

COMMITTEE REPORT

Committee: West/Centre Area
Date: 20 January 2010

Ward: Bishopthorpe
Parish: Bishopthorpe Parish Council

Reference: 09/00819/FUL
Application at: Site To The Rear Of 14 Copmanthorpe Lane Bishopthorpe York
For: Single storey dwelling with rooms in roof to rear of 14 Copmanthorpe Lane
By: Mr Mike Cross
Application Type: Full Application
Target Date: 13 August 2009

1.0 PROPOSAL

1.1 The application is for a detached dwelling to the rear of 14 Copmanthorpe Lane with vehicular access to Kirkwell.

1.2 The site was part of the rear garden of 14 Copmanthorpe Lane although it has been separated at a later date. The site is surrounded by dwellings: Kirkwell is a street of semi-detached and detached dwellings in quite close proximity to each other built in the late 1990s. The other dwellings surrounding the site are semi-detached dwellings and one detached all built mid 20th Century.

1.3 The previous applications for a detached dwelling (06/00697/FUL and 07/02892/FUL) on this site were refused permission at the West and Centre Planning Sub Committee on 22 March 2007 and 29 January 2008 respectively.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

Schools GMS Constraints: Bishopthorpe Infant 0185

Schools GMS Constraints: Archbishop of York's CE Junior 0183

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP10
Subdivision of gardens and infill devt

CYH4A
Housing Windfalls

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

Original scheme

- The gravelled turning area is considered inadequate in size and impracticable to use due to its position relative to the gate and frontage boundary. In this location on-site turning is not considered essential and there would be no objection to its omission
- The garage is set back a stated 10m (scales at 11 m on the plan). If extent of hardsurfacing is an issue then the length of this driveway could be reduced to 6m (or even 4.8 metres is a design of garage door was used which did not protrude forward whilst being operated) and still comply with recommended parking standards
- The driveway scales at 2.8 metres; the recommended minimum width for a driveway which also serves as the only pedestrian access to a site is 3.2m
- The position of the driveway may affect a young highway tree

Revised scheme

- No objections to the revised scheme, would like conditions relating to the surfacing of turning areas, building should not be occupied until vehicle areas have been laid out, and no gate opening out onto the highway would like an informative alerting the applicant that they require consent for highway works.

LANDSCAPE ARCHITECT - No objections

- There are a number of trees in the area that are subject to TPO CYC 16. There are no protected trees within/on the site boundary. There are some protected Hawthorns along the rear boundary of the neighbouring property to the north, but these would not be affected by the development

STRUCTURES AND DRAINAGE

Original Scheme

- Object. Insufficient information has been provided by the developer to determine the potential impact the proposals may have on the existing drainage system

Revised Scheme

- No objections

LIFELONG LEARNING AND LEISURE – No objections

As there is no on site open space commuted sums should be paid to the Council for (a) amenity open space - which would be used to improve a local site within the Parish. (b) play space - which would be used to improve a local site within the Parish. (c) sports pitches - would be used to improve a facility within the South Zone of the Sport and Active Leisure Strategy. The contribution to off site provision is to be based on the latest York formula through a Section 106 Agreement.

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

BISHOPTHORPE PARISH COUNCIL (to original scheme) - Object

- The plan supplied has no north arrow and also refers to a previous footprint which does not relate to the previous applications. Difficult to orientate the drawing, especially as it does not show any identifiable features
- Application refers to a new access to and from the public highway, but no details have been supplied, estimate that it would exit at a lamppost position. Moving the lamppost would place it directly shining into the bedrooms of the house opposite, at present it is in line with the driveways
- The design is for timber cladding which is not in character with the surrounding and would be noticeable as the exception. A conventional brick finish would be more suitable for the locality
- A daylight/sunlight assessment is required to assess the impact on 2 New Lane can be considered
- Would want conditions to protect the ancient hedgerow, doors facing Kirkwell should be removed to respect the privacy of the occupants of Kirkwell, the hours of delivery should be restricted, all materials should be stored on site and builders vehicles should not park on Kirkwell. A Section 106 for open space should be required.

