

COMMITTEE REPORT

Committee: West/Centre Area
Date: 22 May 2007

Ward: Westfield
Parish: No Parish

Reference: 07/00700/FUL
Application at: 65 Green Lane Acomb York YO24 3DJ
For: Demolition of 65 Green Lane and erection of replacement 3 storey dwelling; two storey extension to detached building at 67 Green Lane to form new house and erection of 2no. detached dwellings and 2no. semi-detached dwellings and private drive to rear of 65,67 and 69 Green Lane
By: Penntons Developments Limited
Application Type: Full Application
Target Date: 7 June 2007

1.0 PROPOSAL

1.1 The applicant seeks planning approval to demolish 65 Green Lane and erect a replacement 3 storey dwelling; two storey extension to detached building at 67 Green Lane to form new house and erection of 2no. detached dwellings and 2no. semi-detached dwellings and private drive to rear of 65,67 and 69 Green Lane. All materials used will match the existing where appropriate.

1.2 The application relates to an existing bungalow (No.65, Green Lane) and part of the rear gardens of No's 67 and 69 Green Lane. The rear gardens of the aforementioned properties are approx. 55 metres in length and are enclosed by a mixture of tree, hedge and shrub planting. Lowfields School is located beyond the western boundary. The rear garden of No.67 (the applicant) has a small detached structure located centrally

RELEVANT HISTORY

1.3 07/00310/FUL - Demolition of 65 Green Lane and erection of replacement dwelling; extension to detached building at 67 Green Lane to form dwelling and erection of 4no. detached dwellings and private drive to rear of 65, 67 and 69 Green Lane - Withdrawn 26.03.2007

1.4 05/02725/FUL - Single storey pitched roof rear extension to form meeting room and formation of additional car parking spaces - Approved 16.02.2006

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Schools Lowfield 0249

2.2 Policies:

CYGP1
Design

CYGP10
Subdivision of gardens and infill devt

CYH4A
Housing Windfalls

CYL1C
Provision of New Open Space in Development

CYGP4A
Sustainability

3.0 CONSULTATIONS

INTERNAL

3.1 Lifelong Leisure and Learning - No Objections

As there is no on-site open space commuted sums should be paid to the Council for

a) amenity open space - which would be used to improve the local open space such as West Bank Park, Acomb Green, Hob Moor or Green lane allotments

b) play space - which would be used to improve the local site West Bank Park or Acomb Green
Lifelong Learning and Culture - No Objections

c) sports pitches - which would be used to improve a facility within the West Zone of the Sport and Active Leisure Strategy.

3.2 Highway Network Management - No Objections

* Conditions and Informatives Included.

3.3 Environmental Protection Unit - No Objections

* Informative Included

3.4 Learning, Culture and Children's Services - No Objections

* No education contribution required due to there being a surplus of places at both Hob Moor Primary and Lowfield School.

3.5 Urban Design and Conservation (Sustainability) - No Objections

* Condition to be included to ensure that the new homes achieve a EcoHomes "very good" BREEAM standard

3.6 York Consultancy (Drainage) - No Objections

* Condition and Informative Included

EXTERNAL

3.7 Two letters of objection have been received regarding the applicants proposals. The letters raise the following concerns:

- * Highway Concerns - Increase in traffic/accidents
- * Replacement dwelling ugly and detrimental to the surrounding streetscene.

4.0 APPRAISAL

4.1 Key Issues

- * Policy Context
- * Highways
- * Sustainability
- * Subdivision of Gardens
- * Visual/Residential Amenity

POLICY CONTEXT

4.2 Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline,

landmarks and other features that make a significant contribution to the character of the area.

4.3 GP10 -Subdivision of Gardens and Infill Development: encourages the protection of wildlife and setting, suggesting that existing landscape features are incorporated into the scheme or compensated for elsewhere should their removal be required.

4.4 H4a - Housing Windfalls: which suggests that a proposals for residential development on land within the urban area would be a acceptable, where "the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings." However, any development must be of an appropriate design and must be sustainable e.g. good links to jobs, shops and services.

4.5 L1C - Provision of New Open Spaces in Development: the council considers that all residents should have access to safe, attractive and useable public open space and the Local Plan Strategy aims to promote accessible open space in new residential and leisure developments.

4.6 GP4a - Sustainability: requires that proposals for development should have regard to the principles of sustainable development including accessibility of the development site by means other than the private car, contributing to the social needs of the community (including housing), high quality design, enhancing local character and making adequate provision for storage and collection of refuse.

HIGHWAYS

4.7 Highway Network Management have no objections to the applicants' proposals. The following alteration has been recommended and forwarded onto the applicant.

* wall adjacent to the parking of unit 2 be lowered by 0.6 metres in height to reduce possible pedestrian/car conflict.

However, if the alterations are not achieved they are not considered significant enough to warrant a refusal on highway grounds.

