

## COMMITTEE REPORT

**Date:** 19 December 2013      **Ward:** Westfield  
**Team:** Major and                      **Parish:** No Parish  
Commercial Team

**Reference:** 13/02892/FULM  
**Application at:** Our Lady's R C Primary School Windsor Garth York YO24 4QW  
**For:** Erection of 56 no. two storey dwellings and associated works  
**By:** Mr Joel Owen  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 26 November 2013  
**Recommendation:** Approve subject to Section 106 Agreement

### 1.0 PROPOSAL

1.1 Our Lady's School Hob Moor comprises a low rise brick built complex dating from the 1950s occupying an island site within the Hob Moor Stray, an urban common protected by Private Act of Parliament. The complex is now derelict following on from a replacement school being erected to more Modern standards a short distance away. Planning permission is sought for the erection of 56 houses on the cleared site, 41 for social rent or discounted sale and 15 for open market sale. They would be a mix of 29 two and 27 three bedroom properties. The application details have been amended since submission to create an easement around a trunk sewer crossing the site at its western edge and also to deal with concerns in terms of the impact of the proposal upon the eastern boundary of the site with Hob Moor Stray.

1.2 The application was deferred from consideration at the 21st November Planning Committee to allow for re-consideration of the provision of open space within the site, the future of the site boundary fence and the BREEAM Sustainability Code Level at which the development would be constructed. The developer has now responded in relation to each of these issues including to retain a section of the existing fence subject to a suitable treatment and to provide an area of childrens' play space at the northern edge of the site. This would reduce the number of units proposed from 56 to 55.

1.3 As a consequence of the complicated nature of the site the proposal attracts a requirement for commuted payments in respect of, highway works at £10,960 and the provision of off site open space at £27,064 giving a total requirement for £38,024. The open space requirement has been reduced to make allowance for the provision of children's play space on site along with the proximity of the open space on Hob Moor. This would be secured via a Section 106 Agreement together with the provision of arrangements for securing the affordable housing to remain affordable in perpetuity along with the maintenance of the landscaped boundary of the site with Hob Moor.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

Schools GMS Constraints: Our Lady's RC Primary 0213

### 2.2 Policies:

CYGP1 - Design

CGP15A - Development and Flood Risk

CYGP4A - Sustainability

CYH4A - Housing Windfalls

CYNE8 - Green corridors

CYNE6 - Species protected by law

CYL1C - Provision of New Open Space in Development

CYED4 - Developer contributions towards Educational facilities

## **3.0 CONSULTATIONS**

### INTERNAL:-

3.1 Environmental Protection Unit raise no objection to the proposal subject to any permission being conditioned to require remediation of any land found to be contaminated and to protect the amenity of neighbouring properties during the construction process.

3.2 Lifelong Learning and Leisure raise no objection to the proposal subject to commuted sums being paid in lieu of the provision of off-site open space.

3.3 Design, Conservation and Sustainable Development express concerns in respect of the proposed landscape treatment of the site boundaries and its impact upon the setting of Hob Moor.

3.4 Highway Network Management raise no objection to the layout of the proposal as amended subject to the payment of commuted sums in respect of Sustainable Transport Measures and amendments to off-site Traffic Regulation Orders.

3.5 Housing Services raise no objection to the proposal subject to measures being put in place to ensure that the affordable element of the scheme remains so in perpetuity.

3.6 Strategic Flood Risk Management express concern in respect of the level of information submitted with the scheme in terms of surface water drainage. A detailed drainage scheme has subsequently been submitted with the proposal

3.7 Education Services raise no objection raise no objection to the proposal and following a re-assessment of local needs no longer require the payment of a commuted sum in lieu of the provision of school places.

#### EXTERNAL:-

3.8 The Ainsty Internal Drainage Board raise no objection in principle to the proposal but express concern in relation to the level of information provided in terms of surface water drainage.

3.9 Yorkshire Water Services Limited raise no objection to the proposal but express concern in relation to the level of information provided in terms of surface water drainage.

