

## COMMITTEE REPORT

**Date:** 20 December 2012      **Ward:** Huntington/New Earswick  
**Team:** Major Commercial Team      **and Parish:** Huntington Parish Council

**Reference:** 12/02979/FULM  
**Application at:** Land Adjacent To And To The Rear Of Windy Ridge And Brecks Lane Huntington York  
**For:** Residential development of 87 dwellings with associated access and infrastructure  
**By:** Mr Paul Butler  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 27 November 2012  
**Recommendation:** Approve subject to Section 106 Agreement

### 1.0 PROPOSAL

1.1 This application seeks planning permission for the erection of 87 new houses in Huntington. The application site is to the east of New Lane, bounded by Portakabin to the south and Brecks Lane to the north. To the east are fields followed by allocated employment land to the north of Monks Cross. A hedge which is maintained just above eye level runs the length of the site adjacent to New Lane. The application site is currently used as a paddock. It appears to retain remnant features of the former landscape of the area, i.e. some ridge and furrow, some narrow strip fields, hedgerows, and mature trees. The southern boundary is marked by Lombardy Poplars. The site is allocated as open space within the Development Control Local Plan, however the site does not have public access.

1.2 The proposed development consists of 13 two-bedroom houses, 40 three-bedroom houses, and 34 four-bedroom houses. This contains a mix of detached, semi-detached and short rows of terraced housing. The majority of houses are two-storey in height with six houses being two and a half storey with rooms in the roof space.

1.3 The application site measures approximately 5 ha in area. The proposed development contains two distinct elements. Housing which is predominantly located towards the northern half of the site with open space/nature conservation land to the south.

1.4 Of the 87 houses proposed the applicant is offering for 30 of these to be affordable. The tenure split is 19 for affordable rent and 11 for discounted sale.

1.5 It was considered that an Environmental Impact Assessment was not required for this application as it was not considered to be Schedule 1 or Schedule 2 development as identified within The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

1.6 The applicants undertook community involvement prior to the application being submitted. Stakeholders such as Ward and Parish Councillors, local residents, and Council Officers were engaged in the process which included a public exhibition. 167 people attended the exhibition with 34 comment forms received. Of these 34 Barratts state that 12 could subjectively be assessed as supportive, 8 unsupportive and 14 neutral/unclear. Positive comments related to provision of affordable homes for local people and the design. Concerns and queries largely related to drainage and traffic issues.

## **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

CYGP7 - Open Space

CYGP9 - Landscaping

CYGP4A  
Sustainability

CYGP3 - Planning against crime

CYH4A - Housing Windfalls

CYH5 - Residential densities over 25 per ha

CYL1C - Provision of New Open Space in Development

CYNE1 - Trees, woodlands, hedgerows

CYNE7 - Habitat protection and creation

CYNE6 - Species protected by law

CYSP8 - Reducing dependence on the car

CYT4 - Cycle parking standards

CYT7C - Access to Public Transport

CYED4 -Developer contributions towards Educational facilities

### **3.0 CONSULTATIONS**

#### **INTERNAL**

3.1 Integrated Strategy - States the site is allocated as open space in the Local Plan, but was not assessed as part of the Open Space, Sport and Recreation Study in 2008, which looked at open spaces of public value that offered important opportunities for sport and recreation. The site was considered to be suitable for housing across a number of criteria in the Council's SHLAA but was ruled out due failing a primary constraint owing to its SINC status. However, it is understood that discussions have taken place between the applicant and the Council's Design and Conservation team and the schemes design and layout is satisfactory in terms of protecting and enhancing the SINC. Subject to the scheme being considered acceptable by colleagues in Open Space and Design and Conservation there is no policy objection to the principle of housing development in this location.

3.2 Environmental Protection Unit - A supplementary noise report was received which was undertaken in response to a request to carry out further night time noise monitoring on the applicant's site. This additional sound monitoring was requested to be undertaken during the night time periods which had previously not been monitored. It was also requested that the monitoring be undertaken when there was a night shift taking place at the adjacent Portakabin site. This was to ensure that the survey was carried out during a 'worst case scenario' in terms of noise.

Having assessed the additional monitoring undertaken on the additional date of 26th October, there are no objections to the development and there is satisfaction that there are no potential noise issues of concern. The noise levels from the adjacent industrial site are at such a low level and as such it is not anticipated that it would have any adverse impact on the proposed residential development.

Following discussions with Portakabin the applicants have offered to install a 3m high acoustic barrier and green planting along the boundary. EPU accept this

proposal and there is no need for a barrier any taller than this as requested by Portakabin.

3.3 Design, Conservation and Sustainable Development (Landscape Architect) - The Development Control Local Plan identifies the site as open space, however it has no public access, nor does it perform a recreational function. Its importance lies in the separation it provides between two quite different and expansive land uses, i.e. the commerce and industry associated with Monks Cross, in particular Portakabin, and the residential area of Huntington. The public benefit of allowing a certain quantity of residential development is the creation of accessible, informal, public open space.

The separation of the two blocks retains important grassland and trees, which also benefits the internal working of the development by increasing the number of properties looking onto open space. The proposal retains the existing hedge along the full length of the site's boundary with New Lane outside of individual ownership thereby securing its maintenance under one management.

The latest revision removes G1 and G3 - groups of Hawthorn and young Ash. Whilst these groups currently add to the general greenery along Brecks Lane, they do not have significant public amenity value therefore their removal is not objectionable in the interest of attaining an acceptable scheme on the whole.

Should the application be approved, conditions are suggested requiring details of: hard surfacing, boundary treatments, planting plans, lighting, and a tree protection method statement.

