

COMMITTEE REPORT

Committee: East Area
Date: 10 July 2008

Ward: Hull Road
Parish: Hull Road Planning Panel

Reference: 08/01183/FUL
Application at: 32 Lamel Street York YO10 3LL
For: Change of use of outbuilding to 1 bed. dwelling
By: Mr Brian Harnett
Application Type: Full Application
Target Date: 7 July 2008

1.0 PROPOSAL

1.1 This is an application for the conversion of an existing garage/outbuilding, presently within the curtilage of 32 Lamel Street, into a separate dwelling.

1.2 Lamel Street is located off the Hull Road. Lamel Street comprises of a mix of house types and is located to the west of the recently completed flat and supermarket development on the former Kwik Save site.

1.3 The proposal is to convert an existing garage/outbuilding measuring approximately 4.5 metres by 12 metres currently within the curtilage of 32 Lamel Street into a one bedroomed dwelling. The proposal includes the remodelling of the existing dwelling. This remodelling includes the demolition of an existing front porch and rear conservatory and the creation of an integral garage into a previously constructed two storey side extension as well as the remodelling of the first floor of the extension so that the rear window of the extension becomes an en-suite. A small new building will be constructed to the side of the outbuilding to provide cycle storage.

1.4 The density of the development as existing is 34 dwellings per hectare and will increase to 67 dwellings to the hectare.

1.5 The application is supported by a design and access statement that concludes that the proposal has been carefully considered to make the best use of existing buildings to increase housing provision in a sustainable location.

1.6 The application has been called into Committee by Councillor R. Pierce, due to concerns firstly about the impact on living conditions in Lamel Street which already has a very high density of bedspaces and shortage of car parking, and secondly about the living conditions inside and outside the dwelling to be provided to the new occupier. Due to the nature of the reasons given, it is considered that a site visit would also be appropriate.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:
City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYH4A
Housing Windfalls

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS (NETWORK MANAGEMENT) - Having received confirmation that the internal length of the garage is 4.8 metres Highways Network Management raises no objections to the application subject to conditions which ensure the proper implementation of the scheme.

LIFELONG LEARNING AND LEISURE - A commuted sum payment is required in accordance with the latest York Formula. The payment will be spent in Hull Road Park and in the east zone of the sport and active leisure strategy.

STRUCTURES AND DRAINAGE - No objections

ENVIRONMENTAL PROTECTION - No objections however an informative is suggested with regard to the operation of the site during construction.

3.2 EXTERNAL

HULL ROAD PLANNING PANEL - No objections

NEIGHBOURS - No replies

4.0 APPRAISAL

4.1 Key Issues

- policy background
- design and Landscape
- highways, access and parking
- impact on residential amenity
- open space requirements

Policy Background

4.2 Planning Policy Statement 3 'Housing', sets out Central Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land and the more efficient use of land.

4.3 Policy H4a states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features. Policy H5a outlines appropriate densities for new residential developments. Densities of 40 dwellings are encouraged for developments in urban areas.

4.4 Policy GP1 of the Local Plan states that development proposals will be expected to respect or enhance the local environment and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. GP4a requires that development is carried out in a sustainable manner.

4.5 Policy L1c requires that all new housing sites make provision for the open space needs of future occupiers.

Design and Landscape

4.6 The proposal relates to an existing outbuilding located to the side of 32 Lamel Street, which has been extended to the side with a two storey extension. The outbuilding is a single storey structure measuring approximately 4.5 metres by 12 metres and is currently used by the existing property as garaging and for storage. To the other side of the outbuilding are three single garages belonging to adjacent properties. The proposal is to convert the outbuilding into a one bedroom dwelling utilising part of the rear garden area of 32 Lamel Street to provide the property with amenity space. To provide an acceptable relationship between the converted outbuilding and the existing house the house is to be remodelled removing a rear conservatory and front porch, creating an integral garage in the ground floor of the two storey extension and changing the layout of the upstairs so that the rear window of the extension becomes an en suite bathroom.

