

COMMITTEE REPORT

Date: 14 October 2010 **Ward:** Strensall
Team: Major and Commercial **Parish:** Strensall With Towthorpe
Team Parish Council

Reference: 10/01784/FUL
Application at: 5 Northfields Strensall York YO32 5XN
For: Erection of 3no. dwellinghouses to rear of 5 and 6 Northfields
(resubmission)
By: Moorside Developments Ltd
Application Type: Full Application
Target Date: 8 October 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 This is a full planning application for the erection of three terraced properties on land to the rear of 5 and 6 Northfields, Strensall.

1.2 The site is an area of land that was previously part of the rear garden area of 5 and 6 Northfields. The land has a frontage to Netherwoods, a small cul-de-sac located to the south of Northfields, from which it is proposed to access the site. The site extends to an area of 0.0424 ha.

1.3 The proposal is to construct a terrace of three, two bedroomed, dwellings running east to west on the site. Although referred to as two bedroomed dwellings, two of the units include staircases to the second floor, which is referred to as a "work from home" space but could effectively function as a third bedroom. Access to the dwellings would be via three single access points serving parking spaces in front of each unit. Cycle storage is provided in the rear garden of each unit and bin/recycling storage is to be provided in two areas on the west and east sides of the site. Cycle storage is within three separate timber, vertically boarded, buildings each measuring 1.2 metres by 2.2 metres with mono pitched roofs and a maximum height of 2.7 metres.

1.4 The proposal shows a terrace of properties with a built frontage to Netherwoods of approximately 16.5 metres and the units being approximately 8.5 metres deep. The terrace is designed with a pitched roof, so that the units are two storey with a second floor in the roof space of two of the units on the east side and centre part of the terrace, standing 5 metres high to eaves and 8.2 metres to apex. The unit on the west of the site is two storeys with no room in the roof space with a height to eaves of 4.3 metres and a height to the ridge of 7.2 metres.

Planning History

1.5 Planning permission was refused for the erection of two semi detached houses in February 2006 (planning reference 05/02597/OUT). The reasons for refusal

related to the density of the development being out of character with the street scene, the loss of landscape features on the site, proposed access to the site and relationship with properties on Northfields.

1.6 Planning permission was granted of a single dwelling on the site in April 2007 (planning reference 06/02710/FUL).

1.7 Planning permission was refused in August 2009 and dismissed on appeal in December 2009 for the erection of a terrace of four properties. The reason for refusal on this application was the density of the development leading to an excessive area of hard surfacing to the front of the site, and the positioning of cycle and bin storage being located in a visually prominent location, would be detrimental to the visual quality of the area. The appeal supported the view that the amount of hard surfacing to the front of the site would be detrimental to visual amenity of the location.

1.8 Planning permission was refused in March 2010 for the same scheme that is now before committee. The application was refused based on the affect of the development on the character and appearance of the area. Although the subsequent appeal was dismissed, the Inspector concluded that the proposal would respect the character and appearance of the area and would accord with policies H4a and GP12 of the Draft Local Plan. The appeal was dismissed solely because the Inspector took the view that a commuted sum for open space could not be secured by way of condition but that it was reasonable that such payment was a legitimate requirement arising from the development of the site. Partial costs were awarded against the Council, as the Inspector considered that its reasoning in relation to the harmful impact of the proposal on the character and appearance of the area was, in her opinion, unsubstantiated.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYSP6
Location strategy

CYGP1
Design

CYGP4A

Sustainability

CYGP9
Landscaping

CYGP10
Subdivision of gardens and infill devt

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

3.1 Highways Network Management - Comments awaited

3.2 Life Long Learning and Leisure - A contribution is required for off- site amenity space

3.3 Landscape Architect - This latest application for three units, instead of four, presents greater scope for planting within front gardens, thereby enabling a better street frontage. Additional landscape areas are suggested full landscaping should be conditioned.

3.4 Structures and Drainage - No objections in principle further detailed information about water run off, levels and attenuation measures are however required

3.5 Environmental Protection - No objections to the development. An informative is requested, as dust and noise could be a nuisance during the construction phase

EXTERNAL

3.6 Strensall with Towthorpe Parish Council - The Parish Council objects on the same grounds as with 10/00087/FUL- A development of three terraced houses is not in keeping with the style, design and layout of other buildings in Netherwoods, the bulk and massing of the proposed development would dominate the houses opposite, the level of car parking generated by this development and visitors to these properties will obstruct the road and increase the numbers of trips arising. If approval were to be given to this application green planting as proposed should be conditioned to be retained and the hedge and edge of the road should be replanted as a permanent feature of the development. In addition the land has been reclassified to greenfield land under PPS3, the section 106 agreement information is confusing, it is requested that the application is dealt with at committee.

