

## COMMITTEE REPORT

**Date:** 10 March 2011                      **Ward:** Huntington/New Earswick  
**Team:** Major and Commercial      **Parish:** Huntington Parish Council  
Team

**Reference:** 11/00090/FULM  
**Application at:** 31 Lea Way Huntington York YO32 9PE  
**For:** Erection of 13 no. dwellings after demolition of existing house  
(revised scheme)  
**By:** Joseph Rowntree Housing Trust  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 19 April 2011  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application is for the erection of 13 dwellings comprising nine 2-bedroom houses and four 3-bedroom houses. The development would be served by a new access, to adoptable standards, from Lea Way. Each of the dwellings would have a private rear garden and off-street parking. The existing bungalow on the site would be demolished to enable the access to be provided. The new dwellings would be two storeys high except plots 8 and 9, which would have additional living accommodation in the roof space.

1.2 Planning permission was granted in 2007 (renewed in 2010) for the erection of 14 dwellings on the site (refs 07/01126/FULM and 10/00943/FULM). The current proposal is similar in character to the approved scheme in that it has the same access, similar massing and layout and the same trees to be retained. The main difference is in the provision of affordable housing. The previous applications were by a private developer. A condition was attached to the consent requiring affordable housing to be provided in accordance with council policy in force at that time (ie policy H2a of the local plan, which sought 50% of the development to be affordable). The current application is by a registered social landlord whose main reason for seeking consent is to provide affordable housing. To this end 10 of the units would be affordable and only three units (at plots 1, 2 and 12) would be for outright sale on the open market. Of the affordable homes, six would be shared ownership and three would be for social rent.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

CYGP6  
Contaminated land

CYGP1

Design

CYGP4A

Sustainability

CYGP9

Landscaping

CYGP10

Subdivision of gardens and infill devt

CYED4

Developer contributions towards Educational facilities

CGP15A

Development and Flood Risk

CYNE1

Trees, woodlands, hedgerows

CYNE6

Species protected by law

CYH2A

Affordable Housing

CYH5A

Residential Density

CYL1C

Provision of New Open Space in Development

CYT4

Cycle parking standards

### **3.0 CONSULTATIONS**

#### **3.1 Internal**

Housing Development - Fully support the application. It provides an excellent opportunity to deliver ten much-needed affordable family houses. The scheme would provide a total of 13 high-quality houses designed to the exacting standards required by the Homes and Communities Agency (HCA).

Highway Network Management - No objections. The highway implications are not materially different from the approved scheme. Add conditions as previously.

Environment, Conservation, Sustainable Development (Countryside) - The previous (2007) comments still apply. Great crested newts have been found in a nearby pond and the site provides good habitat for them. An EPS licence will be required along

with a suitable mitigation plan to ensure that any potential impact is minimised, and to offset the loss of habitat. A condition should be attached to cover this. The development would provide a good opportunity to enhance the habitat for bats and other species known to use buildings. This could be covered by a condition requiring submission of a habitat management plan.

Environment, Conservation, Sustainable Development (Landscape) - The proposed tree planting is fine, but there is scope to include some specimen shrubs to provide a significant visual amenity. Include conditions requiring tree protection and submission of landscaping details.

Urban Design and Conservation (Archaeology) - This site lies outside the Area of Archaeological Importance but is considered to be an area of archaeological interest. Attach standard condition ARCH2 (watching brief) on any consent.

Education - A financial contribution of £37,935 would be needed to pay for two extra places at Huntington Secondary School, which is over-subscribed.

Environmental Protection Unit - No objections in principle. Add standard contamination and construction noise/dust conditions.

Structures & Drainage - No objection in principle. Drainage details are being assessed.

### 3.2 External

Huntington Parish Council - Objection: Overdevelopment. Overbearing impact. Out of keeping with the character of the area. Inadequate parking.

York Natural Environment Panel (YNEP) - Regret the loss of wildlife garden habitat contrary to policy GP10. Newt mitigation measures are welcomed. Attach tree protection condition.

Foss IDB - Add a condition requiring drainage details to be submitted to the local planning authority. Add a condition preventing development within 6m of a culverted watercourse.

Public Consultation - The consultation period ends on 1 March 2011. At the time of writing eight letters had been received raising the following planning issues:

Out of keeping with the single storey character of the area;

Overlooking from Plot 11;

Loss of natural habitats;

Impact on trees;

Inadequate parking;

Increase in traffic;

Inadequate drainage and sewerage;

Access too close to existing houses;

Impact on security of No.33 Lea Way;

Poor architectural quality;

Pressure on local schools and doctors.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES

Principle of development for housing;  
Density;  
Highway issues;  
Affordable housing;  
Visual appearance;  
Sustainability;  
Impact on trees;  
Impact on wildlife;  
Neighbour amenity;  
Drainage;  
Impact on local services.

