

2.2 Policies:

CYGP1
Design

CYE3B
Existing and Proposed Employment Sites

CYGP4A
Sustainability

CYT4
Cycle parking standards

CYH3C
Mix of Dwellings on Housing Site

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

Internal

3.1 Highway Network Management - No objections. The development is to be accessed from Little Hallfield Road via a series of dropped vehicular crossings. Given the level of reconstruction work that will be required to the footway following construction of said accesses, the applicants should be advised that a Section 62 Agreement of the 1980 Highways Act will be required to carry out the works. Such works may necessitate the relocation/replacement of an existing lamp column, which will need to be carried out at the applicant's expense.

Car and cycle parking for the proposed dwellings has been provided in accordance with the authorities standards.

3.2 City Development - As the site is currently in employment use the applicant should demonstrate that the employment site is no longer required in both quantitative and qualitative terms. Policy E3b looks to protect existing and proposed employment sites and the application should be considered in relation to this. The site is too small to require affordable housing and the residential proposal would

result in a density of 71 dwellings per hectare (dph) which satisfies Policy H5a in terms of achieving a density of greater than 40 dph. The proposed layout, density and the amenity of future residents should be appraised in line with Policy H4a on housing windfalls. A contribution towards open space should be sought.

3.3 Environmental Protection Unit - The Environmental Protection Unit have no objections to this application in principle. A full Desk Study does not appear to have been undertaken. I am concerned that 'hot spots' of contamination have not been identified and which have not been included in the site investigation. I would recommend that a full Desk Study is undertaken before any development could take place. The applicants have submitted a site investigation which makes recommendations for remediation due to levels of Arsenic, Lead, Boron and Copper which exceed the current guideline levels. In addition gas monitoring was undertaken which shows the presence of Carbon Dioxide which could be due to nearby landfill sites. It is possible that an overestimation or indeed an underestimation of the measures required has been made based on the findings of 3 gas monitoring visits made over a short period i.e. two weeks. It is recommended that any permission given should contain conditions relating to further site investigation and gas monitoring.

The application site is adjacent to a small industrial estate, and as such a Noise Survey has been undertaken and submitted as part of the application. The noise report indicates that the proposed dwellings are likely to be within Noise Exposure Category B during both day and night times, as such some sound insulation measures would be required in order to ensure the amenity of residents of the proposed dwellings is not affected by noise.

As there are significant areas of made ground within the site, piled foundations have been recommended. There is a watercourse within 100 metres of the site and as such care must be taken to ensure the piling method does not create new pathways for contaminants to flow along. I would recommend that a suitable method of piling be chosen to minimise these effects. In addition piling can cause excessive noise and/or vibration, and in some cases damage to nearby buildings.

3.4 Lifelong Learning and Culture - There is no on-site public open space and therefore a commuted sum towards off site provisions should be paid to the Council.

3.5 Education - No education contribution required.

External

3.6 Heworth Planning Panel - Object. The proposals appear to be out of character with York as they are more in nature of 10 flats rather than houses. The balconies would lead to a loss of privacy for neighbours and the end properties do not have private garden spaces. The stepping down of the dwellings is out of character with the area. The application site is clearly within an industrial area whereas other approved applications have sat on the outside of employment sites. There is little outdoor amenity space for each dwelling.

3.7 Police Architectural Liaison Officer - No correspondence received.

3.8 Third Parties - No correspondence received.

4.0 APPRAISAL

4.1 Key Issues:

- Loss of employment site
- Design
- Housing density and mix
- Living conditions of future residents
- Cycle and car parking

4.2 The application site's most recent use was for employment purposes. Despite the fact that the site is now vacant it is still considered an employment site. Therefore Policy E3b of the Local Plan is relevant. The applicant claims that there is no quantitative or qualitative shortfall in the supply of employment land in the city. Large windfall sites such as Terry's and British Sugar have come forward since the previous refusal of the application. An appeal was allowed on a nearby site at Unit 1, Fifth Avenue. One of the reasons for refusing the application was the loss of an employment site. However, the Inspector concluded that it was felt that the policy was intended to protect larger sites. The recently approved residential application (Ref No. 07/00473/OUT) at Beejay Electrical on Hallfield Road considered recent inspectors decisions and concluded that some small sites provide very limited opportunities for alternative business and employment activity and therefore objections were not raised to the loss of that employment site which was 0.089 ha in size. Based on these recent decisions within the surrounding area to the application site it seems reasonable not to object to the change of use from employment to residential.

4.3 There are both approved applications for residential developments and recently constructed residential units in the surrounding area. 'The Archway' opposite and Beejay Lighting sites are three storey flat and town house developments. The proposed development on Yeomans Yard is part two and part three storey with dormer windows on the rear elevation. This terraced block of residential units steps down from the centre to the outer edges. The dwellings are set back approximately 8.3 m from the road, the frontage would be 37.4 m in length with a maximum height of 10.9 m to the ridge. The design of the dwellings is considered to be more functional than high quality. Car parking and garage doors would be visually prominent at human level within the street scene. The units themselves are simple and would be seen more as one block than individual units. However, it is considered that the use of good materials with attractive window detailing would lift the appearance of the development to an extent that it is visually acceptable within the area. Whilst landscaping is not a consideration as part of this application the revised plan submitted provides scope for some green planting which would soften the visual impact of the development.

4.4 There is a mix of dwelling sizes within the proposed development and it is welcome to see new housing proposed rather than just flats. The density is high, approximately 71 dph which is considered to be a suitable level both in terms of the

character of the area and in making full use of a previously developed land within a sustainable location.

