

## COMMITTEE REPORT

**Date:** 5 July 2012  
**Team:** Major and Commercial Team  
**Ward:** Heworth Without  
**Parish:** Heworth Planning Panel

**Reference:** 12/00140/FUL  
**Application at:** Site Adjacent To No 1 Straylands Grove York  
**For:** Two storey detached dwelling to side (resubmission)  
**By:** Mr Chris Carline  
**Application Type:** Full Application  
**Target Date:** 13 March 2012  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 This application seeks planning permission for the erection of a new dwelling within the garden of 1 Straylands Grove. The proposed house is of contemporary design would be two storeys in height. The house would contain four bedrooms in total, two on the ground floor and two on the first. Within the garden is proposed a workshop which would be used by the occupiers of the proposed dwelling as a hobby area.

1.2 The proposed house is modern and contemporary in design. The proposal is two storeys in height with a flat roof. The ground floor would be predominantly constructed of brick. The first floor would appear a more lightweight box separated from the ground floor walls by a horizontal band of glazing situated above the walls, set back in a recessed plane. The first floor would appear as a frame of white render with vertical glazing strips and timber panelling. The proposed dwelling would contain four bedrooms, two on each floor. A carport is proposed to the north of the house with a workshop at the rear of the back garden.

1.3 The site has recent planning history. Outline consent was granted in 2005 (05/01938/OUT) for the erection of a new dwelling in broadly the same location as that proposed. No reserved matters application was ever submitted. In 2007 a full application was approved (07/00761/FUL) for a two storey house of traditional design. In 2010 another full planning application was approved (10/01717/FUL) for a dwelling of modern appearance with a mono-pitched roof to be constructed of brick, timber and render with a zinc roof. None of the approved dwellings were constructed.

1.4 The application site is unallocated white land on the Local Plan Proposals Map. The site is not within a Conservation Area and there are no listed buildings within the immediate vicinity of the site. To the north is stray land separating the site from Malton Road.

1.5 Previous applications were determined under delegated powers. The current application has been brought to Planning Committee at the request of Cllr. Ayre as the design of the proposed dwelling has created significant local interest. A site visit is recommended to understand the context of the application site and the concerns raised by local residents.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGP1  
Design

CYGP4A  
Sustainability

CYGP10  
Subdivision of gardens and infill devt

CYL1B  
Loss of local leisure facilities

CYH4A  
Housing Windfalls

## **3.0 CONSULTATIONS**

INTERNAL

3.1 Environmental Protection Unit - No objections, an informative is recommended to be added to any approval to ensure that the developers are aware of legislation covering demolition and construction work.

3.2 Flood Risk Management - The application site is in Flood Zone 1 and should not suffer from river flooding. An objection is raised because insufficient information has been submitted by the applicant with regards to site drainage.

3.3 Highway Network Management - No objections. However, the applicant proposes a crushed aggregate driveway which is not recommended, the surface should be bonded to prevent carry over of material onto the highway. Two conditions and an informative are recommended to be added to any approval.

3.4 Major Project Developments and Initiatives (Architect) – States whilst the proposal is undoubtedly eye catching, it is a positive addition to the area. A number of objections were received from local residents and subsequently the applicant made some revisions to the design to attempt to address these concerns.

Siting of the proposal - The applicant has adopted a different design approach (to the approved dwelling) in siting the building away from Elmfield House, but closer to the road. This is a sensible approach- Elmfield House is a building of merits and should not be crowded out. The proposed building is roughly in line with the row of adjacent properties, however in being the last in the row it abuts a prominent corner on one aspect, albeit slightly set back with a smaller buffer of space between the pavement line and the building line. Setting the building close to the road here still leaves adequate space around it away from adjacent properties. In addition, the applicant has made revisions to slightly reduce the proximity to the boundary in response to local objections to the initial planning proposals. In total this approach is in itself an improvement on the consented scheme.

Design Approach - In choosing to be contemporary the proposal will, by definition, stand out from its neighbours. In doing so it is then not acceptable to be of average design because it will be noticed and has to have a positive impact. Whilst design has some subjective elements it can be assessed on a number of objective criteria:

- Size & Massing - The building is a large house (circa 2100 sqft) but this is slightly smaller than the consented scheme. The footprint is larger than most adjacent properties, but in being flat roofed the overall height is significantly lower than many properties. However being on a prominent corner it will still have a significant visual presence in the street scene -as do many buildings on Straylands Grove. In footprint terms it appears to take up less space than is left as open space and these proportions are comparable with typical other local properties. On size and massing terms it is therefore not radically at odds with this neighborhood.

