



## 2.2 Policies:

### 3.0 CONSULTATIONS

#### Internal

##### Highways

##### Comments on amended scheme

The proposal is to demolish an existing garage and construct 3 dwellings. The existing property and one of the new dwellings are to be provided with 1 off street car space each in the form of a garage. Access is to be gained via new dropped vehicular crossings from Lamel Street which are to be formed under Section 184 of the 1980 Highways Act. In terms of traffic generation the proposal is considered to have a negligible impact and will not be to the detriment of the surrounding highway network.

Two of the proposed dwellings are not being provided with any off street parking. The dwellings are 1 bed roomed and therefore there is a total theoretical maximum requirement for 2 spaces. Lamel Street is unrestricted and forms a cul de sac due to a break in the carriageway. Officers consider that the displacement of these 2 spaces onto the highway can be accommodated without being to the detriment of free flow of traffic nor highway safety. The site is considered to be in a sustainable location and is served by a number of frequent bus services linking the site to the city centre.

On this basis officers raise no objections. Two highway conditions to cover the detail of cycle parking and ensuring no protruding garage doors and an informative about S184 vehicle crossing are proposed.

#### Leisure

An off site contribution is required towards children's equipped play area for the detached house and for the whole development for outdoor sports provision. The money is to be spent on local provision at Hull Road park and on identified east zone priorities

#### Environmental Protection Unit

The contaminated land officer believes that there is potential for contamination of the land. A five point contaminated land condition is proposed

#### External

##### Hull Road Planning Panel

##### Comments on original scheme

The panel consider that number 17 and 19 on the drawings represent an overdevelopment of the plot leaving no external amenity space at ground floor level.

It is thought that numbers 17 and 19 with the proposed balcony amenity would overlook into the apartments presently being built behind the new Somerfield store

The panel are not in favour of waste bins left in porches at the front of the properties.

To overcome the overdevelopment created by numbers 17 and 19 the panel suggests that a redesign based on the design of 21A would then provide garden amenity space.

##### Comments on amended scheme

Still of the opinion that 17 - 19 represent an overdevelopment on the north end of the scheme, thereby objecting to the revised scheme.

The panel appreciate that garden space has been provided at a cost of parking space in an area which is already oversubscribed with overnight on road parking.

It is possible that the rear window of the proposed dwellings may be within the 21 metres of the windows of the apartments being built on the site behind. SPG March 2001 para 1.34 refers

#### Neighbours

1 letter of objection has been received covering the following points:-

- most of the street already has students as far as the objector is aware there are only 4 family homes
- There will be an increase in traffic around the street
- there is a real problem with rubbish of which York pride are aware, landlords don't care it is the residents who have to live with it
- if the property get planning permission there could be 15 students living there, more like a hostel we may as well be living on campus
- the site should be visited at 6:50 am to 8:30 to see the vehicles that have to be put up with
- the objector thinks that there is over-development in the Thief Lane area
- put residents first and reject the application

## 4.0 APPRAISAL

The key issues are considered to be

- sustainability and the sequential test
- design consideration
- amenity open space
- Highways

#### Sustainability and the Sequential test

Central government advice regarding new housing is contained within planning policy guidance note 3 Housing. policy H4a and H5, are also relevant.

The key aim of local and national policy is to locate new housing on Brownfield land in sustainable locations. PPG3 sets out a sequential test which favours the re-use of previously-developed land within urban areas, then urban extensions and finally new development around nodes in good public transport corridors. paragraph 31 of PPG3 sets out criteria for assessing proposals for housing development in accordance with the principles of sustainable development. Policy H4a indicates that planning permission will be granted for proposals for residential development within the urban area subject to a series of criteria being met. These include where it involves infilling, where it has good accessibility to jobs and services, where it is of an appropriate scale and density to surrounding development and where it would not have a detrimental impact on existing landscape features. Policy H5 seeks to ensure that in urban areas a density of 40 dwelling to the hectare is achieved provided that this is compatible with the surrounding character.