4.8 Highway Network Management have no concerns with regard the developments impact upon Green Lane, in terms of increased traffic numbers and highway safety.

SUSTAINABILITY

4.9 Although the applicant has not submitted a sustainability statement in accordance with GP4A of the Local Plan. All new dwellings will be subject to the 2006 Building Regulations, therefore they will be substantially more efficient than existing properties within the surrounding street scene. A development of this size is required to achieve a EcoHomes "very good" BREEAM standard, therefore condition 2 has been included to ensure adherence.

SUBDIVISIONS OF GARDENS

4.10 GP10 states that permission will only be granted for the sub-division of existing gardens areas, where this would not be detrimental to the character and amenity of the local environment.

4.11 Obviously erecting five dwellings within the rear garden areas of these three well established properties represents a considerable change. Visually the properties are set back approx.60 metres from Green Lane and screened by both the frontage development and existing/proposed landscaping planting, mitigating significantly their overall impact upon the character and appearance of the area.

4.12 Woodland trees which currently form the western boundary of the site will be retained, providing an attractive backdrop whilst also screening the development from Lowfields School.

VISUAL AND RESIDENTIAL AMENITY

4.13 Units 4, 5 and 2 by virtue of their localities represent little threat to the existing visual and residential amenity.

4.14 Objectors have raised concerns regarding the overall character and design of the dwelling replacing the existing bungalow. Green Lane contains a variety of housing types and styles and has been significantly altered by a range of previous extensions, therefore it is argued that this small "infill" development will have a minimal impact upon the street scene character of the area. Unit 1 has been designed (following amendments) to replicate the frontage details of No.67, Green Lane.

4.15 Only obscurely glazed windows have been proposed within the northern and southern elevations of Units 3 and 6 respectively, mitigating any overlooking or loss of privacy issues.

4.16 The close proximity of the aforementioned elevations to the shared boundaries with No.63 and 71, Green Lane should also be taken into consideration. Unit 3 by virtue of its height would result in some overshadowing at certain times of the day, however as the affected boundary is currently dominated by mature trees, the overall impact is considered to be minimal. This is particularly pertinent when the overall length of the neighbouring garden and the locality of the main amenity areas within that garden are taken into consideration.

4.17 The southern elevation of Unit 6 is located within 0.7 metres of the southern boundary (shared with No.71 Green Lane). The rear garden of the aforementioned property contains a large brick build out building, which will mitigate any potentially overbearing impact associated with the southern elevation of Unit 6. The orientation of this unit also retains the existing day and sunlight levels of No.71.

5.0 CONCLUSION

5.1 The applicants' proposals are considered to be acceptable in this instance, representing little harm to neighbouring amenity, highway/pedestrian safety nor the character and appearance of the surrounding street scene.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2

- 2 The developer shall aim to achieve a BREEAM "very good" or "excellent" assessment standard for the development. Unless otherwise agreed in writing with the council prior to the commencement of construction of the development the developer shall submit in writing for the approval of the Local Planning Authority a BREEAM design assessment demonstrating the progress of the BREEAM assessment, the percentage score expected to be achieved and which standard this relates to. Where this does not meet at least a 'very good' standard then the developer must demonstrate what changes will be made to the development to achieve at least 'very good'.

Reason: In the interests of sustainable development.

- 3 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

PD16 - Units 5/6
PD15 - Units 5/6
PD14 - Unit 4
PD13 - Unit 4
PD12 - Unit 3
PD11 - Unit 3
PD10 - Unit 2
PD9 - Unit 2
PD8 - Unit 2
PD7 - Unit 2
PD6 - Unit 1
PD5 - Unit 1
PD4 - Unit 1
PD3 - Proposed Layout Plan

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

- 4 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 to H 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 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.

5 HWAY10

6 HWAY14

7 HWAY19

8 HWAY21

9 HWAY31

10 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 alternative arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: To comply with Policy L1C of the City of York Draft Local Plan

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 financial contribution towards the off site provision of open space. The obligation should provide for a financial contribution calculated at £9,384

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.

11 LAND1

12 LAND3

13 VISQ8

14 DRAIN1

15 HT1 - Unit 1- 9.4 metres, Unit 2 - 6 metres, Unit 3 to 6 - 7.1 metres

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 sustainability, highway safety and visual/residential amenity. As such the proposal complies with Policies GP1, GP10, H4A, L1C and GP4a of the City of York Development Control Draft Local Plan.

2. Drainage Informatives

The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Additional surface water shall not be connected to any foul/combined sewer, if a suitable surface water sewer is available.

3. 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:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

4. Demolition and Construction - Informative

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 scheme remediation 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.

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:

1. 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.	

2. 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".

3. 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.

4. 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.

5. 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.

6. There shall be no bonfires on the site

Contact details:

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