

COMMITTEE REPORT

Committee: East Area
Date: 12 March 2009

Ward: Haxby And Wigginton
Parish: Haxby Town Council

Reference: 08/02429/FUL
Application at: 8 Hall Rise Haxby York YO32 3LP
For: Demolition of existing bungalow and erection of 2 detached dwellings.
By: Mr K Marsden
Application Type: Full Application
Target Date: 23 December 2008

1.0 PROPOSAL

1.1 The application site lies to the south of Station Road and to the west of Hall Rise in Haxby. The site area is approximately 1075sq.m.

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

1.3 Following the refusal of planning permission in October 2008 to erect two detached dwellings after the demolition of existing bungalow and garage (planning ref. no.: 08/00181/FUL), this revised application seeks to address the concerns raised by Members at the time of the Planning Committee.

1.4 The previous scheme was refused for the following reason:

It is considered that the proposal, by virtue of its siting, design, external appearance and materials of construction, would constitute a form of development that would be incongruous, out of keeping and inappropriate in its context. As such, the visual appearance and amenity of the area would be compromised by the development, contrary to national planning advice on design in Planning Policy Statements 1("Delivering Sustainable Development") and 3 ("Housing" - paragraph 13) and Policy GP1 (criterion a and b) of the City of York Draft Local Plan.

1.5 This latest scheme seeks to address the previous concerns by proposing the following changes:

i. a more traditional design approach has been adopted in contrast to the contemporary design of the previous scheme..

ii. The proposed choice of building materials has been amended to predominantly brick and tile to match the surrounding area..

iii. The irregular building footprints as shown on the previously refused scheme has been revised. To reflect the L-shape pattern of the existing bungalow the revised scheme shows the footprint of the buildings would also be in the form of an L-shape.

1.6 The latest revised plan shows the rain water storage tank designated for plot 2 repositioned away from the protected trees, and that the proposed dropped crossing to plot 1 would no longer surfaced with gravel. The turning area has also been widened to facilitate the manoeuvring of vehicles.

1.7 The buildings proposed are detached two storey properties. Plot 1 would measure 12.0m x 11.5m (max) with height to eaves of 5.0m and an overall height of 7.5m. It is proposed to be a 5 bed property. Plot 2 is proposed to be a larger property in terms of the size of the footprint. It would be a 4 bed property and would measure 15.0m x 10.8m (max) with height to eaves of 5.0m and an overall height of 7.2m.

1.8 Similar to the previous scheme, the proposed development would leave a distance of 5.0m from 6 Hall Rise and a distance of 3.5m from 10 Hall Rise. The existing bungalow is currently 10.5m from 6 Hall Rise and 9.0m from 10 Hall Rise (with a detached building in between). There would be a distance of 2.0m between the two buildings proposed (plot 1 and 2).

1.9 Access to plot 1 is gained through a 3.0m wide entrance off Station Road. A 6.0m wide driveway (serving a double garage) is proposed to allow access to plot 2 from Hall Rise being a relocation of the existing access.

1.10 This application is referred to the Planning Committee for determination because it relates to a previous refused application which attracted a high level of public interest in objection to the proposal. A site visit took place in connection with previous application.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary : York City Boundary 0001

DC Area Teams : East Area (2) 0005

Schools : Ralph Butterfield Primary 0216

2.2 Policies:

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYGP1
Design

CYGP4A
Sustainability

CYGP15
Protection from flooding

CYNE6
Species protected by law

CYGP9
Landscaping

CYGP10
Subdivision of gardens and infill devt

CYGP3
Planning against crime

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

EXTERNAL

3.1 Neighbours consulted and site notice posted. First consultation expired 19 November 2008. 7 letters of objections received. The following concerns were raised:

- the design and style of the buildings are incongruous to the surroundings;
- the shape and style of the proposed windows are not in conformity with the surrounding properties;
- the proposal would have a detrimental impact on the street scene;
- the new proposals do not go far enough to ensure the scheme blend in harmoniously with the surroundings;
- the use of render and cedar panels is inappropriate in this location; such use of materials would harm what is currently a neat and attractive community;
- the brick colour as shown on the submitted drawings is out of keeping with the surrounding buildings;

- the construction of 2 buildings of this size on a plot with a number of protected trees is too intensive for the site.
- the proposal might overload the existing drainage system;
- a condition should be imposed requiring the operation of private drain and existing manholes to be preserved;
- the scheme should not be connected to the private sewer serving 2,4,6 and 8 Hall Rise because its current design and capacity are at odds with the addition of further capacity needs hence outside current building regulations;
- the scheme has not taken into account the views of the people living in the area;
- this application should be refused because the design and access statement is identical to the one previously submitted;
- the information submitted with the application is inaccurate in so far as giving the impression that the changes would be a much needed improvement. This includes claims regarding the area of the existing premises, the existing quality of window material, the number of car parking spaces, the types of dwellings within the area, the current condition of the building, and the architectural appearance of the current bungalow.
- the sole reason for the application is commercial gain.

