

COMMITTEE REPORT

Date: 8 August 2013 **Ward:** Huntington/New Earswick
Team: Major and Commercial Team **Parish:** Huntington Parish Council

Reference: 13/00982/FULM
Application at: Site of Yearsley Grove Hotel Huntington Road York YO31 9BY
For: Erection of 12 no. two storey dwellings
By: Moorside Developments Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 16 August 2013
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 The Yearsley Grove Hotel comprised a two storey brick and render built pub occupying a prominent location on the eastern side of Huntington Road adjacent to an area of open space at the junction with Yearsley Grove, to the north of the City Centre. The pub has been disused for a period of approximately three years and has recently been demolished. Planning permission is sought for the development of 12 two storey houses adopting a traditional architectural style, comprising 10 two and two three bedroom properties on the cleared site. The surrounding area comprises a broad mix of predominantly two storey brick built dwelling houses of recent construction together with Yearsley Grove to the north east which dates from the immediate Post War period.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: East Area (2) 0005
Schools GMS Constraints: Yearsley Grove Infant 0240

2.2 Policies:

CGP15A Development and Flood Risk
CYGP1 Design
CYGP4A Sustainability
CYL1C Provision of New Open Space in Development
CYH4A Housing Windfalls
CYL1B Loss of local leisure facilities

CYGP3 Planning against crime

3.0 CONSULTATIONS

INTERNAL

Environmental Protection Unit

3.1 Raise no objection to the proposal subject to any permission being conditioned to require adequate measures being put in place to prevent gas migration from a former landfill site nearby.

Adults Children and Education Directorate

3.2 Raise no objection to the proposal.

Design, Conservation and Sustainable Development

3.3 Raise no objection to the proposal subject to any permission being conditioned to require details of how the development would meet the BREEAM Code for Sustainable Homes Level 3 and provide for a minimum of 10% of its energy needs by renewable means, to be submitted for further approval.

Strategic Flood Risk Management Team

3.4 Any views will be reported verbally at the meeting.

Highway Network Management

3.5 Any views will be reported verbally at the meeting.

Lifelong Learning and Leisure

3.6 Raise no objection to the proposal subject to a commuted sum payment being made in lieu of the provision of on-site open space.

EXTERNAL

Huntington Parish Council

3.7 Raise no objection to the proposal subject to additional traffic calming measures being put in place in respect of the adjacent highway and the recommendations of the Safer York Partnership being implemented.

The Foss (2008) Internal Drainage Board

3.8 Raise no objection to the proposal subject to any permission being conditioned to require a surface water drainage scheme be submitted for further approval.

Safer York Partnership

3.9 Raise no objection in principle to the proposal but raise concerns in respect of the need to properly gate the rear access way to the properties in the centre of the site, the need to provide adequate rear fencing to the adjacent property and the need to secure adequate visibility of the garages to be constructed at the north eastern edge of the site. Each of these items it is felt could be reserved for further approval by condition attached to any permission.

Publicity and Neighbour Notification

3.10 Three letters of representation have been received in respect of the proposal. Two support the proposed development as an enhancement of the wider street scene over and above the previous pub use. One letter however expresses concern in respect of the loss of the existing trees within the site.

4.0 APPRAISAL

KEY CONSIDERATIONS

4.1 KEY CONSIDERATIONS INCLUDE

- * Impact upon the visual amenity of the wider street scene;
- * Impact upon the residential amenity of neighbouring properties;
- * Sustainability of the proposal.

STATUS OF THE DRAFT LOCAL PLAN

4.2 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations in arriving at Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

IMPACT UPON THE VISUAL AMENITY OF THE STREET SCENE

4.3 Policy H4a) of the York Development Control Local Plan sets a firm policy presumption in favour of new residential development on land not previously allocated where the site lies within the urban area and is vacant, derelict or underused and it involves infilling or re-development, the site has good accessibility to jobs and services by non-car modes of transport and it is of an appropriate scale and density to surrounding development.