3.10 The Safer York Partnership raise no objection to the proposal.

3.11 The York Natural Environment Panel express concerns in respect of the over-development of the site and the impact upon the setting of Hob Moor.

3.12 The Friends of Hob Moor object to the proposal on the grounds that it would seriously erode the setting of Hob Moor as well as causing serious harm to the nearby locally designated nature reserve by altering the pattern of surface water drainage and introducing domestic pets who will harm small mammals and ground nesting birds.

3.13 The Kingsway Area Residents Association object to the proposal on the grounds that it would result in over-development of the site, cause an unacceptable impact in terms of traffic upon adjoining side roads, give rise to unacceptable pressure upon nearby schools and other services, would be unsustainable in transport terms and would cause unacceptable harm to the setting of Hob Moor.

3.14 The Yorkshire Wildlife Trust object to the proposal on the grounds that it would give rise to a serious impact upon the setting of Hob Moor and the increased

intensity of usage of the site through noise, disturbance, litter and domestic pets would seriously harm the character and integrity of the Local Nature Reserve. If approval is given no separate access should be gained to the Moor, restrictions should be imposed upon the keeping of domestic pets and additional patrolling of the Moor should be undertaken to deal with litter.

3.15 Twelve letters of objection have been received from neighbouring residents. The following is a summary of their contents:-

- \* Concern in respect of the impact of construction noise and traffic on adjoining properties;
- \* Concern in respect of the impact of the proposal upon neighbouring services such as schools;
- \* Concern that the proposal would amount to over-development of the site;
- \* Concern that the proposal would lead to a harmful impact upon the setting of Hob Moor;
- \* Concern that the proposal would lead to an increase in crime and anti-social behaviour in the locality;
- \* Concern that the proposal would lead to a harmful impact upon wildlife in the adjoining nature reserve;
- \* Concern at the loss of the existing outer boundary fence.

## **4.0 APPRAISAL**

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- \* Impact upon the setting of Hob Moor;
- \* Impact upon the locally designated nature reserve;
- \* Over development of the site;
- \* Impact upon the local surface water drainage network;
- \* Impact upon the safety and convenience of local highway users;
- \* Section 106 Issues;
- \* Sustainability;
- \* Environmental Impact Assessment.

STATUS OF THE DRAFT LOCAL PLAN:-

4.2 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in arriving at Development Management decisions although it is considered their weight is limited except where in accordance with the National Planning Policy Framework.

PLANNING POLICY CONTEXT:-

4.3 Central Government Planning Policy as outlined in paragraph 49 of the NPPF urges that Local Planning Authorities consider all applications for residential

development in the context of the presumption in favour of sustainable development. Planning for new housing development is outlined in paragraph 50 of the NPPF should at the same time be based upon the size, type, tenure and range indicated by local needs. At the same time paragraph 118 cautions against approving developments that would result in the loss of important wildlife habitat.

#### IMPACT UPON THE SETTING OF HOB MOOR:-

4.4 Policy H4a) of the York Development Control Local Plan sets a firm policy presumption in favour of new residential development which is within the urban area and is currently derelict, vacant or under-used, the development is of an appropriate scale and density to surrounding development and it would not have a detrimental impact on existing landscape features. The application site comprises a former primary school that was constructed in the 1950s on site virtually surrounded by Hob Moor. There is a substantial degree of mature landscaping surrounding site both within and outside of the site boundary. The proposal for the erection of 56 houses would significantly increase the density of development within the site over and above that existing although it would be characteristic of the pattern of development of the residential area to the north and north west. The overall height of development would not however exceed that existing and the pattern of scale and massing would reflect that of the nearby residential properties to the north west. Any visual impact in views from the north and north east would also be significantly reduced by the proposed open space to the northern edge of the site which at the same time would reduce the number of units to be constructed from 56 to 55.