3.4 Design, Conservation and Sustainable Development (Countryside Officer) - The land was designated as a Site of Importance for Nature Conservation (SINC) in 2010 as a remnant of old wildflower grassland. Whilst the grasslands here are of great interest, they have suffered in the past from neglect, overgrazing and some land improvement. As such, the interest is a little patchy and it has been difficult to establish exactly which areas were of greatest value. The site also contains part of the meta-population of Great Crested Newt found on the north side of Monks Cross and provides a green wedge running from Monks Cross into Huntington.

Wildflower grasslands such as those found here are uncommon in York, the Biodiversity audit identified perhaps 100-120ha of significant interest remaining within the City of York and as such it is important to retain them in order to maintain the overall biodiversity value of the Local Authority area. However, these grasslands had suffered a measure of decline because of past management.

As part of the pre-application process, the area was surveyed in more detail and the areas of most significant interest were plotted. These have guided the proposals set

out in Planning Layout Ref No 12:1087:01 to produce a development proposal that has accommodated the majority of the most significant areas of interest.

An indicative landscape scheme has been put forward for the previous version of development and this scheme is largely acceptable in nature conservation terms. It maintains the most significant areas of grassland interest, maintains the overall historic field pattern within the landscape, maintains the continuity of Great Crested Newt habitat and retains a significant green corridor between Huntington and Monks Cross. It also provides for the enhancement of the wildlife interest and secures the management of the area for wildlife into the future.

Concern has been raised with regard to noise levels from the adjacent Portakabin works and to accommodate this, a numbers of options have been suggested. These included substantial bunding and tree planting either within the open space or along its southern boundary, on the line of the old railway. These measures would substantially destroy the existing wildlife interest and also much of the existing tree cover. As such they cannot be supported in nature conservation terms. A further option involving the construction of a vertical acoustic fence with a landscaped tree belt to screen the fence and provide further sound proofing has also been suggested. It retains much of the existing tree cover and the landscape belt and, whilst taking up some of the grassland area, this is in an area already affected by the existing boundary. As such its impact on the existing interest would be minimised and would provide a substantial corridor link. This option has been considered and is acceptable in wildlife terms.

Whilst no landscape drawing has yet been submitted for this latest revision, provided this accommodates the issues raised above, it would be acceptable and could be secured under condition. This would retain and enhance the most significant wildlife interest whilst providing a measure of sound proofing and an attractive landscaped open space that retains features of its historic past and connectivity to the east.

The presence of Great Crested Newt would require a Protected species licence for any development to proceed. However, the landscape proposals adequately accommodate this and it is not anticipated that there would be any problem in obtaining this licence. No other protected species are considered to be an issue on this site.

The future management of the site would also need to be secured to ensure the wildlife value of the land is retained. This should be subject to a Section 106.

3.5 Highway Network Management - The application proposes to develop the site with 87 residential units. The application has been supported by a Transport Assessment, the scoping of which was agreed with officers, and a Travel Plan. Access is to be taken from New Lane in the form of a new priority junction.

Speed surveys have been undertaken by the applicant on New Lane to national standards. The speed surveys have demonstrated that the 85th percentile wet weather speed is 31mph Northbound and 30mph Southbound. The speed limit along New Lane is 30mph.

The sightlines for traffic using the new access are in accordance with national guidance contained within Manual for Streets with regard to the speed limit for the road and the actual speeds observed during the aforementioned speed surveys. The access is therefore considered suitable to serve the level of development proposed and would not give rise to any highway safety issues. The accident history for the stretch of adjacent highway has also been investigated. This has demonstrated that there are no accident patterns or clusters of accidents that could be exacerbated by the proposed development.

Notwithstanding the above, given the concerns that have been raised by local residents, the applicants have offered to provide a signalised pedestrian crossing facility on New Lane between its junctions with Hambleton Way and the proposed site access. Officers have some reservations over the provision of this type of crossing facility in this location due to the expected likely infrequency of its use. Officers therefore consider that the most appropriate way to proceed is to secure a financial contribution, which would cover the cost of a signalised crossing. Officers are negotiating £40k, to be secured through a S106 Agreement to be used towards the provision of pedestrian improvements and crossing enhancements on New Lane. The final form of pedestrian crossing improvements would be based upon local consultation with residents and Ward Members with supporting surveys undertaken to ensure that the most appropriate type of crossing facility is provided.

The level of traffic that is expected to be generated by the proposed development has been derived using surveys of adjacent residential areas and the nationally recognised TRICS database. This approach has demonstrated that the development would generate in the region of 86 and 62 vehicle movements during the AM and PM peaks respectively.

Whilst the level of traffic that would be generated by the proposals would not have a material impact on the adjacent highway network, Officers requested a sensitivity test in a future year scenario to take into account the committed development of Monks Cross South Retail and the Community Stadium. This sensitivity test identifies that although some junctions would operate beyond their theoretical capacity in a future year this is due to the impact of the Monks Cross development. The actual impact of the development being considered by this planning application is negligible.

The internal site layout has been designed to Manual for Streets principles, using design features to manage on-street parking and reduce vehicle speeds to 20mph

or less. Dedicated traffic-free footways have been incorporated into the scheme along likely desire lines in order to promote sustainable travel for short journeys. The levels of car and cycle parking provided are in accordance with CYC Annex E standards.

The site is considered to be in a sustainable location with a range of local facilities and public transport within recognised walking and cycling distances. Officers have negotiated with the applicants and have secured £2k towards the implementation of any traffic orders that may be necessary to prevent indiscriminate parking on New Lane together with the choice of either a bus pass or free cycle to first residents.

