

COMMITTEE REPORT

Date: 20th September 2012 **Ward:** Guildhall
Team: Major and Commercial Team **Parish:** Guildhall Planning Panel

Reference: 12/02216/FULM
Application at: Hungate Development Site Hungate York
For: Conversion of 6no. townhouses (unit numbers 49, 70, 71, 73, 74, and 75) to 12no. duplex apartments within Phase 1 of the Hungate redevelopment scheme
By: Hungate (York) Regeneration Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 9 October 2012
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

THE SITE

1.1 This application relates to the Hungate development site, which is located between the Stonebow to the northwest and the River Foss to the south. This particular application relates to Phase 1, which comprises the eastern third of the development site with the Kings Pond Nature Reserve occupying the north easternmost part. The regional headquarters for DEFRA adjoins the north western boundary of Phase 1 with the River Foss running alongside its south eastern boundary.

THE OUTLINE AND RESERVED MATTERS APPROVAL

1.2 The original outline approval for this mixed use development (02/3741/OUT), issued in July 2006, included detailed consideration of the siting of buildings (except for the landmark office building and Block H) and means of access, excluding car and cycle parking routes. The excluded matters formed the basis of conditions requiring the submission and approval of details on a phased basis. This approval was superseded by permission 10/2527/OUTM, which amended the siting of the focal building and made revisions to the Phase 2 building. This permission allowed an increase in the number of residential units in Phase 2 from 154 to 175 and a reduction in the amount of commercial floorspace.

1.3 The original outline application proposed the erection of 720 dwellings, of which 122 would be provided within Phase 1. The proposed housing mix at outline stage for phase 1 included 6 No. 3 bed flats and 35 No. four bed flats and houses.

1.4 The reserved matters application for Phase 1 was approved in February 2007. This scheme detailed the creation of 162 dwellings; 33 four bed townhouses and 129 apartments.

1.5 In 2011, an application (referenced 10/2646/FULM) was then granted which allowed the conversion of 7 of the existing townhouse units to form 14 No. duplex apartments. This brought the total of units in Phase 1 to 169, which are 47 more than envisaged for Phase 1 under the original outline scheme.

1.6 The original outline application was considered on the basis of 720 units, both in terms of its implications for housing supply and in order to calculate the S106 contributions for affordable housing, highways, education and leisure provision. Therefore the increase in the number of units approved in Phase 1 was only considered to be acceptable on the basis that this would not lead to an increased number of units in the scheme overall.

THE PROPOSAL

1.7 This application seeks permission to convert a further 6 of the existing townhouse units to form 12 No. duplex apartments. The application also seeks to regularise the approval for the conversion of the 7 townhouse units referred to in paragraph 1.5 above as since this consent was granted, two of the townhouses were sold and consequently only 5 of the townhouses have been converted to 10 duplex apartments. Taking this into account and this proposal for the conversion of 6 townhouse units, the number of units in Phase 1 would total 173 of which 22 of these would be townhouses. The agent confirms that that the overall scheme content of 720 units will remain in place in accordance with the outline planning permission and numbers will be regularised relative to this context and as individual subsequent phases of the scheme are progressed.

OTHER CURRENT HUNGATE PLANNING APPLICATIONS

1.8 Also on this months agenda is an application to renew the outline planning permission for Hungate as Condition 1 requires all the reserved matters applications to be made to the Local Planning Authority by August 2012. To date reserved matters application have only been submitted and approved, for phases 1 and 2.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

CYH3C -Mix of Dwellings on Housing Site

CYGP1 -Design

CYHE2 -Development in Historic Locations

3.0 CONSULTATIONS

Internal

Highway Network Management

3.1 The townhouses as approved have 2 car parking spaces each assigned to them. This is in line with CYC Annex E maximum standards. The proposed duplex apartments only require 1 car space each in accordance with the aforementioned standards. The proposals therefore will have no impact on parking provision or the level of traffic generated by the scheme, over that previously considered and approved.

