

## COMMITTEE REPORT

**Date:** 24 April 2025      **Ward:** Rural West York  
**Team:** West Area      **Parish:** Upper Poppleton Parish Council

**Reference:** 24/00804/FUL  
**Application at:** 13 Bankside Close Upper Poppleton York YO26 6LH  
**For:** Erection of 1no. detached dwelling to side  
**By:** Mr Frank Rowell  
**Application Type:** Full Application  
**Target Date:** 1 October 2024  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 Permission is sought for the erection of 1no. two storey detached dwelling within the side garden of 13 Bankside Close, Upper Poppleton.

1.2 Bankside Close is a large cul-de-sac which curves to the west. The application site terminates at the head of the cul-de-sac. The street comprises a mix of two storey detached red and buff brick dwellings with detached double garages set within spacious plots. Although the dwellings are not uniform in terms of design, they are fairly typical of 1970s / 1980s development.

### AMENDMENTS

1.3 A number of amendments have been submitted to address landscape design, overlooking to rear and parking concerns. Proposals now seek to demolish the existing garages to create an elongated driveway for both the host and new dwelling.

### RELEVANT PLANNING HISTORY

1.4 The following is relevant to the current scheme:

- 15/01855/TPO - Fell Horse Chestnut tree protected by Tree Preservation Order No. 1/1970. Approved October 2015. Conditional approval required that either a Horse Chestnut or Beech tree was replanted.
- 23/00412/TPO – Fell Horse Chestnut tree protected by Tree Preservation Order no. 1/1970. Approved April 2023. Conditional approval required that a Pear tree was replanted.

## Committee call-in

1.5 The application has been called-in by Cllr. Anne Hook. On the grounds of overdevelopment of the area due to limited land and space, reducing amenity within the area for neighbouring residents. It was also noted that the area is used by parents during school drop-off and collection. The additional traffic arising from the development is considered to be a danger to young children in the area.

## 2.0 POLICY CONTEXT

2.1 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).

### Development Plan

The Development Plan comprises the City of York Local Plan which was adopted in February 2025 and the Upper Poppleton and Nether Poppleton Neighbourhood Plan which was “made” on 19 October 2017.

#### (a) Local Plan

The Relevant Policies are:

SS1 Delivering Sustainable Growth in York  
DP2 Sustainable Development  
H3 Balancing the Housing Market  
D1 Placemaking  
GI2 Biodiversity and Access to Nature  
GI4 Trees and Hedgerows  
ENV5 Sustainable Drainage  
T1 Sustainable Access  
CC2 Sustainable Design and Construction of New Development

#### (b) Upper and Nether Poppleton Neighbourhood Plan

PNP 4 Village Design Statement  
PNP 6A Housing Development within Upper Poppleton and Nether Poppleton  
PNP 11 Climate Change and Renewable Energy

### The National Planning Policy Framework (2024)

The National Planning Policy Framework (NPPF) sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

### Poppleton Village Design Statement

Poppleton Village Design Statement (VDS) includes a number of design guidelines including: DG1 new development should seek to provide a range of house types in order to maintain the population mix in Poppleton. DG11: The existing character and traditions must be appreciated when contemplating new development, whatever its size or purpose. Whilst imaginative and original design is encouraged one must consider the setting. DG12: To conserve the special character of the traditional communities, the size, scale and massing of new buildings and extensions should harmonise with neighbouring properties and spaces.

## 3.0 CONSULTATIONS

### INTERNAL

#### Highways Network Management

3.1 Comments provided following amendments: The shared vehicle access is supported. Further details re. cycle storage including access and size of the store is required but can be secured via condition.

#### Flood Risk Management

3.2 The submitted Site Plan – Re: 1076.P105 dated May 2024 by Fining Associates which showing foul water being connected to the public foul sewer and surface water connection to the public surface water sewer at a restricted rate of 0.5 (nought point five) litres per second, requires amendments but is generally acceptable in principle but we note no infiltration testing has been carried out to discount part 1 (to the ground) of the hierarchy of surface water disposal nor has any surface water drainage calculations or attenuation details provided.