3.6 Education - A contribution of £47,937 is required for this development. This would be to cover the cost of 4 primary school places at the local school - Huntington Primary. There is sufficient space at the local secondary school to accommodate the forecast pupil yield.

3.7 The Housing Strategy and Enabling Team - Support this application. It complies with the Council's interim affordable housing approach by providing 35% affordable housing on a Greenfield site. The affordable housing would be fixed for a period of three years. Should the development have not meaningfully progressed during this period the level of affordable housing would be revised in line with the Council's target applicable at that time.

The agreed affordable housing provides a range of family house types, with a particular concentration of three bed houses which are identified as the city's priority need in 2011 Strategic Housing Market Assessment (SHMA). It also provides four bed family houses for social rent and Discount Sale.

The affordable housing mix is based on a 60:40 split between social rent and Discount Sale. Should no buyer be found for the Discount Sale homes they will revert to an intermediate market rent until such time as an eligible buyer is available. The Discount Sale prices would be £75,000 for the two bed houses, £90,000 for the three bed houses, and £100,000 for the four bed houses.

The homes are pepper-potted throughout the site in runs of no more than two affordable homes.

3.8 Flood Risk Management - No objections to the proposed development. The principles and parameters of the drainage scheme have been agreed with a condition required whereby the full drainage details are agreed prior to the commencement of development.

External

3.9 Huntington Parish Council - No objection to the development per se but wishes to make the following comments with regard to amendments made to original proposal:

- Concerns as to the traffic management and road safety implications of the inclusion of an additional access road, (which appears to benefit only a very small area of the development) and its proximity to planned pedestrian crossing.
- Concerns as to the traffic management and road safety implications with regard to potential over flow parking from said development onto the very busy New Lane.

3.10 Environment Agency - In regards to flood risk and surface water drainage - sufficient detail has been submitted at this stage. The provisions of Environment Agency guidance has been followed on producing assessments for sites over 1 hectare in Flood Zone 1 (little or no risk). It is clear that Foss Internal Drainage Board (IDB) are leading on the requirements for restricting surface water run-off into their drainage system. Therefore, it is most appropriate for the IDB to suggest planning conditions to secure the sustainable drainage of the site.

In regards to foul drainage, a mains connection has been proposed for foul drainage disposal. Advice should be sought from Yorkshire Water to ensure that there is capacity in both the receiving sewer and sewage treatment works to accommodate this

In regards to pollution prevention, a condition should be added to any approval to mitigate against harm to the water environment at the site.

3.11 Foss Internal Drainage Board - The site lies within the Drainage Board's area. There are no Board maintained watercourses immediately adjacent to the site. The site is in an area where drainage problems exist and development should not be allowed until the Authority is satisfied that surface water drainage has been satisfactorily provided for. Any approved development should not adversely affect the surface water drainage of the area and amenity of adjacent properties. The applicant states that surface water is to be discharged to main sewer.

The Board recommends that any approval granted include a condition requiring drainage details to be agreed. This shall include a peak run-off attenuated to 70% of existing discharge rates with a 20% allowance for climate change. This is to be achieved through underground storage which shall accommodate a 1 in 30 year storm event with no surface flooding and a 1 in 100 year storm event with no overland discharge off the site.

3.12 Yorkshire Water - The development of the site should take place with separate systems for foul and surface water drainage. Foul water domestic waste should discharge to the public sewer in New Lane. If soakaways and permeable paving are not suitable for this site, then the discharge of water to the public sewer should be at a controlled rate.



3.13 Police Architectural Liaison Officer - Initial response received outlining a number of concerns about the layout and design. Following discussions and the submission of revised plans all issues around crime prevention and safer places have now been resolved with the exception of the rear parking courts. These changes are very welcome however it should be noted that recent crime prevention guidance discourages the use of rear parking courts.

A water supply can be provided. Conditions should be added to any approval covering the above issues.

3.14 Local residents and other third parties - Comments received from 19 local households and comments received on behalf of Shepherds and Portakabin. The following comments were received from local residents:

- There are known drainage problems in the area and a new residential development will make these issues worse;
- Much of the dwellings in the area are bungalows and the proposed houses will overlook these bungalows and result in a loss of privacy;
- There will be noise, congestion and disruption during building;
- Building work may damage Brecks Lane which is an unadopted road;
- Wildlife live on the site where houses are proposed to be built;
- The development will increase the amount of traffic on New Lane resulting in less safety when crossing roads or turning onto or off New Lane;
- A crossing point is necessary so that people from the west side of New Lane can easily access the proposed open space and so that children can safely access local schools;
- Existing gaps in the hedge along Brecks Lane should be filled;
- Green spaces such as this add greatly to the amenity of local residents and should be protected from development;
- The junction between the site and New Lane should be signalised to increase safety and make it easier for people to pull out onto New Lane;
- Traffic calming measures need to be introduced along New Lane to reduce vehicle speeds;
- The proposal increases the potential for crime in the area;
- The new development would encourage youths to gather creating noise and nuisance;
- The development will de-value existing properties in the area;
- New houses will put the local schools under pressure due to the higher number of children they will need to accommodate;
- The development would add pressure onto an existing ageing sewage system;
- Water pressure in the area is not great, increased demands would further reduce this;
- York doesn't need extra houses, there are 1500 empty houses in the city;
- The development of three storey houses would be detrimental to the character of the area;

- The development would add extra pressure on local healthcare services;
- Noise levels from Portakabin which sometimes operates for 24 hours a day will affect the proposed houses;
- The development may prevent a major employer in the city at Portakabin from being able to expand its operations;
- Trees and shrubs should be planted around the development to prevent overlooking;
- The site was deemed unsuitable for housing in the 2010 Strategic Housing Land Availability Assessment in 2010;
- The whole of the site should be used for open space to benefit the local community.