### 4.2 THE APPLICATION SITE

This consists of an extended dormer bungalow and its unusually large, partly overgrown, rear garden, which extends behind neighbouring dwellings. The site covers approximately 0.5ha. To the front and sides are the gardens of residential dwellings, which are mostly bungalows, in Lea Way. To the rear is open countryside. The site lies within the development limits of York but is otherwise unallocated in the Draft Local Plan. Some trees within the site and along the southern boundary are protected by a Tree Preservation Order (reference CYC 242). The area is known for having poor drainage. The strip of land immediately to the rear (east) of the site is designated open space (policy GP7) and as a recreational opportunity area (L1d). Beyond this strip the land is allocated for future employment.

### 4.3 POLICY FRAMEWORK

Local plan policy GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

GP4a - All proposals should have regard to the principles of sustainable development.

GP9 - Where appropriate, development proposals should incorporate a suitable landscaping scheme that is an integral part of the proposals; includes an appropriate range of species, reflects the character of the area; enhances the attractiveness of key transport corridors; and includes a planting specification where appropriate.

H2a - The council will seek to ensure that proposals for all new housing development of 15 dwellings/0.3ha or more in the urban area and 2 dwellings/0.03ha or more in villages with less than 5,000 population will include affordable housing.

H5a - the scale and design of proposed residential developments should be compatible with the surrounding area and must not harm local amenity. Development densities should aim to achieve, 60 dwellings per hectare in city centre, 40 in urban areas and 30 elsewhere.

NE1- Trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation, or historic value, will be protected by: refusing proposals, which will result in their loss or damage. When trees are to be removed, appropriate replacement planting should be proposed to mitigate any loss.

NE6 - Where a proposal may have a significant effect on protected species or habitats applicants will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures. Planning permission will only be granted that would not cause demonstrable harm to protected species.

GP6 - Planning applications on land that may have been contaminated should include a contamination assessment. Planning conditions will normally be used to secure remediation.

GP10 - Planning permission will only be granted for the sub-division of garden areas or infilling to provide new development where this would not be detrimental to the character and amenity of the local environment.

GP15a - Discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long-term run-off from development sites should always be less than the level of pre-development rainfall run-off.

ED4 - Any consequences for existing educational facilities will be assessed in accordance with the approved supplementary planning guidance. Where additional provision is necessary as a direct result of the proposal, developers shall be required to make a financial contribution toward the provision of such facilities.

L1c - Requires that all housing sites make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision.

T4 - Seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards in appendix E of the Local Plan.

## PRINCIPLE OF DEVELOPMENT FOR HOUSING

4.4 The site is in a sustainable location within settlement limits and close to public amenities. The council accepted the site's suitability for housing when planning permission was granted in 2007 and renewed in 2010. The recent removal of domestic gardens from the definition of previously developed land does not change officers' opinion that the principle of the use of the site for housing is acceptable. In making decisions local planning authorities are still expected to secure the efficient use of land, which focuses new residential development on sites in sustainable locations.

## DENSITY

4.5 The site area is 0.5ha, giving a housing density of 26dph. It includes a range of house types and sizes. The amount of development is acceptable bearing in mind the character of the area and the site's constraints, particularly mature trees. The recent removal of the 30dph development target from Planning Policy Statement 3 has not affected officers' assessment of the proposal.

## AFFORDABLE HOUSING

4.6 The development would be built with funding from the HCA and Joseph Rowntree Housing Trust on a privately owned site where a developer would normally be required to provide a lower level of affordable housing. This development would contribute to meeting the large unmet demand for affordable family housing in York whilst creating a mixed, sustainable community. The proposal complies with the council's affordable housing policy.

## HIGHWAY ISSUES

4.7 Access into the site would be from Lea Way, via the site of No.31, which would be demolished. The site entrance would include amendments requested by highways officers. Local residents are concerned that the additional car journeys generated by the development would increase congestion in the area and be a danger to pedestrians. Officers consider that the proposed access accords with council standards in terms of width and visibility and is appropriate for its expected usage. Moreover, that traffic generated by the development would have a negligible impact on the surrounding highway network. Parking provision and turning for vehicles, including refuse vehicles would be in accordance with council standards. Cycle storage for each dwelling would be provided. Planning permission should include the highways conditions attached to both of the previous applications.

