

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 9 August 2007

**Ward:** Huntington/New Earswick  
**Parish:** Huntington Parish Council

**Reference:** 07/01126/FULM  
**Application at:** 31 Lea Way Huntington York YO32 9PE  
**For:** Erection of 14 no. dwellings after demolition of existing house (re-submission).  
**By:** Carlyn Limited  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 13 August 2007

### 1.0 PROPOSAL

1.1 The application is for the erection of 14 dwellings comprising seven 2-bedroom houses, two 3-bedroom houses, four 4-bedroom houses and one 4-bedroom dormer bungalow. 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 8-10 (2.5 storeys) and plot 14 (the dormer bungalow). Level access would be provided to all dwellings.

1.2 The application is a resubmission of 06/01068/FULM for the erection of 14 dwellings. The application was withdrawn in June 2006 following officer concerns.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYGP1  
Design

CYGP3  
Planning against crime

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

CYH3C

Mix of Dwellings on Housing Site

CYH4A

Housing Windfalls

CYH5A

Residential Density

CYL1C

Provision of New Open Space in Development

CYT4

Cycle parking standards

### **3.0 CONSULTATIONS**

#### **3.1 Internal**

City Development (Planning Policy) - Policy H3c requires proposals for residential development to include a mix of dwellings in terms of house type, size and tenure. We would therefore encourage the provision of houses rather than flats and would suggest that there be a variety of house types to meet a range of family needs. 50% affordable housing should be provided. Density should be in the range 35-55dph. The applicant should submit a sustainability statement in accordance with policy GP4a. An open space contribution should be made in accordance with policy L1c.

Highway Network Management - No objections. The proposed access meets the required criteria in terms of width and visibility and is designed to a standard appropriate with its expected usage. Experience of other sites and national survey data shows that the traffic generated would have a negligible impact on the

surrounding highway network. Parking and turning for vehicles within the site, including refuse vehicles, are in accordance with relevant standards.

Urban Design and Conservation, Countryside Officer - The pond closest to the site is of sub-optimal value. As such, breeding every year is unlikely. The site is likely to hold only a small part of any population present. The development is unlikely to have a significant impact on them, provided suitable mitigation/compensation is put in place. This can be covered by condition. Under PPS9 the replacement/mitigation proposed should provide a net gain in wildlife value. The above plan will form the basis of Great Crested Newt Licence application.

Urban Design and Conservation, Landscape Architect - The application respects the protected trees. Introducing windows into the side elevations of unit 14 would maximise natural light into the property without compromising privacy of neighbours. Tree planting proposals should ideally be presented at this stage but could be secured under LAND1. Include conditions to secure hedge planting (rather than, or as well as, fencing) and tree planting.

Environmental Protection Unit - No objections. Add contaminated land condition.

Leisure Services - A financial contribution of £32,540 is required to fund 2 places at Huntington Secondary School.

Housing Development - Affordable housing has been under negotiation for some time. Although the applicant is prepared to offer 50% of the total number of dwellings this under-represents the pro-rata type and mix. A financial viability assessment, based on the Affordable Housing Advice Note, has not been presented to officers, thus it is difficult to see how an agreement can be easily achieved.

York Consultancy (Drainage) - (Received 18 July 2007) PPS25 states that surface water arising from a developed site should be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. The discharge rate of surface water is too high/storage is insufficient. The allowable discharge rate of surface water from the whole site should not exceed the existing rate, i.e. run-off from the existing property + agricultural run-off from the new development. The developer should therefore provide calculations of impermeable areas, run-off rates and storage to comply with the above. I concur with the comments made by the Foss IDB. (Received 26 July 2007) The officers' draft conditions that would be imposed if the planning application were approved cover the drainage aspects satisfactorily.

### 3.2 External

Huntington Parish Council - Objection: Overdevelopment. Houses are inappropriate in an area of bungalows. Impact on local infrastructure. Traffic congestion. Loss of trees and wildlife corridor. Unsafe access. Access road too narrow. Sewerage and drainage proposals should be included in the application.