4.5 Concern has been raised in respect of the proposed density of the development which is intended to be 43 per hectare. However, measurement indicates that the density of the existing residential development to the north west is significantly greater at approximately 80 per hectare (comparable with the inner urban area of the City). The existing Draft Local Plan sets a minimum density target within the urban area of 40 per hectare and the Preferred Options Draft of the New Local Plan (which at present can be afforded no weight) sets a minimum density target of 50 per hectare within the urban area. Recently approved developments such as that at Sessions of York have an average density of 45 dwellings per hectare.

4.6 Hob Moor comprises an urban common protected by Private Act of Parliament incorporating a locally designated Nature Reserve seeking to protect ground nesting birds. An important element of its character are the long sweeping views to the north and north east across the grassland towards the City Centre. The application site with its mature landscape fringes is of significant importance in securing those views and the setting of the Moor. The proposed development would have a major visual impact and in order to minimise that impact the existing boundary treatment will need to be secured and reinforced where possible. The applicant has agreed to in part undertake this by replacing the existing steel security fence surrounding the site with a more acceptable green powder coated fence. At the same time the proposed dwellings have been pulled in some 2-3 metres from the eastern boundary which is

the most critical in terms of impact. Subject to the submission of a detailed landscape scheme reinforcing the boundary treatment and the inclusion within the Section 106 Agreement for provisions for the holistic maintenance of the existing boundary treatment then the impact of the development upon the setting of Hob Moor is on balance felt to be acceptable. It is intended to retain the existing peripheral boundary fence suitably modified and colour coated to lessen its visual impact.

#### IMPACT UPON THE LOCALLY DESIGNATED NATURE RESERVE:-

4.7 Policy NE5a) of the York Development Control Local Plan sets a firm policy presumption that development that would have an adverse effect upon a Local Nature Reserve will only be permitted where the reasons for development clearly outweigh the substantive nature conservation value of the site. Hob Moor contains an area of habitat for ground nesting birds and comprises a damp grassland managed by periodic seasonal grazing of cattle. Concern has been expressed in respect of the impact of the proposal in two respects , the potential for alteration to the pattern of surface water drainage and also the introduction of increased numbers of domestic animals in to the area. The proposal by providing an additional 41 affordable units would have a significant impact upon the wider need in the City for Affordable Housing and it is not felt that the consequent increase in domestic animals would have a material impact upon the local wildlife habitat when balanced against this. In terms of drainage any impact can be minimised by conditioning any permission to require attenuation of flows from the new properties before it enters the existing surface water sewer network.

4.8 Concern has been raised in respect of the potential impact of domestic small animals belonging to occupiers of the proposed properties on animals within the Nature Reserve. The view of the Countryside Officer is that whilst there are a number of clear concerns in respect of the development any such impact would not be material. It would in any case not be reasonable in planning terms to seek to restrict the keeping of small animals by occupiers of the proposed new properties.

#### OVER-DEVELOPMENT OF THE SITE:-

4.9 Concern has been expressed in terms of the proposed 55 properties being an over-development of the site with consequent impacts upon the level of amenity space available for potential occupiers along with the visual amenity of the wider street scene. Central Government Planning Policy in paragraph 17 of the NPPF "Core Planning Principles" does indeed call for the provision of an acceptable standard of amenity for new and existing occupiers of properties. The submitted details do however clearly demonstrate that the site can be developed successfully with the minimum acceptable separation distances between properties with adequate garden and amenity space available for potential occupiers. The pattern of density is compatible with that prevailing within the residential development to the

north and north west. The proposal is not therefore felt to be an over-development of the site.