#### Public Protection

3.3 No objections. Conditions / informatives are required re. unexpected contamination, demolition and construction and electric vehicle recharging.

#### Design and Conservation (Landscape / Trees)

3.4 The proposed tree planting is within the root protection area (RPA) of T1. It is requested that the position of the tree is outside of this that way they are not digging in the RPA and the tree will not be suppressed due to proximity to T1. The incursion

of the paved terrace into the RPA of T1 is only minor and is therefore deemed acceptable subject to them providing details of how they will minimise impact within the arboricultural method statement subject to condition.

### Design and Conservation (Ecology)

3.5 Initial review of the submitted information requires further information to be provided. Amended details provided are acceptable, however officers would like confirmation of where the offsite BNG units would come from. Conditions suggested.

### EXTERNAL

#### Yorkshire Water

3.5 No objections.

#### Ainsty Internal Drainage Board

3.6 The Board has assets in the wider area in the form of Poppleton Crescent Dyke. This watercourse is known to be subject to high flows during storm events. The applicant is proposing to discharge into the mains surface water sewer. This appears to discharge into the Board maintained watercourse known as Poppleton Crescent Dyke and accordingly, approval will be required from the Board in terms of the amount of water to be discharged. This is in addition to any consent required from Yorkshire Water.

#### Upper Poppleton Parish Council

3.7 The Parish Council objects to the planning application as it considers it to be an overdevelopment of the plot and contrary to the Poppleton Village Design Statement. The Parish Council agrees with the significant number of objections by the neighbours.

### 4.0 REPRESENTATIONS

#### Neighbour Notification and Publicity

4.1 The application was advertised by neighbour notification letter and site notice. 20 responses from 13 residents/properties have been received. The following issues have been raised:

- proposals adversely affect the character and amenity of the Bankside Close
- size of plot and proposed dwelling out of keeping with existing street scene of larger properties

- Poppleton Village Design Statement requires the protection of soft landscaping. The proposed dwelling appears cramped and will result in a loss of landscaping.
- adverse impact on root system of Sycamore to rear of site
- loss of trees on the site over the years
- detrimental impact on parking, which is already an issue in the close
- potential impacts on highway safety due to increase traffic/parked cars
- very limited on street parking, development does not appear to provide adequate parking for cars
- access for deliveries and emergency vehicles could be compromised
- previous planning application for similar scheme was rejected 15 years ago
- site plan inaccurate, show incorrect house opposite and tree is much closer than shown.
- loss of privacy
- impact on outlook of 3 and 5 Bankside Close

## 5.0 APPRAISAL

### KEY ISSUES:-

- Principle of development
- Design and appearance
- Amenity
- Highway issues
- Drainage
- Trees
- Biodiversity Net Gain
- Sustainable Design and Construction

## PRINCIPLE OF DEVELOPMENT

5.1 The Local Plan seeks to positively meet the housing development needs of the city by providing both sufficient numbers of housing and also the right type and mix. This aim aligns with the Government's objective of significantly boosting the supply of homes. Local Plan policy SS1 (Delivering Sustainable Growth for York) requires the efficient use of land in sustainable locations with a priority on developing previously developed land. The Poppleton Neighbourhood Plan policy PNP 6A supports the use of existing domestic curtilages for residential development with PNP 11(c) stating that decisions should apply a presumption in favour of sustainable development by approving applications that accord with up to date development plans.

5.2 Proposals seek to develop the side garden of 13 Bankside Close which lies within an established residential area within the village of Upper Poppleton in a sustainable location close to local shops/amenities and with public transport links

into the centre of York. Proposals seeks consent for a detached two storey, 3 bedroom dwelling. The Local Housing Needs Assessment (July 2022) demonstrates that there is a larger need for 2-3 bedroom dwellings in the York area and as such the proposal would help to boost the supply of homes and meet an identified need. Given the above, and the consistency with Development Plan policies SS1 and PNP 6A, the general principle of residential development in this location is considered to be acceptable.

