

COMMITTEE REPORT

Committee: East Area
Date: 29 May 2008

Ward: Huntington/New Earswick
Parish: Huntington Parish Council

Reference: 08/00525/OUTM
Application at: Laverack Joinery Unit 1 Birch Park Huntington York
For: Erection of 14 dwellings after demolition of existing factory
By: Robert Laverack
Application Type: Major Outline Application (13 weeks)
Target Date: 5 June 2008

1.0 PROPOSAL

1.1 This application seeks outline planning permission for the erection of 14 dwellings after the demolition of two existing factories. Outline consent is sought for layout, scale and access with appearance and landscaping being reserved for a later application. The proposed 14 dwellings would consist of 8 no 4 bedroom houses, 2 no. 3 bedroom houses, 2 no. 2 bedroom flats, and 2 no. 1 bedroom flats.

1.2 The application site is on Birch Park in Huntington. Currently on the site is 'Laverack Joinery' and 'C E Electrical Services' which are both considered to be B2 industrial uses. Birch Park is historically an industrial estate, however a number of major residential developments have taken place in the surrounding area in recent years.

1.3 A Committee site visit is recommended as a letter of objection was received to the proposed development. A site visit will also provide a greater understanding of the relationship between the application site and the surrounding residential and industrial land uses.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

Floodzone 2 Flood Zone 2 CONF

Schools Yearsley Grove Infant 0240

2.2 Policies:

CYGP1
Design

CYH3C
Mix of Dwellings on Housing Site

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYE3B
Existing and Proposed Employment Sites

CYGP4A
Sustainability

3.0 CONSULTATIONS

INTERNAL

3.1 City Development - The application site is an existing employment site and therefore the proposal should be considered in relation to Local Plan Policy E3b. The proposed development should maximise the best use of the site in line with Policy H4a. The housing development should achieve 'Code for Sustainable Homes' level 3 in line with the Interim Planning Statement for Sustainable Design and Construction.

3.2 Highway Network Management - No objections. Four conditions recommended to be included with any approval.

3.3 Lifelong Learning and Culture - There is no on site open space and therefore a commuted sum payment should be paid to the Council for off-site provision.

3.4 Education - £32,540 is sought towards secondary education provision in the area as a result of the new dwellings.

3.5 Drainage - The development is shown on the Environment Agency Flood Risk Maps as being within Flood Zone 2 (medium risk). The proposal would result in an increase in permeable surfaces on the site as compared to the current situation. Surface water drainage details have not been submitted and thus a condition is recommended to be included with any approval to ensure that drainage details are submitted showing a reduction in surface water run-off.

3.6 Environmental Protection Unit - The application site has previously been used as a landfill site and for industrial activities. Therefore there is the potential for land

contamination and a condition should be added to any permission to ensure that this is investigated and cleared if necessary prior to development. There is the potential for noise disturbance for future occupiers of the residential units due to the industrial uses nearby.

EXTERNAL

3.7 Huntington Parish Council - No objections.

3.8 Police Architectural Liaison Officer - No correspondence received.

3.9 Public Consultation - One letter received from a local resident. The letter expresses concern about the amount of vehicles which would be using Birch Park. The letter goes on to say that cars already park on both sides of Birch Park and restrictions should be put on the roads to stop this taking place as it leads to poor visibility when leaving access roads.

4.0 APPRAISAL

4.1 Key Issues:

- Principle of Development
- Housing Density and Mix
- Scale and Layout
- Impact on Neighbouring Amenity
- Highways
- Drainage
- Sustainability

PRINCIPLE OF DEVELOPMENT

4.2 The principle of developing this site must be assessed in two ways. Firstly in terms of the loss of an employment site and secondly in terms of the erection of residential development on this site. The application site is occupied by two B2 uses which means that the site is an existing employment site as identified by the Local Plan Policy E3b. This policy outlines a number of criteria by which proposals should be assessed in terms of identifying whether their loss from the employment land stock affects immediate and longer term employment land requirements.

4.3 The applicant has not attempted to justify the loss of an employment site in relation to Local Plan Policy E3b. Instead the applicant has pointed out a number of recent approved applications for housing developments on employment sites. The applicant has also submitted appeal decisions for recent cases in York whereby sites were converted from employment to residential sites. One example is an appeal at Unit 1 Fifth Avenue where it was concluded that the primary purpose of the employment land policy was to protect larger sites and that smaller sites offer very limited potential for redevelopment and use for an alternative business premise. The inspector also gave weight to the surrounding land uses and whether this site was appropriate to be retained as an employment site.

