

COMMITTEE REPORT

Date: 21 April 2011
Team: East Area
Ward: Huntington/New Earswick
Parish: Huntington Parish Council

Reference: 10/00942/FUL
Application at: 279 Huntington Road York YO31 9BR
For: Erection of 5no. terraced dwellings with associated access following demolition of 279 Huntington Road
By: Mr And Mrs G Cammidge
Application Type: Full Application
Target Date: 25 June 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 This is a full planning application to demolish 279 Huntington Road and to erect five terraced dwellings. Two of the terraced dwellings are three-storey and three are two-storey. All of the properties are flat roofed and have a contemporary design. The terrace is proposed to run parallel to the river.

1.2 The application site comprises 279 Huntington Road and the rear element of what would presumably have been the gardens of 277 and 279a Huntington Road. The site is bounded to the west by the river Foss. To the south is part of the rear garden of 275 and to the north part of the rear garden of 281 Huntington Road.

1.3 The part of the site where the houses and gardens are proposed is rectangular in area. The site would be linked to Huntington Road by a new private access road. The access strip to the site is approximately 8.2 metres wide.

Planning History

1.4 In 2001 a planning application (01/00533/FUL) to erect 3 large detached dwellings with associated double garages on a site that had the same boundary was refused by committee on the grounds of overdevelopment and because it was considered that the replacement of a house with an access road would detract from the visual amenity of the area. A subsequent appeal was dismissed. The Inspector raised particular concerns in respect to the impact of the access road on the security and amenity of adjoining neighbours and felt that the scheme was a 'contrived' overdevelopment, which did not make the best use of land to the rear of Huntington Road. She also raised concerns in respect to the position of the bin store.

1.5 In 2007 two planning applications were submitted to develop the current application site coupled with the adjoining land to the rear of 281, 283 and 285 Huntington Road (07/0962 and 07/02588). The schemes were for 9 and 10 houses respectively and included an adopted road access to Huntington Road. Both were withdrawn. Officers had raised several planning concerns including overdevelopment, the impact on trees, the impact on the setting of the river and the impact on the amenity of adjacent occupiers.

1.6 In November 2008 Planning Committee approved a subsequent application (08/00814) for 5 dwellings. The site area of this scheme differed from the current application in that it also incorporated land that is now part of the rear garden of number 281. This land is in separate ownership from the land subject to the current application. The proposal included a terrace of 4 properties and a large detached house rather than the 5 terraced properties proposed in this latest application. Planning permission 08/00814 is due to expire on 6 November 2011.

1.7 Although the proposals are to develop the site with 5 houses the net gain in dwellings is 4 given that it includes the demolition of 279 Huntington Road. The dwelling is being demolished in an attempt to create an adequate access into the site. The site including the access road is around 0.14 hectares giving a density of around 35 units to a hectare. The existing planning permission for 5 houses covers a site area of 0.20 hectares giving a density figure of 30 units to a hectare.

1.8 The application was submitted in June 2010, however, has not been brought to committee until now because of the need to seek amendments and further information in respect to the scale and design of the scheme and the implications on drainage.

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:

CYGP1
Design

CYGP4
Environmental sustainability

CYGP7
Open Space

CYGP9
Landscaping

CYGP10
Subdivision of gardens and infill devt

CYGP15
Protection from flooding

CYNE2

Rivers and Stream Corridors, Ponds and Wetland Habitats

CYNE1

Trees, woodlands, hedgerows

CYH4A

Housing Windfalls

CYH5A

Residential Density

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS (NETWORK MANAGEMENT) - No objections subject to conditions relating to the design of the junction and highway widths.

COUNTRYSIDE OFFICER - No objections subject to provision for measures to encourage wildlife within the new development.

LANDSCAPE ARCHITECT - No objections to latest (revised) drawings

ENVIRONMENTAL PROTECTION UNIT - A contamination assessment is now required in line with PPS23 (case officer - further information is awaited in this respect).

ARCHAEOLOGIST - Watching brief required.