## DESIGN AND APPEARANCE

5.3 Neighbourhood Plan Policy PNP 4 states that development proposals will be supported where they bring forward high quality design appropriate to their character and appearance. All new developments within the settlement limits of the villages should respect the Design Guidelines in the Poppleton Village Design Statement (PVDS), specifically DG. Neighbourhood Plan Policy PNP6A supports housing development within domestic curtilages providing it respects the character of surrounding development and provides appropriate garden and amenity space. Local Plan Policy D1 states that development proposals which fail to make a positive design contribution to the city, and/or cause damage to the character and quality of an area will be refused.

5.4 The proposed dwelling would sit relatively centrally between no. 11 and no. 13 Bankside Close. The dwelling would be constructed from red brick and concrete roof tiles and would have a similar palette of materials to the majority of housing within this part of Bankside Close. Given the modest scale of the plot, the dwelling would have a narrower frontage than its immediate neighbours, however it would be sited opposite no. 34 Bankside Close, itself being of more modest proportions. The more modest appearance, whilst not typical of the street would harmonise with the surrounding 1970-1990s development and reflects the existing variance within the street.

5.5 A number of neighbour objections have raised the issue of overdevelopment of the plot. The agent has confirmed that the amenity space distribution amounts to 96% of the gross internal area of the new dwelling. This establishes that the site can accommodate a detached three storey dwelling, almost an equal amount of amenity space and parking. The submitted street elevation also demonstrates that the development would retain an element of separation from the neighbouring dwelling thereby appearing in keeping within its setting. By virtue of the design and scale of development and the larger than average side garden plot, the new dwelling would not constitute, or appear as overdevelopment. Additionally, the garden areas, although smaller than those belonging to surrounding housing, are proportionate to the scale of the proposed development. Proposals therefore comply with Neighbourhood Plan Policy PNP 6A and Local Plan policy D1 and PVDS design guideline no. 12 (development should harmonise with scale of neighbouring development).

5.6 In terms of landscaping it is acknowledged that the host dwelling benefits from a larger side garden than other houses in the street. PVDS design guideline 17 states that space should be maintained around dwellings to avoid a loss of soft landscaping. Whilst it is acknowledged that the new dwelling would develop the side garden and reduce the amount of existing soft landscaping, the development would maintain a modest landscaped frontage. The side garden is set back from the road, following the turning head, and is largely enclosed by fencing rather than appearing as a continuation of the front gardens either side of it. The location of development, in an area which already differs from the rest of the street frontage, would not appear significantly out of keeping with the prevailing street scene.

5.7 Local Plan Policy GI4 seeks to protect trees and hedgerows and recognises their biodiversity value, the contribution they can make to the quality of a development, and their importance within a landscape context. Proposals for development will be supported where they retain trees and hedgerows that make a positive contribution to the general amenity of an area. The development of the side garden and subsequent reduction in landscaping would not, in this instance, have a significant adverse impact on the appearance of the streetscene. No trees or hedgerow would be removed. The scheme proposes some replacement planting including a new tree to the rear garden of the new dwelling. In addition, some landscaping to the front of the host dwelling would be retained. The resulting impact on biodiversity is discussed below.

5.8 Overall, the scheme would support the government's aim of boosting local housing in sustainable locations and whilst it would be of more modest scale than the existing housing, the variety within the street is such that that scheme would not appear overly incongruous in this location. As such the scheme is compliant with the Poppleton Neighbourhood Plan Policy PNP 6A and Local Plan policy D1 with regard to design and visual appearance and PVDS guidelines 12 and 17. It is also compliant with the aims and objectives of the NPPF.