3.2 Second neighbours' consultation expired 12 February 2009 following the submission of revised drawings. 1 letter received; the following concerns were raised:

- the proposed development should be brick built and any rendering must be restricted to a minimum area of the upper storey. This should be secured by condition.

3.3 Haxby Town Council consulted. Response received 4 December 2008:

- The Parish Council has no objections subject to a condition requiring all trees, shrubs, and railings to be retained as they enhance the aesthetic appearance of the site.
- The Parish Council would like to see more traditional materials used for the dwelling which would be sympathetic with the surrounding properties.

3.4 Haxby Town Council - Second consultation expired 12 February 2009 following the submission of amended drawings. No response received to date.

INTERNAL

3.5 Environment and Conservation (Countryside) consulted. Response received 31 October 2008. The following comments were made:

- Comments were made in the previously refused application in respect of the potential of the building for supporting roosting bats.
- As the location of the property is also of high value to local bats, it was suggested that a condition be placed on the application ensuring that any habitat features potentially lost due to the development of the site are made available within the designs of the proposed new dwellings.

- As these comments have not been taken into account within the designs, the condition suggested in the previous application should be imposed

3.6 Highway Network Management team consulted. First response received 3 November 2008. The following comments were made:

- in order for plot 1 to provide appropriate vehicular turning areas for cars to enter and exit in a forward gear the turning area need to be extended;
- the applicant proposes to gravel surface the driveway which is not recommended. The surface should be bonded to prevent carry over of loose materials onto the highway.
- amended drawings recommended.

3.7 Highway Network Management team - Second response received 6 February 2009 following the submission of amended scheme:

- this application is effectively, in highways terms a resubmission of a previous application (08/00181/FUL) to which the Highway Authority had no objections subject to specific conditions;
- the previous application was not refused on highway grounds;
- It is therefore recommended that this application also be subject to the same conditions as the previous application.

3.8 Lifelong Learning and Culture consulted. Response received 12 November 2008 and 6 February 2009:

- as there is no on-site public open space, commuted sums should be paid to the Council for amenity open space, play space and sports pitches.

3.9 Environment and Conservation (Landscape) consulted. Response received 18 November 2008:

- This latest submission satisfies the distances required for physical protection of the trees along the Station Road frontage, most of which are subject to a Tree Preservation Order (TPO).
- The tree protection requirement will need to be strictly adhered to and the protective fencing should be tight up to the edge of the development activities.
- The original house would have to be demolished from the southern side of the building to avoid the root protection area (RPA) of the trees to the north.
- The fencing should be put in place before any works start on site, including demolition, delivery of materials, and provision of any extra utility services (which will need to be routed outside of the RPA).
- The use of ground source heat pumps should be kept outside of the RPA.
- any excavation relating to the proposed driveway should be no more than the top 150mm of vegetation/soil;
- the entire driveway should be of a porous construction.
- condition recommended.

3.10 Environment and Conservation (Landscape) - Second response received 3 February 2009. The team has no further comments on the latest amended scheme.

3.11 Environmental Protection Unit consulted. Response received 28 November 2008 and 10 February 2009. The Unit has no objections subject to informatives.

3.12 York Drainage Engineering Consultancy: First response received 10 November 2008. Engineering Consultancy objected because insufficient information has been provided by the applicant to determine the potential impact the proposals may have on the existing drainage system.

3.13 York Drainage Engineering Consultancy: Second consultation response received 28 January 2009 following the submission of additional details. The Consultancy have removed their original objections subject to conditions.

4.0 APPRAISAL

KEY ISSUES

4.1 The main planning issues raised by this application are whether the proposed development would have a detrimental impact on the residential amenities of nearby properties and the visual appearance and amenities of the area, in particular whether it would have an impact on the health and lifespan of existing trees which are subject to Tree Preservation Order (TPO), and whether it would create conditions prejudicial to highway safety. Issues concerning sustainability and drainage will also be considered.

DESIGN AND APPEARANCE

4.2 The previous application was refused due to members' concerns regarding the design, appearance, siting and proposed materials of construction. It was considered that the proposed contemporary form of development would be incongruous, out of keeping and inappropriate in its context, such that the visual appearance and amenity of the area would be compromised by the development.