Foss IDB - The site lies between the East Huntington Culvert to the east and the river Foss to the west. The applicant appears to suggest that there is a discharge to a public sewer. We are not told where the surface water sewer discharges or its

potential effect on the watercourse environment. If the sewer discharges to the culvert then any increase in the existing discharge rate could increase the risk of flooding, which the Board would not accept. If the sewer discharges to the River Foss then increases in discharge rates into the river are not so critical but are generally unwelcome on flood risk grounds. The applicant must also leave sufficient room around the culvert to allow for its future maintenance. It should be located on site and access arrangements should be incorporated in the development. If the relevant water company cannot confirm that there is adequate spare capacity in the existing system, the applicant should submit amended proposals showing how the site would be drained. The applicant should show the point of discharge of the sewer in order that the Board may comment on the suitability of the receiving watercourse. The Applicant should also provide details of the potential effect on the receiving watercourse.

Public Consultation - The consultation period ended on 21 June 2007. To date 235 objections have been received. They comprise 21 individual letters and 214 pro-formas, many of which have been individually annotated. The objections raise the following planning issues:

- Loss of open space;
- Impact on wildlife;
- Impact on trees;
- Density and scale;
- Visual appearance;
- Impact on local services/amenities;
- Access and highway safety;
- Parking;
- Crime and anti-social behaviour;
- Privacy/overlooking;
- Inadequate drainage and sewerage;
- Construction nuisance.

## **4.0 APPRAISAL**

### **4.1 Key Issues:**

- Principle of development for housing;
- Density;
- Visual appearance; including landscaping;
- Sustainability;
- Impact on trees;
- Impact on wildlife;
- Neighbour amenity;
- Access, parking and highway safety;
- Drainage;
- Affordable housing;
- Impact on local services;
- Crime prevention;
- Construction impact.

## 4.2 The Application Site

The site comprises 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 in Lea Way. To the rear is open countryside.

The site lies within the development limits of York but is otherwise unallocated in the local plan. Some trees within the site and along the southern boundary are protected by TPO (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 a recreational opportunity area (L1d). Beyond this strip the land is allocated for future employment.

## 4.3 Principle of Development for Housing

The site is brownfield land in a sustainable location, close to public transport and local services. The area is predominantly residential. The site is suitable for housing development under PPS3, policy H4a and policy GP10, subject to other planning issues being satisfactory. Officers are aware that there is considerable local opposition to development of the site. Whilst residents value the site's open aspect and natural environment this is insufficient reason to prevent its development. Particularly bearing in mind the pressing need for housing and the national planning guidance, which focuses new development on brownfield land.

## 4.4 Density

Policy H5a aims to achieve a density of 40dph for sites such as this, i.e. those in the urban area of York but outside the city centre. The proposed development would have a density of 28dph. This is acceptable bearing in mind the site's constraints, particularly the protected trees and the character of adjacent housing.

The mix of dwelling sizes and types would meet a range of family needs, in accordance with policy H3c of the local plan.

## 4.5 Visual Appearance

The development would have a suburban appearance. 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 14, a dormer bungalow. Whilst unit 14 would be higher (at 5.8m to the ridge) than the existing bungalows its scale and character are comparable. Most of the other new dwellings would be two storeys high. The remaining two units, 8-10, would be 2.5-storeys high but they would be 60m from the existing bungalows and would not appear incongruous.

In summary, the new dwellings would increase in scale with distance from the existing dwellings in Lea Way. The range of house types and heights is normal for a

new housing development of this size. Overall, the development would be in keeping with the character of the area.

#### 4.6 Sustainability

A sustainability statement has been submitted. The site is brownfield, within development limits. It is close to public transport and close local services. The site is therefore in a sustainable location. If planning permission were to be granted a condition should be attached requiring a satisfactory BREEAM assessment to be submitted.

#### 4.7 Impact on Trees

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

#### 4.8 Impact on Wildlife

The site is not a protected site of nature conservation. However, the site is suitable habitat for great crested newts and is well within range of newts that are known to use ponds nearby. The applicant has commissioned a survey, which shows that the area around the ponds, including the application site, is likely to hold only a small part of any population present. The council's countryside officer accepts the conclusions of the report and considers that the development is unlikely to have a significant impact on the newts, provided suitable mitigation/compensation is put in place. This could be dealt with by condition.