## HIGHWAY ISSUES

5.9 Local Plan Policy T1 requires development proposals to demonstrate safe and appropriate access to the adjacent highway, ensure priority is given to pedestrians and cyclists and provide adequate storage provision for bicycles. PNP6A supports the provision of a single dwelling within the curtilage of a domestic property where appropriate levels of parking and vehicular access are provided. Local Transport Note: Cycle Infrastructure Design LTN 1/20 provides guidance in this respect and suggests that new development should include the provision of 1no. bicycle space per bedroom. Paragraph 116 of the NPPF states 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.

5.10 The host dwelling currently benefits from a detached double garage and drive set back from the front dwelling elevation, which accommodates at least 3no. cars. The site is positioned at the head of the cul-de-sac and close to a footpath which leads from Bankside Close to Dikelands Lane, which is used as a pedestrian cut-through to Poppleton Ousebank Primary School on Main Street. It is understood that the occupants of the host dwelling often park centrally within the drive, given the restrictions created by the side wall of the host dwelling. It is acknowledged that there would not be adequate width for two lines of cars (for separate dwellings) to park side by side given the constraint of the side wall belonging to the host dwelling.

5.11 A significant number of objections have been received from local residents who do not consider that the proposed parking arrangements utilising the existing drive for the host and new dwelling are sufficient given the number of vehicles currently owned by the applicant. In addition, due to the initially proposed off-street parking proposed, the development would likely result in on-street parking which, according to neighbour objections, already causes obstructions within the street.

5.12 Amendments have been submitted to address the concerns raised, in terms of the width of the drive and number of off-street car parking spaces. The amendments remove the existing double garage in favour of an extended driveway (further into the rear garden) which comfortably accommodates 2no. cars per drive/dwelling.

5.13 The existing garage has been replaced with a small timber store (1no. per dwelling) for bicycle storage. Neighbour objections to this final amendment have been received stating that the changes do not address the concerns raised, however the removal of the garage would elongate the drive allowing up to 3no. cars on the host drive and 2no. cars for the new dwelling.

5.14 The site plan has also been amended to provide indicative bin and cycle storage for each property. The stores show bicycle storage provision for 2no. bicycles per dwelling. These are not large enough to accommodate the recommended storage of 1 bicycle per bedroom, however there is space to provide a larger store. The proposed access is deemed appropriate and full details of bin and bicycle storage can be secured via condition. The revised proposals therefore align with Local Plan policy T1 and LTN 1/20.

## RESIDENTIAL AMENITY

5.15 Local Plan Policy D1 states that development proposals should ensure design considers residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing. Neighbourhood Plan Policy PNP6A also seeks to safeguard the amenities of existing residential properties. The

NPPF states that developments should create places with a high standard of amenity for all existing and future users.

5.16 The new dwelling would be located within the grounds of an existing residential property with the first floor windows being approximately 9m from the rear boundary and approximately 30m from 5 Bankside Close to the rear of the site. Both distances are deemed to be acceptable in a suburban village location. In terms of separation distance, the relationship of the new dwelling is similar to that of the host dwelling and no. 3 Bankside Close. Additionally, the existing screening to the rear boundary (trees) would help to ensure that there would be no significant adverse impact in terms of overlooking.

5.17 In terms of impact on no. 11 Bankside Close to the west, the new dwelling would be located alongside the shared boundary, projecting approximately 7.8m beyond the rear elevation of no. 11, adjacent to the boundary hedge belonging to no. 11. The new dwelling would be located 4m from the side elevation of no. 11. No. 11 is a large detached property, situated centrally within a wide and spacious plot. The lounge of no. 11 is located to the right hand side of the dwelling, adjacent to the new development. Six windows serve this ground floor living area (2no. windows to front, 2no. to the side and 2no. to the rear). The main bedroom is located above the lounge, with windows overlooking the rear garden. By virtue of the distance to the side boundary and the width of the plot belonging to no. 11, the location of the new dwelling would not have a significant impact on outlook from the rear facing windows. It is acknowledged however that the rear projection combined with the two storey height of the new dwelling would cause some overshadowing during the early to mid-morning – the only time that the rear facing (and one side) windows would receive direct sunlight due to the orientation of the building. However, as the lounge is served by six windows, there would not be a significant loss of light to the room overall, and for the majority of the day, the rear part of the lounge would largely be unaffected by the development in terms of overshadowing. Similarly the rear facing bedroom would also not be significantly compromised due to loss of light.