9 LETTERS OF OBJECTION (to original and revised scheme)

- Kirkwell was built to accommodate buildings on one side only, building on the opposite side of the road would cause problems of access for existing residents of Kirkwell
- Emergency vehicles would have a problem accessing the road
- Proposal is not significantly different from previous application
- Proposed dwelling out of character with the other dwellings in the street
- The scale, mass and design are considered to be detrimental to the character and amenity of the local environment
- Cause a loss of privacy
- Cause a loss of light in the afternoons and evenings
- Parking problems in Kirkwell, would compound existing problems
- Cars reversing out of the driveway would have to use the driveways of the dwellings in Kirkwell to turn around, also potentially dangerous
- Overdevelopment of the area
- Would present an unacceptable aspect to the residents of Kirkwell and Copmanthorpe Lane
- The shiplap cladding and render are not in keeping with the surrounding area, not attractive

- The application states there is a store/garage on site there is not there is small garden shed and greenhouse
- The application states there are no trees on site, this is not the case there are mature trees and hedging on the site
- The proposal would result in the removal of some of the hedge; a condition of the original approval for Kirkwell was for maintenance of the hedging and planting of trees as they were considered to make a significant contribution to the area. Removal of the hedge would have a significant impact on visual amenity, privacy and wildlife corridor
- The hedging removed is also directly next to 5 hawthorn trees which are the subject of a Tree Preservation Order, concerned there would be significant root damage to these trees as part of the driveway construction
- The distance between the front of the proposed dwelling and the hedging would be around 2 metres. This would cause poor natural light and outlook levels for the proposed property. This relationship may lead to pressure from future occupiers to remove the hedging. This is of concern given its importance to the wider environment
- Turning circle too small and impossible to use given the gates infringe on the area
- Potential access by construction traffic would cause concern, would be unable to access site. Even without parked cars would be difficult and existing the site would be impossible without infringing existing properties
- Concerned about the noise disturbance from a potential building site
- The proposed footprint by virtue of its scale and mass is detrimental to the character and amenity of the local environment
- The front elevation is 6.2 metres in height and would be 10 metres from the dwellings opposite on Kirkwell resulting in an overbearing structure that would cause a loss of light and overshadowing
- Development is described as single storey but it has accommodation in the roof
- Question how one dwelling would increase the sustainability of the village
- Front hedge may be a historic and ancient boundary line
- Object to the French doors in the front elevation will cause a loss of privacy; there is ample provision for the doors to be sited in another elevation
- The gable facing Kirkwell will dominate the streetscene
- During darkness vehicles exiting the site would project full beam headlights into the dwellings opposite
- The road on Kirkwell is narrow less than the 7.5 metres allowed (6.3 metres) the narrow road was only allowed as dwellings on Kirkwell were to be on only one side of the road by virtue of the narrowness of the site
- Construction would cause harm to the health of some of the residents
- The proposed felling of the walnut tree will cause overlooking from the proposed dwelling to 16 Copmanthorpe Lane
- The proposed dwelling will not enjoy enough amenity given the overdevelopment of Kirkwell
- The revised plans do not constitute sufficient amendment to overcome previous planning refusals
- Proximity and height of the dwelling would be overbearing to 1 New Lane and would result in a significant loss of outlook

- Similar development on New Lane was refused and dismissed at appeal on the grounds that the close proximity would result in a loss of privacy, and, from normal domestic activities, cause harm to the residential amenities of the occupiers of 1 New Lane. The impact of that proposal would have considerable less impact than this application
- Loss of privacy to No1 and No 2 New Lane
- Upstairs windows would result in overlooking the rear gardens of 2 to 10 New Lane
- A proposed dwelling on the site should not be more than a modest single story dwelling of height and size
- If approved would want conditions stating no additional windows permitted, time of building work and deliveries
- Distance between the dwelling and the dwellings opposite on Kirkwell is less than 21 metres, which is widely recognised minimum for residential properties
- There does not appear to be any planting or other landscaping proposed along the front of the site bounding Kirkwell
- The distance between the eaves and the ridge of the roof appears to be greater than the height of the ground floor of the property
- Poor design quality, uninspiring, bland, and incongruous, would not be consistent with planning policy at both national and local levels which requires that new development is of a high standard of design which respects and is compatible with its surroundings
- Create a tunnelling effect and a sense of enclosure to the occupants of the dwellings opposite in Kirkwell
- Should be treated as a greenfield site and therefore a presumption against development
- Forms part of an important break between the properties in Kirkwell and properties on New Lane and should be maintained as such to retain the character of this part of the village
- The design and massing of the proposal does not have any regard to the limited scale of the site
- No consideration has been give to the ecological value of the site in terms of any species that would be affected by the proposals
- Dwelling may increase traffic into Kirkwell by 10%
- The hedge marking the boundary with Kirkwell is described as dense by the agent, this is not the case and the hedge is deciduous
- A large proportion of the hedge would have to be removed for vehicle access to the site may lead to the uprooting of highway trees. These trees were part of the original condition for the approval of the construction of Kirkwell and make a significant contribution to the amenities of the area
- There are 5 hawthorn trees which may be subject to a tree preservation order the driveway construction may damage these trees
- A lamppost may be required to be re-sited, would object to if re-sited opposite dwellings and the potential for light disturbance