#### 4.9 Neighbour Amenity

Unit 14, the dormer bungalow, would be the nearest new dwelling to the existing housing, separated by a distance of over 22m. Only one external door and a small roof light would face the existing housing. The new dwelling would cause no material overlooking and no overshadowing. Units 1 and 2 would have habitable rooms that faced existing dwellings but they would be over 40m away. The 2.5-storey houses would be 64m away. None of the proposed dwellings would have a material impact on the amenity of existing residents.

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.

#### 4.10 Access, Parking and Highway Safety

Local residents are concerned that the additional car journeys generated by the development would increase congestion in the narrow streets in the area and be a danger to pedestrians, including children. 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 relevant standards. Adequate cycle storage should be provided. This could be ensured by condition.

#### 4.11 Drainage

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 ultimately discharge, do not have the capacity to deal with any additional flows. Drainage is one of the main concerns of local residents. Therefore, in June 2006, prior to the application being submitted, officers made clear to the applicant that detailed surface water drainage proposals would need to be submitted as part of any formal planning application. To support these it would be necessary to include cross-sectional drawings to show proposed finished floor levels. For many months council officers and Foss IDB have sought, from the applicant, drainage details to demonstrate that the development would be adequately drained without detriment to the surrounding area. Whilst a drainage plan was submitted on 25 June it did not sufficiently address council and IDB concerns. No cross-sections were submitted even though proposed increases in ground level across the site, which were not made clear in the limited information that was provided, would have displaced surface water towards existing houses in Lea Way. As this report was being finalised officers prepared a draft list of conditions that would be the minimum necessary to enable officers to recommend approval. The conditions were sent to the applicant's agent to secure the applicant's agreement but, at the time of writing, officers had not received his unequivocal agreement.

Bearing in mind the drainage problems in the area, the extent of local concern and the applicant's failure to adequately address the council's concerns, officers consider that the drainage information submitted to date does not provide the reassurance necessary to recommend approval.

#### 4.12 Affordable Housing

Policy H2a requires the developer to provide 50% affordable housing on site. This has been under negotiation for some time. Although the applicant is prepared to offer 50% of the total number of dwellings this under-represents the pro-rata type and mix. A financial viability assessment, based on the Affordable Housing Advice Note, has not been presented to officers. Negotiations have, in effect, stalled and it is difficult to see how an agreement can easily be achieved. Nevertheless, as the applicant has agreed the principle of providing affordable housing the details (mix of dwelling types, distribution across the site, etc) could be dealt with by condition.

#### 4.13 Impact on Local Services

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 £32,540 would be required (under policy ED4) to fund two places at Huntington Secondary School and £19,779 (policy L1c) to enhance public open space in the area.

#### 4.14 Crime Prevention

Whilst the new road would make access to the site easier from Lea Way than currently the new dwellings would make unauthorised access harder from the fields to the rear. Moreover, the presence of the new residents would improve surveillance of the site. There is no evidence to suggest that the new development would increase the likelihood of crime or anti-social behaviour in the vicinity.

#### 4.15 Construction Impact

Construction impacts are covered under other legislation. Nevertheless officers acknowledge that construction works, whilst temporary, can be a nuisance to local residents. Officers recommend that conditions be attached preventing building work outside normal working hours and requiring the carriageway to be kept free of construction mud/debris.

### 5.0 CONCLUSION

The applicant has not demonstrated to the satisfaction of officers that the development would be adequately drained without detriment to adjacent properties or the wider area. The application therefore conflicts with policies GP15a and GP1 of the City of York Local Plan Deposit Draft.

### 6.0 RECOMMENDATION: Refuse

- 1 The applicant has not demonstrated to the satisfaction of the local planning authority that the development would be adequately drained without detriment to adjacent properties or the wider area. The application therefore conflicts with policies GP15a and GP1 of the City of York Local Plan Deposit Draft.

### 7.0 INFORMATIVES:

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