4.7 On initial assessment the relationship of the outbuilding and the amount of development at 32 Lamel Street appears excessive, however, the applicant's agent has rearranged the internal layout of 32 Lamel Street and laid out the new dwelling in such a way that concerns about overlooking between the properties and lack of amenity space for either property are clearly overcome. The split between the outdoor amenity space at the rear would not suit every purchaser but in officers view will provide each property with a sufficient level of amenity to be acceptable in planning terms and will allow for the provision of residential accommodation that is varied in its size and design in an area that is characterised by many types and designs of development. It is considered that the development will accord with the requirements of policy GP1.

Highways, Access and Parking

4.8 Highways officers raise no objections to the development. The proposal maintains car parking for 32 Lamel Street at its current level and introduces a second single bed dwelling with cycle parking only. A recent scheme on the opposite side of Lamel Street has recently been approved. The scheme includes two single bed dwellings with no parking facilities. It is considered that the addition of a further single bed dwelling will not be significant in its affect on the parking arrangement on Lamel Street and in the absence of any objections from Highways Network Management there is no basis to object to the scheme.

Impact On Residential Amenity

4.9 As there are garages to the south of the outbuilding the only property the development affects is 32 Lamel Street. Because of the amendments to the layout of this property as described in paragraph 4.6 above it is considered that the development will not unreasonably impinge on that property and the proposal is therefore acceptable in it impact on adjacent development and accords with the requirements of GP1 of the Local Plan.

Open space provision

4.10 An open space commuted sum will be required for the development in accordance with policy L1c and the accompanying commuted payment guidance. The commuted sum will be £360.

A condition is proposed to ensure that sustainability objectives are achieved in accordance with the Interim Policy statement on sustainable design and construction.

5.0 CONCLUSION

The applicant's agent has cleverly rearranged the internal layout of 32 Lamel Street and laid out the new dwelling in such a way that concerns about overlooking between the properties and lack of amenity space for either property are clearly overcome. Highways Network Management raises no objections to the application from an access and parking stance. It is considered that the proposal accords with the requirements of Policy GP1 of the draft Local Plan and is acceptable in planning terms.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out only in accordance with the following plans:-

BH3A dated April 08

BH4 dated April 08

or any plans or details subsequently agreed in writing by the Local Planning

Authority as 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.

3 Prior to the dwelling hereby permitted being brought into use the internal layout of the existing dwelling (32 Lamel Street) shall be altered in accordance with plan no. BH/3A dated April 2008. Thereafter the approved internal layout shall be maintained unless otherwise agreed in writing with the Local Planning Authority

Reason: In the interests of the residential amenity of future occupiers of the proposed dwelling and the residential amenity of 32 Lamel Street

4 Prior to the dwelling hereby permitted being brought into use the amenity space to the for the existing and proposed dwelling shall be provided in accordance with the details shown on drawing no. BH/3A dated April 2008. Thereafter the approved amenity space shall be maintained unless otherwise agreed in writing with the Local Planning Authority

Reason: In the interests of the residential amenity of future occupiers of the proposed dwelling and the residential amenity of 32 Lamel Street

5 HWAY10 Vehicular areas surfaced, details reqd

6 HWAY17 IN Removal of redundant crossing

7 HWAY19 Car and cycle parking laid out

8 HWAY29 IN No gate etc to open in highway

9 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 B C D E of Schedule2 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

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 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 L1 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 a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £360.

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 VISQ1 Matching materials

12 Prior to the commencement of development the developer shall submit a "Sustainable Design and Construction" statement for the development. This statement shall include the measures to be incorporated at the design and construction stage in order for the dwelling to maximise water efficiency and reduce pollution in accordance with chapter 6 of the council's Interim Policy statement on Sustainable Design and Construction . Prior to first occupation of the dwelling, a further statement shall be submitted which confirms that the dwelling has achieved the initiatives proposed.

Reason: In the interests of sustainable development.

13 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 adjacent occupiers

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 design and landscape, access and parking and impact on residential amenity. As such the proposal complies with Policies GP1, GP4a 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

Cafe Licence - Section 115 - Heather Hunter or Anne-Marie Howarth (01904) 551418

3. 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 noted and acted upon. 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

Contact details:

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