4.0 APPRAISAL

RELEVANT SITE HISTORY

4.1 07/02892/FUL - Erection of two storey detached dwelling and garage (resubmission) – Refused for the following reasons:

- The proposed dwelling by virtue of its design, scale, and mass is considered to be detrimental to the character and amenity of the local environment, the proposed dwelling would have a cramped appearance on this site and when seen in context with the surrounding buildings resulting in overdevelopment of the site.
- The proposed dwelling by virtue of its design, scale, mass and bulk is considered to be overbearing to the occupants of 10 and 12 Kirkwell and would also cause a loss of outlook from these dwellings resulting in a loss of residential amenity.
- The proposed dwelling by virtue of the first floor window in the side elevation facing 14 and 16 Copmanthorpe Lane would result in overlooking and a loss of privacy to the rear gardens of these properties resulting in a loss of residential amenity.

4.2 06/00697/FUL - Erection of detached dwelling – Refused for the following reason:

- The proposed dwelling by virtue of its scale and mass is considered to be detrimental to the character and amenity of the local environment, the proposed dwelling would have a cramped appearance on this site and when seen in context with the surrounding buildings resulting in overdevelopment of the site.

4.3 05/02176/OUT - outline application for erection of a single detached bungalow to the rear with access from Kirkwell - Withdrawn

ADDITIONAL PLANNING POLICY

Planning Policy Statement 1 - Delivering Sustainable Development

Planning Policy Statement 3 - Housing

CYC Interim Planning Statement on Sustainable Design and Construction, 2007

CYC Commuted Sum Payments for Open Space in New Developments - A Guide for Developers, 2007

KEY ISSUES

1. Appearance of the dwelling
2. Impact on the area
3. Impact on neighbouring property
4. Impact on Highway Safety
5. Other issues

ASSESSMENT

PLANNING POLICY

4.4 National planning policy contained within PPS1 'Delivering Sustainable Development', states that good design is indivisible from planning. Design which is inappropriate within its context, or which fails to take opportunities for improving the

character and quality of an area or the way it functions should not be accepted. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.5 PPS3 supports PPS1 with regards high quality new housing and encourages sustainable and environmentally friendly new housing development through the reuse of previously developed land, more efficient use of land through appropriate densities, reducing dependency on the private car and provision of affordable housing. It states that careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate. However, it also states that the density of an existing development should not dictate that of new housing by stifling change or requiring replication of existing styles and form. When well designed and built in the right location, new housing development can enhance the character and quality of an area.

4.6 The relevant development plan is The City of York Council Draft Deposit Local Plan, which was placed on Deposit in 1998. Reflecting points made, two later sets of pre inquiry changes (PICs) were published in 1999. The Public Local Inquiry started in 1999 but was suspended by the Inspector for further work to be done on the Green Belt. A Third Set of Changes addressing this further work was placed on deposit in 2003. Subsequently a fourth set of changes have been drafted and approved by Full Council on 12th April 2005 for the purpose of making Development Control Decisions, on the advice of the GOYH

4.7 Policy GP1 'Design' of the City of York Council Development Control Local Plan includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.8 Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development.

4.9 Policy GP10 'Subdivision of Gardens and Infill Development' states that permission will only be granted for the development or subdivision of gardens areas where it would not be detrimental to the character and amenity of the local environment.

4.10 Policy H4a 'Housing Windfalls' of the CYCDCLP states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate

scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

4.11 Policy L1c requires that all housing sites make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision.

APPEARANCE OF THE DWELLING AND IMPACT ON THE AREA

4.12 The proposed dwelling is substantially reduced in size from the previous two refused applications. The proposed dwelling would be 6.492 metres in height, and has the appearance of a single storey dwelling although there is accommodation in the roofspace. The site is surrounded on each side by two storey buildings. The proposed dwelling is sited centrally within the plot with the gables of the building facing Kirkwell and 1 New Lane. The building by virtue of its design and scale is considered to have a modest appearance, and would be further mitigated by the boundary treatment providing an element of screening of the proposal.

4.13 The design of the proposed dwelling is considered to be basic and of little architectural merit, but it is not considered to cause harm to the character of the area. There is a mixture of styles in the surrounding area and therefore the proposed dwelling is not considered to be unduly prominent by virtue of its design or impact on the character of the area.