3.2 The proposals will create an increased demand for cycle parking however it is considered that this can be accommodated within the basement area and secured by condition. No objections are therefore raised.

Design, Conservation and Sustainable Development

3.3 States the Hungate development is outside the Historic Core Conservation Area and the external changes would only be seen from within the site; therefore there would be no impact on the setting of the conservation area.

3.4 Externally the majority of the alterations reuse the same type of elements as existing i.e. similar windows, window panels, doors and balconies. The architecture is strong enough to receive the proposed changes without there being a significant alteration to the appearance of the buildings.

3.5 It is requested that the large "box" dormers appear as two separate windows, as they differ from the module size and proportion used in the strong code of proportions on the rest of the scheme. This change of detail would allow for the extra circulation space whilst retaining the highly ordered appearance characteristic of each house, Also request conditions / Informatives with respect to improving the quality of light within the depth of the plan and with respects to the cills of the new bathroom windows.

External

Environment Agency

3.6 No objections

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3.7 Object. States it has always held the view that Hungate was an overdevelopment in terms of population density, this further increase in density. Concern is expressed over a lack of facilities making this development unappealing to prospective residents and visitors, and established retailers should be encouraged to come to Hungate.

Publicity

3.8 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments was 29.8.2012. No written representations have been made.

4.0 APPRAISAL

4.1 Key Issues

- Principle of loss of townhouses and replacement with duplex apartments
- Design and external appearance
- Vehicular / cycle parking

PROPOSAL

4.2 Phase 1 of the Hungate development was completed and available for sale in July 2009. The development comprises a mix of 1, 2 and 3 bedroom apartments together with a number of 4 bedroomed townhouses. As a result of the townhouse units which front onto Palmer Street and Pond Garth proving difficult to sell, permission is sought to convert six of the properties into 12 No. two bedroomed duplex apartments.

4.3 2 No. apartments would be provided within the existing shell of each 4 storey townhouse proposed for conversion. The position and proportion of all external openings would remain as existing, however on the "entrance" elevations at first floor level, whilst the approved scheme details two French doors, the proposed scheme replaces one of the double door set with a window unit so as to accommodate a bathroom. The top half of the new window unit would match the glazing geometry of the existing door and the lower half would be formed out of a glass faced opaque spandrel panel to match the glazing.

4.4 The existing elevation to the respective squares at second floor details two windows. It is proposed that these windows be replaced with two new French doors and a balcony. It is also proposed to install a box dormer window at third floor on the inward, square facing elevation so as to provide a bedroom.

4.5 Access into the apartments is via a communal entrance with one per apartment block and 1 shared entrance lobby per 2 duplex apartments. Each of the townhouse units proposed for conversion has a private rear deck/patio of 3 x 5 metres in size defined by low level railings and has balconies to front and rear at first floor. These private external spaces would be available for the occupants of the ground/first floor duplex. The occupants of the second/third floor duplex would have a balcony at second floor and access to the semi private communal courtyard, which has controlled access via two gated entrance points per courtyard.

4.6 The parking strategy would not be affected as a result of the proposal. There are currently 2 No. parking spaces allocated to each townhouse property within the basement. Each duplex apartment would have the use of 1 No. parking space.

JUSTIFICATION FOR THE PROPOSAL

4.7 The applicant has provided background information to explain the reasons for this proposal as follows;

4.8 28 No. townhouses were launched for sale in September 2007. One unit was sold from plan. Built and completed in June 2009, seventeen have been sold with the last sale in June 2012. Pricing was initially from £500,000 and is now from £450,000.

4.9 The townhouses have been advertised regularly in the York Press and the Yorkshire Post. The houses are advertised nationally in the Sunday Times and Telegraph. Regional media has been tested on numerous occasions such as Yorkshire Life and free local publications. The townhouses are advertised on property portals such as Rightmove, Prime Location, Find a property. Two local agents have been instructed, Your Move and Carter Jonas on the townhouses in addition to having a marketing suite on site which is open daily. There is a show home on site to demonstrate the properties.