4.4 The application site has significant residential development to the north, east, and west. Only to the south does industrial development remain around the application site. There is a potential conflict between the existing B2 uses and the surrounding residential development. The industrial units are located very close to the rear boundaries of residential units on Darwin Close. In addition 182 apartments and 11 houses are currently under construction on land to the east of the application site. Whilst on site circumstances do not necessarily override the requirements of Policy E3b they are a consideration in determining the application. As outlined in paragraph 4.3 planning inspectors have given significant weight to surrounding land uses and whether a particular site should be retained for employment purposes. It is officer opinion that given the very modest size of the site and the surrounding residential developments that the application site does not offer important employment opportunities which should be retained; therefore there are no objections to its loss.

4.5 If it is accepted that the loss of an employment use on this site is acceptable then it is considered that residential development is the most suitable use for this land. As stated previously the application site is surrounded on three sides by other residential developments. The character of this section of Birch Park has changed from industrial to residential. Appropriate residential development could sit on this site and create no conflicts with the surrounding residential land uses. There is a B8 distribution centre to the south of the application site. Vehicles coming and going from the distribution centre would go past the application site, however they would also travel past a significant number of other recent dwellings which have been erected. However, a noise survey condition is recommended to be included with any approval in order to establish what level of sound insulation, if any, needs to be incorporated into the new dwellings.

HOUSING DENSITY AND MIX

4.6 The proposed development would create 14 residential units on a site of 0.25ha which is equivalent to 56 dwellings per hectare. Local Plan Policy H5a seeks to achieve a net residential density of at least 40 dwellings per hectare. Therefore the proposed development is in accordance with Policy H5a. The density of the housing development to the north of the application site is a little lower than the proposed application, however the development currently under construction to the east has a density of over 80 dwellings per hectare. It is therefore considered that the proposed density is both in accordance with local guidance and is consistent with much of the residential development in the surrounding area.

4.7 Local Plan Policy H3c seeks a mix of all house types and sizes within all residential development. The proposed development primarily creates family sized houses at 3 and 4 bedroom size with private gardens. This is in accordance with the Housing Market Assessment which showed the need for dwellings of this size within the city. The proposed four flats take up a relatively small proportion of the application site and it is therefore considered that the residential mix conforms with Policy H3c.

SCALE AND LAYOUT

4.8 This application seeks consent for the scale and layout of the dwellings. It is proposed that the buildings will be predominantly three storeys in height with two and a half storey units at either end of the block of terraces. There is a variety in the scale of residential units in the area with more traditional two storey houses sitting close to three storey plus houses and flat developments. The residential units to the rear on Chester House and Danube House are both three storeys in height. It is considered that in terms of scale the proposed development is entirely consistent with its surroundings.

4.9 The layout of the proposed dwellings is that of a block of 12 terraced buildings. The building form follows the curve of Birch Park which creates a staggered development. This gives the block of terraces several visual breaks and creates a development with more vertical emphasis. Although the proposed development has a frontage of over 50m the variety of setbacks gives the unit as a whole greater visual interest.

4.10 The layout of the site allows for a reasonable level of landscaping to the front which will allow planting to soften the visual impact of the development. Each unit has a garage and parking space to the front. The 12 houses have private garden areas to the rear with the four flats sharing a good-sized communal rear garden area. Refuse and recycle stores are proposed at the front with bike stores to the rear. A private access is created at the rear to allow residents to access the rear bike stores without going through the house. This layout is considered typical of many recent family type residential developments approved in York over recent years.

IMPACT ON NEIGHBOURING AMENITY

4.11 Chester and Essex House to the rear are set approximately 10 m off the boundary with Units 1 and 1A Birch Park. The proposed dwellings and flats are set between 11 and 19 m off the boundary which ensures that there is a reasonable separation of at least 21m between dwellings. This is considered sufficient to ensure that there is not a significant impact on neighbouring privacy and the structure would not appear dominant or overbearing when viewed from Chester and Essex House. Between the boundary and Essex and Chester House is a car parking area, any overlooking into this area is not considered to significantly affect neighbouring amenity. The other residential dwellings close to the application site are on the other side of Birch Park. Given the separation distance it is considered that the proposal would not affect the level of amenity which they could reasonably expect to enjoy.

HIGHWAYS

4.12 No objections were raised by Highway Network Management. The level of traffic associated with the 14 dwellings would not significantly affect the local highway network. The application site is currently a B2 use which has the potential to generate at least as many traffic movements as the proposed dwellings. Car and cycle parking levels are considered to be in accordance with local standards.