4.14 The proposed dwelling would be set 2 metres (4 metres to the main part of the building) from the Kirkwell boundary. Revised plans submitted 8 December 2009 show that the living room window in the front elevation has been reduced in size and the larger window is now in the south elevation facing dwellings on Copmanthorpe Lane. There was some concern given the original size of the window facing Kirkwell that there would be future pressure to remove the hedge (the distance between the window and the hedge is 1 metre). The deciduous hedge at present would provide a substantial degree of screening of the proposed dwelling. The hedge, despite being deciduous is also considered to provide an element of screening during the winter months. The removal of the hedge would be a detriment to the character of Kirkwell and would cause the proposed dwelling to be unduly prominent with the streetscene of Kirkwell given its close proximity to the road (a closer relationship than the dwellings on Kirkwell have). It is considered that if planning permission was granted then the retention of this hedge should be conditioned.

4.15 The external materials for the walls have been altered, the original plans indicated white render and shiplap cladding, revised plans now show brick. Materials can be conditioned in planning permission if granted.

IMPACT ON NEIGHBOURING PROPERTY

4.16 The dwelling would front onto Kirkwell. The boundary onto Kirkwell is presently marked by a brick verge with 4 highway trees set into the highway verge, in addition there is a 2 metre high deciduous hedge within the site. The boundary to 14 and 16 Copmanthorpe Lane is a 2 metre high fence. The boundary to 1 New Lane is a 2

metre high fence and tall evergreen hedge (approx 3 - 4 metres high). The boundary to 2 New Lane is a timber 1.4 to 1.5 metre high fence.

4.17 The proposed dwelling 9 metres by 10 metres, with a smaller offshoot to the elevation facing Kirkwell measuring 2 metres by 5.5 metres. In addition there would be small single garage to the side. The gables of the proposed dwelling would face the dwellings on Kirkwell and 1 New Lane. The dwelling is 6.492 metres in height, and the lower front element is 4.9 metres in height. The revised design and the significantly reduced amount of brickwork along the Kirkwell boundary, in addition to the screening hedge, are considered to remove previous officer concerns regarding the bulk, mass, and enclosure to the dwellings on Kirkwell.

4.18 Neighbours have raised concerns regarding the windows in the front elevation facing the dwellings on Kirkwell. The windows in the proposed elevation are for a bedroom and a living room. The living room window would be 14.1 metres from the front elevation of the dwellings on Kirkwell and the bedroom window would be 16.1 metres from the dwellings on Kirkwell. The distance is considered to be sufficient and there is not considered to be a loss of privacy or overlooking. In addition the hedge would create a visual barrier and screen.

4.19 The proposed dwelling is not considered to be overbearing to the neighbouring properties of 14 and 16 Copmanthorpe Lane due to distance between the dwellings. The windows in the elevation facing these dwellings would be screened by the 2 metre high fencing therefore reducing the potential for overlooking and loss of privacy. Three rooflights are proposed in the roofslope facing these dwellings however as they are for secondary rooms (2 bedrooms and a bathroom) together with the height of the rooflights from the floor (approx 1.8 metres to the cill) they are not considered to cause an undue loss of privacy.

4.20 There would be no overlooking to the occupants of 1 New Lane as there is a 1.8 metre high fence and a tall evergreen hedge marking the shared boundary screening the ground floor windows (on either side of the boundary). The occupants of the proposed dwelling may feel overlooked by the rear window of 1 New Lane. The distance between the dwellings would be 7.737 metres (3.5 - 4 metres to the shared boundary) according to the submitted plans. The proposed dwelling is not considered to have an overbearing or over dominant impact on the occupants of 1 New Lane.

4.21 No.2 New Lane has extended to the rear and the windows of these extensions overlook the site of the proposed dwelling. The proposed garage would be 4 metres from the shared boundary, and 6.715 metres between buildings. The proposed distance and the height of the proposed dwelling and garage is not considered to be overbearing or over dominant to the occupants. The main access would be in the elevation facing this property with a small hall window however this is not considered to cause harm to the amenity of the occupants of 2 New Lane.

4.22 The site is rather constrained by virtue its proximity to neighbouring dwellings and whilst it is considered the proposed dwelling does not unduly harm the residential amenity of the occupants of the neighbouring dwellings, extensions to it may, and therefore it is considered that if planning permission is granted then

permitted development rights for extensions and alterations to the roof should be removed.

IMPACT ON HIGHWAY SAFETY

4.23 Neighbour objections have been expressed regarding the issue of traffic and parking on Kirkwell and vehicle manoeuvring in relationship to the proposed dwelling however Highways Network Management has raised no objections to the proposed plans.