#### IMPACT UPON THE LOCAL SURFACE WATER DRAINAGE PATTERN:-

4.10 Policy GP15a) of the York Development Control Local Plan sets out a firm policy requirement that developers must satisfy the Local Planning Authority that any flood risk will be successfully managed with the minimum environmental effect whilst ensuring that the site can be developed, serviced and occupied safely. The site lies within Flood Zone 1 and is therefore at the lowest deemed risk of flooding however, the habitat of the adjacent Hob Moor is in large measure dependent upon the existing surface water drainage conditions being maintained. The application as submitted illustrated surface water drainage by soak-away which would have led to potential increases in the levels of water draining into the Moor. The subsequent detail submitted along with the comments of statutory consultees support the principle of surface water drainage to the existing sewer network with suitable attenuation. This is supported subject to any permission being conditioned to require the submission and approval of a full drainage scheme. The terms of Policy GP15a) of the Draft Local Plan can therefore be complied with.

#### IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS ON THE LOCAL NETWORK:-

4.11 Concern has previously been expressed in relation to the impact of the proposal upon traffic conditions on the local highway network. The application site is accessed via a narrow and winding network dating to the laying out of the housing development in the early 1950s when conditions were not as they are now. The scheme has however been subject to a detailed Transport Assessment and subject to the appropriate modification of Traffic Regulation Orders and the provision of means to encourage sustainable transport then it is felt that the adjoining network could absorb the estimated traffic flows coming from the site without undue harm to local amenity and the safe and free flow of traffic on the local network.

#### SECTION 106 ISSUES:-

4.12 Attention has already been drawn to the need to secure the provision of the affordable element within the site via the medium of a Section 106 Agreement along with the management of the landscaped boundary with Hob Moor and the necessary highway works on the adjoining network. Concern has also been expressed in relation to the pressure of the proposed development on local services notably local sports facilities. Policy L1c) of the York Development Control Local Plan sets out a clear requirement in the case of residential development for the payment of commuted payments for the provision of open space required in connection with the development. In the current case the requirement would be for a payment of £27,064 which can be secured by the means of a Section 106 Agreement.

4.13 It has proved possible to significantly reduce the level of the required open space commuted sums by providing an area of Children's Play Space at the northern edge of the site which also has the effect of softening the visual impact of the proposal in views from the north and north east.

#### SUSTAINABILITY:-

4.14 Paragraph 49 of the NPPF sees the development of new housing as a key element of the presumption in favour of Sustainable Development intrinsic to Central Government Planning Policy. Policy GP4a) of the York Development Control Local Plan seeks to apply the principles of sustainable development to new construction including a requirement for new residential development to have a minimum of 10% of its energy needs derived from renewable sources. The current proposal seeks to achieve a BREEAM Code Level 3 in terms of its Sustainability and makes use of previously developed land. It is proposed to secure a minimum of 10% of the energy demand of the proposed development by means of using solar PV arrays fixed to the roof of each property. Concern has previously been expressed in relation to the fact that a Code Level 3 as required by the Council's Interim Planning Statement rather than a Code Level 4 accreditation is being sought. The applicant has submitted detailed calculations that indicate an additional cost of approximately £200,000 which it had stated would render the development economically unviable bearing in mind the level of grant aid available and recent sharp increases in build costs.

#### ENVIRONMENTAL IMPACT ASSESSMENT:-

4.15 The proposed development as being for urban development over 1 hectare in area falls within Schedule 2 of the 1999 Town and Country Planning (Environmental Impact Assessment ) Regulations where an Assessment may be submitted at the request of the Local Planning Authority. It is the view of Officers that the Environmental Effects of the proposed development over and above that of the existing use of the site would not be such as to warrant the Assessment of the proposal under the Regulations and the relevant Screening Opinion has been given.

## 5.0 CONCLUSION

5.1 Providing adequate arrangements are put in place to safeguard the boundary of the site with Hob Moor and secured by means of a Section 106 Agreement with additional boundary planting secured by condition, then on-balance the impact of the scheme is felt to be acceptable. Concern has also been expressed that the proposal would represent an over-development of the site however, the pattern of density whilst tight is reflective of that of the housing development to the north and North West as is the pattern of scale and massing. The standard separation distances can also be complied with.