3.7 Yorkshire Water Authority - No objections in principle however unsatisfied with some of the information submitted and require details of drainage to be agreed through condition.

PUBLICITY

3.8 The application was advertised via a site notice posted on the 24th August 2010 and via neighbourhood notifications.

3.9 Five letters of objection have been received covering the following points:-

- Consider that the communication of the "Chief Planner" on 15th June should take precedent over the appeal decision when which states 'These changes emphasise that it is for local authorities and communities to take decisions that are best for them, and decide for themselves the best locations and types of development in their areas'
- The amendments to PPS3 effectively redefine the Netherwoods site as greenfield land.
- The findings of the Planning Inspector and the author of the sustainability report are challenged
- The application still conflicts with Policy GP1, the Inspector states she is merely offering an opinion that the development accords with national and local plan policies on sustainability and that the scale and mass is almost identical to the previously approved dwelling. This view misses the point there would be three dwellings as opposed to one increasing the carbon footprint in a variety of ways: water and energy use would increase within the building, bus service is being cut and is inadequate to reach main areas of shopping and employment. to claim that Strensall is within cycling distance of York is a nonsense.
- Each dwelling would need 2 cars. Paragraph 52 of PPS3 states that residential parking standards should take account of the expected levels of car ownership. Highways should look at this site again.
- The Inspector considers that the proposal accords with policy H4a but the density is still too high.
- A fresh realistic sustainability statement should be drawn up
- Objections are not 'clutching at straws' but represent the guidance offered in the national and local plan policy documents
- Scheme provides 3 parking spaces for 9 bedrooms the original single house approved provided 4 spaces for 5 bedrooms
- Affordable housing should match private parking ratios as set out in affordable housing advice note
- Inspector considers that parking standards meet the national minimum standards but it does not meet the Councils own planning guidance
- Inspector's opinion is at odds with local opinion and that of the council
- Landscaping is of no importance to Moorside Developments since they destroyed a 6ft hedge. The dismissive attitude to landscaping has had a serious knock on effect for Netherwood residents
- overflow car parking and related traffic hazard within Netherwoods continues to be ignored
- Reasons for previous refusals are still valid
- Applicant has not addressed previous concerns that the proposed development is not appropriate to the character and appearance of the area by virtue of its greater density
- Light will be severely reduced into properties on Northfields

4.0 APPRAISAL

4.1 Key Issues

- Principle of residential development on the site
- Design and Landscaping
- Highways, access and parking
- Impact on surrounding properties
- Sustainability
- Open Space
- Drainage

Policy Background

4.2 This planning application is for the erection of a terrace of three no. 2 bedrooled dwellings. Two of the dwellings have a "work from home" room within the roof space.

4.3 Planning Policy Statement 1 ("Delivering Sustainable Development") (PPS1) states that a number of key principles should be applied to ensure that decisions taken on planning applications contribute to the delivery of sustainable development. In particular, PPS1 promotes high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but also over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted. PPS1 also states that planning authorities should ensure the provision of sufficient, good quality new homes (including an appropriate mix of housing and adequate levels of affordable housing) in suitable locations, whether through new development or the conversion of existing buildings.

4.4 Planning Policy Statement 3 - 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development through (but not exclusively) the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing. PPS3 also advises that car parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development. In terms of design PPS3 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 when well designed and built in the right location it can enhance the character and quality of an area. Paragraphs 12 to 19 sets out further criteria for achieving high quality design. In June 2010 the Government made two key changes to PPS3. The first relates to the definition of previously developed land in annex B of the document - the definition now excludes private residential gardens (now classed as greenfield land). The second change removed the national indicative minimum housing density of 30 dwellings per hectare from paragraph 47 of the statement. It is important to note that the recent appeal decision was dated 9 August 2010, i.e. after the amendments to PPS3 were made in June 2010.

4.5 Policy SP6 of the Draft Local Plan, 'locational strategy', requires development to be concentrated on brownfield land within the built up urban area of the city and urban extensions

4.6 Policy H4a of the Draft Local Plan states that proposals for residential development on land not already allocated on the Proposal Map will be granted planning permission where the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings, and the site has good accessibility to jobs, shops and services by non-car modes. The policy requires new developments to be of an appropriate scale and density to surrounding development, and not to have a detrimental impact on existing landscape features. Policy H3c seeks to achieve a mix of house types, sizes and tenures on all residential development sites where appropriate to the location and nature of the development. Policy H5a requires the scale and design of proposed residential developments to be compatible with the surrounding area and not to harm local amenity.

