in respect of the size of the proposed garages and their suitability for combined cycle and vehicle parking, the lack of a dedicated bin store and collection point and visibility onto the rear back lane access for vehicles and pedestrians.

Design and Conservation (Ecology)

3.4 Raise no objection in principle to the proposal subject to any permission being conditioned to require the submission and prior approval of a Biodiversity Net Gain Plan together with on-site biodiversity enhancements.

EXTERNAL

Haxby Town Council

3.5 Raise concerns in respect of the impact of the proposal on the building line on Usher Lane, whether the palette of materials would match the adjoining properties in the terrace, who has right of access on to the rear back lane and the impact of the proposal upon traffic flow on to Usher Lane.

Yorkshire Water Services Limited

3.6 Raise no objection to the proposal subject to any permission being conditioned to secure the submission and prior approval of a scheme of surface water drainage.

Foss (2008) Internal Drainage Board

3.7 Raise no objection to the proposal subject to Yorkshire Water confirming that sufficient sewer capacity exists to accommodate flows from the site and prior approval is given to a surface water drainage scheme.

4.0 REPRESENTATIONS

4.1 A total of nine objections from three individuals have been submitted in respect of the proposal.

4.2 The following is a summary of the objections:

- The proposed design would not match that of the adjacent terrace and would have an adverse impact upon the visual amenity of the wider street scene.
- Insufficient parking space has been provided for the number of bedrooms proposed.
- The proposal would lead to a loss of residential amenity for neighbouring properties through increased noise.
- The proposal would erode the existing building line of Usher Lane.
- Concern in respect of the impact of construction upon neighbouring properties.
- Concern in respect of the removal of the asbestos within the existing garages.

5.0 APPRAISAL

Key Issues

5.1 The key issues are as follows:

- Principle of the Development
- Highways and Access
- Design and Layout of the site
- Residential Amenity and Public Protection
- Drainage & Flood Risk
- Sustainable design and construction
- Biodiversity

PRINCIPLE OF THE DEVELOPMENT

5.2 Central Government Planning Policy as outlined in Section 5 and specifically paragraph 60 of the NPPF is to significantly boost the supply of homes. This relates directly to the presumption in favour of sustainable development outlined in paragraph 8b) of the NPPF where the provision of a sufficient number and range of homes to meet the needs of present and future generations is a major social

objective of the planning system to support the development of strong, vibrant and healthy communities.

5.3 Paragraph 69 of the NPPF sets a requirement in most circumstances to identify a five-year supply of deliverable sites of which small sites such as the present proposal may form an important element. The authority at present has a deliverable supply of 4.1 years and so substantial weight should be afforded to the proposal as contributing towards that delivery.

HIGHWAYS AND ACCESS

5.4 Central Government planning policy as outlined in paragraph 115 of the NPPF indicates that development should only be refused on highway grounds if there would be an unacceptable impact upon highway safety or the residual cumulative impact upon the road network would be severe. Policy T1 of the DLP 2018 indicates that development will be supported where it minimises the need to travel and provides safe, suitable and attractive access to all transport users to and within in it. That should include safe and appropriate access to the adjacent adopted highway, safe and secure layouts for motorised vehicles and provide sufficient convenient, secure and covered cycle storage within the curtilage of the new buildings.

5.5 Concern has been expressed by Highway Network Management and objectors in respect of the location and dimensions of the proposed car parking and the use of the rear back lane. The proposal is seeking permission for four bedroomed properties however the site lies within an area where on-street parking is available. The scheme has been amended to allow for parking spaces to each property to a standard dimension and to make the illustrated garages for cycle storage only. The proposed off-road parking spaces together with the cycle parking would be accessed from the rear back lane and would be associated with a dedicated bin storage area with the bins collected from the rear as with the adjacent properties. The section of boundary wall adjacent to the junction of the back lane with Usher Lane would be lowered by 1 metre to improve visibility for vehicles entering and leaving the back lane. This parallels the arrangement offered in the previously approved now lapsed scheme. It is considered the proposals as amended would now comply with the requirements of Policy T1 of the DLP 2018.