DRAINAGE

4.13 Part of the application site is within Flood Zone 2. The Council's Strategic Flood Risk Assessment states that residential development within Flood Zone 2 is appropriate. At present the whole of the site is impermeable for surface water. The proposed development will create a significant element of permeable surface in terms of private gardens and the landscaping area to the front. Therefore, it is not considered that the proposed development would increase flood risk elsewhere. A condition is recommended whereby surface water drainage details are agreed in writing prior to development to ensure that the site drains effectively.

SUSTAINABILITY

4.14 A Sustainability Statement was submitted with the application in accordance with Policy GP4a. This application is in outline only with a number of details still to be considered. However, the sustainability statement points out the sites access to local bus and cycle routes which connect the site to the rest of the city. Each dwelling will also have a bin recycle area as well as individual cycle stores. The Sustainability Statement states that much of the material of the existing building on site can be re-used either on the proposed development or be sold on for use in other developments in the area. In accordance with The Council's Interim Planning Statement on Sustainable Design and Construction the applicants would be expected to achieve a Code for Sustainable Homes Level 3 star and produce 10% of expected energy demand for the development through renewable energy production on site. It is recommended that a condition is added to any approval in order to ensure this is achieved.

5.0 CONCLUSION

5.1 It is considered that the proposed development accords with local and national planning guidance. The proposed residential development is considered to be a better neighbouring land use to the recently built and currently under construction dwellings in and around Birch Park. The application is therefore recommended for approval subject to the following conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of two years for the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: Appearance and Landscaping

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

3 VISQ8 Samples of exterior materials to be app

4 Prior to the commencement of the development, details of the security gate providing access to the rear of the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The gate shall be installed in complete accordance with the approved details prior to the first occupation of the development.

Reason: In the interests of security and the prevention of crime.

5 Prior to the commencement of development, the developer shall submit for the written approval of the Local Planning Authority a preliminary Code for Sustainable Homes Design and Procurement stage assessment for the development. This shall indicate that a minimum Level 3 rating will be achieved under the appropriate code. This shall be followed by the submission of a Code for Sustainable Homes Post Construction Review and a Code for Sustainable Homes Certificate for this review shall then be submitted to the Local Planning Authority after completion and before first occupation of the building. Both assessments shall confirm that the minimum Level 3 rating indicated in the preliminary Code for Sustainable Homes Design and Procurement assessment submitted with the application.

Reason: In order to achieve a sustainable development

6 The development hereby approved shall provide a minimum of 10% of expected energy demand from on-site renewable sources. Details of the proposed renewable energy systems to be installed in order to achieve this target shall be submitted to and approved in writing prior to the commencement of the development. The approved renewable energy systems shall be installed in their entirety and shall be fully operational prior to the first occupation of the development.

Reason: In order to achieve a sustainable form of development.

7 NOISE7 Restricted hours of construction

8 Prior to the commencement of development a noise survey shall be carried out in accordance with details to be agreed in writing with the Local Planning Authority. A scheme for the installation of any sound insulation measures to be installed shall be agreed in writing with the Local Planning Authority. The agreed

sound insulation measures shall be fully installed to the satisfaction of the Local Planning Authority prior to the first occupation of the dwelling.

Reason: To protect the amenities of future residents of the dwellings

9 Prior to the commencement of development a contaminated land survey shall be carried out in accordance with details previously agreed in writing by the Local Planning Authority. A strategy for the removal of any contamination found on site shall be agreed in writing by the Local Planning Authority. All remediation works shall be carried out in accordance with the agreed strategy prior to the commencement of development.

Reason: For the protection of human health and the wider environment.

10 DRAIN1 Drainage details to be agreed

11 The development shall not come into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerbing and footway to match adjacent levels.

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

12 HWAY26 Internal road details to be agreed

13 HWAY31 No mud on highway during construction

14 HWAY18 Cycle parking details to be agreed

15 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1 of the City of York Draft Local Plan.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £31,500

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

16 No development shall commence unless and until a scheme to ensure the

provision of adequate additional foundation and secondary school places within the local catchment area has been submitted to and approved by the local planning authority.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city in accordance with Policy C6 of the City of York Draft Local Plan and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

INFORMATIVE:

The provisions of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, The obligation should provide for a financial contribution calculated at £32,540 . The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

No development can take place on this site until the condition has been discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard.

**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:

- Principle of Development
- Housing Density and Mix
- Scale and Layout
- Impact on Neighbouring Amenity
- Highways
- Drainage
- Sustainability

As such the proposal complies with Policies GP1, GP4a, H3C, H4A, H5A, and E3b of the City of York Draft Local Plan.

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:

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

Contact details:

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