A number of pieces of correspondence have been received from representatives acting on behalf of Portakabin and Shepherds. Meetings have been held and ideas about possible noise attenuation systems have taken place. Initial concerns were expressed about the potential of the Portakabin site to cause noise nuisance to residents of the proposed houses. Portakabin do not wish to see a development take place which could increase complaints about noise. Discussions are on-going at the time of writing this report and an update will be given at Planning Committee so that Members are aware of the final position of Portakabin and Shepherds in this regard.

## **4.0 APPRAISAL**

4.1 The key issues are:

- The loss of part of an open space site
- The principle of residential development
- Design and visual appearance
- Proposed open space - quality, quantity and use
- Residential amenity of occupants of the proposed houses
- Neighbouring amenity
- Highways
- Drainage
- Sustainability
- Crime prevention
- Education
- Refuse and recycling

### **LOSS OF OPEN SPACE**

4.2 The application site is allocated as open space in the Development Control Local Plan. Policy GP7 states that the development of land designated as open space for other uses will only be permitted where: a) there will be no detrimental effect on local amenity or nature conservation; and b) compensatory provision of an equivalent size and standard is provided by the applicant in the immediate vicinity.

4.3 The application site is unusual in that, despite its allocation as open space, it does not provide any public access. An Open Space, Sport and Recreation Study was undertaken in 2008. The purpose of which was to assess open spaces of public value which offer important opportunities for sport and recreation and a full audit of all accessible open spaces was undertaken. The application site was not assessed as it is not publicly accessible and was therefore deemed not have public value in terms of a space for sport and recreation. The applicants are proposing the creation of publicly accessible open space to the south side of the site. Whilst the amount of open space is below the existing allocation, the proposal would result in managed and accessible open space which could be of public benefit to the wider community. Whilst Policy GP7 seeks to protect existing open space allocations it does state that compensatory provision may be acceptable. In this case the development would result in the partial loss of non-publicly accessible open space but the creation of a substantial area of publicly accessible amenity conservation land.

4.4 The proposed development has been carefully designed so as to protect the most valuable grassland. Part of the site is allocated as a Site of Importance for Nature Conservation (SINC) which is a non-statutory locally valued wildlife sites. A site may qualify as a SINC due to the presence of a notable species or an important habitat. 3.5 hectares of the site is allocated as a SINC site within the 2010 Biodiversity Audit. Fields are a mixture of very heavily grazed horse pastures, hay meadow, unmanaged rank grassland and mown field. The fields within the site vary in terms of conservation value with the areas to the south of the site, where the grassland is being retained, being of most value. The site contains rare grassland habitat (Mg5 grassland) and species rich grassland (Gr4 and Gr6). The site also contains Great Crested Newts.

4.5 The proposed development retains the important grassland and retains and supplements existing ponds which have wildlife value including supporting a Great Crested Newt Population. The Council's Countryside Officer has been heavily involved in discussions at both pre-application and application stage. This has helped to shape the size and shape of the proposed nature conservation land. The comments of the Countryside Officer are summarised in paragraphs 3.4. There are no objections to the loss of part of the site for new housing.

## PRINCIPLE OF RESIDENTIAL DEVELOPMENT

4.6 The National Planning Policy Framework has the presumption in favour of sustainable development as the golden thread running through the document. It states that this presumption should be the basis on which to base all planning decisions. The Framework places strong importance on significantly improving the supply of quality affordable and market housing to meet needs. Policy H4a of the DCLP covers issues around housing windfall sites. This policy states that residential development on land not allocated within the Local Plan will be granted

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

4.7 The application site is bounded on two sides by residential development, on a third side is the highly developed business site of Portakabin. The site is within the urban area of Huntington with good access to local shops, schools, bus services, cycle routes, and areas of employment. Monks Cross and schools are a short walk away and there is access to the City Centre by non-car modes. The site is within a sustainable location and is therefore considered to comply with parts (a) and (b) of the above policy.

4.8 The development consists of 87 houses on 5 hectares of land. This represents a little over 17 dwellings per hectare. Removing the large element of open space from the calculation gives a net density of approximately 30 dwellings per hectare. DCLP policy H5a seeks to achieve densities of 40 dwellings per hectare in urban areas. Whilst this policy is no longer backed up by national standards, it does help to understand the appearance of the proposed development in relation to surrounding areas and also provide assurance that the development is making an efficient use of the land available. It is considered that the proposed density is compatible with the character and appearance of the local area. The development has been designed in such a way as to retain as much of the existing landscape features as is possible. Hedges and trees towards the south side of the site are to be retained. A hedge along the frontage with New Lane as well as a hedge along the northern boundary with Brecks Lane are being retained. Therefore the majority of the landscape features which are visually prominent from outside of the site are being retained. It is considered that the proposed development accords with the criteria set out in Policy H4a and H5. It is considered that residential development with a significant area of open space is an appropriate use for this site.

## DESIGN AND VISUAL APPEARANCE

4.9 Development Control Local Plan Policy GP1 seeks to ensure that developments are designed to be an appropriate density, scale, layout, mass and design which is compatible with neighbouring buildings, spaces and the character of the area. This includes incorporating appropriate landscaping.

4.10 The proposed development includes seven houses fronting onto New Lane. These houses are set back from New Lane by approximately 10m to 15m. The majority of existing dwellings on New Lane are set back from the road with a front garden. These houses are typical two storeys in height which would be similar to existing houses on New Lane. New Lane contains a mix of houses and bungalows, many of which are detached. The proposed houses fronting New Lane are detached. The hedgerow along the boundary with New Lane is being retained with

the exception of the three proposed access points. The hedge will be reduced to a suitable height, however it is considered that this will provide a green setting to the proposed development and help the proposed houses appear established in the setting.