DESIGN AND LAYOUT OF THE SITE

5.6 Central Government planning policy as outlined in paragraph 135c) of the NPPF indicates that planning decisions should ensure that developments are sympathetic to local character and history including the surrounding built

environment and landscape setting whilst not preventing or discouraging appropriate innovation or change. Policy D1 of the DLP 2018 indicates that development proposals will be supported where they enhance respect and complement the historic arrangement of street blocks, plots and buildings and demonstrate that the resulting density of the development proposal would be appropriate for the site and neighbouring context.

5.7 The application site comprises a substantial side garden with a block of disused garages giving onto a back lane to the rear. The street block which the site forms part of has a highly distinctive character. The adjacent properties on Station Road comprise a short terrace of brick built two storey Edwardian Houses with two blocks of Edwardian semis beyond. Further to the east and south are more modern properties dating to the 1970s and 80s with deeper front gardens incorporating a narrow band of mature street trees which make a significant contribution to the character of the wider area. To the rear, Usher Lane has a clearly definable character of its own with a mix of 1930s and 1950s semis set within medium sized plots with a clear building line along the eastern side tapering slightly towards the junction with Station Road. To the west of the junction are much older properties dating to earlier in the 19th Century which survive from Haxby's previous agricultural origins.

5.8 The previous approval for the site which lapsed in the early 2000s envisaged the erection of two properties similar in design to the Edwardian terrace with an identical palette of materials and pattern of detailing including bay windows on the Station Road frontage. Objectors have raised concerns in respect of the relationship of the chosen design to that prevailing in the surrounding area and the extent to which the proposals represent an over development of the site. The proposed properties have been designed to similarly reflect the pattern of the earlier adjacent properties with a set down of approximately 30cm at ridge level. The street entrance to both properties is via a porch combined with a bay window detail that reflects that of the adjoining neighbours. A similar key-block detail in art stone is incorporated to demarcate external windows and doorways with the use of side rather than top hung sash windows. In terms of treatment of the rear elevation a centrally placed bathroom/kitchen extension is proposed which parallels the treatment of the adjoining property. The design of the proposals clearly pays reference to the adjacent development and as such complies with the requirements of paragraph 135c) of the NPPF and the DLP 2018 policy D1.

5.9 The site comprises a substantial side garden with a block of three garages to the rear. The plot coverage of the new properties is similar to that of the adjacent properties. Ridge heights and overall volumes are slightly lower with the areas of

external space around the neighbouring plots comparable to that proposed. The proposal is not therefore felt to be over-development as suggested.

5.10 Concerns have been expressed by objectors in terms of impact upon the building line on Usher Lane which the proposed dwellings would appear to close the view northwards along Usher Lane. The previous planning permission ref: 98/01265/FUL remains a material consideration to which due weight should be given notwithstanding the passage of time. This envisaged a development occupying the same built footprint now proposed. The side garden which the development would occupy is also disproportionate in size in the local context and the brickwork in the gable to No 7 has been tooled with the intention of accepting an additional property although it cannot be clear as to the intended width. Giving due weight also to the previously outlined Government aspiration to boost the supply of homes, notwithstanding the degree of harm to the street scene it is felt on balance that the proposal is acceptable.

RESIDENTIAL AMENITY AND PUBLIC PROTECTION

5.11 Central Government planning policy as outlined in paragraph 135f) of the NPPF indicates that planning decisions should create places with a high standard of amenity for all existing and future occupiers. Policy D1 of the DLP 2018 as modified indicates that development proposals will be supported where they improve poor existing urban and natural environments ensuring that design considers residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

5.12 Concerns have been raised by objectors in respect of the potential impact upon neighbouring properties from noise generated by the new dwellings together with potential impacts generated by the construction process. The application site is well proportioned and does not directly adjoin other properties other than 7 Station Road which is in the ownership of the applicant with whom it shares a party wall. There would be unlikely to be any greater noise impact upon the owner of No 7 than from the occupants of No 5 or other properties further along the terrace. In terms of the construction process the site can be accessed from both Usher Lane and Station Road and the nature of the site is such that impacts may largely be contained within the site. The requirements of paragraph 135f) of the NPPF and Policy D1 of the DLP 2018 as modified can therefore be complied with.

