



Approve Planning Permission

TOWN AND COUNTRY PLANNING ACT 1990

To:

Chris Wallace
DPP Planning
Gilbanks
1 Park Row
Leeds
LS1 5HN

Application at: Land To The East Of Middlewood Close Rufforth
York
For: Erection of 21no. dwellings and associated
works (resubmission)
By: Mulgrave Developments Ltd,
Application Ref No: 22/01844/FULM
Application Received on: 30 August 2022

CONDITIONS OF APPROVAL:

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

Site Layout Plan: Drawing No. 3921/PD/100 Revision DRAFT K;
Landscape Plan Titled Hawthorn Fields, Rufforth: Drawing No. 3809/1;
H4 Terrace Plans: Panning Drawing Plots 1,2 and 3: Drawing No. 3921-PD-01 Rev A;

H4 Terrace Elevations: Planning Drawing Plots 1,2 and 3: Drawing No. 3921-PD-02 Rev A;
Ashby Semi: Planning Drawing - Plots 4 & 5: Drawing No. 3921-PD-10 Rev A;
Newton: Planning Drawing (as) Plots 6, 10 Drawing No. 3921-PD-07 Rev B;
Farnham Type: Planning Drawing (as) Plots 7 Drawing No. 3921-PD-22 Rev A;
A3 Semi Plans: Planning Drawing Plots 8 and 9 Drawing No. 3921-PD-03 Rev B;
A3 Semi Elevations: Planning Drawing Plots 8 and 9 Drawing No.3921-PD-04 Rev B;
Banbury: Planning Drawing (as) Plot 11 Drawing No. 3921-PD-11 Rev A;
The Chatsworth: Planning Drawing (as) Plot 12: Drawing No. 3912-PD-24;
Newton: Planning Drawing (op) - Plot 13: Drawing No. 3912-PD-08 Rev A;
Farnham Type Planning Drawing (as) - Plot 14: Drawing No. 3921-PD-23;
Ashby and Hawthorn Semi: Planning Drawing (as) Plots 15, 16, 17 and 18 Drawing No. 3921-PD-05 Rev B;
TLB Barn: Planning Drawing (as) Plot 19 Drawing No. 3921-PD-13 Rev A;
TCB Barn Floor Plans: Planning Drawing (as) Plot 20 Drawing No. 3921-PD-14 Rev B;
TCB Barn Elevations and Sections Planning Drawing (as) Plot 20 Drawing No. 3921-PD-15 Rev A;
TCB Barn Floor Plans: Planning Drawing (op) Plot 21 Drawing No. 3921-PD-16 Rev B;
TCB Barn Elevations and Sections: Planning Drawing (op) Drawing No. 3921-PD-17 Rev A
Streetscenes: Drawing No. 3921-PD-20 Rev D;
Garage: Planning Drawing (as) Plots 6,11,12,13 and 14 Drawing No. 3921-PD-19 Rev B;

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

3 Notwithstanding the details submitted, prior to commencement of the development a Construction Environment Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site-specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved CEMP, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of the locality in accordance with Policy ENV2 of the Draft Local Plan 2018

NOTE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g., piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e., substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

With respect to dust mitigation, measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean-up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>. The CEMP must include a site-specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e., investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received, and actions taken should be kept and details forwarded to the Local Authority every

month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

4 Prior to the commencement of development, details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Design considerations

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuDS). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuDS.

As SuDS methods have been proven to be unsuitable then a suitable watercourse must be considered in accordance with the following criteria; In accordance with City of York Council's City of York Council's Sustainable Drainage Systems Guidance for Developers (August 2018) and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas during the 1 in 1 year event). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

As there are no existing connected impermeable areas this Greenfield site must be limited to the discharge rate to the pre developed run off rate. The pre development run off rate should be calculated using either IOH 124 or FEH methods (depending on catchment size) during a 1 in 1 year event. Please be advised as the watercourse appears to be nearby and any discharge will be new/additional therefore only the proposed developed areas (i.e. hard paving and roof areas) can be used to calculate this rate. It is recommend discussing and agreeing the permitted discharge rate with the Council's Flood Risk Management Team at an early stage.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Details of the future management and maintenance of the proposed drainage scheme must be provided.

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

5 The development hereby permitted shall achieve a reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations. Prior to the commencement of development above slab level details of the measures undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018

6 A biodiversity enhancement plan/drawing shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of development. The plan should include a minimum of six bat boxes, suitable for crevice dwelling species and six boxes for nesting birds. The measures contained in the approved plan shall be implemented in accordance with the approved details prior to first occupation of the relevant building.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 174 d) of the NPPF (2021) to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

7 Vehicular access shall be from Middlewood Close and details of the design of this access, together with associated sightlines, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: In the interests of highway safety.

8 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

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

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

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

10 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

11 The development shall not commence until details of the internal road layout including any areas to be put forward for adoption by the Local Highway Authority have been submitted to, and approved in writing, by the Local Planning Authority. No building/dwelling shall be occupied until the internal road has been provided, up to base-course level, in accordance with such approved plans. The wearing course shall be laid within two years of the base-course being laid or prior to the occupation of the penultimate house, whichever is the sooner.

Reason: In the interests of road safety.

12 Prior to the commencement of development 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. The a statement shall include at least the following information;

- measures to prevent the egress of mud and other detritus onto the adjacent public highway
- a dilapidation survey jointly undertaken with the local highway authority
- the routing for construction traffic that will be promoted

- a scheme for signing the promoted construction traffic routing
- the management of construction traffic and contractor parking
- hours of operation (including deliveries) which must include a statement indicating that deliveries to and from the site will take place outside of school drop-off/pick up times.
- where materials are to be stored within the site

The measures set out in the statement shall be implemented at all times during the clearance/preparatory and construction works of the development.