4.11 The proposed development includes eight different house types to provide some variety and individuality to the houses. However, the revised plans have sought to create a sense of identity within the development. This has included a selection of house types which share many similar characteristics and matching design details. The house designs are generally traditional with more contemporary detailing incorporated into elements such as porches, windows, and doors. All houses have pitched roofs with traditional proportions.

4.12 The palette of materials selected is designed to compliment the existing houses in the area whilst also creating a sense of identity within the development. The vast majority of houses would be constructed of red brick with terracotta coloured double pantiles. Two slightly contrasting red bricks are proposed to add a subtle element of contrast to areas of the development. The surrounding area contains a variety of finish with different brick colours and render being common as well as a mix of pantile and slate roof coverings. The proposed development includes the creation of feature/gateway houses of a contrasting external finish to the red brick with terracotta pantile. These feature houses are generally located at the visible end of the sections of internal spine road and either side of the main site entrance. These houses would be finished in either painted white bricks or light coloured render with a dark grey tile which would have a similar colour to surrounding slate covered roofs. The feature houses are proposed to add variety and appear as visual bookends to sections of the proposed development.

4.13 81 of the proposed houses would be two storeys in height. The house types have some small variety in height but are generally a little under 5m in height to the eaves and just over 8m in height to the ridge. This is a typical height for a two storey house. 6 of the houses would be two and a half storeys in height with rooms in the roof. These dwellings would be 6.6m to the eaves and 10.7m in height to the ridge. These dwellings are located towards the east of the site within a small cluster. Whilst these dwellings would be taller than others in the area, given how far they are set within the site, it is not considered that they will have any adverse impact on the visual appearance or character of the area. The houses on the eastern edge are two storeys in height providing a level of transition between the open fields to the east and the taller houses set in from the eastern boundary.

4.14 The success of a housing development in terms of its appearance is often determined by its details. Through discussions the applicants have amended the application to try and ensure that the finished quality of the development is acceptable. This includes details of stone/concrete sills and lintels, recessed windows on all houses, and feature windows with surrounds. Doors would be

constructed of steel with a contemporary appearance. Boundary details have also been considered to find the balance between privacy and retaining an open aspect and active frontage. It is felt that this has been achieved within the development. There is scope within the development for significant boundary walls adjacent to public areas to have climbers to soften their appearance. Whilst a detailed landscaping scheme has not been submitted with the application, there is significant scope within the development for new landscaping to be planted. It is proposed to include a condition requiring a full landscaping scheme to be submitted. This would be in line with Policy GP9 which seeks for landscaping to be an integral part of new developments with a suitable mix and variety of landscape planting.

## PROPOSED OPEN SPACE

4.15 The development proposed includes on-site open space of approximately 2 hectares. This level of on-site provision is significantly in excess of amounts required under Policy L1c 'Provision of New Open Space in Developments'. No commuted sum is sought for off-site provision, however a sum is being sought through the Section 106 agreement in connection with the on-going maintenance of the land.

4.16 The open space would be managed as a SINC site. This would involve management through use of livestock or careful management through such things as cutting regimes. However, the site would also offer amenity value to future residents of the site as well as local residents. This land would offer opportunities for informal play as well as a green area for walking or relaxation. A pedestrian footpath is proposed to run through the site connecting up New Lane with various parts of the proposed housing development. The proposed footpath also allows for a future connection between New Lane and land to the north of Monks Cross if such an opportunity arises in the future. The open space area will be supplemented by tree and shrub planting along the southern boundary to provide a visual screen from the Portakabin site and giving a greener setting to this space. Ponds would be retained and added to for wildlife interest, including Great Crested Newts. The open space area proposed and its subsequent management as a nature conservation site is considered to be in accordance with the nature conservation objectives set out in Policies NE1 'Trees, Woodlands and Hedgerows', NE6 'Species Protected by Law', and NE7 'Habitat Protection and Creation'.

## RESIDENTIAL AMENITY OF THE OCCUPANTS OF THE PROPOSED HOUSES

4.17 The proposed housing layout is considered to be well designed in terms of creating a pleasant living environment for its occupants. Each dwelling has a private rear garden. Dwellings are sited and designed in such a way as to provide a reasonable level of amenity and natural light within the dwellings.

4.18 Representatives of the Portakain industrial site to the south of the application site, have expressed concerns about noise associated with their existing operations creating the potential for noise complaints from future residents. There is concern from the business users that ultimately this could result in the businesses coming under pressure to alter working practices and may constrain the future development of the site for industrial use. It is considered that the present and potential future compatibility of these uses is a material consideration. It is important that Portakabin can continue to operate their business in an effective and efficient way, including night work. The NPPF makes it clear that the operations of business uses needs to be considered so that they can continue to function as required.

4.19 The application was submitted with a noise survey. The Environmental Protection Unit requested that further night time survey work be carried out to ensure a full picture was available of existing noise levels in the area. This survey work was undertaken by the applicants and submitted for consideration. The additional night time noise survey work was carried out on a day when there was a night shift taking place at the adjacent Portakabin site. Following analysis of this information the Environmental Protection Unit have stated that they are satisfied that there are no potential noise issues of concern. The noise levels from the adjacent site were at such a low level that it was not anticipated that there would be any adverse impact on residents of the proposed residential development.