- Architectural ambition - The applicant has engaged well with the Council as part of the pre application process and subsequently continued to engage with the Council to amend the design to respond to local objections to the proposal. The applicant has demonstrated through this proposal and in the information submitted that they have given considerable thought to the aim of developing high quality design.

- Design Approach - The proposal creates a series of ground floor wall planes, containing the ground floor spaces with (typically) full height glazing slots. Wall planes project into the garden and into the interior spaces creating a defused sense of interior and exterior spaces. The upper floor is expressed as a more lightweight box. Separation of the upper floor from these ground floor walls is articulated in a horizontal band of glazing situated above the walls, set back in a recessed plane. This combines into an elegant proposal that expresses a contemporary way of living, although the building layout is otherwise fairly straightforward and not unusual.

- Materials -The initial application proposals used too much white render and were in stark contrast to the surroundings, but the applicant has made significant revisions. This includes simplifying the range of materials; the ground floor external walls are now extensively brick; upper floor walls have only an expressed frame of white render between which are simple vertical glazing strips and timber paneling. These materials can be seen in the neighbourhood. They will never camouflage the building, but they do appropriately root it in a local context. The applicant has made significant changes to reduce the visual impact of glazing. Glazing is now a relatively small proportion of the external envelope and even compares with the proportion of glazing in many other properties in the area.

3.5 Design Conservation and Sustainable Development (Landscape Architect) - Consent has been given to remove a Copper Beech tree within the application site. The Copper Beech has a Tree Preservation Order attached to it, however due to historic fire damage it is now at risk of failure due to its poor health. The tree is exhibiting significant deadwood and loss of bark. The removal of this tree was approved for these reasons and on the basis that it would be replaced with a new Beech tree. Once planted the replacement tree would be covered by the original Tree Preservation Order. Further comments are currently being sought from the Landscape Architect in regards to the latest landscape proposal, an update will be provided on this at Planning Committee.

## EXTERNAL

3.6 Heworth Planning Panel - Object on the grounds that the proposed building is overpowering in scale and inappropriate in design to its surroundings.

3.7 30 letters of objection have been received from local residents. A summary of the content of these letters is presented below:

- the proposed design is incongruous;
- the proposed dwelling would dominate the approach to the residential area and is out of keeping with the character of the area;
- the proposed design is industrial in appearance and does not fit with traditional houses in the area;

- the proposal is flat roofed whereas all other houses in the area have pitched roofs;
- the proposed white facade would stand out on what is a prominent site within the street scene;
- the proposed house is a monstrosity and an eyesore;
- the proposed building would appear overbearing due to its size, design and location close to the footpath;
- the proposed house would be seen from across the stray and would spoil existing views towards the existing traditional residential area;
- the proposed dwelling would overlook neighbours (3 Elmfield Terrace, 52 Westlands Grove and 2 and 4 Straylands Grove);
- a new dwelling on this site is acceptable but it should be one which matches the character of the area;
- the Beech tree should not be removed to make way for the proposed house;
- the proposed house would distract drivers on this busy road;
- any noise generated during construction would be detrimental to local residents;

## **4.0 APPRAISAL**

### 4.1 Key Issues:

- Impact on the Street Scene
- Neighbouring Amenity
- Highways

4.2 The Application Site - Straylands Grove is a residential street off Malton Road and is unallocated 'white land' on the Local Plan Proposals Map. Many of the dwellings on Straylands Grove are detached. There is no defined building line at this end of Straylands Grove with the dwellings set back from the road with lengthy front gardens. The surrounding streets of Elmfield Terrace, Willow Grove, Westlands Grove, and Elmlands Grove are higher density predominantly semi-detached dwellings. The application site itself is a corner plot which is visually prominent. Access into 1 Straylands Grove is opposite Elmfield Terrace. 1 Straylands Grove has a generous sized plot relative to other dwellings on the street.

4.3 Relevant Planning Policy - Local Plan Policy CYH4a (Housing Windfalls) states that proposals for residential development on land not already allocated on the Proposals Map will be granted planning permission, in accordance with SP10, where:

- a) the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings;
  - b) the site has good accessibility to jobs, shops and services by non-car modes;
- AND
- c) it is of an appropriate scale and density to surrounding development, and
  - d) it would not have a detrimental impact on existing landscape features.