YORK CONSULTANCY (DRAINAGE) - No objections subject to conditions.

3.2 EXTERNAL

PARISH COUNCIL - No objections.

NEIGHBOURS - Representations have been received from 5 neighbours. Comments that are particularly relevant to the revised scheme are as follows:

The density is too high.

The proposal will lead to the fragmentation of building plots.

The building style is out of character.

Insufficient parking is provided.

The implications of the re-classification of brownfield land must be considered.

The following issues have been raised by neighbours and relate to issues that also apply to the approved scheme:

Huntington Road is very busy with cycle lanes; a mix of junctions and many uses, the junction including its levels would create a hazard for neighbours, occupiers, pedestrians and cyclists.

Buildings are out of character.

It is unclear what landscaping is being proposed and retained.

Inadequate information on proposed lighting, signage and boundaries along the new access road.

Inadequate number of parking spaces.

The refuse collection point will be used for parking and people loitering.

Works to change ground levels could cause gardens to 'slide'.

There is a covenant in place restricting the construction of terraced houses in the garden of 277.

Discrepancies in respect to the width of number 279 shown on the plan and the measurement on site. The boundary and outbuildings of 277 are not shown accurately

Noise from the construction and demolition.

Overlooking of gardens.

Discrepancies on plans

Would like clarification of proposed boundary treatment and planting.

Concerned that the proposed gates will create more noise and pollution to adjoining properties.

FOSS INTERNAL DRAINAGE BOARD - No objections providing conditions relating to the rate of surface water discharge are attached, development adjacent to the river and floor levels.

ENVIRONMENT AGENCY - No objections in principle subject to conditions on surface water and finished floor levels.

POLICE CRIME PREVENTION DESIGN ADVISOR - Satisfied that the proposal would provide a safe and secure environment for future residents.

4.0 APPRAISAL

4.1 Key Issues

Because the principle of development has been accepted by virtue of the previous consent it is considered only necessary to address those issues that differ from the previous scheme or that are impacted upon by changes to Central Government policy and guidance since the November 2008 permission.

4.3 The key issues are:

- impact on living conditions of adjacent occupiers
- impact on visual amenity
- quality of accommodation
- parking and highway safety
- sustainability
- drainage
- contamination
- wildlife and landscaping
- development potential of adjoining land
- security

4.4 Policy GP1 of the City of York Draft Local Plan sets out criteria for development proposals, including: respect for the local environment: density, layout, scale, mass and design compatible with neighbouring buildings, space and character of the area and provision of adequate amenity space and wildlife habitat. Policy GP10 states that permission for new development will only be granted for the sub-division of existing gardens or infilling where this would not harm the character and amenity of the local environment. Policy H4a generally permits residential development on unallocated land in accessible locations within the urban area where amongst other things it is of an appropriate scale and density to the surrounding development.

4.5 Relevant national guidance includes PPS1: Delivering Sustainable Development and PPS3: Housing. As the site is within Flood zone 2/3 the guidance within PPS25: Development and Flood Risk is also relevant

4.6 Since the previous planning permission PPS3 (Housing) has been updated. In June 2010 two main amendments were made:

- a. The definition of brownfield land was re-classified to exclude gardens
- b. The minimum density target of 30 units per hectare for residential development was removed.

IMPACT ON LIVING CONDITIONS

4.7 There is no significant change in the height of development and the separation to the rear of properties on Huntington Road (approximately 13m to the rear garden boundary and 33m to the rear of houses).

4.9 The access drive is the same as previously approved with a secure entrance and suitable provision for bin storage at the properties. This was undertaken to address the concerns of the planning inspector in respect of the previous appeal decision.