## VISUAL APPEARANCE

4.8 The development would have a suburban, albeit contemporary, appearance. Materials would reflect those used elsewhere in the area, including brick and render and supplemented by 'Trespa' panels. Local residents are concerned that the scale of the proposed buildings would be out of keeping with the character of the area. The existing dwellings along the boundary of the site are bungalows, many with large, prominent, rear dormers. The nearest new dwelling to these bungalows would be Unit 11, a 2-storey house. Whilst Unit 11 would be higher (at 8.2m to the ridge) than the existing bungalows the intervening distance to the existing dwellings would be at least 22m. It is not uncommon for bungalows and 2-storey houses to be adjacent to one another. In this case the intervening distance would prevent the new 2-storey houses appearing out of keeping with the character of the area.

## SUSTAINABILITY

4.9 The site is in a sustainable location within development limits. It is close to public transport and local services. The applicant intends that the new dwellings would achieve Code for Sustainable Homes Level 4. This is above the council's current standards. A condition should be attached requiring the development to

achieve Level 3 as a minimum and for 10% of energy to come from renewable sources.

## IMPACT ON TREES

4.10 The proposed arrangement of houses on the site avoids removal of, or harm to, protected trees. The council's landscape architect has assessed the impact on the trees and identified an exclusion zone, within which there should be no development. The proposal avoids the exclusion zone and is acceptable. Nevertheless conditions should be attached requiring retained trees to be protected and a landscaping scheme (including shrub planting and replacement of non-protected trees lost by the development) to be implemented.

## IMPACT ON WILDLIFE

4.11 The site is not a designated site of nature conservation interest. Whilst the site does have suitable habitat for great crested newts (GCN) and is adjacent to a know GCN site a survey in 2010 has found that the proposal would not threaten the survival of the local newt population. Nor is it likely to have a significant impact on its overall size and resilience. The application includes a proposal to set aside the south-west part of the site as a newt mitigation area. Details should be made a condition of approval. Despite the site's potential for great crested newts none of the habitat on the site is of other conservation value.

## NEIGHBOUR AMENITY

4.12 The nearest existing dwelling is over 22m from the nearest house for which consent is being sought (Plot 11). Therefore the proposal is unlikely to cause loss of sunlight, daylight or be overbearing. The house at Plot 11 originally had a landing window that would face, obliquely, the elevation of 35 Lea Way. Whilst the intervening distance would exceed the distance that is normally considered to be acceptable the applicant has removed the window from the proposals. Officers consider that none of the proposed dwellings would have a material impact on the amenity of existing residents.

4.13 The new access road would pass between the existing bungalows at Numbers 29 and 33 Lea Way. A side extension to No.29 lies very close to the proposed boundary fence/wall along the edge of the new road. The fence/wall would have to be carefully designed to mitigate any noise nuisance caused by vehicles whilst not having an overbearing impact on the occupiers of No.29. This could be dealt with by condition.

## DRAINAGE

4.14 The site is flat and has clay soil. As a result the site has very poor drainage. Moreover the watercourses in the area, to which the surface water sewers would ultimately discharge, do not have the capacity to deal with any additional flows. The applicant recently submitted a drainage statement, which is now being considered by the council's drainage officers. They are satisfied that a suitable drainage arrangement, including attenuation, can be provided. Members will be updated at the meeting.

## IMPACT ON LOCAL SERVICES

4.15 Officers consider that local services and amenities would be able to accommodate the additional demands created by the proposed development. Nevertheless, a financial contribution of £19,674 would be required to enhance public open space in the area and £37,935 to fund two places at Huntington Secondary School, which is presently over-subscribed. Conditions are recommended to address these matters.

## 5.0 CONCLUSION

5.1 The overall impact of the proposal would be very similar to the approved scheme in terms of character, appearance, neighbour amenity, trees, drainage, traffic, parking and bio-diversity. The application accords with relevant policies of the local plan and is acceptable subject to conditions.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 2 The development hereby permitted shall be carried out only in accordance with the following plans: 1949-06-001, 1949-06-002/K, 1949-06-004, 1949-06-006/A, 1949-06-007, 1949-06-008/A, 1949-06-020/A, 1949-06-022/B, 1949-06-025/A and 1949-06-029.

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 Details of all means of enclosure to the site boundaries and all boundary treatments within the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

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

5 The development hereby approved shall be constructed to at least Level 3\* of Code for Sustainable Homes (CSH) standard. A formal Post Construction stage assessment, by a licensed CSH assessor, shall be carried out and a formal Post Construction stage certificate shall be submitted to the Local Planning Authority (LPA) prior to occupation of the building. Should the development fail to achieve level 3\* of the Code a report shall be submitted for the written approval of the LPA demonstrating what remedial measures shall be undertaken to achieve Level 3 of the code. The remedial measures shall then be undertaken within a timescale to be approved in writing by the LPA.



Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

6 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

7 No development shall commence on site until a scheme for the provision of affordable housing (Affordable Housing Plan) as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with Policy H2a of the Draft City of York Local Plan and the Affordable Housing Advice note adopted April 2005. The scheme shall include:-

- i) The numbers, type and location on the site of the affordable housing provision to be made
- ii) The timing of the provision of the affordable housing
- iii) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing
- iv) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and means by which such occupancy shall be enforced.

Reason: To comply with Policy H2a of the Council's Draft Local Plan (4th Set of Changes April 2005) and the aims of PPS1 and PPS3.

8 No development shall commence unless and until a scheme to ensure the provision of adequate additional 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 ED4 of the Development Control 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 £37,935. 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.

9 Notwithstanding the approved site layout, 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. 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.

10 Before the commencement of development, including 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 and phased locations where appropriate, phasing of works, site access during site preparation/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of marketing cabin. It is particularly important that the following details are also provided: construction details and existing and proposed levels, where a change in surface material and/or levels are proposed within the recommended root protection area of a tree.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of the area and/or development.

11 No development shall commence on site until full details of a Great Crested Newt mitigation plan to offset the impact of the development has been submitted to and approved in writing by the local planning authority. The plan shall include the following:

- i. A Wildlife Protection Plan of how development work to be carried out will take account of the presence of Great Crested Newts;
- ii. Details of the mitigation/compensation provision to be made to replace the habitat lost through development to ensure that there is no significant impact on the population overall;

- iii. The measures to ensure that no Great Crested Newt would be harmed by the development work;
- iv. The timing of all operations.

The mitigation plan shall thereafter be implemented on site in accordance with a timetable previously agreed in writing with the local planning authority.

Reason: In the interest of protecting a protected species and its habitat.

12 No development shall take place until a habitat management plan has been submitted to and approved by the local planning authority. The plan shall include:

- (i) Description and evaluation of the features to be managed;
- (ii) Aims and objectives of management;
- (iii) Appropriate management options for achieving aims and objectives;
- (iv) Prescriptions for management actions;
- (v) Personnel responsible for implementation of the plan;
- (vi) Monitoring and remedial/contingencies measures triggered by monitoring.

The works shall be implemented in accordance with the approved details and timing unless otherwise previously approved in writing by the local planning authority.

Reason - to take account of and to enhance the habitat for a protected species.

13 Prior to commencement of the development, a Construction Environmental Management Scheme for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development and which shall include details for the unloading of delivery vehicles and measures to prevent dirt from being transferred on to the highway shall be submitted to and approved in writing by the Local Planning Authority before the commencement of site operations. 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 protect the amenity of local residents.

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

Reason: In the interests of the amenities of the adjoining residents and the long term health of protected trees 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.

15 The hours of demolition, construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

- 16 ARCH2 Watching brief required
- 17 HWAY1 Details roads,footpaths,open spaces req.
- 18 HWAY7 Const of Roads & Footways prior to occupation
- 19 HWAY13 Access to be improved
- 20 HWAY19 Car and cycle parking laid out
- 21 HWAY40 Dilapidation survey

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

Reason: In order to comply with the provisions of Policy L1c of the Development Control Local Plan, which requires that all new housing sites make provision for the open space, needs of future occupiers.

**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 £19,674.

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.

23 In the event that contamination is found at any time when carrying out the approved development, the findings shall be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment shall be undertaken and, where remediation (clean-up) is necessary, a remediation scheme shall be submitted and approved in writing by the local planning authority and implemented. Following completion of the measures identified in the approved remediation scheme a verification report shall be submitted to the local planning authority and approved in writing.

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.

## INFORMATIVE

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 2A of the Environmental Protection Act 1990.

### **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 principle of development for housing; density; visual appearance; landscaping; contamination, sustainability; impact on trees; impact on wildlife; neighbour amenity; access, parking and highway safety; drainage; affordable housing; impact on local services and construction impact. As such the proposal complies with Policies GP1, GP4a, GP6, GP9, GP10, ED4, GP15a, NE1, NE6, H2a, H5a, L1c and T4 of the City of York Local Plan Deposit Draft.

##### 2. CONSENT FOR 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: Adoption of highway - Section 38 - Mr M Kitchen 01904 551336

#### **Contact details:**

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