4.7 Other Local plan policies relevant to the consideration of the detail of this application are:-

- Policy GP1 'Design' 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.

- 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. Development should: provide details setting out the accessibility of the site by means other than the car and, where the type and size of development requires, be within 400 metres walk of a frequent public transport route and easily accessible for pedestrians and cyclists; contribute towards meeting the social needs of communities within the City of York and to safe and socially inclusive environments; maintain and increase the economic prosperity and diversity of the City of York and maximize employment opportunities; be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City; minimize the use of non-renewable resources, re-use materials already on the development site, and seek to make use of grey water systems both during construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be considered; minimize pollution, including that relating to air, water, land, light and noise; conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife area and room for trees to reach full growth; maximize the use of renewable resources on development sites and seek to make use of renewable

energy sources; and make adequate provision for the storage and collection of refuse and recycling.

- Policy GP9 requires where appropriate developments to incorporate a suitable landscaping scheme

- Policy GP10 states that the subdivision of gardens and infilling will only be granted to provide new development, where this would not be detrimental to the character and amenity of the local environment.

- 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.

Principle of residential development on the site

4.8 The key aim of local and national policy is to locate new housing in sustainable urban locations, with the emphasis on previously developed land. Policy H4a relates to housing developments within existing settlements and states that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an appropriate scale and density to surrounding development and should not have a detrimental impact on landscape features. Policy GP10 states that permission will only be granted for subdivision of existing garden areas or infilling where this would not be detrimental to the character and amenity of the local environment.

4.9 Both of the previous appeal decisions conclude that the principle of development on this site is acceptable, the key issue being the amount of development that would be appropriate. The Inspector on the most recent appeal for the three units states, "regardless of whether the site was previously developed (brownfield) or greenfield the proposal would accord in principle with national and local plan policies, which seek to focus new residential development on sites in sustainable urban locations such as this". In considering this re-submission, significant weight should be attached to the Inspectors conclusions, which were formed after the recent changes to PPS3 in relation to the definition of previously developed land and minimum densities.

4.10 So far as the changes to Planning Policy Statement 3 are concerned, the removal of residential gardens from the definition of previously developed land does not introduce a general presumption against the development of gardens, it merely removes this as a positive factor in determining such applications. Any scheme still has to be judged against the impact on the character of an area, the impact on adjacent residents and any other material considerations. The appeal Inspector clearly considered the proposal to erect three dwellings on the site to be acceptable in these respects. As such the principle of the proposal to erect three dwellings on the site is considered to comply with local and national policies.

Design and Landscaping

4.11 When the previous application for three dwellings on this site was considered, the officer's report stated:

"The previous application for the four dwellings consisted of a similar footprint to the original approval for one dwelling. The development was also lower in height and had a smaller volume. The scheme now submitted has a slightly bigger footprint than the original house but has a lower height and, according to the applicant's Design and Access statement, is the same volume overall. In design terms the structure proposed and that approved as a single plot are still considered to be visually similar, particularly since the submission of an amended plan which reduces the height of the eastern part of the block.

The decision on the application for the four units, which was refused and dismissed on appeal, in addressing the totality of the scheme, concluded that the hardsurfacing for parking access and storage areas for bicycles and refuse was detrimental to the character and quality of the area, which in the Council and the Inspectors view, failed to respect the existing character and appearance of Netherwoods. The character of Netherwoods is to a significant extent defined by the quality of the landscape settings of the dwellings. The current proposal, by virtue of the reduced number of dwellings to three compared with the previous scheme for four dwellings, incorporates a reduced level of hardstanding to the street frontage, which allows for the inclusion of additional landscaping. The plans show that there will be a vehicular access for each property of approximately 3 metres in width, giving a total hard surface of 9 metres along the frontage with approximately 11metres of hedged boundary, behind which will be landscaped areas. Although this would still result in the ratio of planting to hardsurfaced area being less than that of the surrounding properties, officers consider that the level of planting will be sufficient to maintain the character of the area, and as a result the scheme could no longer be said to detract from the character and amenity of the area. The Landscape Architect indicates that the amended scheme enables a better street frontage to be provided." (N.B. Prior to the determination of the application the width of the 3 metre drives were increased to 3.2 metres meaning the balance of hard surfacing to soft landscaping was slightly changed)