The application site comprises a substantial plot occupying a prominent position on one of the principal arterial routes into the City Centre. It was formerly occupied by a pub and its ancillary structures dating from the late 19th Century. The scheme envisages the erection of 12 houses arranged in a series of short terraces with one block of six properties parallel to the small area of open space at the junction of Yearsley Grove and Huntington Road and the other two (one of two and one of four) lying parallel with Huntington Road. The former pub lay centrally within the site and was surrounded by substantial tarmac areas of hard-standing, together with being elevated relative to the area of open space directly to the north. This gave a rigidly formal and urban aspect to the local street scene which related poorly to the grain of development surrounding it, which whilst fairly dense and of recent construction adopts a uniform pattern of scale and massing. The site is particularly prominent in views looking to the south along Huntington Road across the area of open space at the junction with Yearsley Grove. The proposal adopts a traditional architectural style with a mix of brick and render together with the use of a uniform pattern of scale and massing. The scheme as proposed would blend in with the Birch Park development directly to the south and more closely still with the recently completed development to the west. Overall it is felt that the proposed development would represent an enhancement of the site and the wider street scene.

4.4 Concern has been expressed in relation to the loss of mature trees at the boundary of the site with the Birch Park development to the south. These consist of two groups, one mid-way along the southern boundary of the site and one at the south eastern boundary of the site and in close proximity to one of the adjacent properties within Birch Park. It is proposed to retain the principal grouping of trees in the central section of the boundary in order to soften views into the site from Birch Park. The tree at the south eastern corner of the site is in overall poor health and has a poor relationship both with the adjacent property in Birch Park and with the proposed southern terrace. It is therefore proposed to be removed. The submitted application details do indicate a degree of additional landscape planting forming part of the layout. It is recommended that further detail of this be conditioned as part of any permission.

4.5 The key visual relationships in terms of the site lie in relation to the Birch Park development to the south and the recent residential development to the west. The proposed layout would lie broadly parallel to and to the rear of the earlier development in Yearsley Grove to which it would appear complementary in longer distance views. The relationship of Plot 6 to 44 Yearsley Grove would to an extent appear awkward although as a consequence of the distance between this would not be such as to warrant refusal of permission. The terms of Policy H4a) of the Draft Local Plan can therefore be complied with.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

4.6 Policy GP1 of the York Development Control Local Plan sets a firm policy presumption in favour of new development which respects or enhances the local environment, is of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area whilst ensuring that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. The development envisages the erection of a pattern of small regularly laid out terraces with modest front and rear gardens. Other residential development lies directly to the west across Huntington Road and to the south and south east with Birch Park, with rather older residential development to the north east in Yearsley Grove. A modest area of open space, laid down to grass lies directly to the north of the site at the junction of Yearsley Grove and Huntington Road. As a function of the density of development proposed along with the configuration of the site the distances between the principal living areas of the facing properties are close to the minimum acceptable. The proposed properties are laid out to respect Huntington Road with gables of the two southerly terraces facing properties in Birch Park to the south. The adjacent properties would be some 12.2 and 12.8 metres away at their closest points respectively. Both proposed properties contain stair landing windows in the gable ends which may give rise to an issue of overlooking of gardens in Birch Park. As both do not require to be conventionally glazed it is therefore recommended that any permission be conditioned to require that they be obscure glazed and non opening.

4.7 In terms of the relationship of the proposed eastern terrace with properties in Birch Park the properties sit within substantial rear gardens varying in length from 8.4 to 10.8 metres with garden lengths in the adjacent section of Birch Park of 12 to 13 metres. In view of the distances involved any impact in terms of loss of privacy and overlooking would be minimal and there would be little if any resulting loss of residential amenity.