5.18 The new dwelling would be highly visible from the rear garden of no. 11, being sited along a significant portion of the eastern side boundary. No. 11 has two main seating areas – one to the rear of the dwelling positioned to the side of the detached garage, and one to the western (side) elevation of the property away from the proposed dwelling. It is acknowledged that the proposals would bring development much closer to this neighbouring dwelling than exists at present, and that the street is generally characterised by spacious development, however the width of the plot of no. 11, combined with the orientation of the dwelling and location of seating areas would ensure that the new dwelling would not appear so dominant or have such a significant impact on amenity that would justify a refusal of planning permission.

5.19 The new dwelling would provide a good level of accommodation for future occupants, with adequate outdoor amenity space provided for both the new and existing dwelling. Overall proposals would comply with the requirements of Local Plan Policy D1 and Neighbourhood Plan Policy PNP 6A.

## DRAINAGE

5.20 Policy ENV5 of the Local Plan (2018) states Sustainable Drainage System (SuDS) methods of source control and water quality improvement should be utilised for all new development, to minimise the risk of pollution and to attenuate flood volumes. The type of SuDS used should be appropriate to the site in question and should ensure that there is no pollution of the water environment including both ground and surface waters. Existing land drainage systems should not suffer any detriment as a result of development.

5.21 Foul drainage is proposed to connect to the mains sewer as per the existing arrangement and surface water drainage is proposed to be drained via soakaway. The drive would be constructed from permeable materials. Revised details confirming the location of the soakaway is agreed, however soakaway testing has yet to be demonstrated within the site. Revised proposals are generally in accordance with policy ENV5 of the Local Plan (2018) and details can be secured via condition.

## TREES

5.22 Local Plan Policy GI4 recognises the value of the existing tree cover and hedgerows and supports development that provides protection for overall tree cover as well as for existing trees worthy of retention. In addition it also supports proposals that do not create conflict between existing trees in or adjacent to a site and new buildings and those which supplements the city's tree stock with new tree planting where an integrated landscape scheme is required.

5.23 Development would be located in close proximity to a mature Sycamore tree (T1) protected by a Tree Preservation Order within the garden of no. 5 Bankside Close, to the rear of the application site. The Massing and Landscape Plan has been updated to include the root protection area (RPA) of T1 in relation to the proposed development. Proposals would be located outside of the RPA, with only minimal incursion in terms of the corner of the rear patio. Officers are content that there would be no detrimental impact to T1 in terms of the location of the new dwelling. The Landscape plan also shows the position of a new pear tree to the north east corner of the site, outside of the RPA of T1. This was secured in relation to conditional approval of 23/00412/TPO which required the replanting of a pear tree following the removal of a horse chestnut tree. Officers are content that the position of the pear tree would not compromise the health of the T1 tree and would remain

outside of the RPA therefore also ensuring the long term health of this new replacement tree. Proposals are compliant with the aims of Local Plan Policy GI4.

## BIODIVERSITY NET GAIN

5.24 Local Plan Policy GI2 requires development proposals to protect existing habitats, contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Recent changes to legislation (Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended)) include the statutory need for development to provide a biodiversity net gain (BNG) showing a 10% improvement for small sites.