4.4 Local Plan Policy GP10 (Subdivision of gardens and infill development) states that planning permission will only be granted for the sub-division of existing garden areas (or plots) or infilling, to provide new development, where this would not be detrimental to the character and amenity of the local environment.

4.5 Local Plan Policy GP1 (Design) states that development proposals will be expected to (i) respect or enhance the local environment; (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.6 Since the previous planning applications for a new dwelling have been approved on this site, national planning guidance has changed with the introduction of the National Planning Policy Framework (NPPF). The NPPF removes gardens from the definition of previously developed sites, however this does not mean that development of new houses in existing gardens is necessarily unacceptable. The NPPF encourages Local Planning Authorities to create policies resisting inappropriate development in residential gardens, for example where development would cause harm to the local area. Given that there is an extant planning permission on this site (permission expires December 2013) and that local planning policies on new residential developments in gardens has not changed since the previous permission, it is considered that the principle of development is acceptable.

## IMPACT ON THE STREET SCENE

4.6 Approved application 07/00761/FUL was for a two storey house of relatively traditional character and appearance with the proposed materials being consistent with those used in the surrounding area. The approved application 10/01717/FUL was for a part single and part two storey house of contemporary design and materials choice. The proposed dwelling under consideration within this application continues the theme of contemporary design from the most recent approval. The application site is not within a conservation area or located within the immediate vicinity of listed buildings. Therefore it is not considered that any proposed new dwelling has to be of the same style as existing properties in the area which were built during a different era. However, the proposal should be considered in terms of whether it makes a positive contribution to the street scene.

4.7 In terms of design the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 58 states that Local Plans should create policies which respond to local surroundings and materials, but crucially not preventing or discouraging appropriate innovation as a result of good architecture and appropriate landscaping. The NPPF goes on to say that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

4.8 The proposed house is contemporary and modern in appearance. The predominant materials used externally are white cladding, brick and timber panels. Whilst these materials are used in a modern way on the proposed dwelling, they are not dissimilar to existing materials in the area. The ground floor of the proposed house would predominantly be constructed of brick. The applicant wishes for this brickwork to be similar in colour, size and texture to that commonly found in the area. The use of white render is less common in the area but there are notable examples of its use, most significantly on the south elevation of the existing house at 1 Straylands Grove and at first storey level on the front of dwellings on Elmfield Terrace. These dwellings sit either side of the application site. The application proposes use of timber cladding at first storey level; this is not a common feature on other houses in the area. However, clearly timber is a natural product which would weather down and become more naturalistic in appearance over time. The use of timber cladding is understood to have been selected to help the dwelling settle into its setting more successfully given its location close to the stray and the extensive timber fence which runs around the application site. The proposed house is bold and modern and does not follow the more traditional style of houses in the area in terms of its shape and fenestration details, however it is considered that the applicant has considered the surrounding context and selected a palette of materials which are used in the area but then adapted them to create a modern design. The applicant wishes to construct a house which is clearly of its time rather than replicating existing development which was constructed decades earlier.

4.9 The proposed dwelling is bold and striking and sits within a prominent corner plot which acts as the entry point to a substantial residential area. Undeniably the dwelling proposed would stand out; the use of white render would draw the eye to the dwelling. Modern dwellings in traditional settings often generate local opposition from residents who do not wish to see the character of their area changed or have modern design imposed in an area. However, national and local planning policies do not require new residential developments to be the same as those existing. At national level design which is innovative and original is promoted, good design and architecture is encouraged. Local distinctiveness should to be reinforced.

Modern design can divide opinion and it is clear from the consultation exercise that a number of local residents are concerned about the development of a dwelling of such design within this location. However, through pre-application discussions and further adaption of the design during the application process, the Councils Architect believes that the proposed scheme is of good quality and would positively contribute to the character of the area. Much of the success of such a building comes down to detail, therefore a number of conditions are recommended controlling such details as well as building materials. This would ensure a good quality finish to the proposed building.