OTHER ISSUES

4.24 Concern has been raised that the proposed driveway would affect Hawthorne trees to the rear boundary of 2 New Lane approx 5 metres away. These trees are protected by a Tree Preservation Order. The Landscape Architect has confirmed that the driveway is not considered to harm the protected Hawthorne trees. In addition some comments have been received from the neighbours stating that the hedge along Kirkwell is protected; although an old hedge line, it falls within a domestic context and as such has no formal protection under the Hedgerow Regulations 1997. The hedge is within the site and therefore was not part of the agreed boundary treatment within the original construction of Kirkwell. Neighbours had expressed concern that the trees in the highway verge may be felled, however the agent has submitted revised plans showing all 4 highway trees would be unaffected.

4.25 In previous applications there has been some ambiguity as to the size of the plot, the present application indicates the site is 24.2 metres by 18 metres with a 3.5 metres by 8.5 metres chunk removed from the south west corner. The previous applications have shown a site measuring 18 metres by 26 metres with a 5 metre by 8 metre chunk removed (06/00697/FUL). The most recent application had a plot measuring 16.6 metres by 24 metres plot with a 3.8 metres by 7 metres chunk removed from the southwest corner of the plot (07/02892/FUL).

4.26 In line with Policy L1c the applicant has been made aware that a contribution of £2,124 would be required towards open space facilities such as amenity open space, play space within the parish, and sports pitches, and has agreed to make the contribution.

4.27 It is considered that if the application was approved a condition could be placed in the consent requiring the development is constructed to Code for Sustainable Homes to at least Level 3. The CYC Interim Planning Statement on Sustainable Design and Construction states that for development of 1 dwelling at least 5% of the energy requirement should be produced on site, it is also considered this would be reasonable to condition.

4.28 Since the application was submitted the Environment Agency flood zones have been updated which show the site within Flood Zone 2 rather than Flood Zone 1 previously. A flood risk assessment was submitted with the application on the basis that the site was within Flood Zone 1 and as such is very basic. Whilst it is considered a 'more vulnerable' use, an exception test is not required for dwellings within Flood Zone 2. A flood risk assessment has been requested from the agent, it

is hoped to receive the flood risk assessment and consult the Environment Agency before the committee meeting and update the committee members accordingly at the meeting.

5.0 CONCLUSION

5.1 The proposed dwelling in this application is considered to overcome the previous reasons for refusal for a dwelling on this site. The proposed dwelling is considered to be of a modest scale and design and would not be unduly prominent within the streetscene or the surrounding area. The proposed dwelling is not considered to cause undue loss of residential amenity to the occupants of the surrounding dwellings.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Delegated Authority to Approve

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

Plan indicating distances to neighbouring properties received 8 December 2009;

Plan indicating site levels received 8 December 2009

Sire Plan received 8 December 2009

Drawing Number TD06-08 received 8 December 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.

2 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 £2,124.

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.

3 TIME2 Development start within three years

4 VISQ8 Samples of exterior materials to be app

5 HT1 Height 6.5m.

6 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.

7 HWAY19 Car and cycle parking laid out

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

Reason: To prevent obstruction to other highway users.

9 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C, E, and G 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.

10 Prior to the commencement of development, a report demonstrating that the dwelling would comply with the Code for Sustainable Homes Level 3 assessment for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved report.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

11 Prior to the commencement of development, full details of a renewable energy strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include (i) the dwelling's proposed renewable energy generation, which shall be at least 5 % of total energy generation (ii) measures to

reduce energy demand (iii) measures to reduce CO2 emissions to a level lower than required under Building Regulations Part L. The development shall then be carried out in accordance with the approved assessment.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

12 With the exception for the vehicle access specified on Drawing Number TD06-08 received 8 December 2009, the hedge adjacent to the boundary with Kirkwell shall not be removed.

Reason: To protect the visual amenity of the streetscene.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking or re-enacting that order) no additional windows, doors or other openings other than those shown on the approved plans shall be constructed.

Reason: As the insertion of additional windows could have a serious impact on the privacy of neighbours and should therefore be controlled.

14 DRAIN1 Surface water details to be approved

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 the residential amenity of the neighbours, the visual amenity of the dwelling and the locality, and highway safety. As such, the proposal complies with Policies GP10, H4a and GP1 of the City of York Council Development Control Local Plan (2005); and national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development".

2. DEMOLITION AND CONSTRUCTION INFORMATIVE

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 scheme remediation to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

The developer's attention should also be drawn to the various requirements for the

control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval, 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 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: 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

Contact details:

Author: Victoria Bell Development Control Officer

Tel No: 01904 551347