4.20 Further discussions took place with Portakabin and concerns were raised that noise complaints may still arise. There has been no suggestion that the results of the noise survey were incorrect, but concerns related more to potential noise from future operations at the site as well as the psychological effect of being able to see the factory site from the houses which may mean people wrongly perceive that any noise heard is emanating from the Portakabin site. Despite the Environmental Protection Unit stating that there were no noise concerns, the applicants have offered to erect a 3m high acoustic barrier along the southern boundary of the site and to screen this through tree and shrub planting. This will provide the visual break between industrial and residential uses as well as providing a sound buffer which would provide a safeguard against any future changes in working practice at the Portakabin site. The green visual screen would take a period of time to become effective, but long term it is considered that this would provide a better setting to the residential development than a factory site. It also provides comfort that should there be any unexpected change in noise levels from the Portakain site that future residents of the proposed development would not have their amenity significantly harmed through noise. It is important to emphasise that noise survey work undertaken by the applicants and examined by the Environmental Protection Unit concluded that there is no conflict between the proposed residential development and surrounding business uses. The Environmental Protection Unit consider issues of statutory nuisance whereas planning has to consider issues of amenity which is a more subjective test. It is considered that the proposed acoustic barrier provides

the assurance required in planning terms, that there will be no foreseeable conflict between the residential land use and the business sites to the south.

## NEIGHBOURING AMENITY

4.21 The application site has housing to both its north and west. To the west is New Lane. The proposed development achieves front to front separation distances to houses on the opposite side of New Lane of between 26m and 33m. This is considered more than adequate to maintain privacy and outlook from existing houses and bungalows. The proposed houses facing New Lane are two storeys in height only.

4.22 The proposed development would introduce some additional vehicles onto New Lane. However, given the size of the development proposed and the fact that New Lane is a well used key route in and out of the city and to surrounding uses, it is not considered that any neighbouring amenity objection could be sustained on the grounds of traffic numbers. The proposal has two vehicle entry routes. One would serve three houses which front onto New Lane towards the north of the site. The second would serve all other vehicles associated with the site development. The main access would directly face houses at 68 and 70 New Lane. Whilst this access will face houses, it is not considered that the levels of comings and goings would result in an unacceptable loss of amenity for local residents.

4.23 To the north are five dwellings accessed off Brecks Lane and a number of dwellings on the opposite side of Brecks Lane which are served from Woodland Way. The original proposal included three storey houses towards the northern boundary of the site. All houses towards the north of the site are now two storeys in height. Reasonable back to back separation distances have been created to ensure neighbouring amenity is retained. This includes a 23m minimum separation distance from the main rear elevation of bungalows on Woodland Way and a minimum 22m separation distance between the proposed houses and existing dwellings off Brecks Lane. There is no proposed access to the site from Brecks Lane with a hedge along the boundary retained and filled in where there are existing gaps. Overall it is considered that the proposed development has been designed in such a way so as to reasonably protect neighbouring amenity.

## HIGHWAYS

4.24 Policy SP8 seeks to reduce dependence on the private car within new developments through, amongst others, accessibility and linking the development with surrounding uses. Policy T7c seeks to ensure all new developments are within 400m of a frequent bus service. Policy T4 seeks to promote cycle parking to encourage sustainable transport choice.



4.25 The application site is within a sustainable location close to key services, facilities, shops, and a regular bus service. The development is well connected to existing cycle networks with each dwelling having access to a garage or rear garden area for the storage of bicycles without having to pass through the house. The applicants have offered to fund a free bus pass or cycle for the first occupants of the proposed houses to help encourage sustainable transport choice from the start. Residents of the proposed development would have the choice not to rely on the private car, therefore promoting sustainable transport choice. The level of car parking is within the maximum car parking standards set out in the Development Control Local Plan.

4.26 The Highway Network Management consultation response, summarised at paragraph 3.5, explains that the traffic implications resulting from the proposed development would be negligible. Cars journeys generated by this development would not have a significant impact on highway safety or the operation of junctions. The access arrangements into the site are in accordance with standards in terms of sightlines.

4.27 The applicants have offered to provide a signalised pedestrian crossing facility on New Lane between it's junctions with Hambleton Way and the proposed site access. This is shown on the proposed layout plan. Highway Officers have some reservations over the provision of this type of crossing facility in this location due to the expected likely infrequency of its use. It is therefore proposed that a financial contribution is requested from the applicant via a Section 106 agreement which will then allow options to be fully explored to ensure that the crossing which is installed is the most suitable solution in this instance. The decision as to the type of crossing to be created would be based on consultations with Wards Councillors and local residents as well as detailed analysis by Highway Officers and the carrying out of safety audits. Highway Officers believe that there would be sufficient time between a decision being issued and the houses being completed and occupied to carry out this work to ensure that a crossing facility will be in place prior to the houses being occupied.

4.28 The internal layout of the development has been designed to 'Manual for Streets' specifications. This includes reducing the carriageway width, locating houses close to the carriageway, creating pinch points, and including bends within the road. It is considered that the proposed layout will generally ensure that vehicles travel at no more than 20mph which is considered most appropriate within a residential development.

4.29 The development is considered to be pedestrian friendly, with footpaths following desire lines either through the residential part of the development or through the open space. The footpath through the open space has been extended to meet the eastern boundary of the open space. It is considered that this could

form a key element of an off-road link from New Lane through to allocated employment land to the North of Monks Cross in the future.

## DRAINAGE

4.30 Consultation responses have been received from the Environment Agency, Yorkshire Water, Foss Internal Drainage Board and the Council's own Flood Risk Engineer. All consultation responses covered the areas of drainage which they are responsible for. No objections were raised to the proposed development or the proposed drainage system. Full drainage details have not yet been provided and therefore a number of conditions are sought requiring all details to be agreed prior to the commencement of development. Such conditions are recommended later in this report. There are technical solutions available to ensure that the development complies with the aims and objectives of the drainage, water, and flood risk consultees.