4.5 The previous application on the site for 24 flats was partly refused because of poor living conditions for future occupiers of the flats. This has been considered within this application. A sound survey was submitted which was examined by the Environmental Protection Unit who raised no objections subject to a number of conditions. The dwellings are located approximately 15 m from the rear boundary which is where a significant amount of the industrial business is located. An existing brick wall would be retained on the eastern boundary with a 2 m high wall being erected on the southern and western boundaries. The brick walls would act as a good visual separation between the residential units and the industrial area and also act as an acoustic barrier. The planning appeals at both Beejay Lighting and Unit 1, Fifth Avenue both overturned the Council's reasons for refusal based on poor living conditions due to noise from neighbouring industrial units.

4.6 At the rear of the properties are garden areas. The two sets of flats in the end units would share an outdoor amenity space. The garden areas are of sufficient size for dwellings of this size and the primary rooms within the dwellings are south facing allowing good natural light into the rooms. Whilst the view from the windows may not be to everyone's taste a pleasant outlook with good usable outdoor space is afforded.

4.7 It is considered that the living conditions of occupants of neighbouring properties would not be significantly harmed by the proposal. The proposed dwellings are set back approximately 8 m from the front of the plot which would allow a front-to-front separation of approximately 20 m from 'The Archway'. To the east, south, and west of the application site are industrial sites.

4.7 Both cycle and car parking in accordance with the CoYC standards are proposed. Each dwelling has at least one off road personal car parking space. Cycle storage is provided to the rear of the units and also an integral garage is contained within six of the dwellings. The rear cycle stores are accessed along the side of the units through a security gate. Each unit has its own brick built store which is both enclosed and secure.

4.8 Bin stores are provided at the front of the dwellings. The bin stores are brick built and are considered of sufficient size to neatly hide away both the waste and recycling bins.

4.9 A sustainability statement in accordance with Policy GP4a of the Local Plan was not submitted. However, a number of the key issues regarding sustainability were addressed generally within the supporting statement with the application. Some of the key points raised were: materials would be sourced locally where possible; the terraced form proposed is effective in its use of materials and in retaining heat; and, the dwellings would be within a sustainable location with good access to local services and facilities by non-car modes.

4.10 A contaminated land survey was submitted with the application. This was examined by the Environmental Protection Unit and again no objections were raised

to developing this former employment site for residential development subject to suitable conditions.

4.11 The application site and level of development is below that which the Council would seek an on-site provision of public open space. However, the applicants have expressed a willingness to financially support off site open space in accordance with Local Plan Policy L1C.

5.0 CONCLUSION

5.1 This application is recommended for approval as it is considered to have sufficiently addressed the previous reasons for refusal.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 OUT1 Approval of Reserved Matters

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

Details to be submitted: landscaping.

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

3 VISQ8 Samples of exterior materials to be app

4 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.

Window design and opening type

Reason: So that the Local Planning Authority may be satisfied with these details.

5 a. A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site. Informative: This should, where possible date back to 1800.

b. A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of

potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

c. A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site. Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

d. A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

e. Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect human health and the wider environment.

6 Gas monitoring shall be carried out on the site over a period to be decided in consultation with the City of York Council Contaminated Land Officer, to consider the effect of any localised gas migration or production. The survey shall be undertaken and the results submitted to the local planning authority prior to any works being carried out on the site.

Reason: to determine if gasses are being emitted from the site which may be detrimental to the health and safety of the occupants.

7 Based on the information from the gas survey, proposals for a gas protection regime shall be submitted to and approved by the local planning authority prior to the commencement of any development on site.

Reason: to protect the health and safety of the occupants.

8 Details of the piling method chosen must be submitted to and approved in writing by the local planning authority prior to any works being carried out. Any piling operations shall be carried out using the quietest practicable method available. Local residents should be notified of the dates, times, likely duration and works to be undertaken.

reason: To protect the amenity of nearby residents.

9 Prior to commencement of the development, details of the proposed means of sound insulation of the building structure and windows shall be submitted to, and approved in writing by the Local Planning Authority. The agreed means of insulation shall, thereafter be fully implemented, prior to first occupation of the property.

reason: To protect the amenity of future occupants of the dwellings

10 Before the use hereby permitted commences a scheme of ventilation serving

bedrooms and lounges must be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of future occupants of the dwellings.

11 Prior to the first occupation of the dwellings hereby approved, an acoustic barrier in the form of a 2 m high solid brick wall to the south and west boundaries shall be constructed in accordance with the approved plans.

Reason: To safeguard the amenities of occupants of the residential dwellings

12 HWAY19 Car and cycle parking laid out

13 HWAY31 No mud on highway during construction

14 At the soonest available opportunity, and in any event prior to the completion of the development, the developer shall submit a completed "Sustainable Design and Construction" statement for the development. The developer shall aim to achieve an Ecohomes "Very Good" rating or the equivalent standard under the Code for Sustainable Homes, and if this is not achieved, the developer shall demonstrate the changes that will be made to the development in order to achieve this standard.

Reason: In the interests of sustainable development.

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

Reason: In order to comply with the provisions of Policy L1c of the City of York Draft Local Plan.

16 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.	

Reason: To protect the amenity of nearby residents

17 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 10.9 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any

such physical works or marker shall be retained at all times during the construction period.

Reason: To establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

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 loss of employment land, housing density, highway issues, impact on residents' living conditions, and visual amenity. As such the proposal complies with Policies GP1, H4a, H5a, T4, E3b and L1C of the City of York Draft Local Plan.

2. INFORMATIVE:

The alternative arrangements for Condition 14 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 £10,862.

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.

3. A. If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. 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 IIA of the Environmental Protection Act 1990.

B. The developer's attention should also be 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 attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(i) 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".

(ii) 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.

(iii) 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.

(iv) 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.

(v) There shall be no bonfires on the site.

4. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Section 62 - Michael Kitchen - 01904 551 336

Contact details:

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