5.25 The BNG small sites metric and Preliminary Ecology Reports (PEA) have been updated to provide up to date and accurate on-site data. The PEA concludes that the proposals would impact over 25m<sup>2</sup> of vegetated habitat and as such is required to provide the statutory 10% biodiversity net gain. The PEA confirms that this would be through the purchase of off-site units which can be secured via condition. In terms of onsite enhancements, the PEA recommends the installation of bat and bird boxes which would satisfy the requirements Local Plan policy GI2.

## SUSTAINABLE DESIGN AND CONSTRUCTION

5.26 PNP11 of the Neighbourhood Plan states that new developments that exceed the Building Regulations with regard to energy conservation and use of renewable energy technology will be particularly supported. The policy goes on to encourage rainwater harvesting, greywater recycling, porous paving, solar photovoltaics and high standards of insulation. Local Plan Policy CC2 states that developments should achieve high standards of sustainable design and construction by demonstrating energy and carbon dioxide savings in accordance with the energy hierarchy, water efficiency and consideration of good practice adaptation principles for climate resilience. All new residential development of 1 or more dwellings should achieve on-site carbon emissions reduction of a minimum of 31% over and above the requirements of Building Regulations Part L (2013), of which at least 19% should come from energy efficiency measures, and a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations). The above efficiencies can be secured via condition.

## 6.0 CONCLUSION

6.1 The proposals would support the Government's aim of increasing housing supply in a sustainable location. The design and scale of the dwelling is considered appropriate within the context of the wider street scene, and would not result in an unacceptable impact on residential amenity or highway safety. The scheme, as amended, thereby complies with Local Plan policies D1, H3, GI2, GI4, T1, CC2 and ENV5, Poppleton Neighbourhood Plan Policy PNP 6A and the wider aims of the

National Planning Policy Framework. It is also in compliance with the Poppleton Neighbourhood Plan with Plan Policy 11(c) stating that decisions should apply a presumption in favour of sustainable development by approving applications that accord with up to date development plans.

## **7.0 RECOMMENDATION:** Approve

1      TIME2      Development start within three years

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

Site Plan - Drg. No: 1076.P105C

Elevations 1 of 2 - Drg. No: 1076.P120C

Elevations 2 of 2 - Drg. No: 1076.P121C

Ground Floor Plan - Drg. No: 1076.P110C

First Floor Plan-Drg. No: 1076.P111C

Roof Plan - Drg. No: 1076.P112C

Arboricultural Impact Assessment Plan - Drg. No: 21119 AIA01 A

Tree Constraints Pln - Drg. No: 21119 TC01 A

Massing and Landscape Plan - Drg. No: 1076.P106B

Existing and Proposed Habitats Plan - Drg. No: 1076.P107

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. 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.

5      The dwelling hereby permitted shall achieve a reduction in carbon emissions of at least 31% compared to the target emission rate as required under Part L of the Building Regulations 2013 and a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

Should the dwelling not achieve a reduction in carbon emissions of 75%, compared to the target emission rate as required under Part L of the Building Regulations 2013, prior to construction a statement to demonstrate that such reductions would not be feasible or viable shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policy CC2 of the Draft Local Plan 2018.

6 The approved landscape scheme for soft works (insert reference) shall be implemented within a period of six months of the practical completion of the development. If the tree dies, is removed or becomes seriously damaged or diseased, it shall be replaced in the next planting season with a tree of the same size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: The landscape scheme is integral to the amenity of the development.

7 Before the commencement of development, an Arboricultural Method Statement (AMS) regarding protection measures for T1 shall be submitted to and approved in writing by the local planning authority. Amongst the detail within the AMS, the statement shall include details and locations of protective fencing (in accordance with BS5837), site rules and prohibitions and locations for stored materials. The document shall also include methodologies specifically for the protection of tree roots when working in the root protection area of T1. A copy of the document shall be always available for reference and inspection on site. The development shall be implemented in accordance with the approved details.

Reason: To ensure the protection of Tree T1 during the construction / development phase.

8 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.