4.10 The agent states that the reason the properties have not been popular is that parties who are looking to purchase a house in this market segment require larger rooms. Whilst the properties offer a large amount of square footage - average 1730 to 1780 sq foot - this is spread over 4 floors. Parties feel that the kitchen and living rooms are not large enough. The agent states that they are flexible and will change layouts - i.e. it has been demonstrated in the show home that the kitchens can be upstairs or downstairs.

4.11 The townhouse conversions have been popular and there is a demand for apartments in the city. Whilst the living room/ kitchen sizes are considered small for a townhouse they are generous for an apartment and therefore would be received better by this sector of the market. The proposed townhouse conversions would range in size from 743 sq ft to 884 sq ft with the prices ranging from £265,000 to £305,000 with one parking space.

NUMBER OF UNITS, MIX OF HOUSE TYPES AND AFFORDABLE HOUSING

4.12 The National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community and identify the size, type, tenure and range of housing that is required in particular locations.

4.13 Draft Local Plan Policy H3c states that a mix of new house types, sizes and tenures will be required on all new residential development sites where appropriate to the location and nature of development. Residential developments must demonstrate that the range of type, size of units (including number of bedrooms), design and layout of the plot and tenures and pricing meets local housing needs.

Housing mix

4.14 Although Officers welcomed the number of larger units as proposed in the outline and reserved matters schemes in terms of addressing the range of demands for different types of houses within the overall strategic target, the difficulties of selling such large units, with little private amenity space in this location are accepted. The background information provided by the applicant, detailed in paragraphs 4.7 - 4.11, indicates the widespread marketing undertaken and the reasons behind the lack of sales.

4.15 Officers accept the disadvantages of the layout of the townhouse and consider the units lend themselves better to duplex apartments with them having more generous floor areas and storage compared to the majority of other approved apartments within the development site. With the proposed conversion of the townhouses to two bedroomed units, the proposal still responds to the 2011 Strategic Housing Market Assessment (HMA) which highlights a demand for 2 plus bedroomed dwellings.

4.16 The 21 No. affordable homes agreed for Phase 1 (five of which are 4 bed townhouses) would not be affected as a result of this proposal.

Number of units

4.17 As detailed in paragraphs 1.3 to 1.7, the number of units provided in Phase 1 increased by 40 between the outline and reserved matters application, from 122 units to 162 units. The previous permission for the conversion of 7 no. townhouses increased the number of units in Phase 1 to 169. Taking into account the fact that two

of the townhouses were not converted and this proposal for the conversion of a further 6 townhouse units, the number of units in Phase 1 would total 173.

4.18 Officers raise no objection to the proposed increase in the number of units in phase one. It is accepted that in a large, phased development such as Hungate, flexibility is desirable in order to incorporate up-to-date information on demand over the duration of the whole scheme.

4.19 Although this is a stand alone application, it is acknowledged that it forms a part of a larger scheme, a scheme which was considered on the basis of 720 units, both in terms of its implications for housing supply and in order to calculate the s106 contributions for affordable housing, highways, education and leisure provision. On the basis of the agent's confirmation that the overall scheme content of 720 units will remain in place and numbers will be regularised as subsequent phases of the scheme are progressed, officers are not seeking additional financial contributions through this application. However, it is recommended that as part of this planning approval, the planning obligation for the Hungate site be updated to reflect this standalone application so as to ensure numbers across the site are not exceeded without due reconsideration of the key principles and re-calculation of s106 requirements in accordance with site viability.