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 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination and to accord with Policy ENV2 of the Draft Local Plan 2018 and Section 15 of the National Planning Policy Framework

14 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials and details of all boundary treatments and means of enclosure to be used shall be submitted to and approved in writing by the Local Planning Authority prior to their use in the development. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

15 No tree works or vegetation clearance shall take place between 1st March and 31st August inclusive, unless a competent ecologist has

undertaken a careful, detailed check of suitable habitat for active birds' nests immediately before the works and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

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

Monday to Friday 0800 to 1800 hours
Saturdays 0900 to 1300 hours
Not at all on Sundays and Bank Holidays

Reason: To protect the residential amenity of neighbouring residents in accordance with Policy ENV2 of the Publication Draft Local Plan 2018.

17 Prior to the installation of any new external lighting, a 'lighting design plan' shall be submitted to and approved in writing by the local planning authority.

Details of the height, type, position, angle and spread of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed and operational prior to the development hereby permitted being brought into use. The external lighting shall be erected and maintained in accordance with the approved details to minimise light spillage and glare outside the designated area.

Reason: To maintain the favourable conservation status of protected species. To protect residential amenity. To protect visual amenity and character of the area

18 Unless otherwise approved in writing by 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 buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

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

Reason: In the interests of satisfactory and sustainable drainage

20 Before the commencement of development, a complete and detailed Arboricultural Method Statement and scheme of arboricultural supervision regarding protection measures for existing trees and hedges within and adjacent to the application site shown to be retained on the approved drawings, shall be submitted to and approved in writing by the Local Planning Authority. Amongst other information, this statement shall include details and locations of protective fencing, ground protection, a schedule of tree works if applicable, site rules and prohibitions, phasing of protection measures, types of construction machinery/vehicles to be used, specialist construction techniques where applicable, locations and means of installing utilities, and location of site compound. The document shall also include methodology and construction details where a boundary treatment is proposed within the root protection area of existing trees. A copy of the document will be available for reference and inspection on site at all times.

Reason: To protect existing trees that are considered to make a significant contribution to the landscape character and amenity of the area and the development.

21 The approved landscaping scheme, as shown on drawing Hawthorn Fields, Rufforth (Drawing No. 3809/1) shall be implemented no later than 6 months of the practical completion of the last dwelling. Any trees or plants which within 5 years of planting die, are removed or become seriously damaged or diseased in the opinion of the Local Authority shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of amenity and good design and to afford suitable time for the landscaping scheme to establish itself in the development.

22 No later than a period of 3 months after the completion of the development any land used for the purposes of a construction compound shall be cleared from the site and the land in question reinstated to its pre-development state.

Reason: To safeguard the visual amenity of the development and the wider countryside.

Date: 17 April 2023

Becky Eades

Head of Planning and Development Services

FOR RIGHTS OF APPEAL, SEE OVERLEAF

Notes to Applicant

1. 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 (paragraph 38) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

2. In line with paragraph 112 of the National Planning Policy Framework, developments should be designed to 'enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations'.

In line with Building Regulations, Electric Vehicle (EV) charge point provision ('active provision') is required for all residential developments in York, unless the development has no parking. To prepare for increased demand for charging points in future years, appropriate cable routes ('passive provision') should also be included in the scheme design and development.

Approved Document S: infrastructure for charging electric vehicles outlines the required standards and provides technical guidance regarding the provision of EV charge points and cable routes.

From 15th June 2022, Approved Document S applies to new residential and non-residential buildings; buildings undergoing a material change of use to dwellings; residential and non-residential buildings undergoing major renovation; and mixed use buildings that are either new or undergoing major renovation. CYC Building Control should be consulted on all proposals for EV charge point provision (active and passive) to ensure compliance with current Building Regulations.

3. Under the Land Drainage Act 1991 and the Boards' byelaws, the Board's prior written consent (outside of the planning process) is needed for:-

a. any connection into a Board maintained watercourse, or any ordinary watercourse in the Board's district.

b. any discharge, or change in the rate of discharge, into a Board maintained watercourse, or any ordinary watercourse in the Board's district. This applies whether the discharge enters the watercourse either directly or indirectly (i.e. via a third party asset such as a mains sewer).

c. works within or over a Board maintained watercourse, or any ordinary watercourse in the Board's district - for example, land drainage, an outfall structure, bridges, culverting etc.

4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Buildings, trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Suitable nesting habitat is present on the application site and is to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present.

5. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

Appeals to the Secretary of State

- . If you are aggrieved by the decision of the City Council to attach conditions to the grant of planning permission, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.
- . If you want to appeal, then you must do so within SIX months of the date of this. You must use a form which you can get from The Planning Inspectorate, at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (tel: 0303 444 5433) or which can be downloaded from their web site (<https://www.gov.uk/appeal-planning-inspectorate>).
- . The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- . The Secretary of State need not consider an appeal if it seems to him that the City Council could not have granted planning permission for the proposed development, or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under the Order.
- . In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

Purchase Notices

- . If either the City Council or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state, nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- . In these circumstances, the owner may serve a purchase notice on the City Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

- . In certain circumstances, compensation may be claimed from the City Council if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- . These circumstances are set out in Section 120 and related provisions of the Town and Country Planning Act 1990.

Note

This permission does not absolve you from the need to obtain approval under the Building Regulations, or to obtain approval under any other Bye-Laws, Local Acts, Orders, Regulations and statutory provision in force, and no part of the proposed development should be commenced until such further approval has been obtained.