DRAINAGE AND FLOOD RISK

5.13 Central Government planning policy as outlined in paragraph 173 of the NPPF indicates that in determining planning applications local planning authorities should

ensure that flood risk is not increased elsewhere. The application site is in Flood Zone 1 and so is at the lowest assessed risk of flooding from riparian sources. The previous permission from 1998 was approved subject to a detailed drainage strategy. The Front-Line Flood Risk Management Authority are satisfied that providing the strategy is amended to take account of more recent policy the development is acceptable in drainage terms. Subject to any permission being conditioned accordingly the proposal is therefore felt to be acceptable in drainage terms.

SUSTAINABLE DESIGN AND CONSTRUCTION

5.14 Policy CC2 of the DLP 2018 seeks to ensure that new development, specifically residential development should be designed to a high standard of sustainability and energy efficiency. In the current case the proposal has been designed to achieve a substantial reduction in carbon emissions as outlined in the revised Design and Access Statement. Proposed measures include the provision of ground source heat pumps to the rear of each property with solar PV on the south facing roof slope of both properties adjoining Station Road. Their use is intended to provide for the generation of the majority of each dwellings' energy needs. The building fabric is also designed to maximise sustainability by virtue of its traditional form. The site is also sustainably located being in close proximity to the amenities of the Haxby District Centre as well as in close proximity to bus connections to the City Centre as well as cycle links to the City Centre. It is therefore felt that the requirements of Policy CC2 can be complied.

BIODIVERSITY

5.15 Central Government planning policy as outlined in paragraph 180d) of the NPPF indicates that planning decisions should minimise impacts upon and provide net gains for biodiversity. Recent amendments to the 1990 Town and Country Planning Act require an improvement of a minimum of 10% in biodiversity above the existing situation according to a standard methodology. Policy GI 2 of the DLP 2018 indicates that any development where appropriate should result in net gain to and help to improve biodiversity in the wider locality.

5.16 The application site is relatively modest and lies in a relatively densely developed area which limits the degree of Biodiversity Net Gain which can be achieved on site. The submitted details have been amended since submission to secure the provision of green roofs to the proposed garages. In order to address the deficiency of provision for biodiversity within the site it will be necessary to seek further provision for biodiversity enhancement within the site involving the provision

of bat, swift and/or bird boxes which may be secured by condition to any planning permission.

5.17 In terms of the required off-site provision, that may be achieved by means of a Biodiversity Gain Plan which would be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. This would provide for the purchase of units that would make up the deficit in terms of on-site provision from a Biodiversity Credits provider such as the Environment Bank. Provision would be secured by means of the statutory pre-commencement condition which could include the provision of a certificate demonstrating purchase of the units also prior to commencement of the development. Subject to any permission being conditioned to require the appropriate provision the proposal is felt to be appropriate and compliant with paragraph 180d) of the NPPF and Policy GI 2 of the DLP 2018.

6.0 CONCLUSION

6.1 The proposal relates to the erection of two dwelling houses within the substantial side garden to No 7 Station Road Haxby. The proposal comprises a revised re-submission of an earlier lapsed scheme for erection of two properties permitted in 1998. The design and layout of the proposal is felt to be acceptable following on from the earlier consent and as amended the proposal is felt to be acceptable in Highway terms. The location of the proposal is sustainable and the proposed drainage arrangements are acceptable. Subject to any permission being appropriately conditioned to secure the required biodiversity net gain the proposal is felt to be acceptable in planning terms and approval is recommended.