4.3 To address the concerns previously raised the latest revised scheme proposes to adopt a more traditional form of development . The proposed choice of building materials has also been altered. The proposed buildings would be constructed of brick and tile with small sections of rendering on the first floor. The irregular building footprints as shown on the previous refused scheme has been revised. To reflect the L-shape pattern of the existing bungalow the revised scheme shows the footprint of the buildings would be in the form of an L-shape.

4.4 The application site is located within a residential estate built in the 1960's, with a wide variety of house types and sizes, all of which reflect the architectural style of that era. In relation to these post-war properties and the more traditional buildings along Station Road, it is considered that the style of architecture proposed would relate more harmoniously with the surrounding buildings given that it is not attempting to introduce a new style of architecture (unlike the previous refused application). As such, it is considered that the proposal would appear less incongruous and more in keeping with the surroundings than the previously refused scheme.

4.5 With regard to the use of external materials, the applicant's agent has confirmed that both buildings will be brick of a similar colour and texture to the dwellings on Hall Rise itself. The tiles proposed would also match the surrounding buildings within the estate. The rendered panels on the upper storey of the buildings would be in keeping with other properties along Hall Rise. A condition requiring samples of the external materials to be submitted prior to the commencement of development has been recommended (condition 3).

4.6 The latest revised plans further shows the rain water storage tank designated for plot 2 has been repositioned away from the TPO trees, and that the proposed dropped crossing to plot 1 would no longer be surfaced with gravel. The turning area has also been widened to facilitate the manoeuvring of vehicles. Whilst these were not issues which warranted the refusal of the previous planning application, it is considered that the proposed changes would further improve the scheme and would reduce any potential damage the proposed storage tank have on the protected trees.

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

RESIDENTIAL AMENITY

4.8 The windows in the rear elevation of plot 1 would be approximately 10.0m away from the garden area of 10 Hall Rise and over 25.0m from the rear garden of 14 Hall Rise. Whilst it is accepted that there would be a degree of overlooking between the two proposed dwellings, the situation is not unusual in a suburban setting especially in this location where there is already a degree of overlooking between properties. A distance of 21.0m between plot 2 and no. 1 Hall Rise is considered to be acceptable.

4.9 There would be a 5.0m distance between the plot 1 and the side wall of 6 Hall Rise. This separation is considered to be acceptable given that the proposed arrangement is no different from the nearby buildings in this location. The windows directly facing the side elevation of 6 Hall Rise are study and bathroom windows. As these are non-habitable windows it is unlikely that the scheme proposed would result in an unacceptable loss of privacy. In any case, a condition requiring obscured glazing to be fitted in the first floor side elevation of plot 1 has been recommended (condition 19). In addition, the boundary treatment condition (condition 22) could serve the purpose of ensuring that the privacy of the occupants at 6 Hall Rise would not be affected by the ground floor study room window in the west elevation of plot 1.

4.10 For the purpose of protecting the amenity of the nearby properties once the buildings are occupied, a condition has been recommended to remove the permitted development rights for future domestic developments including the installation of additional windows and doors (condition 18).

HIGHWAY SAFETY

4.11 No objections were raised by the Highway Network Management Team subject to conditions (7 to 10 inclusive). A detailed method of work statement would also be required (condition 15). Adequate car and cycle parking would be provided, including the provision of a double garage for each of the new properties.

TREE PRESERVATION ORDER AND PROTECTION

4.12 The Council's Landscape Architect has confirmed that the proposed scheme satisfies the separation distances required for physical protection of the trees which are subject to a Tree Preservation Order (TPO). Hence no objections have been raised. In order to protect the existing trees along the Station Road frontage and to further enhance the visual amenity of the site, a landscaping condition has been recommended (condition 20). A method statement condition has also been recommended to ensure that the Council is satisfied with the measures proposed to protect the existing trees during construction and demolition work (condition 4). This condition would also ensure that ground source heat pumps/pipes, if used, would be kept outside the Root Protection Area (RPA).

SUSTAINABILITY

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

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

4.17 In terms of rain water harvesting, each house will have a surface water recycling tank to the volume of 4500 litres. This collects surface water run off and reuses it in washing machines, toilets and outside taps. Only when this reaches capacity is the surface water dispensed into the public sewer network.

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

4.19 By virtue of the above, it is considered that the scheme proposed would comply with the standards set out in Policy GP4a of the City of York Draft Local plan. It is

also considered that by replacing the existing bungalow with two new dwellings constructed to a significantly higher standard is more sustainable, in the long term, than the status quo.

4.20 In accordance with the City of York Interim Planning Statement on Sustainable Design and Construction the scheme proposed is required to achieve a minimum of Level 3 under the Code for Sustainable Homes. In addition, 5% of the expected energy demand for the development will be provided for through on site renewable generation for heat and/or electricity. Conditions have been recommended to ensure that the development would comply with the required standards (conditions 16 and 17).