4.10 It is likely that the level of vehicle movement would be less than for the previously approved scheme. The current scheme includes two 3-bed properties and three two-bed properties (a total of 12 bedrooms). The approved scheme was for 5 four-bedroom properties (a total of twenty bedrooms)

IMPACT ON VISUAL AMENITY

4.11 The style of development is very similar to the approved scheme. It is a short terrace of two and three storey properties with a flat roofed contemporary style. The generous use of timber cladding will assist in harmonising the development with its riverside and landscaped setting. The separation distances to the river (approximately 16m) equate to the approved scheme and accord with other development that has taken place close to the Foss in recent years. It is considered that the development strikes a reasonable balance between built development and the provision and retention of landscaping. The density of housing though significantly higher than the dwellings on the west side of Huntington Road that have very long gardens, does equate to more recent development in the area including Foss Court. The density figure is below the 40 dwellings per hectare target set out in the Local Plan, however, given the riverside setting close to existing gardens this density is considered to be acceptable.

QUALITY OF ACCOMMODATION

4.12 It is considered that the proposed dwellings have a good standard of amenity with attractive views across the river. The garden sizes of some of the properties are relatively modest at around 7 metres long, but equate to the approved scheme that included larger dwellings. Because of the openness of the site the properties have good 'visual access' to surrounding land. Small storage buildings are indicated within the rear garden.

PARKING AND HIGHWAY SAFETY

4.13 Highways officers have no objections to the scheme. 12 parking spaces are proposed to serve the 5 dwellings and their visitors. Cycle storage is included.

SUSTAINABILITY

4.14 Policy GP4a of the Draft Local Plan requires the submission of a sustainability statement to demonstrate how the proposal addresses the criteria set out within the policy. The current application accords with this criterion as did the previous scheme. The achievement of Code for Sustainable Homes Level 3 "star" and 5 % renewable energy are covered by condition.

DRAINAGE

4.15 The proposed rear gardens are within flood zone 3. Given that the ground levels rise up from the river the houses themselves would be within flood zone 2. In accordance with the Council's Strategic Flood Risk assessment the applicant has included calculations to assess flood risk to and as a consequence of the proposed development. These have been assessed by internal and external consultees and are considered acceptable.

CONTAMINATION

4.16 The previous planning permission was approved subject to a number of conditions relating to full surveys in respect of contamination (and remedial works as required). It is now a requirement of the council in line with PPS23 (Planning and Pollution Control) that an appropriate level of survey work is undertaken by the applicant prior to the granting of planning permission to ensure that the scheme can progress without significant modification. At the present time this information is outstanding, but should hopefully be resolved prior to the Committee meeting. A verbal update will be given at that time.

WILDLIFE AND LANDSCAPING

4.17 The application site has been surveyed by the Council's countryside officer and has relatively limited value for wildlife, however, given the potential importance of the riverbank as wildlife habitat it will be conditioned that further details are submitted in respect to its treatment and maintenance. A condition has been included requiring features suitable for bat roosts and controlling the timescale for the demolition of outbuildings.

DEVELOPMENT POTENTIAL OF ADJOINING LAND

4.18 The land that was to the rear of 281 Huntington Road is no longer part of the application site. It is understood that this land has been sold to the occupier of 281 Huntington Road and the owner has stated that he intends to return the land to garden and has no plans to develop it. The current planning application is not reliant on this land. Should any proposal be put forward in the future to develop land to the rear of 281 it should be determined on its merits. It has been conditioned that a new boundary is erected between the application site and the side garden boundary of number 281.

SECURITY

4.19 Although not one of the reasons for refusal of the 2001 application, the Inspector expressed concerns about the implications of the development on the security of people walking to the development and also the impact of opening up the garden boundary of the two adjoining houses to the access road. In an attempt to overcome these concerns the applicant has retained proposals for gates to the front of the access road. It is intended that the vehicular access gate be operated by remote control. It is considered that these arrangements would create the impression that the road is private and deter strangers from entering.

SECTION 106 CONTRIBUTIONS

4.20 Play/Open space

The development will result in a net gain of 3 two-bedroom dwellings and 1 three-bedroom dwelling. On sites of less than 10 dwellings a commuted sum will be required towards off site provision. Using the Councils guidance on commuted sums for open space that was approved in April 2007 a total contribution of £5,850 would be required for the provision/improvement of children's equipped play space, informal amenity space and outdoor sports facilities.