4.12 Notwithstanding the officer recommendation of approval, the application was refused for the following reason:-

'It is considered that the proposal would constitute an over - intensive form of development occupying almost the full frontage of the site, necessitating car parking being located to the front of the dwellings, resulting in a harsh and incongruous street frontage relative to the remainder of the street. It is considered that the quantity and quality of the landscaping interspersed with areas of hardsurfacing would fail to respect the character, appearance and visual distinctiveness of the area, which to a significant extent is defined by the quality of the landscaped setting of the dwellings. As a consequence, the proposed development is not considered to be appropriate to the character or appearance of the area and is, therefore, contrary to Central Government advice contained within Planning Policy Statement 1: "Delivering Sustainable Development", Planning Policy Statement 3 "Housing" and

policies H4a, GP1 and GP10 of the City of York Draft Local Plan (Incorporating the Fourth Set of Changes) (2005).'

4.13 The Inspector on the appeal against the decision concluded that:-

"The reduced amount of hardstanding in the scheme before me results in significantly more space being available for soft landscaping, compared to that for four dwellings. Indeed, the total amount of landscaping at the front would not be dissimilar to that shown on the plan for the approved single detached dwelling. In my opinion, the scheme before me would provide a good balance between developing the site in an efficient manner while providing adequate off-street car parking and meaningful landscaping.

While I appreciate that some dwellings nearby have larger front gardens, particularly the more traditional ones, this proposal would be comparable with some of the more modern dwellings nearby, such as those opposite. Moreover, the submitted plans show how the front garden areas would be landscaped and include strips of hedging along the frontage, which would be sufficient to give a sense of enclosure. This would also help the proposal to blend in well with the nearby dwellings, some of which have front boundary hedges. As such, I consider that the proposal would respect the character and appearance of the surrounding area and accord with Local Plan policies H4a and GP1."

4.14 Based on the conclusions of the original committee report and that of the appeal Inspector, the design and landscaping for this scheme are considered to be acceptable. The Council's Landscape Architect notes that the importance of landscaping to the character of the street is recognised in the Inspector's report therefore the effectiveness of the landscape detail must be given due attention. Landscaping areas have been included as suggested by the Landscape Architect and full landscaping is conditioned.

Highways, Access and Parking

4.15 The concerns raised by local residents and the Parish Council regarding this development from a highways perspective are considerable. The main concerns focus on the lack of parking within the site leading to additional hazards for on street parking on a road that is narrow and located at the entrance to a cul-de -sac. The previous application for four properties on this site, which included four parking spaces for four houses, was considered to be acceptable on highway grounds as was the last scheme for the three dwellings. Highways Network Management have raised no objections to this application subject to conditions requiring the proper implementation of the scheme.

4.16 Conditions are recommended to ensure that hardsurfacing is not extended without permission by both requiring full details to be submitted and agreed prior to the commencement of the development and by removing permitted development rights for future hardsurfacing areas.

Impact on surrounding properties

4.17 In comparison to the original scheme for one dwelling, the depth of the building is increased on this application meaning that the overall footprint is slightly larger. The depth on the western side will increase from 6.8 metres to 8.4 metres when compared with the original scheme. One metre of the new depth is at single storey only, the remaining part of the end elevation facing the west boundary has been reduced in height to 4.3 metres at the eaves and 7.2 metres to the ridge, reflecting the original height of the permission for the single dwelling. Officers consider that the impact of the proposed development on the adjacent property to the west of the site, 12 Netherwoods, will remain similar to the approved scheme. On the eastern side of the site the building is again slightly deeper at 8 metres compared with 7.5 metres for the original dwelling, with one metre of the proposed structure at single storey only. The structure on the east side has also been moved back into the site by 1.5 metres. The end elevation on this side will be the same height to eaves as the single dwelling approved (5 metres) and about 0.5 of a metre lower at the ridge. Officers are satisfied that the changes in terms of impact of this scheme when compared with the approved dwelling are minimal and would not justify refusal of this proposal. The impact on properties to the north and south of the site would also be broadly the same as the approved single dwelling.

Sustainability

4.18 The application is supported by a sustainability statement, which indicates that the development will achieve Code for Sustainable Homes level 3. The scheme also includes photovoltaic panels to the roof and rainwater harvesting system for the units. The submitted information is considered to meet the requirements of GP4a and the Interim Planning Statement on Sustainable Design and Construction.