Lamel Street is an area, which in Officers opinion fulfils all the criteria within PPG3 for achieving sustainable locations for development, in principle fits the criteria set out in policy H4a and more than meets the density requirement in policy H5 without impinging on the character of the area which is a mix of development types including terraced, semi and detached houses and garage blocks. To the rear of the site is new build flats.

#### Design considerations

The main source of guidance on the design of development is in PPS1. The thrust of guidance on design within PPS1 is that good design ensures attractive and usable, durable and adaptable places and is a key element in achieving sustainable development, good

design is indivisible from good planning. Policy GP1 sets out a series of criteria that the design of development proposals would be expected to meet. These include requirements to respect or enhance the local environment and to ensure that development is of a density, layout, scale, mass and design compatible with neighbouring building spaces. The policy also indicates that development will be expected to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. Policy GP10 deals with the subdivision of gardens and infill development and says that planning permission will only be granted for such development where it would not be detrimental to the character and amenity of the local environment.

In officers opinion the amended scheme provides for a mix of house types designed to be in keeping with adjacent properties. The development can be achieved without impacting on the amenity of adjacent residents. The proposal is considered to be acceptable from a design perspective.

#### Amenity open space

Policy L1c of the draft local plan requires that all proposal for housing will be required to provide amenity open space, for those developments of less than 10 dwellings the amenity open space requirement can be satisfied by the payment of a commuted sum. The leisure section have indicated that children and sport payments will be required for the two bedroomed dwelling but that sports contribution only is required for the one bedroomed units. The payment of the commuted sum can be achieved through the use of conditions.

#### Highways Network Management

The highways section are satisfied that despite no car parking being provided within the site for the two smaller units this will not be detrimental to the highway network and that the proposal can be supported.

## 5.0 CONCLUSION

The scheme which has been amended since first submission so that the two smaller units have improved amenity space, internal layout , on site cycle and bin storage and relationship to adjacent sites is considered to comply with the requirements of guidance set out in PPS1 and PPG3 and with the aims of policies H4a, H5,GP1 and GP10 of the deposit draft local plan.

The highways network management team are not objecting to the proposals and the provision of amenity space required by Policy L1c can be achieved through a condition requiring a commuted sum.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve with Conditions

- 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 of the proposed development to be carried out, including a schedule of all facing materials to be used.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the development.

3 VISQ8 Samples of exterior materials to be app

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Development Order 1995), (or any Order revoking or re-enacting that Order), development of the type described in Class A and E of Schedule 2 Part 1 of that Order shall not be carried out without the prior written permission of the Local Planning Authority following receipt of a planning application in that respect.

Reason: In the interests of residential and visual amenity

5 HWAY18 Cycle parking details to be agreed

6 HWAY30 Non-protruding garage doors

7 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: In order to comply with the provisions of Policy L1c of the City of York Draft Local Plan Incorporating the Fourth Set of Changes - Development Control Local Plan (Approved April 2005).

#### 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 a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £809. 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.

8 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.

- 9 All demolition and construction works and ancillary operations, including deliveries to and dispatch 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 the local residents.

- 10 Prior to the commencement of the development a detail at 1:20 showing the wall and railings detail to the Lamel street frontage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved detail shall be implemented to the satisfaction of the Local Planning Authority before 17 and 19 Lamel Street are occupied.

Reason: In the interests of visual amenity

- 11 Prior to the commencement of the development details of all the hard surfacing material proposed to the front of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter this detail shall be implemented to the satisfaction of the Local Planning Authority prior to the first occupation of the dwellings.

Reason:  
In the interests of visual amenity

## **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 siting, design, impact on adjacent residents and highways. As such the proposal complies with Policies H4a, H5 GP1 and GP10 of the City of York Local Plan Deposit Draft.

2. 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

**Contact details:**

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