4.21 Education

No contribution required.

4.22 Affordable Housing

The site area and number of homes is below the threshold for which affordable housing is sought.

5.0 CONCLUSION

5.1 The principal of the development of the site has been accepted by virtue of the previous granting of planning permission. The previously approved scheme for 5 dwellings was proposed to take place on land within two separate ownerships. Part of the site that was to the rear of 281 Huntington Road has now been sold to the owner of this property and is intended to be re-instated as garden. The remaining development site is around a third smaller than the previous approved scheme. It is the case that the number of proposed dwellings remains at 5, however, the largest detached dwelling has been removed and the number of bedrooms proposed is now 12 rather than 20

5.2 The revised scheme retains the same access arrangements and contemporary architectural style. The separation distances to the river and neighbours are also very similar. The reduction in bedroom numbers will reduce the likely number of traffic movements that has previously caused concern to neighbours.

5.3 Garden land is no longer classified as brownfield land, however it does not mean that new development is unacceptable on gardens providing it meets established criteria in respect to the impact on neighbours' living conditions, quality of design and other material considerations. It is considered that the original gardens on this section of Huntington Road are exceptionally long and that subject to the suggested conditions development can be accommodated on this site without causing undue harm to the living conditions of nearby residents. The proposed form of development relates well to other schemes developed to the rear of Huntington Road in recent years.

5.4 It is recommended that the application be approved.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Proposed plans and elevations 10:03:03 Rev H received by the Local Planning Authority on 25 January 2011.

Proposed longitudinal sections 10:03:04 Rev D received by the Local Planning Authority on 25 January 2011.

Proposed site plan 10:03:02 K Rev K received by the Local Planning Authority on 23 March 2011.

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

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

3 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 development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4 Notwithstanding the details shown on the approved drawings details of all means of enclosure to the site boundaries including adjacent to 281 Huntington Road shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

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

5 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 for the hardsurfacing of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance and reduce surface water run-off.

6 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. 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 alternatives are agreed in writing by the Local Planning Authority.

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

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 - F (extensions etc) of Schedule 2 Part 1 and Class A of Part 2 (boundaries) 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 and boundary fences 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 Details of the proposed entrance gates shown on drawing 05:54:21 F shall be submitted to and agreed in writing with the Local Planning Authority. The gates shall be erected in accordance with the agreed details prior to the occupation of the dwellings and the gates shall be maintained in a fully efficient working order unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to provide a secure environment for future occupiers and occupiers of adjacent dwellings.

9 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 details, which have been previously submitted to and approved in writing by the Local Planning Authority.

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

10 The development shall not be begun until details of the junction between the internal access road and the highway have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

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

12 No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

13 Vehicular access to the site shall at all times have a minimum width of 3.7m with a height clearance of 4.5m. Details of the design of this access, together with associated sightlines and street lighting, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: To ensure that there is access for emergency vehicles.

14 Notwithstanding the approved details, prior to the occupation of the accommodation further details of the proposed refuse collection point shall be submitted to and agreed in writing with the Local Planning Authority. The collection point shall be implemented in accordance with the plans prior to the occupation of the accommodation and maintained as agreed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenity and living conditions of adjacent occupiers

15 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits, which must be recorded during the construction programme.

16 No development approved by this permission shall be commenced until a scheme for the on-site storage of surface water and its discharge from the site at a controlled rate has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in its entirety prior to the first occupation of the development and shall be maintained thereafter. The rate of discharge shall not exceed that of a "greenfield site", i.e. 1.4 lit/sec/ha.

Reason: To prevent the increased risk of flooding and prevent damage to landscaping.

17 All drainage routes through the site shall be maintained both during and after completion of the works on the site.

Provisions shall be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the site and shall include such systems as "ridge and furrow" and "overland flows".