4.8 In terms of relationships within the development plots 1 and 12 and 6 and 7 are in relatively close proximity. The frontage of plot 1 is some 12.8 metres from a high level gable window within plot 12. The window lights a stair landing rather than a principal living area any issue of overlooking and loss of privacy would therefore be minimal and there would be no real demonstrable loss of residential amenity. In terms of plots 6 and 7, a gable stair window in plot 7 would overlook the frontage of plot 6 at a distance of 12.6 metres. Providing any permission is conditioned to ensure that the window is obscure glazed and not capable of opening then any impact upon residential amenity should be reduced to an acceptable level.

4.9 The closest property in Yearsley Grove, No 44 lies approximately 20 metres away to the north east of Plot 6.

The relationship in terms of overlooking is not however a direct one with the principal windows on the rear elevation of Plot 6 overlooking the area of open space at the junction of Yearsley Grove with Huntington Road. The rear and west side elevations of 44 are also substantially sheltered at the site boundary by a belt of mature coniferous trees. The terms of Policy GP1 of the Draft Local Plan can therefore be complied with.

SUSTAINABILITY OF THE PROPOSAL

4.10 Central Government Planning Policy outlined in paragraph 17 "Core Planning Principles", of the NPPF urges Local Planning Authorities to encourage the effective use of land by using land that had previously been developed providing it is not of high environmental value. At the same time paragraph 49 of the NPPF urges Local Planning Authorities to consider applications for new housing in the context of the firm presumption in favour of sustainable development. The current proposal by virtue of making intensive use of the site of a former pub with a form of development compatible with the immediately surrounding area seeks to comply with these requirements. In addition to the use of previously developed land in accordance with the requirements of the NPPF the proposal makes active use of the area of open space to the north with access ways created on to it from the northern terrace of properties. Each terrace has been aligned to gain the maximum benefit from solar gain and the development lies adjacent to one of the principal public transport corridors into the City Centre as well as lying in close proximity to a network of cycle routes.

4.11 Policy GP4a) of the York Development Control Local Plan sets out a firm policy requirement for new proposals for commercial and residential development to demonstrate how they would adhere to the principles of sustainable development. Associated with this an Interim Policy on Sustainable Construction has been adopted. This requires that new residential developments of 10 properties or more should demonstrate being able to achieve a BREEAM Code for Sustainable Homes Level 3 and at the same time be able to provide for a minimum of 10% of their energy use by renewable sources. The applicant has not provided details of how these might be achieved although negotiations have been on-going and it is recommended that any permission be conditioned to ensure that these details are submitted for further prior approval.

OTHER ISSUES

4.12 Concern has been expressed in relation to a number of aspects of the design in terms of designing out crime. These notably include the need for the construction of substantial rear fences, the need to secure the rear access pathways by appropriate gating and the location of the block of garages designed to serve the northern terrace of properties. The issue of the use of appropriate boundary treatments and gating can be dealt with condition as part of any approval.

It is felt that whilst the block of garages may not be subject to direct surveillance themselves the approach to them is by plots 6 and 7 therefore any risk is felt to be acceptable.

4.13 The proposal falls to be assessed against Policy L1c) of the Draft Local Plan. This creates a requirement for the payment of a commuted sum in lieu of the provision of on-site open space of £17,392. This may be secured by means of a Unilateral Obligation.

4.14 Prior to demolition and clearance the Yearsley Grove Public House had been vacant and marketed unsuccessfully for a period of two years. Other alternative facilities exist along Huntington Road within a 20 minute walking distance.

5.0 CONCLUSION

5.1 The Yearsley Grove Public House comprised a substantial brick built late 19th Century Public House occupying a prominent location to the east of Huntington Road on the north eastern approach to the City Centre. Planning permission is sought for the erection of development of 12 houses with a mix of two and three bedroom properties on the cleared site adopting a traditional architectural metaphor. It is felt that the proposed layout would enhance the contribution of the site to the character and appearance of the wider street scene over and above the previous pub use. Whilst the distances with adjacent properties are closely they are felt to be broadly acceptable in terms of their impact upon residential amenity. Subject to any permission being appropriately conditioned to deal with issues arising from the density of development then any impact upon residential amenity is felt to be acceptable and the development is furthermore felt to comply with the sustainability requirements of the NPPF. The development is felt to be broadly acceptable in planning terms and approval is therefore recommended subject to the prior completion of a unilateral undertaking under s.106 of the Town and Country Planning Act 1990 for the payment of a commuted sum in lieu of the provision of on-site open space of £17,392.