4.31 The applicants are proposing separate systems for foul and surface water drainage. Surface water will be discharged to soakaways if they prove to be suitable, if not they will drain into the local drainage network at a restricted rate in accordance with the drainage board requirements. During periods of rainfall, some ponding occurs on the site with some local residents expressing concern that a new development may push this ponding onto another area. However, the proposed housing scheme is designed to collect rainfall in these areas and directing this via gullies into the attenuation system which would subsequently be discharged at a rate equivalent to an agricultural run-off rate into the local sewer system. Therefore, the proposed development would not shift ponding issues from this site to surrounding areas or areas downstream. Should the application be approved, drainage details would be agreed with Yorkshire Water, Foss ID and the Council's Flood Risk Engineer to ensure that it meets all requirements. Only if these requirements are met would the development be constructed.

## SUSTAINABILITY

4.32 Policy GP4a requires issues of sustainability to be considered within planning applications. The Interim Planning Statement on Sustainable Design and Construction states that developments of this type and scale should achieve Code for Sustainable Homes Level 3 with 10% of expected energy demand to be generated on-site through renewable sources. This is supported by the Regional Spatial Strategy for Yorkshire and the Humber. The applicants have confirmed that the development would achieve Code for Sustainable Homes level 3 and that 10% of expected energy demand would be generated through on-site renewables. Details of the renewable energy generation would be secured through condition.

## CRIME PREVENTION

4.33 Development Control Local Plan Policy GP3 requires new developments to incorporate crime prevention measures. This includes achieving natural surveillance of public spaces and paths, satisfactory lighting, and secure location for cars and cycle parking. The initial design and layout raised significant concerns with the Police Architectural Liaison Officer (PALO). The comments of the PALO were taken on board and the proposal was amended. The amendments included: changing the layout so that more houses overlook car parking areas; a reduction in the width of the entrance to some car parking courts to create a greater sense of it being private space; increasing the number of windows in side elevations facing parking courts to create a greater sense of ownership and overlooking; reducing the number of pedestrian entrances into the open space area from New Lane from two to one; providing defensible space between houses and the open space through the use of post and rail fencing which creates enclosure but retains overlooking of the spaces; and encouraging the use of the open space through greater connection with internal streets.

4.34 Following these revisions the PALO was re-consulted and the scheme was considered to be a significant improvement in terms of crime prevention and the creation of safer places. The one outstanding concern relates to the principle of rear car parking courts. Planning has a role in balancing sometimes conflicting aims. Rear parking courts are proposed to reduce the visual dominance of cars within the street scene and therefore allowing houses to have gardens and a closer relationship to the street creating a greater sense of enclosure. This can aid developments in terms of reducing vehicle speeds and creating better overlooking and natural surveillance of public areas. Removing car parking from streets can also improve the visual appearance of an area. Some rear car parking areas remain within the proposed development for these reasons. However, the sense of them being private spaces which are overlooked by houses has been increased through layout and housing design alterations. It is considered that the proposed development reaches the right balance between crime prevention and creating an attractive, permeable, development which will ensure low vehicle speeds and provide good access links to the open space area to the south.

## EDUCATION

4.35 Development Control Local Plan Policy ED4 states that the impact of new residential developments on local schools needs to be considered. Supplementary Planning Guidance to this policy sets out criteria for assessing the required financial contribution to be sought from residential developments. This contribution is based on need following an assessment of the existing capacity and number of pupils at local schools. Based on this guidance it is the conclusion of the Education Department that sums towards the provision of four primary school places at Huntington Primary are required. No sums are sought towards secondary education due to spare capacity in the local school. Therefore a sum of £47,937 is sought through a Section 106 agreement. The applicant has agreed to pay this sum.

## REFUSE AND RECYCLING

4.36 Each house would have access to the rear garden without having to go through the building. This allows bins to be stored to the rear of the houses and away from public view. The majority of houses would simply have their refuse and recycling collected from the front of the house. Houses to the west on the south side of the main internal spine road do not have a carriageway to their front which could accommodate a refuse vehicle. For these three sets of houses a communal storage area is proposed on collection day. Plots 69 to 73 and 74 to 78 would have a separate collection point south of the spine road. The storage area would be within acceptable carrying distances for the collectors but would not be adjacent to the spine road in order to reduce its visual prominence. The refuse collection point for house plots 79 to 88 would be located behind the rear boundary fence of plot 79. This again would allow easy collection.

## 5.0 CONCLUSION

5.1 The proposed development does result in the loss of part of an area of open space between industrial units to the south and residential dwellings to the north. However, this loss is mitigated by the creation of usable and accessible open space and nature conservation land which retains the separation between land uses and provides amenity value to local residents.

5.2 The proposed development would provide a mix of market and affordable housing in line with current guidance. The development has been designed to modern highway standards to reduce vehicle speeds and encourage pedestrian movement.

5.3 The proposed houses would achieve the required targets in terms of environmental sustainability. The development contains a mix of house size and is proposed at a density which makes efficient use of land whilst respecting the character of the area. The proposed drainage of the site is considered acceptable in principle by the drainage bodies with full details to be approved prior to the commencement of development.

5.4 For the reasons summarised above and described in further detail in the main section of this report, the application is recommended for approval subject to the conditions listed below and the completion and signing of a Section 106 agreement covering pedestrian crossing facilities, education contribution, affordable housing, open space nature conservation land delivery and maintenance, and sustainable transport initiatives.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

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

A full plans list will be provided at planning committee.