DESIGN IMPLICATIONS

4.20 A core principle of the National Planning Policy Framework is that planning should always seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.21 Consideration should also be given to the requirements of Draft Local Plan Policy GP1 (Design), which states that development proposals will be expected to be of a scale, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate materials. Draft Local Plan policy HE2 states that in areas adjoining conservation areas, development proposals would be expected to respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.22 The Hungate Design Statement submitted with the outline application, proposed a number of character areas for the Hungate development with particular design options provided for each area. The design statement described the design concept for the townhouses to be reflective of the grandeur of regency terraces such as St. Leonard's Place, which have a consistency and elegance based on a harmonious composition of horizontal and vertical elements. The design of the houses is therefore strong and simple, using an ordered framework of brick and render and a consistency of window and external door types which are aligned and also related proportionally.

4.23 The majority of the proposed external alterations reuse the same type of elements as existing with similar windows, window panels, doors and balconies. Officers consider that the architecture is strong enough to receive the proposed changes without there being a significant alteration to the appearance of the buildings. There are concerns with respects to the proposed large box dormers which are required to provide adequate internal circulation space within the bedroom in the attic. The windows of the proposed design differ from the module size and proportion used in the strong code of proportions on the rest of the scheme. Subject to a condition requesting revisions to the design of the dormer windows to ensure each dormer appears as two separate windows, Officers are satisfied that the proposed alterations would sit comfortably with the Hungate Design Statement.

PARKING

4.24 On the basis that the townhouses, as approved, have 2 No. car spaces each assigned to them and the proposed duplex apartments require one car space each, the proposal to create 12 No. apartments instead of 6 No. townhouses, would have no implications on the highway layout or the traffic generated by the site. With reference to cycle parking within Phase 1, 122 resident cycle spaces are provided in the basement car park with a further 20 cycle spaces located at ground level for the use of visitors. Although 6 No. additional cycle spaces would be required as a result of this proposal, officers are satisfied that these can be provided within the basement and recommend a condition requiring further details.

5.0 CONCLUSION

5.1 No objections are raised to the proposed conversion of a further six of the properties into 12 No. two bedroomed apartments in phase one. It is accepted that there have been difficulties in selling such large units with little private amenity space in this location and acknowledge that in a large, phased development such as Hungate, flexibility is desirable in order to incorporate up-to-date information on demand over the duration of the whole scheme.

5.2 There are no other planning objections as the conversion of the townhouses would not affect visual or residential amenity, highway safety or the appearance of the conservation area and nearby listed buildings.

5.3 It is recommended that the application be approved and that the planning obligation for the Hungate site be updated to reflect this stand alone application so as to ensure numbers across the site are not exceeded without due reconsideration of the key principles and re-calculation of s106 requirements in accordance with site viability.

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 and other submitted details:-

Design and Access Statement May 2012

Dwg No's 012134_113 (Location Plan) and 012134_291 / 292/ 293 /294 /295/ 296 received 18 June 2012

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

3 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.

4 Notwithstanding the submitted plan and elevational drawings, large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

(i) The cills of the new bathroom windows shall be aligned with the balcony rails height or alternatively, aligned with the previously approved amended cill heights.

(ii) The design of the proposed large box dormers shall be amended so that they appear as two separate windows with the windows matching the width and position of the existing frames of the individual dormer windows; so narrower windows would align vertically with the windows/doors below. This would result in a wide central mullion between the windows and to reduce its impact a recessed filler piece should be introduced.

Reason: To retain the highly ordered appearance characteristic of each house and to ensure the dormers would appear to match those dormers on the opposite roof slope.

5 The windows, doors and balcony railings shall match the existing in all respects.

Reason: To achieve a visually acceptable form of development.

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:

- design of the development
- mix of house types / number of units
- parking provision.

As such the proposal complies with paragraphs 17, 49 and 50 of the National Planning Policy Framework and Policies GP1, HE2 and H3C of the City of York Development Control Local Plan.

2. 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.

3. The applicant is advised that the lack of light in the centre of the deep plans should be addressed by the realignment of the partitions or by the introduction of glazing into the partitions to allow for borrowed light.

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