COMMITTEE TO VISIT

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:-

Drawing Refs: - SO27/11 2; SO27/11 3; SO27/11 4; SO27-11 6 Rev B. Date Stamped 25th April 2013.

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 VISQ4 Boundary details to be supplied -

5 DRAIN1 Drainage details to be agreed -

6 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; E and F of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents 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.

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the side elevations of the properties hereby authorised

Reason: In the interests of the amenities of occupants of adjacent residential properties.

8 NOISE7 Restricted hours of construction -

9 Prior to the commencement of the development hereby authorised: a) gas monitoring and/or a risk assessment shall be undertaken to assess landfill gas generation and migration. The findings shall be submitted to and approved in writing by the Local Planning Authority; b) based upon the results of the gas monitoring and/or risk assessment, the detailed design of a gas protection system shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reasons:- To ensure that risks from landfill gas to future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

10 Prior to the development hereby authorised being first occupied, a verification report that demonstrates the effectiveness of the gas protection system shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from landfill gas to future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other off site receptors.

11 Trees shown as being retained on the approved drawing SO27-11 Rev B shall be protected in accordance with BS: 5837 Trees in relation to construction.

Before the commencement of development, including demolition, building operations or 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; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection Lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and surfaces shall also be included.

The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area.

12 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 ,shrubs and other planting. 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.

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

Reason: In the interests of highway safety.

14 The parking and garaging shown on the approved plans shall be kept free of obstructions at all times so that they can be used for the primary purpose of parking motor vehicles and bicycles.

Reason: In order that cars, motor-cycles and bicycles can be parked off the public highway, in the interests of the safe and free flow of traffic.

15 HWAY31 No mud on highway during construction -

16 Fully detailed drawing illustrating the design and materials of roads, footpaths and other adoptable open spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the start of construction on site.

Reason: In the interests of highway safety.

17 The development shall not be first occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the verge and pavement to match adjacent levels.

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

18 Prior to the commencement of the development hereby authorised full details of the proposed rear access gates to plots 1 to 6 together with a gate giving access to the pathway to the rear of plots 7 to 9 shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, material and means of locking and shall be implemented prior to the development hereby authorised being first occupied.

Reason: - To minimise opportunities for crime in the locality and to secure compliance with Policy GP3 of the York Development Control Local Plan.

19 The first floor stair landing windows to Plots 7, 10 and 11 shall be obscured glazed and fixed non-opening.

Reason: - To secure the residential amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

20 Prior to the commencement of the development hereby authorised a detailed strategy outlining how a minimum of 10% of the energy requirements of the development shall be achieved by renewable means shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: - To secure compliance with the Adopted Interim Planning Statement on Sustainable Design and Construction (IPS) (2007) and Policy GP4a) of the York Development Control Local Plan.

21 Prior to the commencement of the development hereby authorised a detailed statement outlining the manner in which the development will achieve a minimum standard of Code Level 3 within the BREEAM Code for Sustainable Homes at design, procurement and post construction phases shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: - To comply with the Adopted Interim Planning Statement on Sustainable Design and Construction (IPS) (2007) and Policy GP4a) of the York Development Control Local Plan.

7.0 INFORMATIVES:

Notes to Applicant

1. CONTROL OF POLLUTION ACT 1974:-

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to; failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b)The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers' instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

2. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Details of how the proposed development would incorporate the principles of sustainable development.

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