5.2 In terms of the proposed surface water drainage from the site, particularly its relationship to the nearby Local Nature Reserve, if any permission is conditioned to require that any surface water discharges are suitably attenuated and discharged to the existing surface water sewer network then it is felt that an acceptable arrangement can be achieved.

5.3 There are requirements in terms of commuted sums related to Highway Works and Open Space for £38,024 and overall it is felt that the proposal is acceptable in planning terms and approval is therefore recommended subject to the a legal agreement to secure the contributions

## **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:-

Drawing Ref:- 187/37(02) 003 Rev E; 187/37(02)202; 187/37(02)201;  
187/37(02)104; 187/37(02)103; 187/37(02)102; 187/37(02)101; 187/37(02)203;  
187/37(02)210 Rev A and 187/37(02)211 Date Stamped 21st August 2013

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

3 VISQ8 Samples of exterior materials to be app -

4 VISQ7 Sample panel ext materials to be approv -

5 VISQ4 Boundary details to be supplied -

6 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A,B,C,E, F of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of safeguarding the setting of Hob Moor and the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

7 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 , shrubs and other

planting 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.

8 Trees shown as being retained on the approved plans shall be protected in accordance with BS: 5837 Trees in relation to construction.

Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and surfaces shall also be included.

The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

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

9 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details. Such details shall allow for attenuation of surface water flows to 70% of the existing levels with allowance made for no on-site retention of water in the event of a 1 in 30 year severe weather event and no discharge to adjacent properties in the case of a 1 in 100 year event.

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

10 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8.3 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.

11 No building work shall take place until details have been submitted to and approved in writing by the Local Planning Authority, to demonstrate how the applicant will provide, from renewable sources, 5% of the development's total energy demand on land within the control of the applicant. The development shall not be occupied until these works have been carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of sustainable development

12 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 LPA. 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.

The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

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.

- 13 HWAY1 Details roads, footpaths, open spaces req. -
- 14 HWAY7 Const of Roads & Footways prior to occup -
- 15 HWAY18 Cycle parking details to be agreed -
- 16 HWAY19 Car and cycle parking laid out -
- 17 HWAY40 Dilapidation survey -

18 The development hereby permitted shall not come into use until the following highway works: provision of a traffic calming scheme on Winsor Garth incorporating managed on-street parking facilities and provision of a raised plateau crossing point together with associated signing and lining at the interface between Windsor Garth, the internal site access road and the Hob Moor cycle route (which definition shall include works associated with any Traffic Regulation Order required as a result of the development) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Reason: In the interests of the safe and free passage of highway users.

19 All demolition and construction works and ancillary operations which are audible beyond site boundary or at the nearest noise sensitive dwelling, 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 amenities of adjacent residents

20 All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (2009) Code of Practice; 'Noise Control on Construction and Open Sites'.

REASON: To protect the amenities of adjacent residents

21 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess

the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

22 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

23 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

24 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours

25 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To safeguard the residential amenity of Neighbouring Properties and to Secure Compliance with Policy GP1 of the York Development Control Local Plan.

26 A three pin 13amp external electrical socket shall be provided at each of the dwellings hereby authorised which shall be located on an external wall adjacent to the drive way of each property. The socket shall comply with the requirements of BS1363 or an equivalent standard and shall incorporate an appropriate locking and weather proof cover.

Reason:- To promote sustainable transport by the provision of re-charge points for electrical vehicles.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. CONTROL OF POLLUTION ACT 1974:-**

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

#### **2. HIGHWAY WORKS:-**

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

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart  
Application Reference Number: 13/02892/FULM Item No: 4f

Partington (01904) 551361

### 3. UTILITIES:-

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 to works commencing.

### 4. 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 a positive outcome:

- i) Amendments to the Site Layout to Reflect Landscape Concerns.
- ii) Amendment of the Site Layout to provide a satisfactory sewer easement.
- iii) Provision of an amended surface water drainage scheme

#### **Contact details:**

**Author:** Erik Matthews Development Management Officer

**Tel No:** 01904 551416