7.0 RECOMMENDATION: Approve

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

Drawing Refs: 02B Proposed Ground Plan
03B Proposed First Floor Plan
04B Proposed Attic and Roof Plan

Application Reference Number: 24/01047/FUL

Item No: 5c

05 Elevations and Section
06B Garage Elevations
Location and Site Plan

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 construction of the development beyond foundation level. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices sample materials should be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

4 The site shall be developed with separate systems of drainage for foul and surface water onsite and combined off site.

Reason: In the interest of satisfactory and sustainable drainage.

5 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The information to be submitted and approved shall include site specific details of:

- i) the flow control device manhole, means by which the surface water discharge rate shall be restricted to a maximum rate of 1.0 (one) litres per second, and
- ii) the attenuation tank, the means by which the surface water attenuation up to the 1 in 100-year event with a 30% climate change allowance shall be achieved, and
- iii) surface water drainage calculations to the above criteria.

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

6 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in

writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles and cycles, 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.

8 Each dwelling hereby approved shall be provided with a Schwegler bird box and additionally a Swift Box or Swift Brick erected to the satisfaction of the Local Planning Authority prior to first occupation of the dwelling. The boxes/bricks shall then be retained thereafter for the lifetime of the development.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraphs 185-188 of the NPPF (2023) 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."

9 A minimum of 2 bat boxes shall be sited on the new buildings on site. These shall be either Schwegler 1FQ box or 1FR/2FR integral bat box. As per the recommendations in the PEA bat boxes should be sited on the south, east or west elevations, 3-5m above ground level and away from artificial lighting.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraphs 185-188 of the NPPF (2023) 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.

10 No development the subject of this permission shall be undertaken prior to a Biodiversity Gain Plan being submitted to and approved in writing by the Local Planning Authority. That plan shall include but not be exclusive to the following

information :

- i) Measures taken to minimise harm to the on-site biodiversity habitat and any other habitat arising from the development.
- ii) The pre and post development value of the on-site habitat.
- iii) Any off-site biodiversity gain allocated to the development.
- iv) Any biodiversity credits purchased to off-set the development and whether or not from a registered provider.

The development shall thenceforth be undertaken in strict accordance with the detail of the plan thereby approved.

Reason: To safeguard the biodiversity of the site and the wider area and to secure compliance with paragraph 180d) of the NPPF and to comply with Policy GI 2 of the City of York Draft Local Plan 2018.

11 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, AA, B, C and E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

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 2015.

8.0 INFORMATIVES:

Notes to Applicant

1. BIODIVERSITY NET GAIN

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be the Council of the City of York.

The Biodiversity Gain Plan shall include but not be exclusive to the following information :

- i) Measures taken to minimise harm to the on-site biodiversity habitat and any other habitat arising from the development.
- ii) The pre and post development value of the on-site habitat.
- iii) Any off-site biodiversity gain allocated to the development.
- iv) Any biodiversity credits purchased to off-set the development and whether or not from a registered provider.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of [article 2\(1\) of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

2. 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:

- i) Sought clarification of the provision for biodiversity net gain
- ii) Sought amendment of the layout to address highways and access concerns

3. DRAINAGE:

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

4. CONSTRUCTION AND DEMOLITION:

a. 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 08.00 to 18.00
Saturday 09.00 to 13.00
Not at all on Sundays and Bank Holidays.

b. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS

5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

- c. Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions. Some basic information on control noise from construction site can be found using the following link.
https://www.york.gov.uk/downloads/download/304/developers_guide_for_controlling_pollution_and_noise_from_construction_sites
- d. 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.
- e. There shall be no bonfires on the site.

5. ELECTRIC VEHICLE CHARGING:

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.

CYC Building Control should be consulted on all proposals for EV charge point provision (active and passive) to ensure compliance with current Building Regulations.

Contact details:

Case Officer: Erik Matthews
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