9 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and shall thereafter be 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.

10 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 AA, A, B, C, D 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.

11 Prior to the practical completion of the approved development details of cycle parking areas including means of enclosure to provide 1 cycle space per bedroom for the new dwelling and number 13 Bankside Close shall be submitted to and approved in writing by the Local Planning Authority. The new dwelling shall not be occupied until the cycle parking areas and means of enclosure have been provided in accordance with the approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

12 The new dwelling shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles 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.

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. INFORMATIVE: BIODIVERSITY NET GAIN (BNG)**

The statutory framework for Biodiversity Net Gain (BNG) set by paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 requires a Biodiversity Gain Plan to be submitted and approved prior to the commencement of development. The development cannot be lawfully commenced until this condition is satisfied.

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, which is required in respect of this permission, is the City of York Council.

#### SUBMISSION REQUIREMENTS:

Under paragraph 14(2) of Schedule 7A, a Biodiversity Gain Plan must include the following:

- a) Information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat,
- b) The pre- and post-development biodiversity value of the onsite habitat,
- c) Any registered off-site biodiversity gain allocated to the development, and
- d) Any biodiversity credits purchased to off-set the development and whether or not from a registered provider.

In addition, under Articles 37C(2) and 37C(4) of The Town and Country Planning (Development Management Procedure) (England) Order 2015, the following specified matters are required, where development is not to proceed in phases:

- Name and address of the person completing the Plan, and (if different) the person submitting the Plan;
- A description of the development and planning permission reference number (to which the plan relates);
- The relevant date, for the purposes of calculating the pre-development biodiversity value of onsite habitats and if proposing an earlier date, the reasons for using this earlier date;
- The completed biodiversity metric calculation tool(s), stating the publication date of the tool(s), and showing the calculation of the pre-development onsite value on the relevant date, and post-development biodiversity value;
- A description of arrangements for maintenance and monitoring of habitat enhancement to which paragraph 9(3) of Schedule 7A to the 1990 Act applies (habitat enhancement which must be maintained for at least 30 years after the development is completed);
- (Except for onsite irreplaceable habitats) a description of how the biodiversity gain hierarchy will be followed and where to the extent any actions (in order of priority) in

that hierarchy are not followed and the reason for that;

- Pre-development and post-development plans showing the location of onsite habitat (including any irreplaceable habitat) on the relevant date, and drawn to an identified scale and showing the direction of North;
- A description of any irreplaceable habitat on the land to which the plan relates which exist on the relevant date, and any part of the development for which planning permission is granted where the onsite habitat of that part is irreplaceable habitat arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat; and

If habitat degradation has taken place:

- A statement to this effect;
- The date immediately before the degradation activity;
- The completed biodiversity tool showing the calculation of the biodiversity value of the onsite habitat on that date, and
- Any available supporting evidence for the value.

There is a standard Biodiversity Gain Plan template available to complete which brings together many of these matters into one document.

[https://assets.publishing.service.gov.uk/media/65df0c4ecf7eb16adff57f15/Biodiversity\\_gain\\_plan.pdf](https://assets.publishing.service.gov.uk/media/65df0c4ecf7eb16adff57f15/Biodiversity_gain_plan.pdf)

Failure to submit a Biodiversity Gain Plan prior to the commencement of development will lead to formal enforcement action being considered, which could be in the form of a Temporary Stop Notice (that will require all development on site to stop, for a period of 56 days).

## 2. INFORMATIVE:

The developer's attention is 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 adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) 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.

(b) 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".

(c) 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.

(d) 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.

(e) 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.

(f) There shall be no bonfires on the site

### 3. 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 39) 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:

Officers requested amendments to the parking arrangements, rear window treatment and additional information with regards to impacts on neighbour amenity and landscaping and biodiversity net gain.

#### **Contact details:**

**Case Officer:** Elizabeth Potter

**Tel No:** 01904 551477