Reason: To avoid increasing the risk of flooding

18 Finished floor levels shall be set no lower than 11.40 AOD.

Reason

To protect the dwellings from potential flood flow routes through the site

19 Trees shown to be retained and/or subject to a tree preservation order (TPO) shall be protected during the development of the site by the following measures: - Prior to site clearance, site preparation, installation of utilities, building or other development operations, including the importing of materials and any excavations, protective fencing to BS5837: 2005 shall be erected around all existing trees shown to be retained. Before commencement on site the protective fencing line shall be shown on a plan and agreed with the local authority and subsequently adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zone: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles, mechanical cultivation under the canopy spread of retained trees. There shall be no site huts, no marketing offices, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

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

20 No development shall take place until details have been submitted to and approved in writing by the Council of what measures are to be provided within the design of the new buildings to accommodate bats. The works shall be completed in accordance with the approved details.

Reason: To take account of and enhance the habitat for bats.

INFORMATIVE: Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, bat boxes. etc.

21 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the

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

Reason: In the interests of sustainable development.

22 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide 5% of its predicted energy requirements from on-site renewable sources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority. The approved scheme shall be implemented before first occupation of the development. The site shall thereafter be maintained to the required level of generation.

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.

23 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. Competent persons must undertake the investigation and risk assessment and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases, where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and 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.

24 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 in accordance with the requirements of the previous condition, 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 in accordance with the previous condition.

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.

25 No development approved by this permission shall be commenced until a scheme for the provision and implementation of the method of working and restoration and maintenance of the river edge has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority in consultation with the Internal Drainage Board.

Reason: To safeguard the water environment.

26 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 £5,850.

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.

27 Any piling operations shall be carried out using the quietest practicable method available. Local residents should be notified of the dates, times, likely duration and works to be undertaken. Details of the piling method chosen must be submitted to and approved in writing by the Local Planning Authority prior to any works being carried out.

reason: To protect the amenity of nearby residents.

28 NOISE7 Restricted hours of construction

**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:

- impact on living conditions of adjacent occupiers
- impact on streetscene
- impact on visual amenity
- quality of accommodation
- parking and highway safety
- sustainability
- drainage and flood risk
- wildlife and landscaping
- development potential of adjoining land
- security

As such the proposal complies with Policies GP1, GP4a, GP7, GP9, GP10, GP15a, NE2, NE1, NE7, H4a, H5a of the City of York Local Plan Deposit Draft.

2. DEMOLITION AND CONSTRUCTION

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

- (i) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".
- (ii) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.
- (iii) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.
- (iv) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
- (v) There shall be no bonfires on the site.

3. HIGHWAYS

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

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

4. BATS

If bats are discovered in the course of the work, then work should cease and Natural England consulted before continuing. It is recommended that the existing outbuildings be demolished at a time that minimises conflict with wildlife.

5. PERMITTED DEVELOPMENT

Future occupiers should be made aware that because of the sensitivity of the site permitted development rights to erect extensions, outbuildings, new openings, fencing/walls etc have been removed and as such planning permission will always be required for such developments. All occupiers are recommended to check with the Local Planning Authority prior to undertaking any alterations or extensions.

6. FOSS INTERNAL DRAINAGE BOARD/ENVIRONMENT AGENCY

A strip of land 9 metres wide adjacent to the top of both banks of all watercourses shall be kept clear of all new buildings and structures (including gates, walls, fences and trees) unless agreed otherwise in writing with the Local Planning Authority and Environment Agency in consultation with the Internal Drainage Board. Ground levels must not be raised within this area. Access arrangements should be agreed with the Internal Drainage Board.

The proposed development is within the Board's area and is adjacent to the River Foss, which at this location, is maintained by the Board under permissive powers within the Land Drainage Act 1991. However, the responsibility for maintenance of the watercourse and banks rests ultimately with the riparian owner.

Under the terms of the Land Drainage Act 1991 and the Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, under, over or within 9 metres of the top of any watercourse.

Any new outfall to a watercourse requires the prior written consent of the Board under the terms of the Land Drainage Act 1991 and should be constructed to the satisfaction of the Board.

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