4.10 Local Planning Policies require new developments to respect the local area and be of a suitable scale and mass. The proposed dwelling is of marginally lesser footprint than the most recent planning application which was approved. The height of the proposed building is a little taller than recently approved, but sits below the eaves height of 1 Straylands Grove and is significantly lower in height than the approved application 07/00761/FUL. The two storey part of the house has been moved closer to the footpath of Straylands Grove than the previous approval. Whilst this makes the dwelling more visually prominent from the street, it also has a significant benefit of pulling the dwelling away from 1 Straylands Grove which allows greater scope for views of this property which has some architectural merit and was constructed in around 1830. The proposed dwelling would appear subservient to the host house on this plot. In order to help to soften the appearance of the modern design and to help it to bed more successfully into the surroundings the applicant is proposing new landscaping. The submitted plan shows three new Silver Birch and one Norway Maple trees to the north of the proposed house (two existing trees to be removed) and three new Silver Birch trees close to the south west corner of the house adjacent to the site boundary with Straylands Grove. Three existing fruit trees to the south of the proposed house would be retained as would one Holly tree to the north which would provides valuable evergreen foliage. It is considered that once established that the proposed trees in addition to the existing trees would significantly reduce the visual prominence of the proposed house. Views of the dwelling on the approach towards the site from either side of Straylands Grove would be limited by the landscaping with glimpses through created. The main view of the proposal would be afforded when parallel to the site. It is considered that the proposed landscaping would help to bed the development into the area and reduce its visual prominence. The landscaping also has the benefit of creating a green setting as one enters the housing area from the stray.

4.11 In terms of design, specialist officer comments are summarised in paragraph 3.4. A dwelling of modern design has been approved on this site previously and this permission remains live and could be implemented at any point up until December 2013. The previous application contained a mono pitched roof constructed of zinc. The materials proposed for the walls were brick and timber, as proposed within this application.



Bringing the house closer to the road than previously approved undoubtedly increases its prominence, however the Council's Architect believes the current proposal has greater architectural merit and also provides more space around the host house at 1 Straylands Grove. The applicant has modified the application since the objections were received from local residents. These changes consist of more timber cladding replacing previously proposed zinc, a reduction in the amount of glazing to reduce its visual prominence during darkness, a small reduction in size of the building, and an increase in landscaping within the site. It is considered that the proposed workshop and car port would not be visually prominent and therefore would not have a significant impact on the street scene. It is Officer opinion that whilst the proposed house is of contrasting style, sufficient emphasis has been put on respecting the site context and its links with the surrounding area to not be harmful to the character and appearance of the area. The proportions of the proposed house respect the traditional character of the area and would not dominate it.

#### IMPACT ON NEIGHBOURING AMENITY

4.12 North of the site is stray land. To the west is 1 Elmfield Terrace. The side elevation of 1 Elmfield Terrace is a blank wall and this faces across Straylands Grove and towards the proposed house. The rear garden of 1 Elmfield Terrace is approximately 15 m away and it is not considered that the proposed house would have any significant impact on the level of amenity enjoyed within the dwelling or garden of 1 Elmfield Terrace. Likewise the rear of dwellings at 1 to 5 Willow Grove and the front of 2 and 4 Straylands Grove are in excess of 25 m away and the impact on these properties would not be significant.

4.13 The two storey element of the proposed house is located approximately 9.5 m from the existing dwelling at 1 Straylands Grove at its closest point. At ground floor level the proposal is approximately 5m away at the nearest point. The previously approved application was closer to 1 Straylands Grove at two storey level. Both the proposed house and 1 Straylands Grove would have south facing gardens and thus would enjoy a significant amount of natural light. It is not considered that the outlook into the rear garden of 1 Straylands Grove would result in a significant loss of privacy for neighbours. The proposed east elevation of the house contains three windows at first storey level, all of these would be obscure glazed and would be used to light a staircase. Openings at ground floor level would not significantly impact on neighbouring amenity given the 1.6m high close boarded timber fence would separate the curtilages. A condition would be required to be added to any approval to ensure that no new openings are added to the east elevation in order to ensure that privacy is maintained at 1 Straylands Grove and within the proposed house and also ensuring that proposed windows within the first storey of the east elevation are obscure glazed.

## HIGHWAYS

4.14 The applicants are proposing enclosed and secure storage for four bicycles. Car parking is provided within the car port for two cars which is within maximum car parking standards. A separate access is proposed for the proposed house to that used by 1 Straylands Grove. Highway Network Management has raised no objections to the proposed development or access arrangements. A condition is recommended whereby the surface material of the hard standing is approved to ensure that a suitable bonded surface is used. Refuse and recycling bin storage is proposed within the rear garden with a separate access gate provided within the boundary fence to allow easy access to the roadside.