Open Space

4.19 Under Policy L1c there is an open space provision requirement for this site. The most recent appeal failed because the Inspector concluded that there was no mechanism by which the requirements of Policy L1c could be achieved. The Inspector did not consider it appropriate to impose a condition to require the money to be paid and a legal agreement was not submitted with the application. Rather unusually the applicant has chosen to pay the required open space contribution prior to the application being determined. The sum paid was £1689, with a further sum being paid to discharge the condition on the application for the single dwelling which has been commenced on site. This sum was £2037, bringing the total amount paid to £3726, i.e. the amount required for the three dwellings. The payment of the money has effectively discharged the requirements of Policy L1c for a commuted sum towards open space. Any condition imposed has therefore already been complied with. However officers propose to impose the condition so that it is clear that the monies are a necessary element of the application being approved. The condition can be discharged if the application is approved or returned if the application is refused.

Drainage

4.20 The development is in low risk flood zone 1 and should not suffer river flooding. The application is supported by drainage strategy however further detailed information is required. It is considered that a suitable drainage scheme could be achieved for the site and appropriate conditions could secure the information required.

5.0 CONCLUSION

5.1 The principle of new residential development on the site conforms to local and national policies and is considered to be acceptable. This view is supported by the appeal Inspector who determined the recent appeal.

5.2 The particular design of the scheme for three dwelling units in terms of the bulk of the building and its relationship to adjacent properties is considered to reflect the approved single dwelling and is considered to be acceptable.

5.3 The Council's Landscape Architect indicates that the scheme for three dwellings enables a better street frontage to be provided (in comparison to the previous application for four dwellings). The Landscape Architect also notes that the importance of landscaping to the character of the street is recognised in the appeal decision, therefore the effectiveness of the landscape detail must be given due attention. Landscaped areas have been included as suggested by the Landscape Architect and a landscaping condition is included

5.4 Highways Network Management have raised no objections subject to conditions.

5.5 The 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 in accordance with the following plans and other submitted details:-

Drawing no.NS/25 dated January 2010

Drawing no.NS/21A dated January 2010

Drawing no.NS/22 dated January 2010

Drawing no.NS/23 dated January 2010

Drawing no.NS/24 dated January 2010

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

3 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

illustrate the number, species, height and position of trees and shrubs including details of new hedging to the front boundary of the site. 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.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

4 VISQ8 Samples of exterior materials to be app

5 The development hereby approved shall be constructed to at least Level 3*** of CSH standard. A formal Post Construction stage assessment, by a licensed CSH assessor, shall be carried out and a formal Post Construction stage certificate shall be submitted to the Local Planning Authority (LPA) prior to occupation of the building. Should the development fail to achieve level 3*** of the Code a report shall be submitted for the written approval of the LPA demonstrating what remedial measures shall be undertaken to achieve Level 3 of the code. The remedial measures shall then be undertaken within a timescale to be approved in writing by the LPA.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

6 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. The approved scheme shall be implemented before first occupation of the development and a written letter from the installer of the technology, post build, verifying the installation has been installed should also be submitted to the Local Planning Authority. The site thereafter must be maintained to the required level of generation'.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

7 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,D, E and F of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: The proposal provides for a substantial amount of accommodation within a small site and 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.

8 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 Class a of Schedule 2 Part 2 of that Order (erection of boundary fences) shall not be erected or constructed on the front boundary of the site without the prior written approval 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.

9 Prior to the commencement of the development details of all hard surfacing proposed as part of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the hard surfacing shall be carried out in accordance with the approved details and shall be thus maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the site and surrounding area.

Note: condition 7 removes permitted development rights for any additional hard surfacing at this site.

10 Before development commences details of existing ground levels and finished floor, eaves and ridge heights shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details to the satisfaction of the Local Planning Authority.

Reason: In the interests of visual and residential amenity

11 HWAY9 Vehicle areas surfaced

12 HWAY19 Car and cycle parking laid out

13 The site shall be developed with separate systems of drainage for foul and surface water on and off the site.

Reason In the interests of satisfactory drainage.

14 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. Thereafter the approved surface water and foul drainage works shall be implemented to the satisfaction of the Local Planning Authority before any dwelling

hereby approved is occupied

Reason: To ensure that no foul or surface water discharge take place until proper provision has been made for their disposal and to ensure that the site is properly drained

15 NOISE7 Restricted hours of construction

16 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 L1 of the City of York Draft Local Plan.

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 £3726

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.

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:-

- Principle of residential development
- Design and Landscaping
- Highways, access and parking
- Impact on surrounding properties
- Sustainability
- Open Space
- Drainage

As such the proposal complies with national planning advice contained within

Planning Policy Statement 1 ("Delivering Sustainable Development"), Planning policy Statement 3 ("Housing"), and Policies SP6, H4a, GP1 GP4a, GP9, GP10, and L1c of the City of York Development Control Local Plan.

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 attached to any planning approval, 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."

Contact details:

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