DRAINAGE

4.21 Further details have been submitted by the applicant, which states that as part of the drainage design, storage capacity suitable for a 1 in 100 year storm will be used. This will be by the way of oversized drainage pipes on site running into a 100mm diameter pipe before entering the public sewer. The 100mm diameter pipe will be fitted with restrictors to reduce the flow as required. Following re-consultation with the Council's Drainage Engineers no objections are now raised on drainage grounds subject to the recommended drainage condition (condition 5).

4.22 PROTECTED SPECIES: As noted by the Conservation team, the site has a moderate potential for bats as the surrounding area is beneficial for roosting bats and there are many records of roosts nearby. It is therefore recommended that a condition should be imposed to ensure that equivalent roost opportunities are incorporated into the proposed new dwellings to make up for any features lost. In addition, measures should also be in place during the demolition phase to ensure that any bats which may take up residence in the future are taken into account. This can be done through timing of work or by carrying out further survey prior to demolition. Again this can be secured by condition (condition 12).

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

5.0 CONCLUSION

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

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

666.002 Rev F received 29 January 2009

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 VISQ8 Samples of exterior materials to be app

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

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

5 Prior to the commencement of development details of the surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

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

INFORMATIVE:

To satisfy this condition details of the surface water drainage works should include:

- i. Existing and proposed ground and finished floor level to above ordnance datum (AOD).
- ii. Key to show existing and proposed surfacing.
- iii. Details of surface water attenuation system to achieve 10.1 cubic metres of storage volume required for a 100 year return period storm (+ 20% for climate change), and details of the flow control manhole limiting the proposed discharge into the existing surface water connection to a maximum of 1.9 litres per second.

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

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

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

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

8 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with the approved plans.

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

9 HWAY19 Car and cycle parking laid out

10 HWAY21 Internal turning areas to be provided

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

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

INFORMATIVE:

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

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

12 No development shall take place until full details of what measures for bat mitigation and conservation are proposed and have been submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

Reason: To take account of and enhance habitat for a protected species.

INFORMATIVE:

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

- i. Further survey at the appropriate time of year and not more than 1 month prior to any work being undertaken if the demolition is to be carried out between April and September. The results should be submitted to the Council beforehand.
- ii. A plan of how demolition work is to be carried out to accommodate the possibility of bats being present.
- iii. Details of what provision is to be made within the new building to replace the features lost through the demolition of the original structure. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and should at least replace or substitute for what is existing.
- iv. The timing of all operations

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

13 LAND3 Protection of existing planting

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

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

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

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

16 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise

agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3-star rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: In the interests of sustainable development.

17 Unless otherwise agreed in writing by the Local Planning Authority, a minimum of 5% of the expected energy demand for the development hereby approved shall be provided through on site renewable generation for heat and/or electricity. Prior to the commencement of development a statement outlining how this is achieved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable and accords with Policy GP4a of the Draft City of York Local Plan and the City of York Interim Planning Statement on Sustainable Design and Construction.

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

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

19 The first floor windows on the west elevation of the dwelling on plot 1 of the development hereby approved shall at all times be glazed with obscured glass to a level equivalent to Pilkington obscure glass level 3 or higher.

Reason: To safeguard the amenity and privacy of occupiers of adjoining residential property.

20 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall include the species, density (spacing), and position of trees, shrubs and other plants; seeding mix, sowing rate and mowing regimes where applicable. Where required it will also include details of ground preparation. This scheme shall be implemented

within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme. Any works to existing trees that are protected by a tree preservation order (TPO) or are in a conservation area are subject to local authority approval and notification respectively within and beyond this five year period.

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.

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

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00

Not at all on Sundays and Bank Holidays

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

22 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area and to safeguard the amenities of occupiers of adjoining residential property.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

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

- Design and Appearance
- Residential Amenity
- Highway Safety
- Tree Protection
- Sustainability
- Drainage
- Safeguarding of Protected Species
- Open Space Contributions.

As such the proposal complies with national planning advice contained within Planning Policy Statement 1 ("Delivering Sustainable Development") and Planning Policy Statement 3 (Housing"), and Policies H4a, H5a, GP1, GP4a, GP15a, NE6, GP9, GP10, GP3 and L1c of the City of York Local Plan Deposit Draft.

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

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

i. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

ii. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

iii. The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

iv. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

v. There shall be no bonfires on the site.

4. INFORMATIVE:

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

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

Contact details:

Author: Billy Wong Development Control Officer
Tel No: 01904 551326