## SUSTAINABILITY

4.15 A sustainability statement was submitted with the application. The statement confirms that the proposal would achieve at least a Level 3 rating within the Code for Sustainable Homes assessment. A condition is suggested to ensure that the development meets this level as it is a requirement for new small scale residential developments as outlined in the Sustainable Design and Construction interim planning statement.

## DRAINAGE

4.16 The submitted drainage information does not comply with the required standards. However, the Flood Risk Management is confident based on the submitted information that a suitable drainage and attenuation system could be installed to meet the required standard. Therefore, a condition should be included with any approval to ensure a suitable drainage system is agreed and subsequently installed.

## 5.0 CONCLUSION

5.1 The principle of a new dwelling in this location has been established with the previous permissions. Whilst the concerns of the neighbours in relation to the contemporary appearance of the dwelling are noted, the design and materials proposed are considered to have sufficient regard to the surrounding area to ensure there would be no significant harm to the street scene or the amenity of neighbours. The specialist officer (architect) advises that the current proposal has greater merit than that previously approved. Taking into account all other relevant considerations as set out above; the proposed dwelling is considered to be acceptable in this location.

## COMMITTEE TO VISIT

### 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 revised plans received by The CoYC on 11/05/12:-

Proposed Floor Plans and Red Line Boundary (100)-01

Proposed Elevations and Sections (100)-02

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 the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no windows, doors, or other openings other than those shown on the approved plans shall be inserted into the east elevation of the house at any time. The openings hereby approved within the east elevation shall be obscure glazed, to be achieved through translucent glazing interlayer film or acid etching and not fully obscured painted/film glazing.

Reason: In the interests of the amenities of occupants of the adjacent residential property.

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

Reason: In the interests of the amenities of the adjoining residents and to protect the street scene 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.

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 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. For the purpose of agreeing bricks a sample panel shall be erected on site. Timber cladding shall be

carried out with a 'secret fixing' construction. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually acceptable appearance.

6 Large scale details (at a scale of 1:20) of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- full external wall sections

- glazing framing details

- any external building lighting

Reason: So that the Local Planning Authority may be satisfied with these details.

7 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

8 Prior to the commencement of development, details of the material to be used in the construction of the access into the site and hardstanding area shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved details, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

9 Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

10 The hours of loading or unloading on the site and construction work which is audible at the site boundary shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays

Reason: To protect the amenities of adjacent residents.

11 Before the commencement of and during building operations, adequate measures shall be taken to protect the existing planting on this site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

12 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 to be planted within 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 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.

13 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 City of York Draft Local Plan.

The alternative arrangements for Condition 9 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 £2836.

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.

14 Following completion of the development and prior to first occupation of the dwelling a Code for Sustainable Homes 'Post Construction Stage Assessment' and final certificate shall be submitted to the Local Planning Authority demonstrating that the development has achieved at least a Level 3 rating. Should the development not achieve at least a level three rating a separate statement shall be submitted to and approved in writing by the Local Planning Authority highlighting what works are to be carried out to bring the development up to the required sustainability standard and when these works are to be carried out.

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'

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

Reason: To prevent obstruction to other highway users.

16 Notwithstanding the information contained on the approved plans, the maximum height of the approved development shall not exceed 6.5 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

17 Prior to the commencement of development details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

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a. Peak surface water run-off from the development to be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable areas from 1 Straylands Grove). Storage volume calculations, using computer modelling, shall accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model shall also include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

b. Construction details of the storm water attenuation tank.

c. Construction details of Hydro-brake outfall manhole restricting surface water discharge to a maximum of 1.7 l/sec to be constructed downstream of attenuation tank.

d. Details of future management / maintenance of the proposed drainage system.

All works shall be carried out in complete accordance with the approved details.

Reason: To ensure proper drainage of the development.

18 The workshop shown on the approved plans shall be used solely for purposes incidental to the enjoyment of the dwelling house and not for commercial purposes.

Reason: To protect the amenities of adjacent residential occupants.

## **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, and positively addresses the site circumstances, with particular reference to:

- Impact on the Street Scene;
- Neighbouring Amenity;
- Highways;
- Sustainability; and
- Drainage

As such the proposal complies with Policies GP1, GP4a, GP10, L1c, and H4A of the City of York Development Control Local Plan.

## 2. INFORMATIVES

### CONTAMINATION

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. CONTROL OF POLLUTION ACT

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

(a) 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".

(b) 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.

(c) 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.

(d) 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.

(e) There shall be no bonfires on the site.

#### **Contact details:**

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