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

3 Development shall not begin until full details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The site shall be developed with separate systems of drainage for foul and surface water. The development shall be carried out in complete accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

4 Unless otherwise agreed in writing with the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no dwelling shall be occupied until the foul drainage works have been completed.

Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

5 Surface water draining from areas of hardstanding shall be passed through a trapped gully or series of trapped gullies, prior to being discharged into any watercourse, soakaway or surface water sewer. The gully/gullies shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the gully/gullies.

Reason: To reduce the risk of pollution to the water environment.

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 to be planted. 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 Before and during building operations, adequate measures shall be taken to protect the existing planting on site which is shown as being retained on the approved plans and the area to be used as nature conservation open space. The means of protection shall be agreed in writing with the Local Planning Authority prior to the stacking of materials, the erection of site huts or the commencement of building works. The development shall be carried out in accordance with these protection measures.

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

8 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 including bricks, render/painted bricks, rooftiles, window sills and surrounds, windows and doors, 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.

9 Prior to the commencement of development a vertical cross section through a typical front elevation illustrating eaves detail, window profiles and set back in reveal, window sills, lintels, and feature window surrounds, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: In the interests of the visual amenity of the street scene.

10 Notwithstanding information submitted with the application details of all means of enclosure to the site boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved plans.

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

11 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 9 metres (Plots 1-57, 60-63, and 68-88) and 11 metres (Plots 58 and 59 and 64-67), 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.

12 A full lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, design and lux of all external lighting. The development shall be carried out in accordance with the approved lighting scheme.

Reason: In the interests of the amenities of nearby occupants and visual amenity.

13 Prior to the commencement of development fully detailed drawings illustrating the design and materials of roads, footpaths and other open spaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: In the interests of highway safety and visual amenity.

14 No dwelling to which this planning permission relates shall be occupied unless or until the carriageway basecourse and kerb foundation to the new estate road and footpath to which it fronts, is adjacent to or gains access from, has been constructed. Road and footway wearing courses and street lighting shall be provided within three months of the date of commencement on the construction of the penultimate dwelling of the development.

Reason: To ensure appropriate access and egress to the properties, in the interests of highway safety and the convenience of prospective residents.

15 Details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be installed in complete accordance with the approved plans prior to the first occupation of each dwelling.

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

16 Each dwelling shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

17 Prior to the commencement of development including site preparation a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety and good management of the public highway.

18 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority. Such a statement shall include at least the following information;

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.



Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic, or safety of highway users.

19 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: 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.

20 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 10% 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

21 Prior to any works commencing on site, a construction environmental management plan (CEMP) should be submitted and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration and dust resulting from the site preparation, demolition, groundwork and construction phases of the development. Once approved, the CEMP shall be adhered to at all times,

unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of neighbouring residents during the construction phase of this development.

22 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.

23 Prior to the commencement of development, details of the security gate to be installed to restrict access to rear gardens areas , shall be submitted to and approved in writing by the Local Planning Authority. The security gate shall be installed in complete accordance with the approved plans prior to the first occupation of a house which it would serve.

Reason: In the interests of crime prevention.

24 All site preparation and construction works and ancillary operations which are audible at the site boundary, including deliveries to and dispatch from the site, shall be confined to the following hours:

Monday to Friday - 08:00 to 18:00

Saturday - 09:00 to 13:00

Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents

25 Prior to the commencement of development full details of the 3m high acoustic

barrier along the south boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include its design, appearance, acoustic performance, construction methods, as well as a timescale for its construction. The development shall be carried out in complete accordance with the approved details.

Reason: In the interests of the amenities of occupiers of the proposed houses and taking account of the needs of the adjacent business units in accordance with guidance contained within the National Planning Policy Framework.

26 Details of the communal bin and refuse collection areas, shown on the approved plans, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans with the bin stores provided prior to the first occupation of a dwelling which the store would serve.

Reason: In the interests of the visual amenity of the area and highway safety.

## **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:

- The loss of part of an open space site
- The principle of residential development
- Design and visual appearance
- Proposed open space - quality, quantity and use
- Residential amenity of occupants of the proposed houses
- Neighbouring amenity
- Highways

- Drainage
- Sustainability
- Crime prevention
- Education
- Refuse and recycling

As such the proposal complies with Policies GP1, GP3, GP4a, GP7, GP9, H4A, H5, L1c, NE1, NE6, NE7, SP8, T4, T7C, and ED4 of the City of York Development Control Local Plan and guidance within the National Planning Policy Framework.

## 2. INFORMATIVE:

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: Highway Adoption - Section 38 - Michael Kitchen.

## 3. INFORMATIVE:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior ro works commencing.

## 4. INFORMATIVE:

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a scheme remediation to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

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

control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

i. All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

ii. 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".

iii. 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.

iv. 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.

v. 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.

vi. There shall be no bonfires on the site.

## 5. INFORMATIVE:

In line with the Council's Low Emission Strategy, any developer should strive to promote the use of low emission vehicles on site via provision of necessary infrastructure. In order to facilitate the uptake and recharging of electric vehicles / bikes / scooters within the garage on the site, it is recommended that the developer should install a standard domestic 13A electrical socket on an internal or external wall. This should be capable of charging at a minimum of 3KWh for up to 8 hours without overheating the cabling or socket. Ideally, a 13/32Amp socket should be supplied which can offer up to 7KWh continuous charging with a control and

protection function on a specific circuit (to avoid overload through use of other appliances on the circuit). Where mounted on an external wall, a suitable weatherproof enclosure for the socket will be required.

## 6. Statement of the Council's Positive and Proactive Approach

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve an acceptable outcome:

- Revised layout and house design and height
- Acoustic barrier on south boundary of site

### **Contact details:**

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